

# NATURAL PARTNERS

*How Local Collaboration  
Could Help Fix the  
Milwaukee County Parks*



WISCONSIN

**POLICY FORUM**

## **ABOUT THE WISCONSIN POLICY FORUM**

The Wisconsin Policy Forum was created on January 1, 2018, by the merger of the Milwaukee-based Public Policy Forum and the Madison-based Wisconsin Taxpayers Alliance. Throughout their long histories, both organizations engaged in nonpartisan, independent research and civic education on fiscal and policy issues affecting state and local governments and school districts in Wisconsin. The Wisconsin Policy Forum is committed to those same activities and to that spirit of nonpartisanship.

## **PREFACE AND ACKNOWLEDGMENTS**

This report provides policymakers with options for enhancing collaboration between the Milwaukee County Parks and the Milwaukee Metropolitan Sewerage District (MMSD) and cities and villages in the county. We hope local and state policymakers and parks stakeholders will use the report's findings to build on existing local partnerships to help to address the challenges facing the county parks system. Report authors would like to thank officials from the Milwaukee County Parks Department, MMSD, and the cities of Milwaukee, Greenfield, and Oak Creek for sharing data and information and patiently answering our questions. Finally, we thank the Milwaukee Parks Foundation, Milwaukee County Parks, and Aurora Health Care for their generous support that helped pay for this research.



# NATURAL PARTNERS

*How Local Collaboration Could Help Fix the  
Milwaukee County Parks*

February 2024

Report Authors:

Jason Stein, Vice President and Research Director

Tyler Byrnes, Researcher

Rob Henken, President

# TABLE OF CONTENTS

- Introduction .....3
- Part One: The Challenge .....4
  - The Parks’ Capital Backlog and Financial Challenges.....5
  - County Estimates on Park Conditions and Priority ..... 7
  - The County’s Overall Financial Picture .....9
  - Where to Find Help? ..... 11
- Part Two: The Milwaukee Metropolitan Sewerage District..... 13
  - MMSD’s Mission and Its Relevance for County Parks..... 13
  - Enhanced Partnerships Could Produce Mutual Benefits ..... 16
  - Existing Partnerships Show the Path Forward ..... 19
  - Potential Sites for Additional Collaboration..... 22
  - Parking Lots, Parkways, and Paved Assets ..... 24
  - Tree Planting ..... 26
  - More Extensive MMSD Involvement in County Parks..... 26
  - Summary ..... 27
- Part Three: Partnerships with Cities and Villages ..... 28
  - Ongoing Collaborations with Local Governments ..... 29
  - Lessons from Previous Efforts ..... 31
  - Municipal Revenue Sources..... 33
  - Summary ..... 39
- Conclusion ..... 40
- Appendix One ..... 42
- Appendix Two ..... 43
- Appendix Three..... 44



# INTRODUCTION

From the private beer gardens of the 19<sup>th</sup> century brewing barons to the modern waterfront views of Lake Park, Milwaukee County residents have long treasured their open spaces and time spent outdoors. The parks serving Wisconsin's largest urban area are associated with some of the great figures of American landscape design, such as Frederick Law Olmsted and Warren H. Manning. As recently as 2009, the [Milwaukee County Parks won a National Gold Medal for Excellence](#) from the National Recreation and Park Association. In a county where more than one in six residents live in poverty, the parks serve as an abiding source of beauty and place of respite for citizens in need of it.

Yet, despite all of their strengths, challenges have been mounting for the county's parks for some time. For more than two decades, the Wisconsin Policy Forum has documented trends of declining property tax support, a shrinking workforce, a growing reliance on earned revenue sources such as admissions fees and concession sales, and a mounting list of pressing capital projects.

The Forum warned in 2008 of “an estimated \$277 million backlog of infrastructure maintenance and repairs, declining attendance at pools and golf courses, and dependence on a property tax levy funding source that has diminished by two-thirds during the past 30 years.” As documented by multiple Forum reports in the years since, the problem has only grown, with the [parks department estimating](#) its capital needs at \$417 million as of 2020 and even more after adjusting for inflation.

Milwaukee County's more than 150 parks still offer a broad array of amenities, from scenic overlooks and splash pads to tennis courts and paved trails. Yet these assets are now threatened by the very characteristics that give them their greatest value in the eyes of the community: their age, size, number, and wide distribution.

This study – like several other Forum reports over the past 15 years – seeks to help county officials find a path forward. The study is a direct follow-up to our October 2021 report – [Sinking Treasure](#) – that laid out a broad menu of options to improve the fiscal condition of the Milwaukee County Parks. Here, we specifically hone in on two of those options by exploring whether partnerships with local municipalities and the Milwaukee Metropolitan Sewerage District (MMSD) could help to address the county parks' many challenges, particularly in the area of capital projects.

Our research questions include:

- What kinds of enhanced partnerships with MMSD are possible given its charter and flood control mission, the geography of county parks and waterways, and the range of park assets?
- What types of partnerships have MMSD and Milwaukee County Parks already established and how might those efforts inform consideration of expanded approaches?
- What types of parks partnerships have municipal governments and the county already established, how might local and county officials build on those approaches, and what are the pros and cons associated with each option?

Finding cost-effective ways to repair and restore parks assets could be a key step toward achieving better financial health for the county as well as improved health and recreation for its residents and many visitors. It could also lead to a healthier environment with less flooding, better water quality, and fewer invasive species. We hope policymakers can draw on this analysis to make accelerated progress on these goals in the months and years ahead.

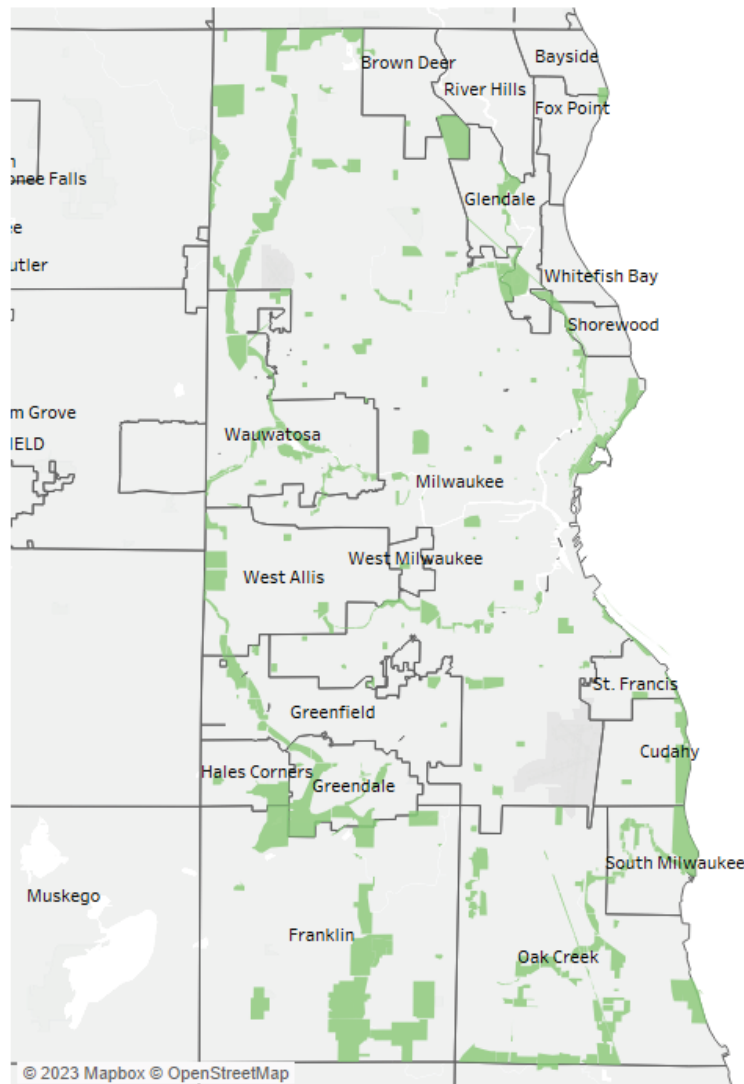


# PART ONE: THE CHALLENGE

The Milwaukee County Parks system is both impressive in its size and breadth and daunting when one considers the challenges involved in operating and maintaining it. A February 2022 [Southeastern Wisconsin Regional Planning Commission \(SEWRPC\) report](#), prepared jointly with the parks department, and other county documents note the county owns 142 parks, open spaces, and other sites, 12 parkways, and 184 miles of county-maintained trails for a total of more than 15,000 acres, or about 10% of the land in the county. The county's [2024 budget request](#) estimates that 65% of these acres are managed as natural areas that require only limited maintenance, but many other parks assets require considerably more attention.

The county system includes 30 regional parks that are generally 100 acres or more in size and offer significant amenities used by citizens across the metro area; 31 mid-size community parks; and dozens of neighborhood parks that are often a few acres in size. The [SEWRPC report notes](#) that other local governments and school districts in the county own 485 additional parks and related sites covering 3,363 acres and various state entities own five parks and natural areas plus five more recreational facilities and sites within the county covering 439 acres. These offer further recreation opportunities to county residents without the need for county resources.

**Figure 1: Milwaukee County Parks Found in All But One of 19 Municipalities**  
Boundaries of Milwaukee County Parks (in green) and municipalities



Sources: Milwaukee County, Wisconsin Legislative Technology Services Bureau





The parks serve a county population as [estimated by the state Department of Administration](#) of 937,259 as well as countless visitors from outside the area. As Figure 1 on page 4 shows, these parks are distributed around the county and include at least some acreage in each of the county's 10 cities and all but one of its nine villages, affording ample recreation opportunities for residents throughout the county. Yet the parks' large number and wide distribution also add to the cost of ongoing operations such as building maintenance, lawn mowing, and trail upkeep.

The county owns 451 buildings within its parks system – most are small but there were still nearly 100 that were larger than 1,000 square feet. As noted in the Forum's 2018 report, "[Delay of Game](#)," the parks system's inventory also encompasses a daunting array of paved assets, including 63 miles of parkways that ring the county, 147 acres of parking lots, roughly 16 acres of service yards, and 108 miles of park walkways. In addition, the parks system at that time included 95 tennis courts, 82 basketball courts, and the Oak Leaf Trail system, which on its own stretches more than 60 miles. Other assets include historical sites and monuments, water parks, splash pads, pools, playgrounds, bridges, unpaved trails, marina infrastructure, golf courses, ice rinks, and regional attractions such as the Mitchell Park Domes.

## The Parks' Capital Backlog and Financial Challenges

Forum studies, including [Delay of Game](#) and [our subsequent 2021 report](#) on the parks' financial challenges, have detailed the urgent and overwhelming capital needs confronting the county parks system. From deteriorating parking lots to aging structures within the parks, the open space plan prepared by the county and SEWRPC estimated that deferred maintenance and capital improvement projects over a 25-year period totaled [\\$417 million](#) in 2020 dollars. That works out to roughly \$496 million at present, or an average investment of \$19.8 million annually over the next quarter century.

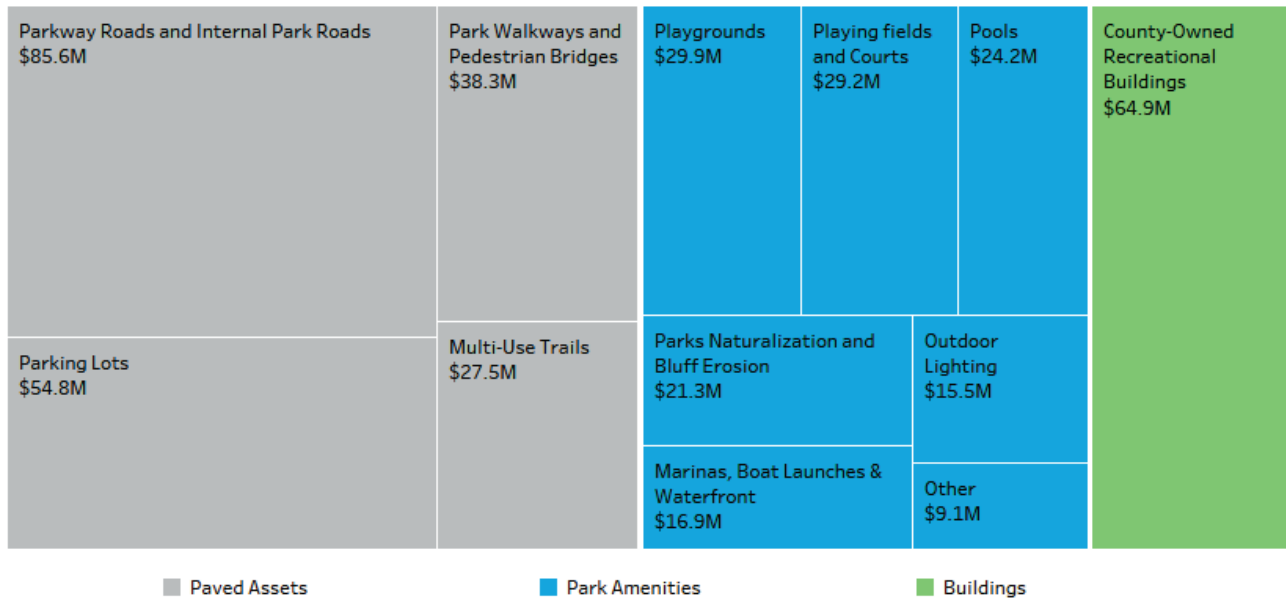
This estimate reflects "the cost of improving existing park and outdoor recreation sites to a useable condition" and would not include any new structures built over the coming years nor the potentially massive cost of [replacing or repairing the Mitchell Park Domes](#). Though the exact size of the backlog is difficult to assess, there is no doubt that it is massive and that the county currently lacks the wherewithal to fully address these challenges and the new capital needs that will also arise.

Like much of the nation's infrastructure, the Milwaukee County Parks received significant capital investments in the 1960s, averaging \$34.8 million (in 2022 dollars) in annual capital investment in that decade. Those investments were followed by a reduction during the 1970s (\$11.0 million annually) and 1980s (\$13.6 million annually), as the parks assets were relatively new and not in need of replacement. Beginning in the 1990s, the county again increased the capital budget for parks to an average of \$23.1 million annually as the assets built in the 1960s had aged and the public demanded new amenities such as bike trails and pools.

However, as the county's fiscal condition worsened, officials put limits on county borrowing to control debt payments. Capital investments in the parks shrank in the 2000s (\$16.8 million on average annually) and again in the 2010s to an average of \$10.1 million annually, as a backlog of capital needs across all county functions emerged and the competition among those functions for scarce borrowing proceeds intensified. In 2018, for example, the county capital budget only allocated \$2.7 million to parks improvements. With county investments falling well behind what was needed to maintain the system, the capital backlog in the parks grew ever larger.



