



County Clerk

June 11, 2013 – Walworth County Board Meeting

**Report of the County Clerk Regarding  
Communications Received After the Agenda Mailing**

**Kimberly S. Bushey**  
County Clerk

The following items were placed on Supervisors' desks and are attached to this cover sheet:

- Resolution No. 33-06/13 – Adopting the Pay Range for the Circuit Court Commissioner Position – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Town of Richmond Ordinance No. 5/21/13-2 – An ordinance amending Chapter 10 of the Town Code of the Town of Richmond, relating to Buildings and Building Regulations – To be referred to the County Zoning Agency
- Town of Richmond Ordinance No. 5/21/13 – An ordinance amending and replacing Chapter 39 of the Town Code of the Town of Richmond, Wisconsin, to provide for the licensing of center pivot manure distribution systems in the Town of Richmond – To be referred to the County Zoning Agency
- Correspondence received from Southeastern Wisconsin Regional Planning Commission (SEWRPC) in regard to the SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin: 2035* – To be referred to the Executive Committee (The full report can be viewed in the County Clerk's office)
- Correspondence received from State Representative Andy Jorgensen acknowledging receipt of Walworth County resolutions – To be placed on file
- Correspondence received via e-mail from State Representative David Craig acknowledging receipt of Walworth County resolutions – To be placed on file
- Correspondence received from Secretary Mark Gottlieb, Wisconsin Department of Transportation, acknowledging receipt of Walworth County Resolution No. 20-05/13 – To be placed on file
- *Walworth County Aging & Disability Resource Center News*, June 2013 – To be placed on file

*These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.*





TOWN OF RICHMOND

2013 JUN 3 AM 9:23

AMENDMENT TO CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS

ORDINANCE NO. 5/21/13-2

AN ORDINANCE AMENDING CHAPTER 10 OF THE TOWN CODE OF THE TOWN OF RICHMOND, RELATING TO BUILDINGS AND BUILDING REGULATIONS.

The Town Board of the Town of Richmond, Walworth County, Wisconsin, ordains as follows:

SECTION 1: Article III and Article V of Chapter 10 of the Town Code, consisting of Sections 10-81 through 1—91 and Sections 10-161 through 10-164, and Section 10-8 of said Chapter 10, are repealed in their entirety.

SECTION 2: Section 10-3 of the Town Code is revised as follows:

**Sec. 10-3. Scope.**

- This chapter applies to all one- and two-family dwellings constructed after promulgation of the Wisconsin Uniform Dwelling Code on June 1, 1980. Also included are residential accessory buildings greater than 150 square feet, detached garages, decks, additions that increase the physical dimensions of buildings, including bay windows and alterations to a building structure, or alterations to the building's heating, electrical or plumbing systems with a market value exceeding \$15,000.00, and the razing or moving of buildings.
- Specifically excluded are children's play structures, commercial buildings, and multi-family dwellings. Also excluded, regardless of value, are re-siding, re-roofing, and cosmetic finishing of interior surfaces.
- Permits for agricultural buildings are required solely for the installation of electrical service and heating services. The standards to be applied for such permits are those applicable to commercial buildings under the Wisconsin Administrative Code, Chapters SPS 362 and 364 and any revisions thereto.

SECTION 3: All references in Chapter 10 of the Town Code to "Wis. Admin Code Comm. Chs. 20-25" or "Wis. Admin. Code chs. 20-25" are replaced by "Wis. Admin. Code Chs. SPS 320-325," and all references to "WI Division of Safety and Buildings" are replaced by "Wisconsin Department of Safety and Professional Services."

SECTION 4: Subsection (b) of Section 10-6 of the Town Code is repealed, and the portion of Section 10-6 previously set forth as subsection (a) shall become the entirety of said Section 10-6.

SECTION 5: The phrase "Three sets of building plans" in Section 10-10 the Town Code is replaced by the phrase "Two sets of building plans."

SECTION 6: The phrase “subject to approval of the town board” in subsection 10-16(a) of the Town Code is replaced by the phrase “subject to approval by a road maintenance employee of the town designated by the town board as the town’s highway officer.”

SECTION 7: The phrase “from the town board and paying therefor the fee of \$5.00” in subsection 10-16(b) of the Town Code is replaced by the phrase “from the Building Inspector and paying therefor a fee designated under the town’s Fee Schedule, which shall be adopted by the town board by resolution.”

