



November 7, 2016 – Walworth County Board of Supervisors

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

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

County Clerk

Kimberly S. Bushey  
County Clerk

- Claim – Marie S. Ayen, William M. Melloch, Plaintiffs, and Walworth County Employee Health Benefit Plan, Involuntary Plaintiff vs. Artisan and Truckers Casualty Company, et al – Summons, Complaint, First Set of Written Interrogatories to Defendants, and First Set of Requests for Production of Documents and Things to Defendants (To be referred to the Executive Committee)
- Correspondence from Michael Krejci, Citizen Representative –Agriculture & Extension Education Committee regarding Advocating for Extension Funding (To be referred to the Agriculture & Extension Education Committee)
- Correspondence from Mark Hilliker, Acting Chief Executive Officer of Community Link, Inc. regarding Notification of Community Link, Inc. Response to State Request for Proposal (RFP)- To contract as a regional Managed Care Organization for the delivery of the Family Care Program within Walworth County (To be referred to the Health and Human Services Board)
- Correspondence from Maria Ledger, Chief Executive Officer of My Choice Family Care (MCFC) regarding notification of MCFC's submittal in response to the State of Wisconsin Department of Health Services-Request for Proposal (RFP) for Managed Care Organizations for the Delivery of Managed Long-term Care within Walworth County (To be referred to the Health and Human Services Board)
- Correspondence from Karen Musser, Chief Executive Officer of Care Wisconsin regarding notification that Care Wisconsin First, Inc. plans to submit a proposal in response to the Wisconsin Department of Health and Family Services Request for Proposal RFP #S-0505 DLTC-17 to offer the Family Care program in 2017 within Walworth County (To be referred to Health and Human Services)
- Outagamie County Resolution No. 57-2016-17 – Urges the state legislature to develop and enact bipartisan support for funding of comprehensive, sustainable, effective and evidence based communicable disease control and prevention for the public's health (Topic previously referred to the Health & Human Services Board) (To be placed on file)
- Correspondence from the Village of Mukwonago Regarding Notice of Comprehensive Plan Amendment (A complete copy of the amendment can be viewed in the County Clerk's office) (To be placed on file)
- Environmental Assessment of Wisconsin Electric Power Company Hospital Road Gas Main Replacement and Upgrade Project, Docket 6630-CG-135 dated September 2016 (To be placed on file)
- American Transmission Company (ATC) Fall 2016 Flier – Spring Valley-North Lake Geneva Electric Reliability Project (To be placed on file)

- *Walworth County Aging & Disability Resource Center News, November 2016*  
(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.*

11/01/14 AT 0935 AM *Allen*



**COPY**

16CV008049

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

**MARIE S. AYEN,**  
**WILLIAM M. MELLOCH,**  
W2094 Beulah Heights Road  
East Troy, WI 53120,

**SUMMONS**

**JURY DEMAND FEE 12  
PERSON \$72.00 PAID**

Plaintiffs,

Case No.:

and

**HON. DENNIS MORONEY, BR. 20  
CIVIL N**

**WALWORTH COUNTY EMPLOYEE HEALTH BENEFIT PLAN,**  
c/o Kimberly S. Bushey, Walworth County Clerk  
Plan Administrator  
100 West Walworth Street  
P.O. Box 1001  
Elkhorn, WI 53121,

Hon.

*Personal Injury-Auto: 30101*

Involuntary Plaintiffs,

**AMOUNT CLAIMED GREATER  
THAN \$5,000.00**

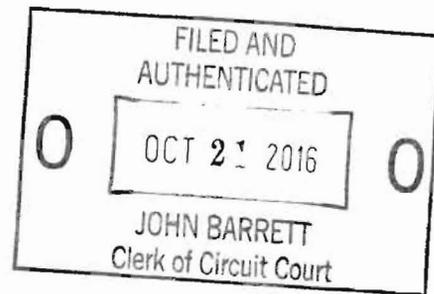
vs

**ARTISAN AND TRUCKERS CASUALTY COMPANY,**  
a domestic corporation  
c/o CT Corporation System, Registered Agent  
8020 Excelsior Drive, Suite 200  
Madison, WI 53717,