**Figure 2: Paved Assets Lead the Way for Parks Capital Needs**  
 Capital needs identified in the parks and open space plan for Milwaukee County in 2020\$



Source: Southeastern Wisconsin Regional Planning Commission and Milwaukee County Parks, "A Long-Range Park and Open Space Plan for Milwaukee County"

The [county's open space plan](#) with SEWRPC estimated and categorized the growing capital needs facing the county parks system. As Figure 2 shows, improving paved infrastructure such as park roads, parking lots, and paths, is projected to cost \$206.2 million in 2020 dollars (\$245 million in today's dollars), or nearly half of the total deferred maintenance. Park amenities such as playing fields, basketball and tennis courts, playgrounds, and pools require an estimated \$146.1 million in total investments. Meanwhile, the county would need nearly \$65 million to address maintenance needs in its parks buildings, which as previously noted does not include the up to \$91.2 million needed to repair or replace the Mitchell Park Domes under current county estimates.

The plan also suggests that the county protect 2,845 additional acres of open space by purchasing it with an estimated acquisition cost of \$37.5 million, and development costs of \$4.6 million. Those costs would be in addition to the \$417 million discussed earlier and do not include any future capital and maintenance costs on newly acquired land or assets.

The 2022 and 2023 capital budgets have returned closer to the average investment levels needed to maintain the county parks system, with \$31.7 million budgeted from local sources over the two-year period. With an additional \$17.4 million in investments made through pandemic relief dollars allotted to the county under the American Rescue Plan Act (ARPA) as outlined on page 10, these recent levels of investment might arguably be sufficient to respond to both backlogged and emerging needs if they could be sustained for many years to come. Doing so, however, would be difficult within the county's self-imposed limits on borrowing and would certainly not meet the desire of some county leaders and parks advocates to address the deteriorating assets within the system more quickly.

The Forum's [Sinking Treasure](#) report also identified substantial challenges to the parks system's operating budget. The report documented a decline of 51% in inflation-adjusted spending on





operations and a 56% drop in parks staff from 1989 to 2019. Similarly, the part of the parks budget supported by property tax revenue dropped from 74.4% in 1989 to 43.3% by 2019, and over the same period the parks' share of the county's total property tax levy fell from 23% to only 5%. Though such comparisons are challenging to make over a 30-year period, the clear trend of reduced support is evident.

As the county shifted property tax revenues away from park operations, the system has become more reliant on generating its own revenue from admissions and concessions fees at facilities such as golf courses, marinas, and water parks. While this trend has partially offset the funding decline, it has also increased the pressure to keep these assets in good repair, resulting in limited funding to cover the costs of maintaining the rest of the system. This means fewer dollars for general parks upkeep such as mowing, building maintenance, and basic repair work, which leads to the deterioration of parks assets that are free to the general public. While the 2024 budget would provide a \$3 million increase for park operations, far more would be needed to return to the levels of the early 2000s and far more still to the levels of the early 1990s.

Over the course of this study, county parks leaders expressed a desire to see both the parks system itself and the department's role in administering it evolve to help respond to these challenges. For example, they suggested that the department's responsibility for maintaining some buildings and other built assets could be reduced, in part, by turning over those responsibilities to municipalities in cases where a strong municipal interest existed to do so. They also suggested the county could convert more of its existing parkland to natural areas that could be managed less intensively and expensively. This conversion would be accompanied by a shift in the county's overall focus from promoting active recreation to ensuring opportunities for passive recreation. Parks department staff could continue to work with municipalities and school districts in the county to ensure that recreation and programming continued within the county parks.

The shift in the county's role toward advancing a more naturalized park system – which would be closer to the role played by the Dane County Parks as we described in *Sinking Treasure* – could involve both benefits and drawbacks. For example, in certain cases such a move might reduce the active recreational amenities available to county residents, such as tennis courts and pools, if municipal governments lack the interest or resources to step in to maintain those amenities. On the other hand, there is little doubt that such an approach would be less costly and would allow the county to realign available resources in a more strategic fashion, while also providing some benefits such as promoting plant diversity and more interactions with the natural world.

## County Estimates on Park Conditions and Priority

The county has two overriding concerns when considering which maintenance and capital projects to prioritize within the parks. One is the physical condition of the assets within each park as well as the park's overall condition. For this part of our review, we will use the SEWRPC and county parks report, which includes an overall condition assessment for 157 county parks and other sites.

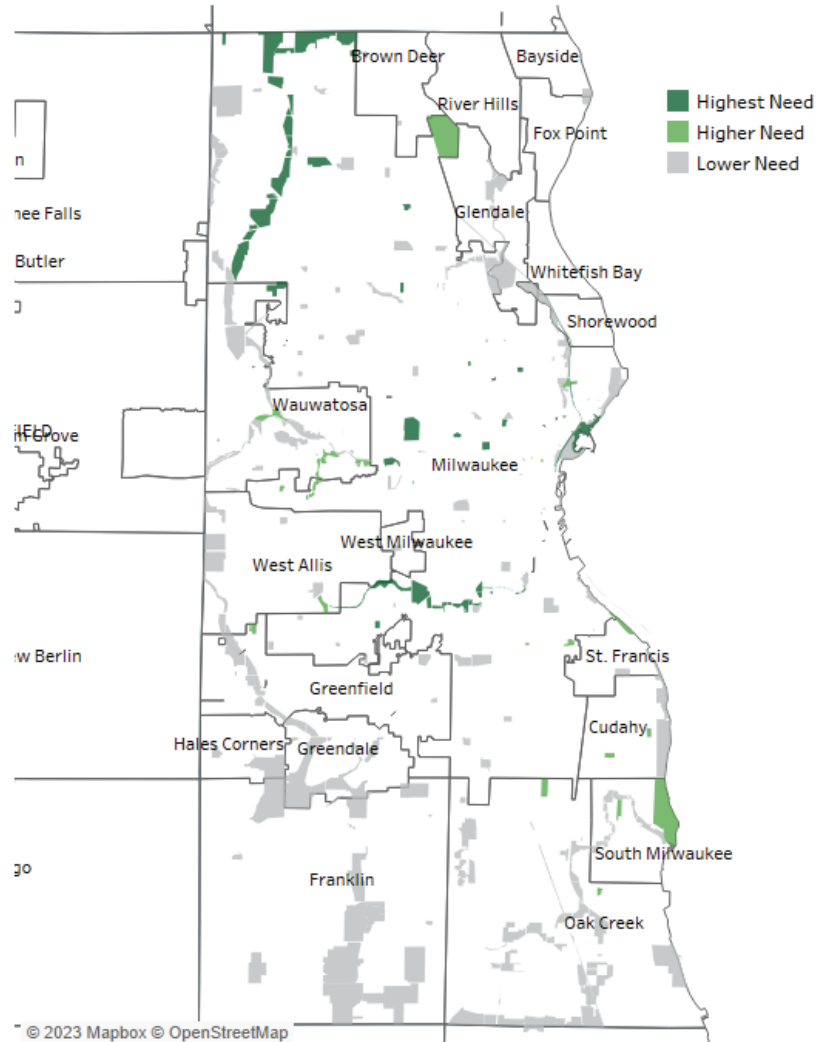
The second is the matter of which parks serve county populations in greatest need. Milwaukee County's leaders have declared that their foremost priority is to make the county the healthiest in the state through achieving racial equity, and the parks have a key role to play in meeting that goal. To



help prioritize them, the parks department has created an equity index for all of its parks that scores them based on need.

The condition assessments in the SEWRPC report were conducted by county parks staff in 2017 and are imperfect since they may not reflect improvements made to parks or new challenges arising since then. The report lists five parks in excellent condition overall and seven in poor condition. Ninety-six of them, or nearly two-thirds, were rated to be in good condition, and 48, or just under one-third, were in fair condition. Factors contributing to fair or poor assessments include the need for repairs or improvements to a variety of assets, including basketball courts and sports facilities of all kinds, playgrounds, park buildings, paths and parking lots, drainage, and signage.

**Figure 3: Many High Need Parks on North Side, Some in Suburbs**  
County parks rated in fair or poor condition and above average importance for equity



Sources: Milwaukee County Parks, Southeast Wisconsin Regional Planning Commission, and Wisconsin Legislative Technology Services Bureau

The equity scores were calculated by county staff for 2023 based on Centers for Disease Control and Prevention data from the area served by each park that include income, demographics, the presence of elderly and disabled residents and non-English speakers, access to health care, crime, and the share of tree canopy coverage in the vicinity. The ratings run from one to 10, with one meaning the park is located in an area with the least need for access to parks and recreational facilities and 10 for parks in areas with the greatest need. Seventeen of the 153 parks, parkways, and other sites with scores are rated between one and three, 68 are rated between four and six, and 68 are scored between seven and 10, with all parks together averaging a rating of 6.1.

Given that a key objective of this report is to explore where greater collaboration between the parks department and other local governments such as municipalities and MMSD may be most mutually beneficial, we thought it would be helpful to consider both the condition assessments and equity scores and to divide county parks into three groups. The highest-need parks are those with an equity



index of seven or higher with a physical condition rating of fair or poor. There are 21 of these park sites, or nearly one in seven, and they are mostly found on the North Side of Milwaukee (see Figure 3 on page 8).

We also identified 20 higher-need parks, a category that includes those with an equity score of five or above (just below average or slightly above average) together with a fair or poor physical condition rating. Under this approach, all the parks with a poor physical rating ended up being identified as being of the highest or higher need.

In addition to Milwaukee, higher or highest-need parks are also found in the southern and western parts of the county, including one park each in St. Francis, Greenfield, and West Allis, and two each in Cudahy, South Milwaukee, and Oak Creek. Wauwatosa has two higher-need parks and one parkway and one highest-need park. Brown Deer Park, another park serving a higher-need population, is located in Milwaukee but borders Brown Deer, River Hills, and Glendale.

In sum, our approach identified 41 parks in eight municipalities that might be seen as being a higher priority for upgrades, a number that suggests a daunting problem ahead for the county whatever approach it chooses in prioritizing its capital investments. The remaining 112 park sites rated as lower need are more common in suburban communities but are also found throughout Milwaukee. Despite their designation, these sites still have significant needs of their own in many cases.

On the one hand, this basic geographic distribution suggests that policymakers would need to be thoughtful about partnerships with suburban communities or other groups to improve county parks, since it could have the effect of widening disparities between low-income and wealthier neighborhoods. On the other hand, our basic rubric also suggests there are at least some sites where the county could work with a number of other local governments while also furthering or at least not undermining its equity goals.

## The County's Overall Financial Picture

The challenges discussed in this section also must be considered in the context of the county's larger financial picture. Dating back to 2008, the Forum has outlined the severe financial challenges facing Milwaukee County in a series of reports and [annual budget briefs](#). These reports include a 2020 report on the [county's pension challenges](#), a March 2023 report on the looming shortfall for the [Milwaukee County Transit System](#), and our October [brief on the 2024 county budget](#). The pension and transit challenges are more relevant to the parks outlook than they might seem, because they will compete with the parks for any new county revenues in the coming years.

The county's two main sources of discretionary revenue have faced tight constraints going back many years: the growth on the portion of its local property tax levy used for operations is capped by the state while its main form of general state aid, known as shared revenue, has been stagnant for decades.<sup>1</sup> However, recently approved legislation known as [2023 Wisconsin Act 12](#) provided the

---

<sup>1</sup> The county receives larger sums of state aid to support transit and health and human services but those monies are restricted to use on specific services.



county with a significant source of new tax revenue and an increase in shared revenue in 2024 that has the potential to grow in future years as well.

As we describe in greater detail in our recent [state budget recap](#), Act 12 has granted the county for a period of up to 30 years the authority to levy an additional 0.4% percent sales tax. When combined with the county's existing 0.5% sales tax, this addition – which was approved this past summer by county officials – brought the total county sales tax rate to 0.9% on January 1. That will generate an estimated \$84 million in new tax collections this year, a 7% bump in revenue for the county's operating budget.

In addition, the county will receive in 2024 an increase of \$7.6 million, or 16.2%, in the main form of shared revenue known as county and municipal aid. Going forward, the new state law also calls for this long stagnant source of state funding to increase at the same rate as state sales tax revenues, which should provide additional funding to better track the effects of inflation.

This windfall comes with strings, however. The county must first use any of the new tax revenues to pay for its existing unfunded pension liability and pension obligation bond debt, and it also must lower the earnings assumption on its pension system, which increases the cost associated with the unfunded liability. The potential good news is that while these obligations will compete with parks for funding in the short term, in the long term they could lead to lower debt levels for the county and a greater opportunity to finance parks projects through borrowing.

In addition, County Executive David Crowley recommended using about \$16 million of the excess revenue to help address the transit funding crisis starting in 2024. It's possible that amount will grow in the future and add to the competition with the parks.

There are too many unknown variables to allow us to reliably project how much new tax revenue the county will be able to devote to parks in the future. Ultimately, the potential amount is subject to many other decisions by county elected officials. For example, if the county were to make spending cuts in other areas or increase its \$30 vehicle registration fee to fund transit, then that would increase the resources available for parks.

In the 2024 budget, the Act 12 revenues are helping the county to fund a \$3 million increase in the parks operating budget, with 18 additional full-time positions that in many instances would replace seasonal employees. The capital budget also includes \$23 million in funding for 13 park projects, including a major investment in rehabilitating the [South Shore Breakwater](#), and other improvements to parks assets.

Despite this potential for progress, however, the county clearly cannot address all of the capital projects needed for its parks system with its current suite of financing mechanisms. There are also challenges to park operations – the projected return of structural deficits for the county as early as 2026 and continued competition with other county priorities will make it very difficult to restore the parks staffing and tax levy levels of the 1980s and 1990s. That is why this report explores other tools the county might employ to alleviate its capital and operating budget challenges in the parks.



## Where to Find Help?

As one considers where the county might turn for assistance in restoring its parks, two past and potentially future partners are the state and federal government. There is clearly some benefit to exploring both options. For example, the state’s [Knowles-Nelson Stewardship Program](#) has long helped to finance local government parks and public lands projects in Milwaukee County and around the state. Though it spends far less today than it did in the late 2000s, it has put more of its focus into various infrastructure and facilities projects in recent years. It likely will continue to represent an option for the county parks in at least some limited cases.

The federal government has already provided substantial assistance to the Milwaukee County parks in recent years through ARPA. As Table 1 shows, the 2021 federal COVID relief legislation has allowed the county to fund 10 separate capital projects or programs that have ranged from nearly \$5.9 million for golf course projects to \$63,000 for electronic pay stations at boat launches – a use of technology that could save labor costs for the county. Though these projects make only a relatively modest dent in the county’s overall parks capital backlog, they still add \$17.4 million to the county’s capital budget for the parks and offer both improved amenities to the public and efficiencies for the county in the future.