SECTION 8: The entirety of Section 10-51 of the Town Code after the words “upon payment of a fee” is repealed and replaced by phrase “designated under the town’s Fee Schedule, which shall be adopted by the town board by resolution.”, and the portion of Section 10-51 previously set forth as subsection (a) shall become the entirety of said Section 10-51.

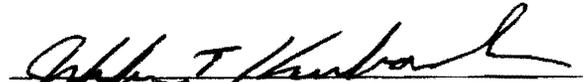
SECTION 9: The sentence “Building Inspector means the building officer of the town or his duly authorized delegate” in Section 10-121 of the Town Code is repealed and replaced by the following sentence: “*Building Inspector* means the individual appointed by the town board and certified by the Wisconsin Department of Safety and Professional Services under Section 10-5 of this Chapter.”

SECTION 10: Section 10-127 of the Town Code is repealed and replaced by the following sentence: “The town chairperson or his duly appointed representative shall accompany any building being moved pursuant to the provisions of this article.”

SECTION 11: If any section, clause, provision or other portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If any application of this ordinance to a particular structure or parcel of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure or parcel of land not specifically included in the court’s judgment except as expressly ordered by the court.

SECTION 12: This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 21st day of May, 2013.

  
Jeff Karbash, Town Chair

## SUMMARY OF ORDINANCE FOR PUBLICATION

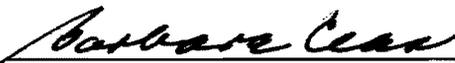
PLEASE TAKE NOTICE that the Town Board of the Town of Richmond, Walworth County, Wisconsin, has adopted Ordinance No. 5/21/13-2 on May 21, 2013, amending Chapter 10 of the Town Code, the chapter governing buildings and building regulations.

Said Ordinance removes the provisions of said Chapter governing property maintenance and numbering buildings, removes the applicability of the Chapter to dwellings constructed before June 1, 1980, raises to \$15,000 the threshold for a requirement for a building permit for alterations to dwellings, excludes from the requirement of a building permit re-siding, re-roofing and cosmetic finishing of interiors, limits the requirement of a building permit for agricultural buildings to electrical and heating, and makes certain other minor changes relating to administration of said Chapter.

The full text of the Ordinance may be obtained from the Town Clerk, Barb Ceas, by calling her at 608-883-2017, by viewing it on the Town's web site at <http://www.town.richmond.wi.us>, or by viewing the Ordinance at the Town Hall at W9046 County Road A, Delavan, WI 53115, where it is posted.

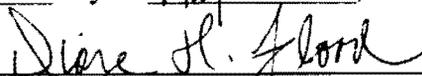
## CERTIFICATION

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Richmond on the 21<sup>st</sup> day of May, 2013, and that on the 28<sup>th</sup> day of May, 2013, a summary of the above ordinance in the form set forth above was published in the *Whitewater Register*, the official newspaper of the Town of Richmond.



Barbara Ceas, Town Clerk  
Town of Richmond,  
Walworth County, Wisconsin

Subscribed and sworn to before me this  
30<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
Notary Public, Walworth County, Wisconsin  
My Commission expires: 11-27-16

TOWN OF RICHMOND  
ORDINANCE NO. 5/21/13

2013 JUN 3 AM 9: 23

AN ORDINANCE AMENDING AND REPLACING CHAPTER 39 OF THE TOWN CODE OF THE TOWN OF RICHMOND, WISCONSIN, TO PROVIDE FOR THE LICENSING OF CENTER PIVOT MANURE DISTRIBUTION SYSTEMS IN THE TOWN OF RICHMOND.

RECITALS

A. The Town of Richmond recognizes the need to balance the right to use certain property for agricultural purposes and the need to protect the general public from offensive, obnoxious, and unhealthful odors;

B. According to studies including, without limitation, a pamphlet entitled *Application of Liquid Animal Manures Using Center Pivot Irrigation Systems* published by the University of Nebraska – Lincoln Extension, the application of manure by Center Pivot Manure Distribution Systems offers a large potential for significant odor release during short periods of time;

C. A Memorandum prepared by Robert Thiboldeaux, PhD., a toxicologist for the Wisconsin Division of Public Health, and dated February 17, 2011, raises the potential for substantial health concerns resulting from the land application of liquid manure using center pivot sprinkler technology;

D. As of the date of adoption of this Ordinance, the Wisconsin Department of Natural Resources has adopted no standards for the use of Center Pivot Manure Distribution Systems and the Walworth County Board has not adopted any controls over Center Pivot Manure Distribution Systems;

E. The Town Board believes that the regulation of Center Pivot Manure Distribution Systems is necessary to promote the public health, safety and welfare of the citizens of the Town of Richmond, and wishes to take action to that effect pending the adoption of appropriate controls by other governmental authorities.