**BRIGID L. LEEDOM,**  
1319 N. Jackson Street, #216  
Milwaukee, WI 53202-2623,

**RURAL MUTUAL INSURANCE COMPANY,**  
a domestic corporation  
c/o Ariella Schreiber, Registered Agent  
1241 John Q. Hammons Drive, Suite 200  
Madison, WI 53717,

**AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN,**  
A domestic corporation  
c/o Corporation Service Company, Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, WI 53717,



RECEIVED  
WALWORTH COUNTY CLERK  
2016 NOV - 1 AM 10:12

**TAYLOR SNELL,**  
627 E. High Street  
Milton, WI 53563,

**ABC INSURANCE COMPANY,**  
a fictitious corporation,

Defendants.

---

**THE STATE OF WISCONSIN**

**TO EACH PERSON NAMED ABOVE AS A DEFENDANT:**

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond to the Complaint with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is *Milwaukee County Courthouse, 901 North 9<sup>th</sup> Street, Milwaukee, Wisconsin 53233*, and to *HABUSH HABUSH & ROTTIER S.C.<sup>®</sup>*, whose address is *851 Park Drive, Suite 102, Lake Geneva, Wisconsin 53147..* You may have an attorney help or represent you.

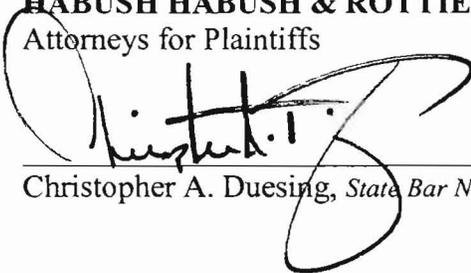
If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or

seizure of property.

Dated at Lake Geneva, Wisconsin this 19<sup>th</sup> day of October, 2016.

**HABUSH HABUSH & ROTTIER S.C.®**  
Attorneys for Plaintiffs

By:

  
\_\_\_\_\_  
Christopher A. Duesing, *State Bar No. 1025613*

**PLEASE TAKE NOTICE THAT THE PLAINTIFFS DEMAND THAT THE ABOVE ENTITLED ACTION BE TRIED BY A TWELVE PERSON JURY.**

**P.O. ADDRESS:**

851 Park Drive, Suite 102  
Lake Geneva, WI 53147  
(262) 248-5200

 COPY

16CV008049

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

**MARIE S. AYEN,**  
**WILLIAM M. MELLOCH,**  
W2094 Beulah Heights Road  
East Troy, WI 53120,

**COMPLAINT**

Plaintiffs,

Case No.:

and

**WALWORTH COUNTY EMPLOYEE HEALTH BENEFIT PLAN,**  
c/o Kimberly S. Bushey, Walworth County Clerk  
Plan Administrator  
100 West Walworth Street  
P.O. Box 1001  
Elkhorn, WI 53121,

Hon.

*Personal Injury-Auto: 30101*

Involuntary Plaintiffs,

**AMOUNT CLAIMED GREATER  
THAN \$5,000.00**

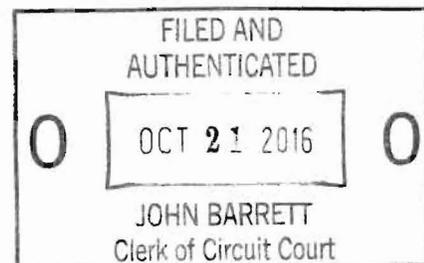
vs

**ARTISAN AND TRUCKERS CASUALTY COMPANY,**  
a domestic corporation  
c/o CT Corporation System, Registered Agent  
8020 Excelsior Drive, Suite 200  
Madison, WI 53717,

**BRIGID L. LEEDOM,**  
1319 N. Jackson Street, #216  
Milwaukee, WI 53202-2623,

**RURAL MUTUAL INSURANCE COMPANY,**  
a domestic corporation  
c/o Ariella Schreiber, Registered Agent  
1241 John Q. Hammons Drive, Suite 200  
Madison, WI 53717,

**AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN,**  
A domestic corporation  
c/o Corporation Service Company, Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, WI 53717,



**TAYLOR SNELL,**  
627 E. High Street  
Milton, WI 53563,

**ABC INSURANCE COMPANY,**  
a fictitious corporation,

Defendants.