**Table 1: American Rescue Plan Act Upgrades**

Milwaukee Co. Parks projects funded through ARPA

Project or Program	
Golf course irrigation and cart path construction	\$5,850,000
Upgrades to energy efficient light fixtures	\$3,000,000
Bicycle and pedestrian trail conversions	\$2,408,000
Upgrades to exterior of King Community Center	\$1,377,273
Steam boiler replacements across Parks system	\$1,340,000
Safe Routes to Parks Program	\$1,287,000
Crime Prevention Through Design Program	\$1,149,500
Fuel inventory management system	\$695,047
Parks building occupancy controls	\$249,600
Boat launch electronic pay stations	\$63,000
<b>Total</b>	<b>\$17,419,420</b>

Source: Milwaukee County Parks Department

Federal infrastructure legislation and funding may represent another potential avenue for certain county projects, as we will discuss in the next section. The state’s Clean Water State Revolving Loan Fund might as well, particularly in partnership with the Milwaukee Metropolitan Sewerage District. Last, non-profits such as the Fund for Lake Michigan, youth sports groups, friends groups including The Park People, the Milwaukee Parks Foundation, and corporate foundations could also help to fund projects with a benefit for the environment, youth sports, and other community priorities.

Ultimately, however, these potential partnerships lie partly outside the county’s control. In this report, therefore, we seek to hone in on possibilities that can be pursued by the county and other local officials without significant changes to relevant state, federal, and local laws or additional funding commitments from federal, state, and private leaders.

Here again, there are a number of possibilities, including several that we outlined in our October 2021 report. However, after public hearings and discussions with key stakeholders in August 2022, county officials asked us to narrow our consideration to two of those options for now: enhanced partnerships with MMSD and with the municipalities within Milwaukee County.

Collaboration among local governments is rarely easy but there are compelling reasons to consider it. First, working collaboratively could allow partner governments to unlock mutual benefits, including



parks improvements that might be out of reach financially or programmatically if not for such cooperation. Second, collaboration can also allow both sides to specialize in areas where they have expertise, including land and natural resources management for the county, stormwater management for MMSD, and local parks and recreation services in the case of municipal governments. Though these potential partnerships on their own cannot solve all of the parks' challenges, we show here that they hold the opportunity for meaningful progress.





# PART TWO: THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

The Milwaukee Metropolitan Sewerage District (MMSD) is a regional government that provides water treatment and flood management services for about 1.1 million people in 28 communities in Greater Milwaukee. The district's 423 square-mile service area covers 18 of the 19 Milwaukee County municipalities (South Milwaukee is the exception) along with 10 communities in the four surrounding counties and at least portions of six watersheds.<sup>2</sup> MMSD is governed by 11 commissioners who include local elected officials and citizens from its territory.

Along with Superior, MMSD operates within the core of its service area one of just two combined sewer systems in all of Wisconsin, which means that its two water reclamation plants collect and treat flows from both storm and sanitary sewers.<sup>3</sup> Notably, that means being able to manage large rainfalls in the area is critical to a variety of environmental goals, including ensuring that MMSD is not forced to let untreated water flow into Lake Michigan.

Most of the district's operating funds come from fees charged to residents by communities served by the district and passed along to MMSD. Remaining funds include sales of fertilizer produced by MMSD that support operations and payments by municipalities from adjacent counties that are based on equalized property values and support the capital budget. The district's capital costs are largely covered through a property tax levied in participating municipalities, mainly in Milwaukee County. The district's tax levy is not subject to any state limits, which is similar to county and municipal levies used for debt payments but different from other local tax revenues used for operations, since those are capped under state law.

## MMSD's Mission and Its Relevance for County Parks

[MMSD's 2035 plan](#) notes it seeks to take a regional approach to respond to climate change and the rising frequency of large rainfalls to ensure a cleaner Lake Michigan. Specific goals are to eliminate overflows and sewage backups into residents' basements and to improve the overall management of stormwater. To do so, the district seeks to balance proactive maintenance and improvements to "gray infrastructure" comprised of pipes and treatment plants and the increased use of innovative "green infrastructure" to trap or otherwise manage stormwater. Examples include wetlands, strips of land known as bioswales, and a variety of other tools such as rain gardens and porous pavements that allow water to evaporate or filter into the earth rather than flow into sewers, creeks, and rivers.

---

<sup>2</sup> For more on the territory included within MMSD's jurisdiction, see Wis. Stat. § [200.29\(1\)](#) and ([Ch.13.201](#) of the MMSD Rules).

<sup>3</sup> State law says MMSD's general duties are to "project, plan, design, construct, maintain and operate a sewerage system for the collection, transmission and disposal of all sewage and drainage of the sewerage service area including, either as an integrated or as a separate feature of the system, the collection, transmission and disposal of storm water and groundwater." The district must also "abate combined sewer overflows to the extent necessary to comply with federal or state law." Wis. Stat. § [200.31](#).



MMSD has jurisdiction over several rivers and a number of tributaries in Milwaukee County, and those are of particular importance to the district's flood control mission. The pioneers of the Milwaukee County Parks system made a particular point of conserving land around these waterways and the strategic position of these present-day parks represents a key argument for greater collaboration between the county and MMSD.

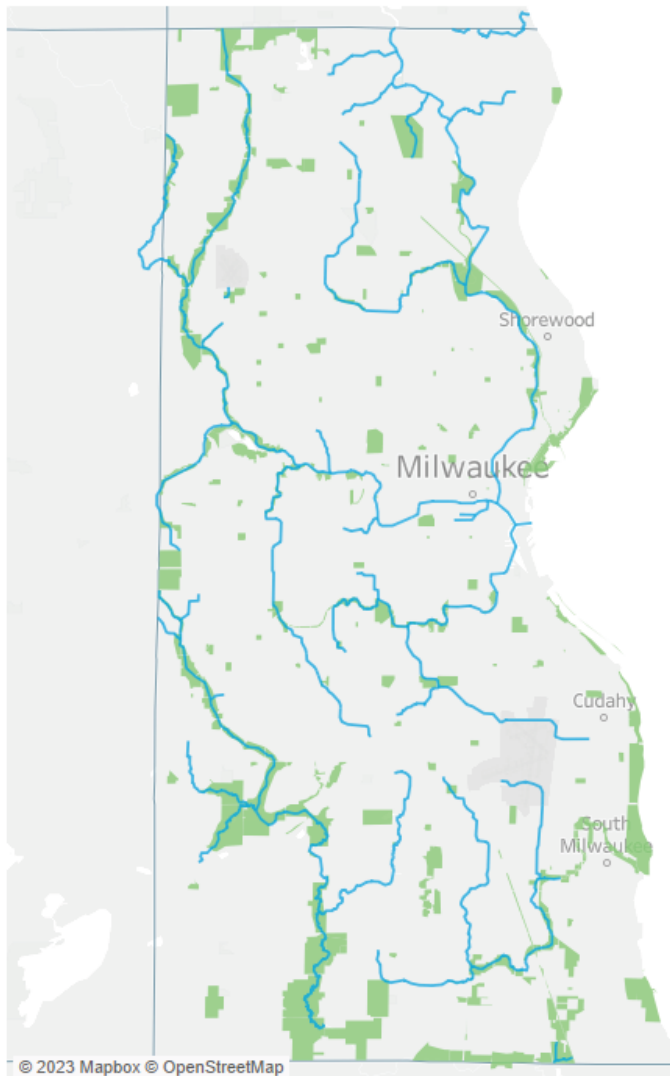
As Figure 4 shows, MMSD's jurisdictional waterways run through or along more than 40 county parks and parkways throughout Milwaukee County and they include some of the largest parks and parkways with some of the most extensive assets. Appendix One includes a full list of these parks and their associated waterways, but they include Lincoln Park, Brown Deer Park, Whitnall Park, and the Root River Parkway, among others. The same is also true of county trails, which in several

notable instances also parallel rivers and creeks (see Appendix Two). This overlap in territory and responsibility – coupled with strong similarities in the environmental missions of both agencies – provides a substantial opportunity for collaboration between the parks and MMSD. In particular, both MMSD and Milwaukee County Parks officials have expressed goals of reducing the size of paved surfaces such as parking lots and concrete river channels as well as planting large numbers of trees.

These mutual environmental goals could form the basis of an enhanced collaboration between the two entities, but such collaboration also would require a commitment to clarifying overall objectives as well as the legal and political barriers that might impede partnerships. County officials, for example, could benefit from additional clarity on what types of projects are appropriate for MMSD to assume given its complex rules and funding mechanisms.

Any such collaboration also would need to consider the district's flood control responsibilities as well as its state permit requirements related to water quality, which include the requirement to limit

**Figure 4: Waterways Run Through Most Large County Parks**  
Milwaukee County Parks in green and waterways under MMSD's jurisdiction in blue



Sources: Milwaukee Metropolitan Sewerage District and Milwaukee County



overflows of its combined sewer system into Lake Michigan. The district has worked extensively in the past to limit these overflows and has been largely successful, with an average of [2.5 per year](#), down from 50 to 60 per year in the 1990s.

The [five-year permit issued to MMSD](#) by the Wisconsin Department of Natural Resources (DNR) in 2019 requires a plan to reduce runoff into the district’s treatment system by 50 million gallons over a five-year period, with 20 million gallons of that within the combined sewer district. Reductions must be maintained for up to 20 years.

Meanwhile, the district’s [wet weather plan from February 2022](#) calls for cumulative reductions in runoff of 72.8 million gallons, with 6.4 million occurring within the district’s boundaries and the remaining 69.6 million gallons occurring outside of Milwaukee County in the upper reaches of the streams flowing into the district. To meet the goals of MMSD’s permit as well as its overall mission, the district and its staff look for ways to reduce runoff. DNR staff indicate if the district can demonstrate that a project in the Milwaukee County Parks reduces water runoff or improves water quality, then it’s likely the practice could be counted toward meeting MMSD’s permit requirements.

When considering these requirements, it becomes apparent that MMSD could work to fulfill its own responsibilities while also meeting at least some of the needs of county parks and their users. For example, it may serve MMSD’s interests to pay for work to alter park features to better manage runoff, such as regrading land, dredging ponds, or replacing existing park assets with new ones that better absorb, retain, or channel water. In this latter case, MMSD also would need to replace any additional parks assets or structures disturbed by such work. The district also might help to purchase natural areas needed for flood control that could serve as additional parks properties, and it potentially could pay for or perform maintenance and upkeep of parks assets that serve its interests by preserving or enhancing the absorption and retention of water. Such possibilities for a partnership are not mere speculation – the two agencies have already moved forward with successful collaborations, as we will discuss below.

### Clean Water Fund

The state’s federally supported [Clean Water Fund](#) illustrates the funding streams that might be available for Milwaukee Metropolitan Sewerage District (MMSD) projects within the Milwaukee County Parks as well as the restrictions on them. MMSD is eligible for low-interest or forgivable Clean Water Fund loans to pay for upgrades to and other work on sewer pipes, treatment plants, and other sewer infrastructure projects. These loans are a vital source of funding for the district, which has received more than [\\$1.5 billion](#) in financial assistance from the fund since 1990. The proceeds can also be used for work on assets such as roads, buildings, and parks if they are disturbed by the construction of an eligible project, allowing for funding of projects within the county parks.

A recent federal policy also allows the fund to pay for green infrastructure projects, which could enable additional parks projects. However, these funds can only be spent in accordance with state and federal rules. (For a detailed list of eligible project costs, see Wisconsin Administrative Code [NR162](#).) These rules put limits on what can be built with clean water fund assistance, though they include flexibility to address specific situations. Each year, the DNR creates an [intended use plan](#) and [project priority lists](#) that outline eligibility criteria. Because the Clean Water Fund loans are an important part of the funding mix for MMSD, policymakers may wish to consider the impact of this complex set of rules as part of larger discussions about collaborations between the district and county.



To be clear, in recent months some difficulties have cropped up for the two parties in working with one another on some of those projects, as we also detail below. These kinds of differences across independent governments are common in the course of such projects and do not appear insurmountable.

As this report was nearing completion, several lawmakers also proposed [legislation that would limit](#) the types of county parks amenities that MMSD could pay to build or replace. Though the district could pay for any assets impacted by its flood control work, the legislation would prohibit MMSD from paying for additional projects to compensate the county for its use of the parks. The legislation also seeks to allow MMSD to do work in county parks without county approval if the district has given notice at least 30 days in advance. Though this legislation may not advance in this session, it could be proposed again in the future and for now at least the prospects for collaboration between the two sides appear to have been chilled.

Over the long term, however, some collaboration will likely remain necessary and mutually beneficial. The county owns a substantial part of the land along the county’s rivers and streams and MMSD will have difficulties in carrying out projects on these lands without a solid relationship with the county. For its part, the county will still be in sore need of help with its capital needs within the parks. Therefore, our original goal in this report to explore and present options for fostering greater collaboration between MMSD and the Milwaukee County Parks remains highly relevant, and we do so in the remainder of this section.

## Enhanced Partnerships Could Produce Mutual Benefits

MMSD’s current wet weather plan rests heavily on investments to improve water quality and reduce the volume flowing into waterways. The district’s capital budget included [\\$13.2 million](#) for these purposes in 2023, slightly below the 2017 to 2022 average of \$14.9 million. The district is also expecting a major

increase in spending in this area in the years to come. These funds support various programs and approaches such as constructed wetlands, landscaping to manage water, and rain gardens (see Table 2). These practices primarily come in the form of capital investments but can also involve ongoing upkeep, as we will discuss below.

As previously noted, one type of intervention that could hold value for both the parks and MMSD

**Table 2: Green Infrastructure Can Avoid Runoff**  
Type of green infrastructure practices and estimated runoff prevented by year

Practice	Description	Gallons per Square Foot
Bioswales	Landscape features that collect polluted stormwater runoff and allow it to soak into the ground, filtering out pollution.	7.5
Constructed Wetlands	Treatment systems that use natural features such as wetland vegetation, soils, and their associated micro-organisms to improve water quality.	8.3
Green Roofs	Green spaces on top of buildings.	1.0
Native Landscaping	Colorful native plants, ornamentals, or a combination of the two that are planted to manage rainwater.	0.4
Porous Pavement	Pavement that has spaces that store and let water pass through.	3.0
Rain Gardens	Gardens that collect rain from roofs, driveways or other hard surfaces, allowing it to absorb into the ground.	4.4
Stormwater Tree*	Trees planted in important locations that store water in their leaves and branches.	25.0

Source: Milwaukee Metropolitan Sewerage District; \*Measured in gallons per tree



would be to reduce paved surfaces or replace them with porous pavement. Other opportunities could include constructing wetlands, dredging ponds, planting trees or native landscaping, or replacing the aging roofs of park facilities with green roofs where appropriate. In these cases, it would be wise to consider both initial capital and ongoing maintenance costs to ensure that there would not be a long-term negative financial impact to the parks department and that there would be minimal impacts to parks users and revenues. For example, siting a wetland or planting trees or native landscaping on a golf course could improve water quality and reduce flooding, but beyond a certain extent also could affect its use by golfers and the associated fee revenues.