**NOW, THEREFORE,** The Town Board of the Town of Richmond, Walworth County, Wisconsin, ordains as follows:

SECTION 1: Chapter 39 of the Town Code (Chapter 8.35 of the pending draft revision of the Town Code) entitled “Center Pivot Manure Distribution Systems,” is hereby repealed and recreated to read as follows:

**Sec. 39-1. Purpose and Intent.**

The purpose of this Chapter is to promote the health, safety and general welfare of the Town, and it is the general intent of this Chapter to regulate the use of Center Pivot Manure Distribution Systems within the Town of Richmond, Walworth County.

**Sec. 39-2. Abrogation and Greater Restrictions.**

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, when this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**Sec. 39-3. Interpretation**

In its interpretation and application, the provisions of this Chapter shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes except as expressly set forth herein.

**Sec. 39-4. Definition**

“Center Pivot Manure Distribution System” as used in this Chapter means a system for spreading manure or manure by-products which involves spraying or otherwise distributing the manure or by-product in liquid form through spray or drop nozzles attached to a pivoting arm located in a farm field.”

**Sec. 39-5. License Required**

No person or entity shall operate a Center Pivot Manure Distribution System in the Town of Richmond unless such person or entity shall first obtain a license for such operation from the Town Board.

**Sec. 39-6. Application**

Any person or entity desiring or intending to operate a Center Pivot Manure Distribution System in the Town of Richmond shall, before operating the same, apply to the Town Board for a license for such operation. Said license shall include, at a minimum, the following:

- a. The name and address of the applicant;
- b. The name and address of the owner of the property upon which said System is intended to be operated;
- c. The dates or range of dates when such operation is intended to occur;
- d. A detailed description of the material intended to be distributed by the System;
- e. The legal description and address of the property upon which the System is to be operated;
- f. The manner in which the volume of material to be distributed by the System is intended to be regulated.
- g. The names and addresses of the owners and residents of all property located within 1 (one) mile of the property line of any parcel upon which the proposed Center Pivot Manure Distribution system is to be operated.

At the time of application, the applicant shall pay to the Town Clerk an application fee in the amount of \$500, or such other fee as may be determined by the Town Board by resolution. In

addition to this fee, as a condition for processing the application, the applicant shall be required to bear the expense of any professional services incurred by the Town Board in reviewing the application, including, but not limited to, technical and environmental experts and legal counsel. The Town Board may require the applicant to post a deposit for the anticipated cost of such services.

**Sec. 39-7. Public Hearing**

Upon receipt of an application for a license for operation of a Center Pivot Manure Distribution System, the Town Board shall hold a public hearing on such application. Notice of such hearing shall be mailed by the applicant, by certified mail at the applicant's expense, no less than 10 (ten) days before the date of the hearing to all property owners and residents of property located within 1 (one) mile of the property line of any parcel upon which the proposed Center Pivot Manure Distribution system is to be operated. The applicant shall provide certified mail receipts to the Town Clerk for each property owner or resident entitled to notice or, in the alternative, proof of direct service upon the owner or resident. If direct service is used in lieu of certified mail, service shall occur no later than 5 days before the public hearing. Such notice shall also be published as a Class 2 notice.

**Sec. 39-8. Standards and Conditions.**

In addition to holding a public hearing, before issuing a license for operation of a Center Pivot Manure Distribution System, the Town Board shall review the application for such permit. No permit shall be issued unless the Board first determines that the proposed operation will not cause undue harm to the health of nearby residents and will not cause noxious odors which are likely to become a nuisance as to such residents. The Board may impose appropriate conditions upon the proposed operation as necessary to protect such residents and the health, safety and well-being of other persons living and traveling through the Town. The violation of any such conditions imposed by the Board shall be deemed a violation of this Chapter.