---

The above named plaintiffs by **HABUSH HABUSH & ROTTIER S.C.<sup>®</sup>**, their attorneys, as and for a Complaint against the above named defendants, allege and show to the Court as follows:

**GENERAL ALLEGATIONS**

1. At the present time the plaintiffs, Marie S. Ayen and William M. Melloch, are adult citizens and residents of the State of Wisconsin, whose current address is W2094 Beulah Heights Road, East Troy, Wisconsin.

2. At the present time the involuntary plaintiff, Walworth County Employee Health Benefit Plan (hereinafter "the Plan), alleges that it is a wholly owned, self-insured employee welfare benefit plan established under Employee's Income Security Act (ERISA) with the office of its Plan Administrator, Walworth County Clerk, located at 100 West Walworth Street, P.O. Box 1001, Elkhorn, Wisconsin; the said Plan is an involuntary plaintiff by reason of §803.03 Wis. Stats., because it has an interest in the plaintiffs' claim by reason of its being the medical benefits provider for the plaintiff, Marie S. Ayen.

3. At the present time the defendant, Artisan and Truckers Casualty Company (hereinafter "Artisan and Truckers "), is a domestic corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with offices of its registered agent, CT

Corporation System, located at 8020 Excelsior Drive, Suite 200, Madison, Wisconsin; upon information and belief defendant, Artisan and Truckers, does substantial business in Milwaukee County; this defendant is engaged in the business of writing and selling motor vehicle liability insurance; prior to the date of the accident on October 31, 2013, the defendant corporation had issued a policy of insurance to Brigid L. Leedom, insuring her or anyone operating her motor vehicle with her consent against any liability imposed by law arising out of the negligent operation of her motor vehicle which policy of insurance was in full force and effect at the time of the accident; in the contract of insurance defendant, Artisan and Truckers, reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims and it has a direct interest in this litigation; by virtue of the laws of the State of Wisconsin, Artisan and Truckers is a proper defendant herein.

4. Upon information and belief the defendant, Brigid L. Leedom, is an adult citizen and resident of the State of Wisconsin, whose last known address is 1319 N. Jackson Street, #216, Milwaukee, Wisconsin, 53186.

5. At the present time the defendant, Rural Mutual Insurance Company (hereinafter "Rural Mutual"), is a domestic corporation duly organized under and by virtue of the laws of the State of Wisconsin, with offices of its registered agent, Ariella Schreiber, with her office located at 1241 John Q. Hammons Drive, Suite 200, Madison, Wisconsin; prior to October 31, 2013, defendant, Rural, issued a policy of insurance to plaintiffs, Marie S. Ayen and William M. Melloch, covering the motor vehicle they owned and Marie S. Ayen was operating at the time of the accident that is the subject of this Complaint, and the policy of insurance provided underinsured motorist

coverage for the plaintiffs, and which policy of insurance was in full force and effect at the time of the aforesaid accident.

6. At the present time the defendant, American Standard Insurance Company of Wisconsin (hereinafter "American Standard "), is a domestic corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 200, Madison, Wisconsin; upon information and belief defendant, American Standard, does substantial business in Milwaukee County; this defendant is engaged in the business of writing and selling motor vehicle liability insurance; prior to the date of the accident on March 19, 2015, the defendant corporation had issued a policy of insurance to Scott and Lisa M. Snell, insuring them or anyone operating their motor vehicle with their consent, including Taylor Snell, against any liability imposed by law arising out of the negligent operation of their motor vehicle which policy of insurance was in full force and effect at the time of the accident; upon information and belief, at the time of the accident, Taylor Snell, was operating with permission and consent a vehicle owned and insured by Scott and Lisa M. Snell; in the contract of insurance defendant, American Standard, reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims and it has a direct interest in this litigation; by virtue of the laws of the State of Wisconsin, American Standard is a proper defendant herein.

7. Upon information and belief defendant, Taylor Snell, is an adult citizen and resident of the State of Wisconsin, whose last known address is 627 E. High Street, Milton, Wisconsin.