We will provide more detail on the types of projects that MMSD might pursue later in this section, but it is also important to consider some of the potential benefits to the Milwaukee County Parks that fall outside the overall environmental and flood management benefits.

### **Replacement of Disturbed Facilities and Limits on MMSD's Role**

When MMSD pursues direct investment in county parks to advance its flood control and environmental objectives, then it needs to consider the replacement of assets disturbed during the course of installing a flood control practice or replacing existing infrastructure. Such replacement, of course, also helps the county by providing a source of outside funding for capital projects that the county otherwise might have to finance itself. This scenario played out in a previous agreement between the county and MMSD in which the district agreed to fund improvements to pedestrian paths, landscaping, and a bridge and basketball court in [Pulaski Park](#) as part of a major flood control project involving the Kinnickinnic River that disturbed some park assets, as we will discuss below.

However, there are limits to what the district can pay for when it comes to disturbed assets based on provisions in [MMSD's charter](#), state statutes and administrative code, and federal laws. Discussions with district and DNR staff and outside engineers suggest that, while MMSD has some discretion in designating disturbed assets, this web of regulations – as well as engineering realities – makes it difficult to say definitively which assets are eligible for replacement without looking at the characteristics of specific projects. As we note later in this section, one potential response would be for the Milwaukee County Parks and MMSD to collaborate on a joint mapping and capital planning project that could define the scope of potential future projects and identify which assets would most likely be affected.

In addition, there are further limits on what other sorts of capital investments and ongoing operations spending the district could undertake within the county parks. A May 22, 2023 memo from the district's legal services director provides a more detailed look at this overall question and is included in this report as Appendix Three.

When the district installs green infrastructure practices, removes concrete channels from waterways, or replaces existing sewer pipes, state clean water fund loans can be used to pay for the replacement of any assets disturbed by the work. These disturbed assets, however, must be reasonably linked to the project's actual footprint. The district has a similar policy for replacing disturbed assets using its property tax funds. In the Pulaski Park example, the district replaced parks facilities within approximately 100 to 150 feet of the center of the river, but did not replace similar assets further away given the policy of maintaining the connection between the project and replaced facilities. Project plans are reviewed by DNR financial staff to ensure they meet permit requirements and ensure a reasonable connection with any assets that are replaced in the course of the project. MMSD is a major borrower from the clean water fund with [\\$375.1 million in outstanding loans](#) as of





the end of 2022, but until now that has mostly been for treatment facilities. However, [changes to the fund](#) now make green infrastructure projects eligible, which may facilitate a greater focus on these practices.

## Maintenance Agreements

Chapter 13 of the [district's rules and regulations](#) allow it to perform or pay for the maintenance of flood control structures and practices such as wetlands or green infrastructure and vegetation that facilitate stormwater drainage. Under this authority, the district could potentially assume at least some maintenance responsibilities for natural areas within parks properties, including activities such as forestry, planting trees, and possibly other work such as managing some invasive species.

District regulations ([Ch. 13.201-205](#) of the MMSD Rules) specify that when a flood control practice is installed on land that MMSD does not own, the district can pay for maintenance of the practice, but not maintenance for other purposes, such as snow plowing, lawn mowing, and other similar activities. The district has latitude, therefore, to pursue not only capital projects, but also to a lesser extent ongoing maintenance in the county parks after the completion of a project so long as an appropriate reduction in runoff can be demonstrated. District rules also can be changed via a vote by the [11-member district commission](#), though any changes must still comply with the relevant state and federal regulations and laws.

These agreements could form the basis for shifting some costs for maintaining natural areas around waterways from the parks to the district in a mutually beneficial way – currently the county spends \$500,000 annually on natural areas overall and it is possible at least some of this work around waterways could be taken over by MMSD to further its flood control goals. Additionally, MMSD might be able to pay for all or part of the costs of maintenance on flood control or water quality infrastructure within the parks, including for culverts, retention walls, porous pavement, and the removal of fallen trees and other obstructions from streams. MMSD officials noted that typically the district must own assets to maintain them but that some limited exceptions have been made to this general rule. Providing more clarity on when MMSD could make exceptions on county-owned property could facilitate these sorts of collaborations in the future.

## Purchase of Park Lands

Part of the [county and SEWRPC open space plan](#) calls for adding about 2,900 acres to local government and nonprofit ownership in the county. The sewerage district, through its Greenseams program, purchases natural areas that provide flood control benefits, often transferring the land to municipal or county parks departments or the state DNR for management. While many of these purchases occur in the upper reaches of watersheds outside of Milwaukee County, the county parks now include some of these properties, such as the [51-acre Schurn property and 13-acre Vanselow property](#) located in Oak Creek. Preserving natural areas can benefit county residents by providing recreation opportunities, avoiding urban heat islands and maintaining air and water quality.

These purchases obviously would not directly address the deferred maintenance projects within the county parks and could add some maintenance or capital costs. Yet as we have already noted, managing natural areas comes with little to no additional deferred maintenance costs for the county and would allow the county to bring its experience in natural resource management to that work. To the extent that any potential MMSD purchases would offset some capital spending the county would have undertaken on its own, they could free up additional funds for other parks.





## Existing Partnerships Show the Path Forward

One clear reason to think that MMSD and the parks department can collaborate on mutually beneficial projects is that the entities have already done so. In the case of Pulaski Park, the project has been brought to completion and in Jackson Park, the work is ongoing. Here we examine both projects and the potential lessons to be learned for future partnerships.

Both of these projects are taking place along the Kinnickinnic River, the smallest of the three rivers flowing into the harbor of Milwaukee but also the one with the most populated and urbanized watershed. In the 1960's, the bed of the Kinnickinnic in Pulaski and Jackson Parks and many other parts was lined with concrete to move water through the channel as quickly as possible, a move that succeeded in its initial goal but brought unintended issues with safety, water quality, and downstream flooding.

In June 2022, [three Rohingya refugees drowned](#) in a concrete drainage channel that flows into a tunnel and then the Kinnickinnic at a time of peak flow and rapid current, with a child first falling in followed by his father and another man who were trying to save the boy. Even prior to that incident, MMSD had been working to remove concrete channels and reverse what is now seen as a [misguided practice](#). For their part, county parks officials say they understand the reasons for the larger effort and support it.

The efforts to remove the concrete channels in the Kinnickinnic are part of a larger MMSD flood management plan for the watershed that seeks to reduce the flooding risk for over 700 homes and businesses and also involves a [partnership with the city of Milwaukee](#) to create additional stormwater storage. Removing the concrete channels slows the flow of water, so this process also involves creating greater capacity along the waterway to store floodwater at times of heavy rainfall.

### Pulaski Park

A 25.9-acre park on Milwaukee's South Side that straddles the Kinnickinnic River, [Pulaski Park](#) serves a diverse neighborhood and offers amenities that include footpaths and one of only two indoor pools within the Milwaukee County Parks. The park has a county equity score of 10 and a fair rating for its overall condition using the criteria outlined earlier, making it a good candidate for capital improvements from the perspective of the county.

After MMSD prioritized the removal of the concrete riverbed in the park, the district and the parks partnered on a project that was planned for a number of years and largely carried out from August 2018 to August 2020. According to the district, MMSD removed more than [1,700 feet of cracked and broken concrete channel](#), widening the river and returning it to a [natural watercourse and more scenic features](#). As part of this project, MMSD disturbed and replaced a playground, basketball court, and pedestrian bridge that were all within roughly 100 to 150 feet of the river. The county also paid for some of the projects with funds from its operating and capital budgets, including the conversion of a tennis court to a futsal court. New native plants and trees were also planted through the park as part of the project.

The work has saved money for the county by allowing it to receive new amenities courtesy of MMSD, thus avoiding the cost of repair or replacement of the existing assets. The project also improved those assets for the public, slowed water flows during rain events, and enhanced river habitat and views over the old channel. It cost MMSD \$12.8 million, with \$1.3 million dedicated to replacing



parks assets. The overall process included public notice and feedback, with neighbors voting on the design and color of the pedestrian bridge as well as the types of athletic courts and playground equipment.

## Jackson Park

A 113-acre regional park that includes both the Kinnickinnic River and its eponymous parkway, [Jackson Park](#) serves the southern part of the city of Milwaukee and lies relatively close to the village of West Milwaukee as well. The area served by Jackson Park has a greater than average equity need of 7 and the park has a fair overall condition rating, and like Pulaski it also has a concrete channel that MMSD is seeking to remove. MMSD started discussion with county parks officials about the project in 2017 and a memorandum of understanding (MOU) was approved by both sides in March 2020.

[According to MMSD](#), the project is removing the concrete lining from more than 2,100 feet of the river along with enclosed culverts, widening the river corridor with an impact to the surrounding parkland, and dredging the park's pond to deepen it and remove contaminated sediment. In light of the disturbance, the district is also replacing or paying to replace the park's boathouse and adding fishing piers and a bridge over the river, updating sports courts, improving paths, making improvements to a pool, and upgrading a parks service yard and building.

When the work is complete, it will produce similar benefits to the Pulaski Park project. Those include restoring the river to a more natural state and slowing the flow of water, allowing the pond to store more rainfall by lowering its bottom and water level, improving the park's amenities, and saving repair and replacement costs for the county while protecting homeowners from flooding. The projects collectively will cost about \$60 million and include about \$15 million for upgrades to parks assets. The district is also paying the county an additional \$4 million for pool improvements, tree removal, lost rental costs during construction, and county staff time.

These upgrades and payments to the county were negotiated between the two entities and MMSD officials say they amount to about \$11 million more than what is needed for flood management activities in the park. Parks officials say the overall project involved disruption to the park and a number of park assets and that all of the upgrades were necessary and worthwhile to support priorities such as public recreation. For their part, MMSD officials have expressed concern that their charter and applicable laws limit what upgrades they can do.

As project planning has continued, MMSD officials said plans have shifted from the \$750,000 in improvements to the existing park boathouse to \$1.5 million for building an open air pavilion in its place and \$6.6 million for a service yard that is larger than envisioned in the original agreement, which called for replacement of the existing buildings in the yard plus \$250,000 in additional upgrades. County officials say a project budget was not defined until after the design process had started and have suggested doing so earlier in the future to ensure a better mutual understanding. County officials said they have attempted to reduce spending in other areas of the project as part of this process, but some tension has arisen over the course of these discussions between the two agencies and it could delay the work in Jackson Park and potentially affect other future collaborations.



## Other Collaborations

The county parks and MMSD have worked with one another on a number of other endeavors, large and small. One highlight that also involved the DNR was the installation of a fish passage around the Kletzsch Dam on the Milwaukee River. That passage runs through Kletzsch Park and allows migrating fish to pass above the artificial barrier, which allows fish such as northern pike and lake sturgeon to reach higher-quality spawning and nursery habitat in the upper reaches of the Milwaukee River. The Parks and the U.S. Army Corp of Engineers are also in the planning stages with MMSD on channel restoration in areas of the Honey Creek, Kinnickinnic River, and Underwood Creek.

Other collaborations between the county parks and MMSD include jointly funded green infrastructure projects within the parks system (for more on those efforts, see the section on Parking Lots and Paved Assets) and a joint effort with Cream City Conservation to develop local workforce training programs to connect underrepresented individuals with training and employment opportunities in green infrastructure.

Last, the district and parks department also have a number of agreements allowing MMSD access to parks property for construction, maintenance, sampling, and other activities. Parks staff provided a list of 39 right of entry permits that the county had issued since January 2020.

## Takeaways

On the whole, these partnerships between MMSD and the parks are yielding a number of benefits sought by both sides, including better flood control and water quality and upgrades to parks assets. Each entity is almost uniquely positioned to help the other – the county parks have properties suitable and in many cases critical for flood mitigation, while MMSD has the capacity to finance projects in the parks that in at least some cases are consistent with both agencies' missions.

Both parks and MMSD officials said they had been surprised by unexpected developments during their joint projects and felt that the relationship needed to improve to move forward productively with similar projects in the future. In addition, it is worth noting that the Pulaski and Jackson projects have required years to discuss and carry out. Such efforts do require both careful deliberation and public input. However, the relatively slow pace of the Jackson project in particular – preliminary engineering started in 2017 and the final design is only now beginning – is limiting the benefits that both sides and the public receive from the partnership.

Both sides brought forward ideas that they said would help to address their own concerns, but these concepts would likely need refining and the integration of input from the other side. For their part, county officials said that one solution could be for their own staff to take on the project design in cases in which a parks asset is affected by an MMSD project and needs to be moved or replaced. They acknowledged, however, that staffing and workload issues could make it challenging to handle some of this work on a timely basis.

Another approach put forward by MMSD would start with the district paying for a park plan for specific properties in which the district seeks to work and one of the two sides cataloging existing parks facilities, performing a tree survey, doing exploratory work such as surveying, identifying affected parks assets, and then MMSD paying to replace them. This idea is not being actively considered by the parks department in its current form, however, and so as noted above it is unlikely



to move forward without discussions between the two parties. In theory at least, both sides are open to the idea of a more standardized process that would provide both with more certainty.

## Potential Sites for Additional Collaboration

Forty-three Milwaukee County Parks have MMSD-managed streams running through them, presenting ample opportunity for collaboration between the two governments. To identify the list of places that are ripe for collaboration, we focused on parks with concrete-lined channels and numerous assets within 200 feet of the center of a stream. In doing so, we cast a broad net for potentially impacted assets and acknowledge that not all of these parks structures would be affected by a given project.

As discussed earlier, MMSD has prioritized removing these channels for both safety and environmental reasons, and the reconstruction of concrete channels formed the basis for the collaboration in both Pulaski and Jackson parks. Finding parks with numerous assets within 200 feet of the river channel is important since these disturbed assets are more likely to be eligible for replacement using district funds.

In particular, two parks stand out for us, and we also see some potential for collaboration in parks that the county would define as having the highest needs.

### Wilson Park

The joint MMSD projects in Jackson and Pulaski Park are part of the district's larger [plan for the Kinnickinnic watershed](#), which is intended to limit flooding and improve neighborhood safety by removing dangerous concrete channels at an estimated overall cost of \$248.7 million as of 2017. Improvements to Wilson Park Creek, a stream in the Kinnickinnic River basin, are the next priority for the district, making Wilson Park a good candidate for further collaboration between MMSD and the county parks.