**Sec. 39-6. Lien on Real Estate.**

In all cases in which the Town Board, or its duly appointed representative, takes action to enforce the provisions of this Chapter because of the unlawful operation of a Center Pivot Manure System, the sum expended in accomplishing such enforcement shall become a lien on the property where such System is located, in the same manner as any tax upon real estate. The Town Clerk shall certify the description of such property, and the costs of such removal, and the Clerk shall include the same in the annual schedule of land subject to special taxation. Payment of costs included in a lien hereunder shall be enforced in the same manner as a special tax upon real estate levied and collected in the Town of Richmond.

**Sec. 39-7. Enforcement.**

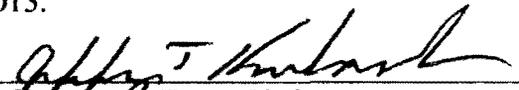
Any person who operates or causes the operation of a Center Pivot Manure Distribution System without first obtaining a lawful license for such operation under this Chapter, or operates or causes the operation of such a System in a manner which violates any conditions imposed by the Town Board upon any such license shall be deemed in violation this Chapter and the Town Board may take action to enjoin such violation and/or to impose a fine by initiating an action in

Walworth County Circuit Court. Any person shall, upon conviction of any such violation, forfeit not less than \$1000 nor more than \$5000 for each day the violation continues, together with the costs of prosecution, and, in default of payment, shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 90 (ninety) days.

SECTION 2: If any section, clause, provision or other portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance or the Chapter or Article of which it is a part shall not be affected thereby. If any application of this ordinance to a particular structure or parcel of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure or parcel of land not specifically included in the court's judgment except as expressly ordered by the court.

SECTION 3: This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 21st day of May, 2013.

  
Jeff Karbash, Town Chair

#### **SUMMARY OF ORDINANCE FOR PUBLICATION**

PLEASE TAKE NOTICE that the Town Board of the Town of Richmond, Walworth County, Wisconsin, has adopted Ordinance No. 5/21/13 on May 21, 2013, amending and replacing Chapter 39 of the Town Code, the governing center pivot manure distribution systems by providing for the licensing of such systems.

Said Ordinance removes the provisions of the Town Code forbidding such systems as nuisances and replaces it with provisions for licensing the operation of such systems after public hearing and in the discretion of the Town Board, with provisions for enforcing the licensing provisions.

The full text of the Ordinance may be obtained from the Town Clerk, Barb Ceas, by calling her at 608-883-2017, by viewing it on the Town's web site at <http://www.town.richmond.wi.us>, or by viewing the Ordinance at the Town Hall at W9046 County Road A, Delavan, WI 53115, where it is posted.

**CERTIFICATE**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Richmond on the ~~21st~~ day of May, 2013, and that on the ~~18th~~ day of May, 2013, a summary of the above ordinance in the form set forth above was published in the *Whitewater Register*, the official newspaper of the Town of Richmond.

Barbara Ceas  
Barbara Ceas, Town Clerk,  
Town of Richmond  
Walworth County, Wisconsin

Subscribed and sworn to before me this  
30th day of May, 2013

Diane H. Flood  
Notary Public, Walworth County, Wisconsin  
My Commission expires: 11-27-16

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 • TELEPHONE (262) 547-6721  
FAX (262) 547-1103

May 30, 2013

Chair and Members of the Walworth County  
Board of Supervisors  
c/o Ms. Kimberly Bushey, Clerk  
100 W. Walworth Street  
Elkhorn, WI 53121

Serving the Counties of:

KENOSHA  
MILWAUKEE  
OZAUKEE  
RACINE  
WALWORTH  
WASHINGTON  
WAUKESHA



2013 MAY 31 AM 10:29

RECEIVED  
WALWORTH COUNTY CLERK

To the Chair and Members of the  
Walworth County Board of Supervisors:

In accordance with Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission hereby provides a certified copy of SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin: 2035*. A copy of Commission Resolution No. 2013-04 adopting this plan as a guide for the physical development of the Region is bound in the front of the report.

The focus of the housing plan is providing an adequate supply of affordable housing for all current residents and the anticipated future population of the Region through the plan design year 2035, with a focus on providing housing affordable to the existing and projected future workforce of the Region. A summary of major plan findings and recommendations is included in the enclosed newsletter.