8. Upon information and belief, an unknown insurance company, herein designated pursuant to Wis. Stat. §807.12 by the fictitious name of ABC Insurance Company, had issued a

policy of insurance to defendant, Taylor Snell, which policy provided coverage to defendant, Taylor Snell, for claims such as those hereinafter set forth in this Complaint and which policy of insurance was in full force and effect at the time of the hereinafter described matter; in the contract of insurance, this defendant insurance company reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims; by virtue of this contract of insurance, this defendant ABC Insurance Company is a proper party defendant herein.

**FIRST CAUSE OF ACTION: NEGLIGENCE**  
**AGAINST DEFENDANTS: ARTISAN AND TRUCKERS CASUALTY COMPANY**  
**AND BRIGID L. LEEDOM**

9. Plaintiffs reallege and incorporate herein by reference all of the allegations contained in paragraphs one through eight of the Complaint herein.

10. On or about October 31, 2013, plaintiff, Marie S. Ayen, was operating her motor vehicle westbound on West Greenfield Avenue and was stopped in traffic at or about the intersection with 75<sup>th</sup> Street, in City of West Allis, County of Milwaukee, State of Wisconsin.

11. At the same time and place the defendant, Brigid L. Leedom, was operating her motor vehicle westbound on West Greenfield Avenue, at or about the intersection with 75<sup>th</sup> Street, when she negligently operated her motor vehicle causing her motor vehicle to collide with the back of the vehicle being driven by the plaintiff, Marie S. Ayen.

12. The defendant, Brigid L. Leedom, was negligent in the manner in which she operated her motor vehicle and was otherwise negligent.

13. The above and foregoing acts of negligence on the part of the defendant, Brigid L. Leedom, were a direct and proximate cause of the injuries and damages sustained by the plaintiff, Marie S. Ayen.

14. As a result of the negligence on the part of the defendant, Brigid L. Leedom, as afore alleged, the plaintiff, Marie S. Ayen, sustained permanent injuries and damages, including past and future pain, suffering and disability loss of enjoyment of life; past wage loss and impairment of future earning capacity; past and future medical expenses; and other compensable injuries.

15. The involuntary plaintiff, the Plan, is the medical benefits provider for the plaintiff, Marie S. Ayen, and as such benefits provider was obliged to pay hospital and medical bills for the treatment of said plaintiff for the injuries sustained as afore alleged; by reason of said injuries, the Plan expended money for hospital and medical bills and will be so obliged in the future and, therefore, may have a subrogation interest herein to the extent of its payments.

**SECOND CAUSE OF ACTION: NEGLIGENCE**  
**AGAINST DEFENDANTS: AMERICAN STANDARD INSURANCE COMPANY OF**  
**WISCONSIN AND TAYLOR SNELL**

16. Plaintiffs reallege and incorporate herein by reference all of the allegations contained in paragraphs one through eight of the Complaint herein.

17. On or about March 19, 2015, plaintiff, Marie S. Ayen, was operating her motor vehicle on Deerfield Drive and stopped in traffic at or about 2901 Deerfield Drive, in the City of Janesville, County of Rock, State of Wisconsin.

18. At the same time and place the defendant, Taylor Snell, was operating his motor vehicle on Deerfield Drive, at or about 2901 Deerfield Drive, when he negligently operated his

motor vehicle causing his motor vehicle to collide with the back of the vehicle being driven by the plaintiff, Marie S. Ayen.

19. The defendant, Taylor Snell, was negligent in the manner in which he operated his motor vehicle and was otherwise negligent.

20. The above and foregoing acts of negligence on the part of the defendant, Taylor Snell, were a direct and proximate cause of the injuries and damages sustained by the plaintiff, Marie S. Ayen.

21. As a result of the negligence on the part of the defendant, Taylor Snell, as afore alleged, the plaintiff, Marie S. Ayen, sustained permanent injuries and damages, including past and future pain, suffering and disability loss of enjoyment of life; past wage loss and impairment of future earning capacity; past and future medical expenses; and other compensable injuries.

22. Involuntary plaintiff, the Plan, is the medical benefits provider for the plaintiff, Marie S. Ayen, and as such benefits provider was obliged to pay hospital and medical bills for the treatment of said plaintiff for the injuries sustained as afore alleged; by reason of said injuries, the Plan expended money for hospital and medical bills and will be so obliged in the future and, therefore, may have a subrogation interest herein to the extent of its payments.