[Wilson Park](#) is a 76.7-acre regional park that serves the south side of Milwaukee and suburban communities like Greendale and South Milwaukee. The park offers an outdoor swimming pool and indoor [ice arena](#), along with a pond, walking paths, and baseball diamonds. The county's open space plan rates the park as average in terms of equity concerns, and in good overall physical condition.

The [district's plan](#) for Wilson Park involves the reshaping of the river's floodplain to increase water storage in the park and in the Kinnickinnic River watershed overall, which in turn would allow MMSD to remove the concrete channels in Wilson Park Creek. Stormwater engineers say work on the storage basins must be completed first, as it helps prevent the flooding that otherwise could be caused by the removal of concrete river channels.

Not only would work on the creek within Wilson Park improve flood control and stream safety, but the project also provides opportunity for enhancing amenities in the course of the channel removal and creating water storage capacity. That's because there are also parks assets that are at least close to within 200 feet of the center of the river channel and pond, including a baseball field, a parking lot and park service yard, and pedestrian paths and a park pavilion. Because of the scope of the improvements, some or all of these assets may be impacted and therefore potentially could be replaced if MMSD and parks staff decided to do so after seeking community input.



## McCarty Park

[McCarty Park](#), a 52-acre park in West Allis, could prove another fruitful location for parks and MMSD cooperation. That could occur once the district shifts its focus from removing concrete channels in the Kinnickinnic watershed to the Menomonee River watershed, and specifically to the Honey Creek portion of the basin. The park has many of the key features we have identified with regard to potential collaboration, including a concrete-lined channel running through the park and a pond that could create potential water storage. For those reasons, a project there could be attractive to MMSD for managing stormwater.

From the standpoint of the parks, there are several assets within 200 feet of Honey Creek or the pond, including paved paths, a pedestrian bridge, tennis courts, a pavilion, and baseball fields. This creates the potential for an investment in parks assets via a funding partnership with MMSD. The park is considered to be in good physical condition with average equity concerns, so it is not one of the highest-priority parks based on those metrics. However, improvements to assets in McCarty Park that are made under a partnership with MMSD could defray long-term costs for the county and better position it to make upgrades in higher-need parks.

## Other potential parks

There are several other parks and parkways that have concrete channels or ponds in or near them that might present plausible options for collaboration. Armour Park, the Honey Creek Parkway, and the Underwood Creek Parkway include or are adjacent to concrete channels, while Brown Deer and Oakwood parks offer existing ponds that could be part of plans for expanded rainwater storage. These parks and parkways have fewer amenities within 200 feet of a channel than McCarty and Wilson parks and are part of watersheds that have not yet been planned for concrete channel removal. While that may make them less attractive for collaboration in the near term, as plans evolve that assessment could change.

Throughout this process, county officials have noted that it can be difficult to assess how stormwater projects may impact county parks and what parks assets might be disturbed and replaced as a result. This lack of clarity stems from both the nuances of flood control plans and engineering as well as the complexity of the financing tools and rules governing MMSD's operations. One potential solution would be for MMSD and county officials to collaborate on mapping anticipated MMSD stormwater projects and their impacts to parkland. This mapping effort could include identifying potential future capital projects for both entities and establishing criteria to determine when disturbed or impacted park assets would be eligible for replacement as part of an MMSD project. Such an effort would clarify for both sides what the district's plans could mean for the parks and might facilitate discussions and eventually agreements between the two sides about how to proceed.

As noted earlier, collaboration between MMSD and the parks may not be seen as the best way in every case to address the park system's properties with the highest equity needs, as MMSD investments tend to follow waterways. It's worth noting, however, that flooding nationally is expected to [disproportionally impact](#) low-income individuals and communities of color, making efforts to limit flooding important on equity grounds, regardless of which parks are impacted.

Nevertheless, if MMSD and the parks department choose to focus investments in parks based on need, there are some opportunities. Using our two-part classification of parks by need, including both



equity scores and physical condition, MMSD waterways run through eight parks or parkways identified as higher need and six identified as the highest need: Doyne, Jackson, and Lyons parks, and the Kinnickinnic River and Little Menomonee River parkways. All six properties were rated in fair or poor physical condition and scored above average on the equity score. As we have noted, Jackson Park is already a site of extensive collaboration and Pulaski is also rated as higher need.

In addition, there are other parks with flood control infrastructure or features that may represent areas of potential collaboration. Not all of these projects will necessarily result in the replacement of parks assets or a reduction in the parks capital backlog, but all of them represent an opportunity to forge a stronger relationship between MMSD and the county that could result over time in benefits for both local governments and county residents.

## Parking Lots, Parkways, and Paved Assets

As we noted in Part One, the replacement or downsizing of paved or otherwise impervious surfaces such as parking lots, parkways, and footpaths represents one of the largest potential capital costs facing the county parks. As a result, pursuing potential partnerships with MMSD to replace paved assets in the parks with either permeable or porous pavement – and to reduce the size of parking lots, parkways, or paved recreational space where appropriate – could help to address a major fiscal burden for the county while serving MMSD’s mission by making substantial reductions in runoff. Milwaukee County Parks leaders say such moves could also help to meet their goals of a more naturalized parks system that shifts at least somewhat from active to passive recreation and lowers capital and operating costs.

Rehabbing parking lots alone could cost the county an estimated \$65.2 million in 2023 dollars, or nearly 13% of the total capital cost identified in the county’s open space plan. Expanding that to include other paved assets like parkways, roads, and multi-use trails, the number climbs to \$244 million in 2023 dollars. In the [2023 capital budget](#), the county dedicated \$5.5 million to improving the North Point parking lot, making it the single largest capital item approved for the parks this year and accounting for more than 31% of the total capital budget for the parks.

The 147 acres of county parking lots alone generate more than 19 million gallons of estimated runoff per year. MMSD and the county could expand on their previous collaborations by targeting aging paved surfaces in areas of particular concern for flooding and either downsize them, replace them with porous pavement, or both. This approach also could be effective for many parking lots and footpaths as well as some paved recreational assets like basketball or tennis courts, particularly in cases where they are at the end of their useful life.

Porous pavement may not be appropriate for replacing parkways, but parks officials are already moving to convert some parkways to Oak Leaf Trail segments – a step that could reduce runoff as well. For example, the county is using [\\$2.4 million in ARPA funding](#) to convert a portion of the Little Menomonee Parkway to a bicycle and pedestrian trail, as mentioned in Part One.

[Permeable pavement](#) can take various forms, but it generally consists of permeable paving stones, asphalt or concrete. This approach allows rainwater to infiltrate into storage basins, improving water quality, reducing flooding, and potentially lessening the need for salt during the winter, as less water tends to sit on top of the surface.





The district and parks department already work together to install permeable pavement and other green infrastructure as part of parks projects through MMSD's [Green Infrastructure Partnership Program](#). As previously noted, the parks department has received more than \$970,000 from MMSD since 2009 to install green infrastructure as part of seven projects. Those projects include green roof installation at the Mitchell Park Domes, the implementation of stormwater management practices at the Boerner Gardens, and green infrastructure along the Menomonee River Parkway.

Porous pavers have also been installed as part of major parking lot improvements at the McKinley Marina, a \$2.1 million project funded in part with a \$150,000 grant from MMSD. When approved, the work at the marina was expected to prevent approximately 2 million gallons of sediment-laden stormwater from flowing into Lake Michigan. That effort was part of a larger project to enhance the parking and pedestrian infrastructure in the area while reducing the site's impact on water quality in the critical [Milwaukee Estuary](#), according to the U.S. Environmental Protection Agency. A [second phase to the project](#) is now underway and will receive a similar amount of support from MMSD.

Such a collaboration could be undertaken on a scale as small or large as the two entities desired. On the upper end, MMSD could choose to use porous pavement to replace a substantial share of the paved parking lots. Replacing half of the existing lots over time might credit the district with nearly 9 million gallons of runoff reduction, or nearly half of the 20-million gallon in-district runoff reduction included in its state permit requirement. The reduction in runoff could be even greater if some of the lots were reduced in size.

Admittedly, other methods exist for managing stormwater, such as constructing or enhancing ponds, catch basins, and wetlands in county parks, and in many cases these approaches may be preferable. However, these approaches might limit some uses of some parks and might not be appropriate in certain cases. Replacing paved surfaces with a porous alternative or reducing their size could be more expensive but could be employed in most parks with parking areas with fewer impacts on users.

Officials would need to consider the [special maintenance requirements](#) of permeable pavement, which MMSD could handle either by performing the maintenance itself or by contracting with county parks staff or another entity. Under a more expansive definition of maintenance, the district could also include plowing, striping, and other parking lot maintenance costs, which would substantially increase the fiscal impacts of the agreement. MMSD's legal counsel would need to review which maintenance costs would be appropriate for the district to assume. If county and MMSD leaders felt that existing rules were too restrictive, they could work to make changes to county and district ordinances and could also jointly or separately seek changes to state statutes.

If the district and parks were to agree to focus on replacing or reducing parking lots or converting some parkways to multi-use trails, MMSD and the county could choose to package together a number of parking lots or multiple parkway segments and come to an agreement on all of them at once. This would prevent repeated negotiations over specific details for each individual park that could slow the projects and might allow the district to achieve at least some economies of scale in both the design and maintenance stages.

As discussed earlier, collaboration on parks with waterways provides some opportunities for addressing equity concerns, a vital consideration for the county parks. However, parking lot replacement could be focused on some of the highest-need parks in the county, since many parks in the system have significant pavement needs as well as similar soil. This could create an immediate,



visible impact in the quality of parks used by low-income communities while also modestly reducing runoff in those neighborhoods.

## Tree Planting

At present, MMSD has a stated goal of [planting 6 million trees](#) over the next decade to eventually capture 150 million gallons of stormwater. Though the target area for this initiative extends beyond Milwaukee County, the county parks still represent a significant potential set of lands for pursuing this goal.

Besides improving stormwater management, these new trees could provide additional habitat for birds and wildlife and help hold down urban temperatures in the face of challenges from climate change. They would also add to the aesthetic value of the parks for visitors while adding only minimal costs to the county's operating budget.

Milwaukee County Parks leaders say they support this goal of planting large numbers of trees, making it another potential area for partnership. MMSD and county leaders could collaborate on mapping areas where tree planting is most appropriate and then discuss the most effective arrangement to plant and nurture the saplings.

To be sure, tree planting is not a strategy that could address the capital challenges within the county parks, but it could help lower operating costs modestly as part of a larger conversion of parklands to natural areas. In addition, working with MMSD on this goal might strengthen the relationship between the two entities and lead to more collaboration on county capital projects in the future.

## More Extensive MMSD Involvement in County Parks

Some have suggested that MMSD should take an even greater role in county parks management given its flood control and water quality mission and arguably greater financial capacity, including paying for maintenance activities such as mowing, trail maintenance, and some forestry tasks, or even taking complete responsibility for some subset of parks or the entire parks system. While these more extensive options might arguably benefit the two agencies by allowing for better coordination of recreation and drainage on thousands of acres of green space in Milwaukee County, their feasibility appears limited under current law.

According to the May 2023 memo prepared by MMSD's director of legal services, the district's statutory charge limits its authority to constructing and maintaining a sewer system and flood control activities. Therefore, it appears that the district is restricted to owning, constructing, or maintaining assets to meet those responsibilities and that it does not have the authority to maintain unrelated assets.

The memo further suggests the district could own parkland but could not improve or maintain assets such as ball fields, swimming pools, recreational trails, or any other features that are not directly related to flood control. This means the district may be able to take control of a portion of the county parks' duties in natural areas that have a clear connection to flood management, but that, barring a change in state law, MMSD could not perform trail maintenance or any other activities that provide for recreational uses.



To further the collaboration between the county and MMSD, the parks department could consider substantially expanding the amount of parkland covered in native plantings in ways that would allow for improved stormwater management. Under such a strategy, either the district could take over responsibility for managing those lands or pay the county to manage them, given its expertise in managing natural resources.

The parks department currently [manages 65%](#) of its total acreage as natural areas, with the goal of expanding that to 67%, providing opportunity for enhanced native plantings. Work in these areas includes managing invasive species, protecting and adjusting habitat for wildlife, planting native species, mitigating the effects of the public's use of the lands, and managing waterways. If maintenance responsibility for some or all of these native areas for flood management purposes was turned over to MMSD or if MMSD was assigned that responsibility and paid the county to manage them, maintenance costs for the parks department could be reduced, as the county currently spends about \$500,000 for four FTE staff to manage natural areas. Under this scenario, county parks staff would still be responsible for maintaining park assets such as trails, buildings, and other facilities. County staff said they had the goal of shifting 100 acres of mowed turf grass within the parks system to natural areas each year, meaning they would be converted to forest or prairie.

Both parks and MMSD officials would have to consider both the pros and cons of this approach. Such a move, for example, might lead to changes in the parks that would reduce flooding but might or might not be supported by local park users. A less ambitious option would be for MMSD to do more work or pay the county to do more work along the streams in county parks such as the removal of blockages that could lead to flooding. So far the two sides have not reached a comprehensive understanding on this issue but perhaps could do so in the future.

Even if not all of these various forms of collaboration directly benefited the county parks budget, they might do so indirectly by enhancing the relationship with MMSD and leading to further meaningful collaboration in the future. If implemented wisely, these options might reduce ongoing budgetary pressures in a small way while also reducing flooding.

## Summary

The strategic position of the county parks along key waterways represents a key argument for greater collaboration between the county and MMSD. Though there have been challenges, the two partners have collaborated on recent projects such as those in Jackson and Pulaski parks and have many more opportunities to work together to better manage stormwater while also replacing and improving at least some park assets. Future possibilities for partnership include removing more concrete channels from waterways, reducing paved surfaces or replacing them with porous pavement, or coordinating the management of waterways or natural areas more generally.



## PART THREE: PARTNERSHIPS WITH CITIES AND VILLAGES

There are 19 cities and villages in Milwaukee County, and all but the village of River Hills have county parks within their boundaries that provide residents with recreation opportunities, environmental benefits such as flood mitigation, and potentially higher property values. Municipalities, therefore, have an interest in ensuring that county-owned parks within their jurisdictions are properly maintained and are able to serve their citizens. Also, as we will discuss, they may have access to certain funding mechanisms for capital projects in the parks that are not available to the county.

With that in mind, increased collaboration between the county and municipalities could offer mutual benefits. The need for such collaboration has only grown over time, given the county's inability – well documented by the Forum – to fully address the maintenance and capital needs within the parks.

As we will see, some municipalities have already engaged in partnerships with the parks department, including Oak Creek, Milwaukee, and Greenfield. County parks officials shared agreements currently in place with six different municipalities that involve improvements at nine county parks, parkways, and trails. The county also maintains long-term agreements with three additional municipalities and four school districts, as well as easements and shorter-term agreements for seasonal activities like Fourth of July festivities. The agreements have taken different forms ranging from leases to memoranda of understanding.