All of the plan recommendations are set forth in Part 3 of Chapter XII, beginning on page 731 of the enclosed report. Key recommendations of the plan for local governments include a recommendation that communities seek to provide a balance between the cost of housing and wages paid to job-holders in their community and that communities with sewer service designate areas in the local comprehensive plan and zoning map for the development of modest multi-family (minimum density of 10 units per acre and about 800 square feet for two-bedroom apartments) and modest single-family housing (minimum density of about four units per acre and about 1,200 square feet per housing unit). It is also recommended that counties with zoning authority over communities with sewer service include provision for modest multi- and single-family housing in the county comprehensive plan and zoning ordinance.

Table 214, beginning on page 732 of the report, summarizes the final plan recommendations and indicates the unit of government or agency that would need to take action to implement each recommendation. Several of the plan recommendations are directed to County governments, including maintaining and expanding public transit to link areas of affordable housing to job locations, and continuing economic development efforts to provide jobs that will increase household incomes and housing options for the Region's workforce.

It is respectfully requested that your County Board refer the housing plan to the appropriate County Board Committee for review and recommendation and that the County Board consider endorsing the plan, should the Committee, following their review, recommend endorsement of the regional housing plan. County endorsement of the housing plan is important to help assure a common understanding among the units of government within the Region, as well as among the various state and federal agencies of

Ms. Kimberly Bushey  
May 30, 2013  
Page 2

government involved, and to enable work to continue on plan implementation. A sample resolution for County Board endorsement of the plan is enclosed.

Please do not hesitate to call on us if the Commission or its staff can be of any assistance to the County in its consideration of the plan. Commission staff is available to make a presentation about the plan to the County Board or the appropriate Committee, or to attend a meeting of County officials to answer questions about the plan. Please contact Nancy Anderson of the Commission staff at (262) 547-6721 or [nanderson@sewrpc.org](mailto:nanderson@sewrpc.org) if you have questions about the regional housing plan, would like to schedule a presentation or meeting, or would like additional copies of the summary newsletter or the plan report.

Very truly yours,

A handwritten signature in black ink, appearing to read "David L. Stroik". The signature is cursive and somewhat stylized, with a large initial "D" and "S".

David L. Stroik  
Chairman

DLS/KRY/NMA/pk  
Docs #211589

Enclosures (#211420)

**SAMPLE RESOLUTION FOR COUNTY ENDORSEMENT  
OF THE YEAR 2035 REGIONAL HOUSING PLAN  
FOR SOUTHEASTERN WISCONSIN**

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the *Wisconsin Statutes* on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Southeastern Wisconsin Region; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission adopted on March 13, 2013, a housing plan for the development of the Region to the year 2035; and

WHEREAS, the year 2035 regional housing plan recommendations and the supporting inventories, analyses, objectives, principles, and standards are set forth in a published report titled SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin: 2035*; and

WHEREAS, the Commission has transmitted certified copies of its resolution adopting the housing plan, together with the aforementioned SEWRPC Planning Report No. 54, to the county and local units of government of the Southeastern Wisconsin Region; and

WHEREAS, the \_\_\_\_\_ County Board of Supervisors believes that the housing plan prepared by the Commission will be a valuable guide not only to the development of the Region but of the County as well, and that the endorsement of such plan by the County Board will assure a common understanding by the several governmental levels and agencies concerned and enable their officials and staffs to plan and undertake the necessary areawide and local plan implementation work.

NOW, THEREFORE, BE IT RESOLVED that the \_\_\_\_\_ County Board of Supervisors hereby endorses the regional housing plan for the year 2035, as set forth in SEWRPC Planning Report No. 54, as a guide for regional and community development.

BE IT FURTHER RESOLVED that the County Clerk transmit a certified copy of this resolution to the Southeastern Wisconsin Regional Planning Commission.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
County Board Chair

Attest:

\_\_\_\_\_  
Clerk

STATE REPRESENTATIVE  
**ANDY JORGENSEN**

43rd ASSEMBLY DISTRICT • ASSEMBLY DEMOCRATIC CAUCUS CHAIR

RECEIVED  
WALWORTH COUNTY CLERK  
2013 JUN 3 AM 9:29

May 30, 2013

Walworth County Board of Supervisors  
c/o Kimberly S. Bushey  
100 West Walworth  
P.O. Box 1001  
Elkhorn, WI 53121

Dear Kimberly:

Thank you for providing my office with the Walworth County Board's series of resolutions that were adopted on May 14, 2013. It is a privilege serving in the Wisconsin State Assembly and I appreciate hearing their thoughts on these matters.