**THIRD CAUSE OF ACTION IN FAVOR OF PLAINTIFFS AGAINST DEFENDANT:**  
**RURAL MUTUAL INSURANCE COMPANY**

23. Plaintiffs reallege and incorporate herein by reference all of the allegations of paragraphs one through twenty-two of the Complaint herein.

24. Prior to October 31, 2013, the defendant, Rural Mutual, issued a policy of insurance to the plaintiffs covering the motor vehicle owned and operated by plaintiff, Marie S. Ayen, at the

time of the accidents that are the subject of this Complaint, and the policy of insurance provided under-insured motorist coverage for the plaintiffs, and which policy of insurance was in full force and effect at the time of the aforesaid accidents.

25. The policy of insurance issued by defendant, Artisan and Truckers, to defendant, Brigid L. Leedom, provided bodily injury liability limits which may be less than the amount of damages which the plaintiffs are entitled to recover from defendant, Brigid L. Leedom, and the motor vehicle driven by defendant, Brigid L. Leedom may be an underinsured motor vehicle under the terms of the insurance policy issued by defendant, Rural Mutual, to plaintiffs, Marie S. Ayen and William M. Melloch.

26. The policy of insurance issued by defendant, American Standard, to defendant, Taylor Snell, provided bodily injury liability limits which may be less than the amount of damages which the plaintiffs are entitled to recover from defendant, Taylor Snell, and the motor vehicle driven by defendant, Taylor Snell may be an underinsured motor vehicle under the terms of the insurance policy issued by defendant, Rural Mutual, to plaintiffs, Marie S. Ayen and William M. Melloch.

27. The plaintiffs, Marie S. Ayen and William M. Melloch , have sustained injuries and damages which may be in excess of the policy limits of the liability insurance coverage issued by defendant, Artisan and Truckers, to defendant, Brigid L. Leedom.

28. The plaintiffs, Marie S. Ayen and William M. Melloch , have sustained injuries and damages which may be in excess of the policy limits of the liability insurance coverage issued by defendant, American Standard, to defendant, Taylor Snell.

29. Under the terms of the policy issued by defendant, Rural Mutual, and by reason of §631.43 of the Wisconsin Statutes, the plaintiffs may be entitled to receive the balance of compensation for their injuries from defendant, Rural Mutual.

**FOURTH CAUSE OF ACTION IN FAVOR OF THE PLAINTIFF:**  
**WILLIAM M. MELLOCH AGAINST ALL DEFENDANTS**

30. Plaintiffs reallege and incorporate herein by reference all of the allegations of paragraphs one through twenty-nine of the Complaint herein.

31. The plaintiff, William M. Melloch, is the husband of the plaintiff, Marie S. Ayen, and sustained loss of consortium damages and will in the future continue to sustain said damages as the result of the injuries sustained by his wife.

WHEREFORE, the plaintiffs demand judgment against the defendants for the amount of damages found to be appropriate, together with the costs, disbursements and prejudgment interest in this action.

In the event of settlement or verdict in favor of the plaintiffs, plaintiffs demand judgment for an order declaring the plaintiffs' rights to such settlement/verdict proceeds paramount to those of any subrogated party.

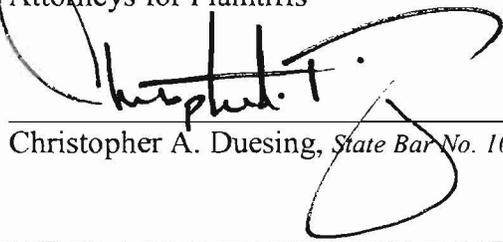
Finally, in the event of any subrogated party's failure to respond to this Complaint in a timely manner, the plaintiffs request this Court to grant an order dismissing the subrogated party from this action and barring any claim for subrogation and/or reimbursement, and barring the subrogated party from participating in any judgment or settlement in this action.

Plaintiffs alleges that their damages are more than the minimum amount necessary to invoke the jurisdiction of this Court.

Dated at Lake Geneva, Wisconsin this 19<sup>th</sup> day of October, 2016.