Many of these agreements led to small improvements to a specific asset like a ballfield or building, or maintenance on a limited area. For that reason, adding a single such agreement may only have a limited impact on the massive scale of maintenance and capital needs facing the county parks.

Nevertheless, fostering more of these small agreements may alleviate some of the pressure on the county and provide pathways to collaboration on a larger scale. Municipal officials may also see benefits – several of them told Forum staff that their residents often do not distinguish between municipal and county properties when they identify shortcomings in their local parks.

Larger scale collaboration could also be based on a redefinition of the role of the county and its municipalities when it comes to providing parks and recreation services. Under that newly clarified definition, citizens could look to municipal governments to focus on maximizing recreational use and opportunities in smaller, neighborhood parks owned by the county while Milwaukee County would refine its focus to larger, regional parks and amenities as well as passive recreation and management of natural lands.

Though it is outside the scope of this report, county officials could also continue to work with local school districts to ensure adequate opportunities for active recreation for residents. School districts can establish a separate fund for community service programs beyond K-12 education. Known as Fund 80, this tool can be used to fund recreation programming such as evening swimming pool operation and softball leagues as well as other activities such as adult education, food service to the elderly, and day care services. School districts can levy property taxes for this purpose outside the state-imposed revenue limits that apply to most aspects of school budgets. This exemption might allow MPS and other suburban districts in Milwaukee County to take on responsibility for at least some additional recreational programs within the county parks – a possibility that the Forum pointed out in its *Sinking Treasure* report.



With these goals in mind, we will describe two specific examples of more substantial local government collaboration on parks, then go into greater detail about how such projects could be better managed and expanded. As our [previous research](#) has shown, municipalities also face tight budgets that limit their capacity to partner on improvements to assets they do not own, so our focus here is on revenue sources such as tax increment financing and impact fees that would not involve the redirection of existing city and village resources.

## Ongoing Collaborations with Local Governments

As with MMSD, the parks department and municipal governments can reflect on several previous collaborations as they consider possibilities for expanding such partnerships.

### Kulwicki Park in the city of Greenfield

Kulwicki Park in the city of Greenfield provides a noteworthy example of collaboration between Milwaukee County and one of its suburban communities, though it did take lengthy negotiations to achieve it. The park runs along the Root River and a segment of the Oak Leaf Trail and includes four baseball diamonds, a pavilion that can be rented for celebrations, and a wooded area. Kulwicki Park was rated as being in good overall condition in the [2022 SEWRPC and county report](#) and is rated on the county's equity scale as being at a lower priority level. In addition to being home to the county-owned Kulwicki Park, Greenfield operates 14 municipal parks and a community center. These are largely neighborhood parks, offering playgrounds, walking paths, and in some cases ballfields.

The Greenfield-New Berlin Little League uses Kulwicki Park extensively as does the Greenfield Lions Club, which manages the pavilion rentals. The park also has a Memorial Committee that helps maintain the park facilities and pavilion, with both groups engaged in lease agreements with Milwaukee County to use and maintain portions of the park.

Greenfield Mayor Michael Neitzke said he was prompted by two main factors to approach county leadership with a proposal for the city to assist with maintenance and capital costs in the park. First was the declining overall condition of parks infrastructure, including deteriorating paths, flooding issues, and problems with the pavilion roof and HVAC systems. Second, [county fees charged](#) to the Little League for use of the park had increased – county officials said that was done to make them more uniform with other parks within the larger county system. Discussions on the agreement date back to [at least 2015](#) and more informal exchanges between city and county leaders extend back several years before that.

The debate over the agreement included a Milwaukee Journal Sentinel op-ed in which a Milwaukee County Board supervisor at the time argued that it would lead to the “unthinkable unraveling of the ‘emerald necklace’ of our nationally acclaimed park system,” an argument the supervisor [continued to make](#) in the following years. [Neitzke responded](#) with his own op-ed, arguing that the agreement amounted to “polishing up this emerald jewel.” Ultimately, the partnership moved forward, though city officials said the protracted negotiations and the relatively short timetable for making capital improvements left them hesitant about pursuing further partnerships.

Beginning in 2018, the county entered into a one-year lease agreement with Greenfield, allowing the city to maintain a portion of the park that includes the baseball diamonds, pavilion, parking lot, and pedestrian walkways. This initial lease was followed up by a 15-year agreement the following year. The county remains responsible for the rest of the park such as the forested areas by the river.



Greenfield agreed to spend \$305,000 to upgrade the pavilion roof and HVAC system, and install new bleachers, playground equipment, and replace the pedestrian walkway. The city is also paying for maintenance and operations for the leased portion of the park, removing invasive species and ash trees impacted by emerald ash borer, and installing new signage and pavement striping. City staff also received a grant to restore a portion of Wildcat Creek. Despite the initial challenges reaching an agreement among elected officials, Greenfield officials said they have had positive experiences in their direct interactions with county parks staff.

Key lessons from this experience include the lengthy timeframe that the final agreement took to complete and the importance to the city of having a lease that was sufficiently long to allow the city to borrow the funds needed to make the upgrades. Another important point is that the lease agreement requires annual planning meetings for collaboration between county and Greenfield staff to review any issues that have come up under the agreement. Such meetings can help to prevent any confusion or disagreement about responsibility between the two governments from becoming major issues and provide for collaborative planning for future investments.

### **City of Oak Creek**

The city of Oak Creek has been entering into parks partnerships with the county going back to at least 1983. The city made and then renewed two 26-year agreements to develop and maintain Johnstone Park and Riverton Meadows Park and also paid the county to develop two segments that connect to the Oak Leaf Trail in the city and agreed to maintain both of those segments. The two parks are just a bit below average on county equity scores, while Johnstone is rated by the county and the SEWRPC report as being in good physical condition and Riverton in fair condition.

Johnstone has been developed as a neighborhood park with two softball diamonds, a sand volleyball court, play structures for children, a picnic shelter, asphalt trail, and a wetland. The city has developed many of the amenities and been responsible for maintaining and managing the park at no cost to the county under the agreement, which was first approved in 1983 and was renewed in 2009 for another 26 years. As part of this arrangement, the city receives the modest revenues generated by the rentals of the park shelter and sports fields.

Riverton Meadows has been likewise developed as a neighborhood park with similar amenities to those in Johnstone plus tennis and basketball courts. The city has been responsible for maintaining and managing the park at no cost to the county under the agreement, which was first approved in 1985 and was renewed in 2011 for another 26 years.

Ongoing maintenance at the parks include work such as mowing 14 to 15 times a year, adding sand as needed to the volleyball court, conducting monthly inspections of playground equipment, and handling the upkeep and eventual replacement of play structures and other amenities. In return, city officials report having more flexibility and control over the use and programming at the parks.

Under the Oak Leaf Trail agreement, the city also agreed to reimburse the county for designing and building two segments of the trail and the county in turn agreed to build a third segment on its own. The county also agreed to mow the grass beside the first two trail segments and maintain them and the city agreed to do the same for the third and also committed to snow and ice removal on one of the first two trail segments.

In terms of the total cost of the maintenance, Oak Creek officials roughly estimate it comes to less than 5% of the city's overall 2023 parks operating budget of \$614,000. Oak Creek is also taking on





certain capital costs for the replacement of amenities in the park. Last, the city has also assumed the cost of occasionally removing downed trees from Oak Creek on county land to minimize the risk of flooding from these obstructions. City officials report needing to fill out certain county paperwork before they can do so – something they hope to minimize in the future.

City officials said that in the past, turnover of county staff affected communication and other aspects of the relationship with the county, but that a relatively recent meeting with county parks staff got the parties onto the same page and that all is working smoothly at present. Moving forward, there are also other county parks in Oak Creek where city officials have received feedback from residents and would like to see at least some changes, including a boat ramp in need of periodic dredging. These might represent further opportunities for partnerships.

## City of Milwaukee

In another collaboration, the city of Milwaukee and the county are working together to make capital improvements to Zeidler Union Square, Cathedral Square, Juneau Park, and the Oak Leaf Trail. With \$850,000 in financial assistance from the city, the county is making pedestrian path and lighting improvements at all three parks as well as doing landscaping at Juneau and a fountain removal at Cathedral Square. Though Juneau Park was rated in good condition in the SEWRPC and county study, it has a relatively high equity score. Cathedral Square was rated as fair and scored a bit below average on the county's equity index and Zeidler in good condition with a bit below average equity rating.

These projects are all being funded through tax incremental financing (TIF), a tool that is only available directly to municipalities and not to counties. We discuss TIF in greater detail later in this section. One of the city's tax increment districts (number 110) contributed \$100,000 for Zeidler Square and another (115) contributed \$250,000 for the Oak Leaf Trail, \$400,000 for Juneau Park, and \$100,000 for Cathedral Square.

The projects have now been approved by city and county elected officials and will move forward in the coming months. Payments to the county consist of grants to fund the proposed parks improvements. The county must spend the funds by the end of 2026 and maintain the improvements for 20 years.

In addition, the city, county, and the Milwaukee Downtown Business Improvement District have discussed potential [upgrades to Red Arrow Park](#). The first step of the plan involves using \$500,000 in TIF funds to design the park project and would need approval by the Milwaukee Common Council.

As the Forum has frequently reported, the city of Milwaukee has its own pressing financial challenges and has little if any capacity to finance improvements in county parks with its typical general fund revenues. However, TIF funding may offer a unique opportunity to do so in a way that reduces conflicts with the city's other spending priorities.

## Lessons from Previous Efforts

As we have shown, the county has reached and in some cases even renewed agreements with municipalities that have resulted in substantial additional investment in county parks in six communities and generally decreased maintenance and management costs for the county for those properties overall. The benefits for both the parks users and the county are clear.



No single arrangement is transformative on its own. For example, the agreement with Oak Creek for parks maintenance saves the county less than \$30,000 per year. However, the county's more than 150 parks and additional trails and parkways provide numerous opportunities for additional agreements. If the county were to come to maintenance agreements on 10 additional parks, it could save hundreds of thousands of dollars a year, a benefit that would only grow over time given that some agreements like those with Oak Creek last for decades.

The agreements with the city of Milwaukee and Greenfield for capital investments are also relatively small in the face of the county's capital needs, but still total more than \$1.2 million. Increasing the volume of agreements substantially would multiply these benefits and gradually reduce the parks' fiscal challenges.

So far, however, the use of such agreements has remained relatively limited and several of the examples identified by county staff were first approved decades ago. For now, it appears 12 of the 18 municipalities with county parks do not have substantial agreements with the county for any of their parks and even in cases where there are agreements, they typically cover a very limited number of properties. Expanding these agreements in the future will likely mean overcoming at least some of the current obstacles to them.

Perhaps the greatest is that many municipalities have their own financial challenges. In addition to lacking the capacity to invest in county parks, they may also argue that by taking on the county's role in some cases, they are effectively paying more for services in their area while freeing up the county to spend its limited dollars in other communities.

Conversely, some stakeholders may feel that such partnerships could exacerbate the disparities between parks in well-to-do suburban communities that might be able to afford investments in county parks and those in the city of Milwaukee, where the municipal government has less financial capacity. Recent experience may ease this concern somewhat – the city of Milwaukee has committed greater sums to county parks in recent years via TIF than most of its suburbs and Mayor Cavalier Johnson has prioritized doing more in the future. On the other hand, some of the concern seems justified: most of the suburban parks involved in these partnerships have average to below average equity scores as measured by the county, and TIF financing does not appear to be a practical possibility for now at least for many low-income areas in the city of Milwaukee.

Fortunately, several potential options could help to alleviate these various concerns and better engage municipal officials. First, county officials may wish to consider a periodic canvass of all 18 municipalities with parks to identify all of the potential possibilities for collaboration. Many of the individual municipalities, such as [Whitefish Bay](#) and [Shorewood](#), have parks departments as well as community development officials who might work with county staff.

Second, county officials could designate and disseminate to their municipal counterparts a specific point of contact, so these local leaders know where to bring proposals for collaboration and to ensure that turnover or other issues do not cause county officials to lose sight of any of their current and potential municipal agreements and projects and their terms. As part of this outreach, county officials could also make city and village leaders aware of their list of pending capital repair and improvement projects for parks within each municipality and discuss the prospect of partnerships for those projects or activities that appear most realistic. If municipal officials were amenable, this process also could be extended to having them share their capital plans for upgrades to local neighborhood parks to identify areas for potential collaboration.



The county could also respond to concerns from some municipal leaders about the prospect that they might engage in lengthy negotiations with parks department officials and reach agreements, but then see elected officials reject the proposals for collaboration. One mechanism to avoid such outcomes would be to develop – with the approval of county elected leaders – a simple standardized process or set of criteria for proposals for collaboration with municipal officials on parks in their jurisdiction. The county could request specific documentation, including project plans or a description of how such plans would be generated, any available support from relevant governing bodies in the form of a letter or resolution, a description of the proposed funding source, and other background documentation to ensure the proposed collaboration efforts are well thought out, have backing from municipal leaders, and sufficient funding.

If it were simple and not overly bureaucratic, this process could provide benefits to both the county and the municipality. For county officials, the standardized process would streamline efforts, and increase the chances that the projects would meet their goals. From the municipal perspective, this process might help to mitigate political pressures and provide certainty that if some benchmarks were met, then their proposed project would have a strong chance of moving forward.

The county could also take more specific and proactive steps to entice local officials to invest their own local dollars in county parks within their communities. For example, in past deals such as the Oak Leaf Trail projects in Oak Creek, the county agreed to make investments within the municipality in addition to those being funded by the city. This approach would serve as an incentive for local officials to devote their own limited dollars to these projects. The county could also agree, as it has done in previous partnerships, to share or turn over the revenues that are generated in parks where municipal dollars have contributed to improvements or where municipal governments are performing maintenance to those cities or villages. The county also could acknowledge the contribution by a city or village to a given park by noting it on parks signs and on the parks system website.

To help address equity concerns, the county could also target more of its matching investments toward parks in lower-income areas or properties with lower condition ratings. Many of the parks that would be prioritized under this approach would be in the city of Milwaukee, which might limit the possibilities for collaboration with other municipalities. However, as we noted above, some higher-need parks can be found in suburban communities, particularly in the southern part of the county.

## Municipal Revenue Sources

Given that municipalities face fiscal constraints of their own, we also examined two potential revenue sources that are not available to the county but that municipalities may be able to use without diverting resources from their own core functions.