The series of resolutions you presented me offers good insight as to what local opinions are on a number of issues. I hope that we will stay in touch, moving forward this legislative session. Communication is essential to me serving you well. Please know I will keep the board's views in mind if any of these issues come up for debate in the Wisconsin State Assembly.

Thank you again for providing my office with this resolution, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to adopt this series of resolutions. Please know that I am always willing to have a conversation and listen to the board's concerns regarding these or any other matters of importance.

Sincerely,



ANDY JORGENSEN  
State Representative  
43<sup>rd</sup> Assembly District





Response to your letters  
Rep.Craig  
to:  
kbushey  
06/05/2013 04:42 PM  
Show Details

*Clerk Bushey, please share the below letter with the County Board. Thank you.*

Dear Walworth County Board Members,

Thank you for providing my office with a copy of the recent resolutions you adopted relating to incarceration rates, the Special Needs Voucher program, the Medical Assistance Purchase Plan, U.S. Highway 12 environmental impact study, veteran status on ID cards, strip searches, firearms on school grounds and foreclosure laws.

Please be assured that I will keep these resolutions in mind when considering legislation that could impact the priorities outlined in your resolutions.

Again, thank you for sharing these resolutions with me. If you wish to contact me regarding these or other issues, please feel free to contact me at 888-534-0083 or email me at [Rep.Craig@legis.wi.gov](mailto:Rep.Craig@legis.wi.gov).

Sincerely,

David Craig  
State Representative  
83rd Assembly District



# Wisconsin Department of Transportation

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Scott Walker  
Governor

Mark Gottlieb, P.E.  
Secretary

RECEIVED  
WALWORTH COUNTY CLERK

2013 JUN -7 AM 9:37

Office of the Secretary  
4802 Sheboygan Avenue, Room 120B  
P O Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-1113  
FAX: 608-266-9912  
E-mail: [sec.exec@dot.wi.gov](mailto:sec.exec@dot.wi.gov)

June 6, 2013

Kimberly S. Bushey, County Clerk  
Walworth County  
100 West Walworth  
P.O. Box 1001  
Elkhorn, WI 53121

Dear Ms. Bushey:

I am in receipt of your May 20, 2013 letter containing Walworth County Board Resolution Number 20-05/13 that supports a U.S. Highway 12 bypass route in the vicinity of the Lauderdale Lakes area in Walworth County and urges the inclusion of funding an Environmental Impact Study (EIS) in the 2013-15 budget.

As I mentioned in my previous letter to your board, this important corridor is included in the National Highway System and is classified by the Wisconsin Department of Transportation (WisDOT) as a Connections 2030 Connector Route. WisDOT is also aware that the Southeastern Wisconsin Regional Planning Commission's 2035 Regional Transportation System Plan has identified this segment of USH 12 with a "red line" to designate it as a recommended candidate for a new arterial connection. The Plan also recognizes widening existing USH 12 as an alternative to building a USH 12 freeway on new alignment.

According to state statutes, projects that create a new freeway or add highway capacity for over five miles require action by the Transportation Projects Commission (TPC), and enumeration in the state budget. These projects are defined as Major Highway Projects. Major Highway Projects must start as Major Highway Study Projects – projects approved by the TPC for environmental study or directed by the legislature. Only after an environmental document is finalized can the TPC recommend enumeration for construction. As you are aware, the Joint Finance Committee recently approved language in the budget bill that requires WisDOT to begin an environmental impact statement (EIS) in the 2013-15 biennium for a proposed project on USH 12 from Elkhorn to Whitewater. The motion adopted by the Joint Finance Committee waives the requirement that the Transportation Projects Commission approve the study prior to commencing the EIS. Of course, the budget is still in development and the final language remains subject to change.

As illustrated in the final report of the Transportation Finance and Policy Commission this past January, statewide transportation needs far exceed available funding. It is projected that completing construction on the currently enumerated Major Projects and five of the existing study projects will fill the program until 2024 to 2030, depending upon future funding levels. Therefore, initiating a new major highway study in the 2013-15 budget or as late as the 2015-17 budget would not delay when that project could be enumerated and constructed.

WisDOT remains dedicated to providing a safe and efficient transportation system for all the citizens of Wisconsin. Thank you for your continued interest in this important corridor.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gottlieb".

Mark Gottlieb, P.E.  
Secretary