**HABUSH HABUSH & ROTTIER S.C.®**  
Attorneys for Plaintiffs

By:

  
\_\_\_\_\_  
Christopher A. Duesing, *State Bar No. 1025613*

**PLEASE TAKE NOTICE THAT THE PLAINTIFFS DEMAND THAT THE  
ABOVE ENTITLED ACTION BE TRIED BY A TWELVE PERSON JURY.**

**P.O. ADDRESS:**

851 Park Drive, Suite 102  
Lake Geneva, WI 53147  
(262) 248-5200

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

---

**MARIE S. AYEN,  
WILLIAM M. MELLOCH,**

Plaintiffs,

Case No.: 16-CV-8049

and

**WALWORTH COUNTY EMPLOYEE HEALTH BENEFIT PLAN,**

Involuntary Plaintiffs,

Hon. Dennis Moroney  
Branch 20

vs

**ARTISAN AND TRUCKERS CASUALTY COMPANY,  
BRIGID L. LEEDOM,  
RURAL MUTUAL INSURANCE COMPANY,  
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN,  
TAYLOR SNELL, and  
ABC INSURANCE COMPANY,**

Defendants.

---

**FIRST SET OF WRITTEN INTERROGATORIES TO DEFENDANTS  
PURSUANT TO SEC. 804.08, WISCONSIN STATUTES**

---

**TO: ARTISAN AND TRUCKERS CASUALTY COMPANY  
BRIGID L. LEEDOM  
RURAL MUTUAL INSURANCE COMPANY  
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN  
TAYLOR SNELL**

**PLEASE TAKE NOTICE** that the plaintiffs require the defendants to answer the following Interrogatories in writing and under oath, within forty-five (45) days hereof, in accordance with Rule 804.08, and to produce documents in accordance with Rule 804.09. Answer each Interrogatory separately and fully, in writing, under oath, unless it is objected to, in which

event the reasons for objection must be stated in lieu of an answer. An evasive or incomplete answer is deemed to be a failure to answer under Rule 804.12.

You are under a continuing duty to seasonably supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matter, and the identity of each person expected to be called as a witness. Furthermore, you are under a similar duty to correct any incorrect response when you later learn that it is incorrect.

**INTERROGATORY NO. 1:** List the names, last known addresses and telephone numbers of all persons who were witnesses to the accident in question or who have knowledge of the facts leading up to and immediately following the accident, including those persons not listed in the motor vehicle accident report.

**INTERROGATORY NO. 2:** List the names, last known addresses and phone numbers of all persons who have knowledge of the injuries and damages sustained or claimed by the plaintiffs as a result of the accident.

**INTERROGATORY NO. 3:** List the names, last known addresses and phone numbers of all persons from whom the defendants or any of their representatives have interviewed or obtained written or recorded statements.

**INTERROGATORY NO. 4:** Are you aware of any photographs, videos, films or other pictorial or visual evidence that have been taken concerning this matter? If so, provide:

- (a) the date of the photographs, videos, films or other pictorial or visual evidence;
- (b) the custodian of the original photographs, videos, films or other pictorial or visual evidence;
- (c) the nature of the subject matter depicted in the photographs, videos, films or other pictorial or visual evidence; and
- (d) the name, last known address and phone number of the photographer/videographer.

**INTERROGATORY NO. 5:** Identify any and all policies of insurance issued to you or anyone else which were in effect at the time of the incident, which provided motor vehicle liability coverage of any kind, including excess or umbrella coverage, to you for any vehicle by identifying the name and address of the issuing insurance company, the policy number of each such policy, the period of coverage provided under each policy, and the limits of liability under each policy.

**INTERROGATORY NO. 6:** Describe in your own words how the incident that is the subject matter of this lawsuit occurred.

**INTERROGATORY NO. 7:** For each affirmative defense in your answer to the Complaint, please state the following information in regard to **each** such defense:

- (a) Each and every fact you contend forms the basis for the defense; and
- (b) The name, address and telephone number of every witness who has knowledge of the facts referred to in subdivision (a).

**INTERROGATORY NO. 8:** Have you taken any movies, videotapes, photographs or any other type of pictorial evidence which in any manner depict the plaintiffs from the date of the accident through the present date? If so, provide the name, last known address and phone number of the person who took any such item and of the person who has custody of such items.