### Development Impact Fees

Wisconsin law allows municipalities to charge fees on housing developments to compensate for the additional demand the new residents will create for parks, public safety buildings such as fire stations, roads and transportation infrastructure, and other capital assets associated with basic services. Known as “impact fees,” they are charged to developers for housing projects based on the number of expected occupants and associated impacts. Fees also vary based on the type of project, with flat rates for single-family homes and rates for multi-family developments that are often based on the number of units.



Proponents of impact fees say their advantage is that they indirectly charge new residents for some of the capital costs of serving them rather than making existing residents pay for the additional outlays. In that way, they differ from taxes that are applied evenly to all citizens. Because these fees are intended to directly pay for the increased service costs associated with new residents, the process for implementing the fees is somewhat complicated, since the municipality must estimate the impacts of a development.

Before imposing these fees, municipalities [must conduct studies](#) to determine how much demand additional residents are expected to put on services. These studies must include an inventory of existing public facilities and deficiencies in those assets. In addition, studies must identify the new public facilities or improvements that impact fees will cover and provide a detailed estimate of the capital costs associated with them. Impact fee studies can be challenged on the grounds that the municipality setting the fee did not follow proper procedures in setting the rates, or if the fees imposed on the development unfairly charge for unrelated improvements.

A 2009 study found [scores of municipalities](#) use these fees for parks. The city of Madison is the largest, with impact fees for parks averaging \$4.5 million per year since 2018. Table 3 shows the fee schedule for the six types of development classified in Madison’s impact fee ordinance. The fee for a single family home amounts to about 0.4% of the cost of the average assessed value for a Madison home and about 2.2% of the annual [median household income](#) in the city. Madison also charges separate impact fees in parts of the city for expanded [sewer and stormwater](#) services.

**Table 3: Madison’s Impact Fee Schedule**

Development Type	Fee per Unit
Single Family/Duplex	\$1,520
Multi-Family	\$1,032
Large Multi-Family	\$2,003
Age Restricted Multi-Family	\$806
Group Living Quarters	\$577

Madison distributes these funds to park projects within the vicinity of the development through its [four parks districts](#), which connect sections of the city with more development to areas with less. These districts were designed to keep improvements reasonably close to the developments paying the fee, though they will not necessarily be built adjacent to the development. A portion of the funds are deposited into a city-wide fund that pays for park land purchases. Madison uses impact fee revenue to supplement property taxes, borrowing, and other financing sources to help pay for a variety of projects, including assets such as picnic shelters, pools, and playgrounds. Impact fees are a substantial funding source for city parks projects, accounting for more than 41% of the \$23.3 million in funds included in the 2023 [parks capital budget](#).

Milwaukee does not impose impact fees, but some municipalities such as Greenfield, Oak Creek, and Franklin do. These fees can generate significant opposition, especially from developers, since they add to the cost of new housing. This added expense may give some local leaders pause given the recent sharp [increases in both home prices and rents](#) in the Greater Milwaukee area.

As a practical matter, any potential fee would only tend to generate substantial revenue in communities with land for development and significant housing construction such as Franklin, Glendale, Oak Creek, and Wauwatosa. The fees would also be limited in how they can be used. They can be imposed to preserve parkland or upgrade parks amenities in response to the additional usage that such parks will see as a result of the development, but they cannot be used to pay for projects in parks that will not be affected by new housing or to pay for costs that go beyond the



actual impact of the development. They also must be reduced to reflect the other capital costs imposed by a municipality on a developer, such as special assessments and charges. Perhaps most important in the context of parks projects, they may not be used to address existing deficiencies in public facilities or to pay for their operation or maintenance.

Counties cannot impose impact fees, so this tool could only be used to fund county parks projects if done in partnership with a municipality that has such a fee and sufficient land and demand for development. County and local officials also would need to weigh the potential benefits of such fees against the added cost to housing. If county parks staff did periodic outreach to municipal officials as discussed previously, they could use that opportunity to share their five-year and 10-year parks capital plans and see whether those plans align with anticipated development within each city and village. To the extent that municipal impact fees would be used for county parks projects, the county and municipality would likely need to account in advance for this use within the impact fee studies that would detail the purposes for which the fees would be used.

### **Tax Increment Financing**

As briefly discussed earlier, TIF represents another potential financing option to address certain capital projects within county parks. Though Milwaukee County cannot use this tool on its own, it can work with local municipalities to deploy it to improve county parks, as has recently occurred in the city of Milwaukee.

Tax increment districts (TIDs) are created by cities, villages, and towns to generate additional funds for infrastructure to accommodate or spur new development. Our [2019 report](#) on TIF provides a look at how municipalities across the state use this funding mechanism, which represents their main economic development tool.

Briefly, TIF allows municipalities to make public investments within a defined area for a limited number of years by drawing on future increases in property tax revenue from rising property values in that district. The intention is that these public investments will spur development that would not occur without the improvements. Property values in the area are frozen at a base value, and the municipality, county, and other taxing entities in that area continue to levy taxes on the base value in the usual way. As development of new properties and appreciation of existing ones occurs, the TID then receives the additional tax revenue generated by the increased value of the property within the district and uses it to pay for infrastructure improvements or make payments on debt that financed these capital investments.

In the meantime, the presence of the TID means that the tax base for all the taxing bodies, including the county, will remain frozen and not grow. This represents one argument for considering the infrastructure needs of the county and other local governments as part of the overall potential TID investment, though proponents of TIF projects argue that the rise in property values would not necessarily happen without the public investments.

For municipalities to create a TID, they must put together a plan that defines the location and scope of the district, the intended capital improvements, and district timelines. Proposed districts first need a public hearing as well as approval from the city council or village or town board. A TID must be approved by a joint review board that includes a citizen member and representatives from other taxing entities including the county that are impacted by the district. The plan must also be approved separately by the Wisconsin Department of Revenue (DOR).



To amend the scope or boundaries of a TID, local officials would need a similar set of approvals. Boundaries may only be changed four times over the lifetime of a district, but other types of changes have no such limit.

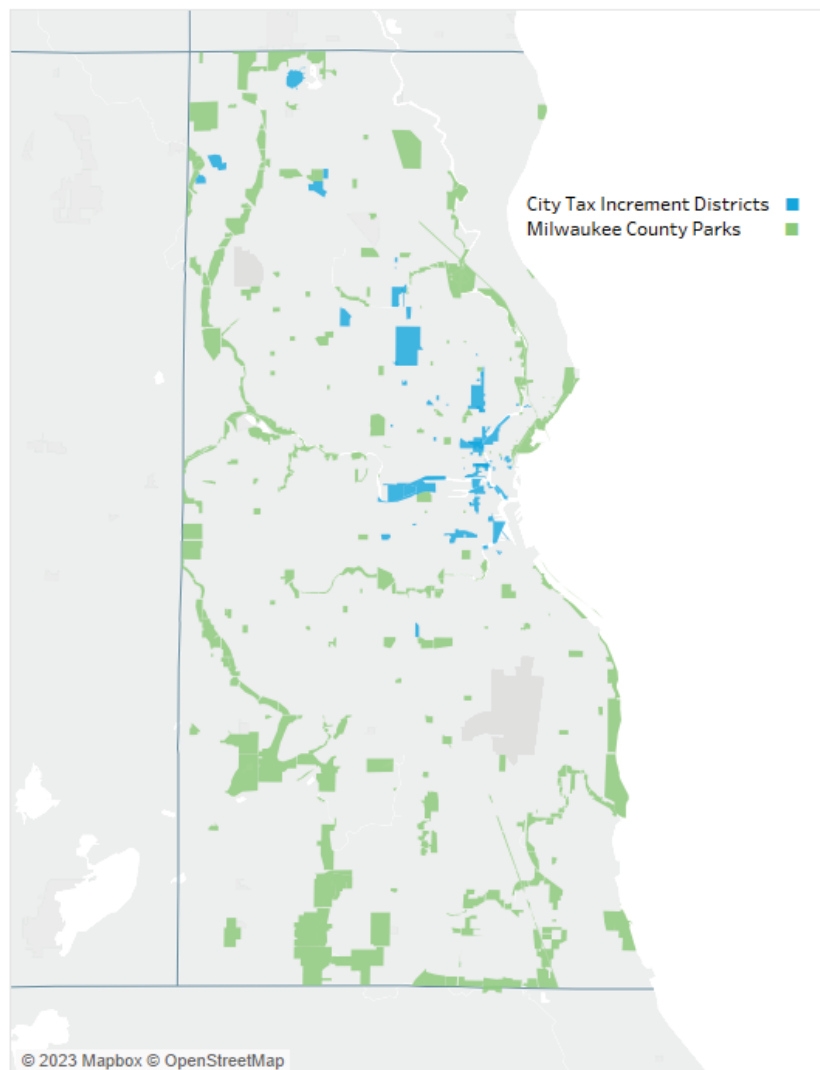
[Under state law](#), TIDs can fund capital improvements that include upgrades to infrastructure such as streets and sewers, environmental cleanup, and parks infrastructure and other amenities such as pedestrian and bicycle paths, lighting, and trees and landscaping within the district. Improvements may also be made using district funds within a half-mile of existing district boundaries and can be used to pay for assets owned by another government.

[DOR data for 2023](#) show 126 TIDs in Milwaukee County, including at least one district in each of the county's 19 municipalities. The city of Milwaukee alone has 58 and West Allis, Oak Creek, and Wauwatosa each have nine or more. As Figure 5 shows, there are seven county parks that abut active TIDs in the city of Milwaukee, and 22 additional parks fall within the half-mile buffer. Included in this list are some of the highest-need parks in terms of physical condition and equity score, including Noyes Park and Washington Park, though not all of these TIDs would necessarily have the financial capacity to pay for parks improvements.

Milwaukee has been using TIF more frequently to help repave deteriorated streets and has been providing limited TIF funds for the capital needs of other local governments, including the county projects mentioned previously and the redevelopment of vacant Milwaukee Public Schools buildings into affordable housing. Under Mayor Johnson, the city has also prioritized public spaces such as parks and provided for TIF funding for projects in city-owned parks as well.

As noted earlier, the city of Milwaukee is already using TIF funding to help pay for capital improvements to Zeidler Square, Cathedral Square, Juneau Park, and the Oak Leaf Trail. These projects

**Figure 5: Some Overlap Between City Tax Districts and County Parks**  
Milwaukee County Parks and active city of Milwaukee tax increment districts



Sources: City of Milwaukee and Milwaukee County





successfully came together even without a formal process in place to explore the use of TIF for county parks between the city and county. So far, however, city officials have been cautious about using TIF funds for county parks.

One reason for the caution is that TIF projects can add to the city's already substantial debt load, which the Forum noted in its recent "[Nearing the Brink](#)" report. Though the city like the county will benefit in the coming years from increased sales tax revenues and a healthier pension system, city debt levels are relatively high and will continue to limit the city's ability to fund parks projects.

The location of the city's TIDs is another factor limiting which county parks can receive assistance. Though Milwaukee has scores of active TIDs, most are located in commercial and industrial areas and do not include parks found in residential areas. City officials have acknowledged that the Downtown and Third Ward parks that they have targeted so far for TIF investments are not necessarily the highest-priority properties for the county, but also expressed a hope that the city's assistance in those areas could free up county funding to be used in parks in other parts of the city.

In residential areas, the limited TIDs that do exist are focused on affordable housing and would have little if any funding available for parks projects, city officials told us. That might change in 10 to 15 years once these districts mature, however.

There have been discussions between county parks and city staff on identifying and financing parks projects with TIF. The process is still informal, however, unlike the case of city streets, for which Milwaukee economic development staff have received an explicit directive to work with the city's Department of Public Works to identify and finance streets projects with TIF funding and have developed a formal process for doing so.

City of Milwaukee staff also draw on a list within the city's 2022 [Comprehensive Outdoor Recreation Plan](#) that prioritizes city-owned parks for potential upgrades based on equity scores. Though the county has also published its own recreation plan and equity scores for its parks that could be used to help prioritize projects, the city and county have yet to collaborate on joint efforts to agree or designate a list of priority parks that may be suitable for collaboration.

Last, city officials noted that in the early stages of some economic development projects that involve TIF funding, including the [recent deal with Northwestern Mutual Life Insurance Co.](#) to rebuild its 18-story office building on East Mason Street, city officials are not able to share the full details about TID projects with county officials. They said that the need for confidentiality about potential deals can initially limit some collaboration with the county – a reality that county officials said they understand.

Still, TIF is a powerful tool that can be considered by municipal and county officials. Suburban communities in the county could also consider amending some of the 68 existing TIDs in their jurisdictions to help finance county parks improvements, or do so as they create new districts. In each case, however, there would need to be sufficient property value within the TID and strong economic and policy reasons to justify each specific parks investment being made. Some otherwise worthy parks projects might not receive investment because they do not fit with the larger economic development goals of the TID.

### **Municipal Revenue Source Takeaways**

TIF financing arguably offers some tangible benefits over impact fees as an alternate funding source for parks projects. Like impact fees, TIDs can draw on new development and rising property values to



fund investments in parks and other public infrastructure. Funds generated in TIDs, however, can be used to repair or replace aging parks facilities or build completely new ones, whereas impact fees can only be used to address needs for new facilities. In fact, TIF was in part created to rejuvenate blighted areas to help them attract new construction, a goal that parks can help accomplish in at least some cases by making a neighborhood more attractive to potential residents.

TIF does have limits, however. First, the tool can only be used for parks that are within or near a district that includes parks projects within its plan. Second, while TIF can be used to fund infrastructure such as parkways and sidewalks, it cannot be used to finance public buildings such as a park shelter, pavilion, or any of the many other buildings within the parks system. Last, state law dictates that the central focus of TIF funds is to finance infrastructure upgrades and other improvements to spur development. Consequently, while parks amenities may benefit from such investments, improvements to the amenities themselves must be a secondary objective of TIF investments.

Creating a new plan or amending an existing one also can be a time-consuming process that requires not just an agreement between the county and a municipality, but also the local school district, the Milwaukee Area Technical College, MMSD, and potentially DOR. This lengthy process will likely limit the use of TIF to some degree.

Last, there are limits to what TIDs can finance. First, a district must attract development and rising property values before it can generate tax revenue to pay for parks projects or any other improvements. Second, as noted in the case of Milwaukee, TIF projects typically include borrowing and this adds to a municipality's overall debt load, counts against its state borrowing limit, and can affect its credit rating. This increase in financial risk can be modest in the case of small parks projects, but in the case of large projects municipal leaders would have to grapple with it.

If the city and county wish to pursue more of these arrangements, slight changes to how municipalities design TIDs might help facilitate the process and make it available to more parks. The first step would be to ensure additional collaboration between city or village staff and county officials to determine where local government plans for TIF use may overlap with capital needs for parks.