**INTERROGATORY NO. 9:** Do you have information concerning the property damage to any of the vehicles involved in the accident which is the subject of this matter? If so, provide

- (a) the make, model and year of the damaged vehicle(s);
- (b) a description of the damage to each vehicle;
- (c) the dollar amount of the repair or estimate for repair for each vehicle; and
- (d) the fair market value of the vehicle if it was declared a “total” loss.

**INTERROGATORY NO. 10:** Have any defendants had any contact with the plaintiff(s) at any time after the accident concerning the accident itself? If so, provide:

- (a) the name, last known address and phone number of the person who made the contact(s);
- (b) the date of such contact(s);
- (c) the nature of such contact(s) (i.e. in-person contact, telephone contact, hospital visit, letter, etc.); and
- (d) the substance of each contact.

**INTERROGATORY NO. 11:** Do you have any knowledge of the plaintiff's involvement in any prior or subsequent personal injury accidents of any nature? If so, provide:

- (a) The date of the accident;
- (b) The place of the accident;
- (c) Describe the type of accident and the nature of the injuries sustained;
- (d) Do you have any records or reports concerning any of the incidents referred to in your answers above?

**INTERROGATORY NO. 12:** Did you have a cell phone or other digital device in your possession at the time of the accident? If so, provide:

- (a) a description of the device, e.g. cell phone, iPod, iPad, notebook, tablet, etc.
- (a) the name and address of your service provider;
- (b) your cell phone number;
- (c) whether you were using your cell phone or other digital device (such as talking, texting, emailing or reading on the screen) just prior to or at the time of the accident.

**INTERROGATORY NO. 13:** In the 12 hours prior to the accident, did you consume any alcohol or drugs, including prescription medications? If so, provide:

- (a) the name of the substance(s) consumed;
- (b) the quantity of substance(s) consumed;
- (c) the time you consumed the substance(s)
- (d) where the substance was consumed;
- (e) the name, last known address and phone number of each person with whom the substance(s) was consumed.

**INTERROGATORY NO. 14:** Please state whether there was a data recorder in the defendant's vehicle. If so, please identify whether it has been preserved and if it has been downloaded.

**INTERROGATORY NO. 15:** Identify your employer at the time of the accident, by providing name, address, the business of the employer, your job title and a description of your duties for that employer, and whether you were working for your employer or someone else at the time of the accident.

**INTERROGATORY NO. 16:** Describe what you were doing at the time of the accident, including where you were coming from, where you were going to and your purpose in going there.

**INTERROGATORY NO. 17:** If you refuse to produce any documents requested in plaintiff's requests for production on the grounds of attorney-client privilege or work-product of counsel, provide a privilege log, which identifies the documents and provides the date of the document, a general description of the document, a general description of the subject matter of the document and identifies the author and all recipients.

**INTERROGATORY NO. 18:** Do you contend that the plaintiff's actions or omissions were a contributing factor to this accident? If so, please describe in detail each action or omission.

**INTERROGATORY NO. 19:** Do you contend that there are any other accidents other than the occurrence which is the subject matter of this lawsuit, which are a cause or aggravation of the plaintiff's present physical condition or claims? If you answer this question in the affirmative, then state:

- (a) What are the dates and places of said accidents or incidents?

- (b) What are the names and addresses of all persons involved in said accidents or incidents?
- (c) What are the injuries or physical conditions which you contend occurred in said accidents or incidents?
- (d) Do you have any reports or records pertaining to accidents or incidents with respect each physical condition?
- (e) What is the name and address of the original supplier of said records referenced to in subdivisions (a) through (d)?
- (f) What are the names and addresses of all persons who have information or knowledge with respect to any of the matters set forth in subparts (a) through (e)?

**INTERROGATORY NO. 20:** Do you claim that any congenital condition or disease process is the cause or aggravation of the plaintiff's present physical condition for which claims are being made as a result of the accident in this lawsuit? If you answer this question in the affirmative, then state:

- (a) What congenital condition or disease process do you claim is the cause of aggravation of the plaintiff's present physical condition for which claims are being made in this lawsuit?
- (b) Do you have any records or reports pertaining to said congenital condition or disease process?
- (c) What is the name and address of the original supplier of said information with respect to this contention about referred?
- (d) What are the names and address of all persons who have information or knowledge with respect to any of the matters set forth in subparts (a) through (c)?