This collaboration could take several forms. The county, for example, could proactively provide local governments and TID joint review boards with a list of the parks that could potentially benefit from TIF funding. That would allow the boards to consider these requests whenever a TID is being created or amended. Municipal leaders and joint review boards in Milwaukee County could also make it a practice to review whether parks investments are needed in a district whenever one is created or amended or perhaps even consider adding language into TID plans to ensure parks projects could be entertained over the relatively lengthy life of districts. In each case, the parks project would have to meet the general and specific goals of a TID to foster economic development.

Another step in facilitating collaboration could be designing tax increment district boundaries with park assets in mind. Municipalities have latitude in determining the shape and size of a TID, if the total property included meets legal requirements. Therefore, new districts could intentionally incorporate more park land, or create boundaries that come closer to key park assets, bringing them within the half-mile limitation. Another step might be for the county and municipalities in the county to form a working group within the existing Intergovernmental Coordination Council (ICC) or some other body that could facilitate collaboration between economic development staff and parks planning staff and help coordinate their investments.



## Summary

For decades, some municipalities have worked with Milwaukee County to help maintain and improve a handful of county parks. From Milwaukee to Greenfield, these partnerships have shown themselves to be successful. With the proper attention, outreach, and coordination, they could be expanded to more parks and more cities and villages. Municipalities face their own financial challenges and priorities for their general resources, but in some cases they could employ tax increment financing or impact fees to help fund capital projects. These individual agreements will likely remain modest in size, but by streamlining the process for arriving at them, the county could still potentially negotiate enough of them to have a significant impact over time.



# CONCLUSION

Milwaukee County's parks system is faced with massive capital and maintenance needs. The Forum has extensively documented these challenges and the county and SEWRPC's own open space plan estimated a need for parks capital projects that would cost roughly \$495 million in today's dollars.

By itself, collaboration with MMSD and other local governments will not fully address this daunting backlog. However, these partnerships can form an important part of the solution if pursued with creativity and persistence. This report discusses some of the key policy options for fostering these partnerships, particularly those that do not require changes to local ordinances and state law.

With the exception of some projects such as the joint MMSD project in Jackson Park, the individual collaborations between the parks and other entities are relatively small in the context of the parks' overall needs. This mismatch highlights the importance of significantly increasing the number or scope of new agreements. Without some sort of expansion, progress will remain limited.

If county officials agree on this objective, then the next step would be to reflect on what they could do to meet it. One obvious option would be to ensure adequate parks department or other county outreach and staffing capacity to maintain and expand potential partnerships, including with MMSD, municipalities, and private groups. In the short term, that could appear less attractive than channeling the county's limited resources directly into parks upkeep and amenities. Yet the long-term payoff might justify the initial effort and cost.

Next, county officials could seek to ensure a more predictable and rapid execution of projects, which could increase the number of collaborations and thereby enhance the potential for added investments financed by municipalities or MMSD. Parks staff could help by setting up a more standardized process for working with MMSD and other local governments, particularly municipalities, to upgrade parks. They could also encourage mutual sharing of plans for future capital projects in the parks and, in the case of MMSD, map anticipated flood management projects and their expected impacts on the parks.

Elected officials could spur the establishment of a new collaborative framework by passing resolutions or ordinances that committed the county to such an approach. In doing so, county officials might find themselves embracing elements of some agreements that were not optimal for the county but were critical for another local government. By accepting this tradeoff, however, the county might unlock new levels of support for the parks from its potential partners.

Such collaboration might allow the county to gradually shift the parks system toward its vision of a more naturalized and easier to maintain landscape in which the county focuses more on regional parks and passive recreation and receives assistance from local governments in delivering active recreation opportunities in smaller, county-owned neighborhood parks. Though there would be both advantages and disadvantages to this approach, there is little doubt it would be more sustainable for both the environment and the county's finances.

However, such agreements will only materialize if both the county and these other local governments benefit, particularly in cases where municipalities and MMSD are bringing their own funds to the table. For its part, the county may accrue the greatest gains for the parks by looking for ways to benefit its partners, whether through greater flexibility in the use of a park, allowing partners to retain some revenue from the park's assets, or efforts to acknowledge the collaboration. These basic



principles have already been promoted in some cases by parks staff, but may nevertheless be difficult for them to implement on a wider scale without funding for additional staff and a shared vision from elected county leaders.

Our analysis of county finances shows the parks are unlikely to meet their full operating and capital needs in the coming years without greater local or state tax support. Yet this goal will likely get a boost if county parks officials can demonstrate that they are already working with other local governments to form partnerships and lower costs for taxpayers however they can.

Ultimately, one thing is certain – the county parks have changed substantially over the past generation and will keep evolving in the decades to come. The question is whether the parks will continue to see the deterioration and loss of assets and cuts to staff and resources, or whether county leaders and their partners can collaborate to stop this erosion and ensure a healthier and better system for their communities moving forward.



# APPENDIX ONE

These Milwaukee County Parks either contain or run alongside a waterway that is under the jurisdiction of the Milwaukee Metropolitan Sewerage District (MMSD), making them at least potential candidates for collaboration between MMSD and the county.

**Table 4: Park Sites for Potential Collaboration With MMSD**

Milwaukee County park sites that either contain or run along a waterway under the Milwaukee Metropolitan Sewerage District’s jurisdiction

Name of Park	Name of Waterway
Armour Park	Honey Creek
Baran Park	Kinnickinnic River
Brown Deer Park	Brown Deer Park Creek
Caesar’s Park	Milwaukee River
Cambridge Woods	Milwaukee River
Currie Park	Menomonee River
Doyne Park	Menomonee River
Estabrook Park	Milwaukee River
Gordan Park	Milwaukee River
Grantosa Parkway	Grantosa Creek
Granville Dog Park	Menomonee River
Hansen Park	Menomonee River
Honey Creek Parkway	Honey Creek
Hoyt Park	Menomonee River
Hubbard Park	Milwaukee River
Jackson Park	Kinnickinnic River
Jacobus Park	Menomonee River
Kern Park	Milwaukee River
Kinnickinnic River Parkway	Kinnickinnic River
Kletzsch Park	Milwaukee River
Kulwicki Park	North Branch Root River
Lincoln Creek Parkway	Lincoln Creek
Lincoln Park	Milwaukee River
Little Menomonee River Parkway	Little Menomonee River
Lyons Park	Lyons Park Creek
Madison Park	Grantosa Creek
Maitland Park	North Branch Oak Creek
McCarty Park	Honey Creek
Meaux Park	Lincoln Creek
Menomonee River Parkway	Menomonee River
Milwaukee County Sports Complex	North Branch Root River
Milwaukee River Parkway	Lincoln Creek
Oak Creek Parkway	Oak Creek
Oakwood Park	Oak Creek
Pleasant Valley Park	Milwaukee River
Pulaski Park (Milwaukee)	Kinnickinnic River
Riverside Park	Milwaukee River
Root River Parkway	North Branch Root River
Underwood Creek Parkway	Underwood Creek
Valley Park	Menomonee River
Webster Park	Menomonee River
Whitnall Park	Whitnall Park Creek
Wilson Park	Wilson Park Creek



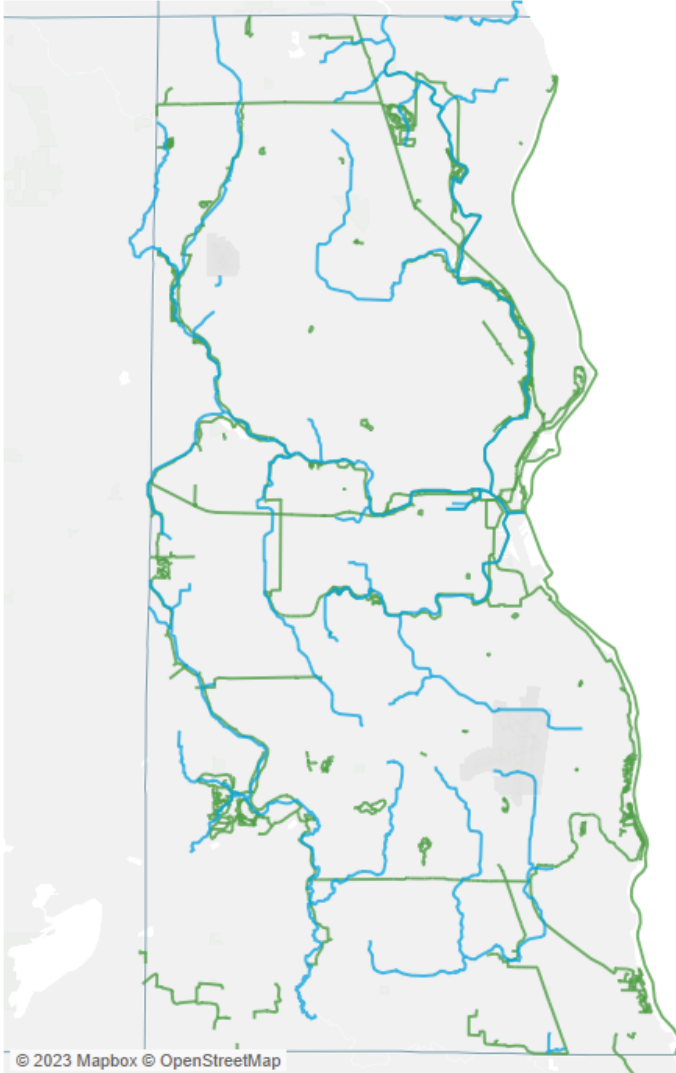


# APPENDIX TWO

A number of Milwaukee County trails run alongside a waterway that is under MMSD jurisdiction, making them at least potential candidates for collaboration between the district and the county.

**Figure 6: County Parks Trails Often Parallel MMSD Waterways**

Milwaukee County trails\* (green) and MMSD jurisdictional waterways (blue)



Source: Milwaukee County and Milwaukee Metropolitan Sewerage District; \*includes water trails.



# APPENDIX THREE



## Memorandum

**TO:** Kevin Shafer, Executive Director

**FROM:** Katherine Lazarski, Director of Legal Services

**DATE:** May 22, 2023

**RE:** **MMSD work in County Parks**

---

### Issues

You have asked questions related to MMSD's ability to assume some responsibility for all or a portion of County Parks. This memo is for the purpose of providing guidance under the existing statutes.

The Wisconsin Policy Forum is exploring options for ongoing ownership, maintenance and operations of the County Parks. You asked about the legislative authority for the following options:

1. Incorporate County Parks that have an MMSD jurisdictional waterway flowing through them into Greenseams. MMSD would be responsible for capital improvements and maintenance, County staff would program the use of the Parks.
2. Incorporate County Parklands that are natural areas, that do not have programmed uses, into Greenseams. MMSD would be responsible for capital improvements and maintenance.
3. Incorporate all County Parks into Greenseams. MMSD would be responsible for capital improvements and maintenance, County staff would program the use of the Parks.

### Background

MMSD is a special purpose municipality created by the State of Wisconsin in Chapter 200 of the Wisconsin Statutes. MMSD can only take on work that is authorized by this statute and the reasonable interpretation thereof. The statute provides broad authority for MMSD to construct and operate a sewer system and provide flood control. The statute states that the Commission may:

Project, plan, design, construct, maintain and operate a sewerage system for the collection, transmission and disposal of all sewage and drainage of the sewerage service area including, either as an integrated or as a separate feature of the system, the collection, transmission and disposal of storm water and groundwater.



Wis. Stat. 200.31. There is flood control authority inherent in this authorization because of the risk of flood waters to inundate a sewer system. The Wisconsin legislature is even more explicit, however, regarding MMSD's authority over watercourses and flood abatement. The statute also states:

RIVER AND STREAM ALTERATIONS.

(a) Subject to s. [30.20](#) and to any applicable rule of the department of natural resources, the commission may improve any river or stream within the district by deepening, widening or otherwise changing it as the commission finds necessary in order to carry off surface or drainage water.

(b) The commission may make improvements outside the district of any river or stream that flows from within the district to a point outside the district. The commission may contract with any governmental body that owns or controls any lands through which such a river or stream flows for the payment of that part of the cost of the improvement in the territory governed by the body that is wholly or partially outside the district.

Wis. Stat. 200.35(8). And further, the District is authorized to acquire properties to assist with this work:

The commission may acquire by gift, purchase, lease or other methods of acquisition or by condemnation, any real property situated in the state and all tenements, hereditaments and appurtenances belonging or in any way appertaining to, or in any interest, franchise, easement, right or privilege therein, that may be needed for the purpose of projecting, planning, constructing and maintaining the sewerage system, that may be needed for the collection, transmission or disposal of all sewage or drainage of the district or that may be needed for improving any river or stream within the district under s. [200.35 \(8\) \(a\)](#) or [\(b\)](#).

Wis. Stat. 200.43.

Currently, through the Greenseams program, the District acquires property or property rights (easements) that are needed for drainage of the District by preventing those flows from entering the District in the first place.

### Analysis

You have asked for advice regarding MMSD's authority to take over management of some or all Milwaukee County parkland. Milwaukee County had struggled to allocate sufficient budget to the parks, many parks incorporate rivers and streams and significant MMSD infrastructure is located in parks.

The first option you asked about is: "Incorporate County Parks that have an MMSD jurisdictional waterway flowing through them into Greenseams. MMSD would be responsible for capital improvements and maintenance, County staff would program the use of the Parks."

In light of the statutory provisions described above, MMSD could take control of these parks but only the portions that include rivers, streams and floodplains or other hydric features that store flood flows. Significantly, MMSD does not have authority to undertake maintenance of assets that are not related to the function of the watercourse or flood management. For example, Brown Deer Park contains a stream that flows into the Milwaukee River. MMSD could incorporate Brown Deer Park to ensure that the stream continues to function properly, that hydric soils are preserved or increased, and to install trees and native landscaping to take up water. However, MMSD would not be able to engage in many of the



maintenance activities needed for this Park such as upkeep of the boathouse, maintenance of the golf course, or playground maintenance.

The second option is: “Incorporate County Parklands that are natural areas, that do not have programmed uses, into Greenseams. MMSD would be responsible for capital improvements and maintenance.” This option would only be available under the current statutes if the County Parkland had the hydric soils that have an impact on flood management and the properties would otherwise meet similar criteria as the Greenseams program. Notably, many of these areas do have trail infrastructure and MMSD would not be able to do maintenance of these recreational amenities.

The third option is: “Incorporate all County Parks into Greenseams. MMSD would be responsible for capital improvements and maintenance, County staff would program the use of the Parks.” According to the current statutory language, MMSD would not have the authority to incorporate all County Parks and undertake their capital improvements and maintenance.

### **Conclusion**

There are many good reasons to consider MMSD incorporating County Parks to manage watercourses, drainage, habitat and recreation on a more holistic watershed basis. However, MMSD currently has limited statutory authority to implement these concepts in a meaningful way.