**INTERROGATORY NO. 21:** Do you contend that any action, event or activity on the part of the plaintiff has caused or aggravated the plaintiff's present medical condition for which claims are being made as a result of the accident in this lawsuit? If you answer this question in the affirmative, then state:

- (a) What are the dates and places of said alleged aggravating events or activities?
- (b) What are the names and addresses of all persons involved in such actions, events or activities?
- (c) What is the nature of the aggravation you contend occurred in said actions, events or activities?
- (d) State the form of each piece of visual evidence, whether it be a movie, videotape, photograph, slide or other form of pictorial evidence that supports your contention.

**INTERROGATORY NO. 22:** Please state whether the defendants or any of their representatives have any blueprints, plans, drawings, plats, sketches, diagrams, maps or other tangible things which in any way depict the scene of the accident or any object or subject involved in the accident in question. If so, state:

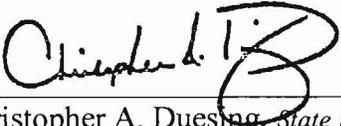
- (a) What is depicted in each blueprint, plan, drawing, plat, sketch, diagram or map;
- (b) When each item was prepared;
- (c) The name and address of the person who prepared each such item;
- (d) The name and address of the person who now has custody of each such item.

**INTERROGATORY NO. 23:** Were there any tests, inspections or measurements made or taken with respect to the accident scene or any object involved in the accident? If so, please state:

- (a) The subject of each test, inspection or measurement;
- (b) The name and address of the person who conducted each test, inspection or measurement;
- (c) The date on which each test, inspection or measurement was performed;
- (d) The name and address of the person now having custody of the written report concerning each test, inspection or measurement.

Dated at Lake Geneva, Wisconsin this 26<sup>th</sup> day of October, 2016.

**HABUSH HABUSH & ROTTIER S.C.<sup>®</sup>**  
Attorneys for Plaintiffs

By:   
\_\_\_\_\_  
Christopher A. Duesing, State Bar No. 1025613

**P.O. ADDRESS:**

851 Park Drive, Suite 102  
Lake Geneva, WI 53147  
(262) 248-5200

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

---

**MARIE S. AYEN,  
WILLIAM M. MELLOCH,**

Plaintiffs,

Case No.: 16-CV-8049

and

**WALWORTH COUNTY EMPLOYEE HEALTH BENEFIT PLAN,**

Involuntary Plaintiffs,

Hon. Dennis Moroney  
Branch 20

vs

**ARTISAN AND TRUCKERS CASUALTY COMPANY,  
BRIGID L. LEEDOM,  
RURAL MUTUAL INSURANCE COMPANY,  
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN,  
TAYLOR SNELL, and  
ABC INSURANCE COMPANY,**

Defendants.

---

**FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND THINGS TO DEFENDANTS  
PURSUANT TO SEC. 804.09, WISCONSIN STATUTES**

---

**TO: ARTISAN AND TRUCKERS CASUALTY COMPANY  
BRIGID L. LEEDOM  
RURAL MUTUAL INSURANCE COMPANY  
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN  
TAYLOR SNELL**

**PLEASE TAKE NOTICE** that, pursuant to §804.09, Wis. Stats., the plaintiffs require the defendants to produce for inspection and/or copying within forty-five (45) days hereof at the offices of their attorneys, HABUSH HABUSH & ROTTIER S.C.<sup>®</sup>, 851 Park Drive, Suite 102, Lake Geneva, WI 53147, a copy of each of the following described documents or things:

1. Any and all photographs, videos, films or any other pictorial or visual evidence which depict the plaintiff in any form or manner from the date of the accident involved in this lawsuit through and including the present date.

2. Any and all written or recorded statements, including any transcription which is a substantially verbatim recital of an oral statement, taken from or made by any parties or witnesses to the accident in question or persons who have knowledge of the accident or injuries or damages sustained or claimed by the plaintiff.

3. Any and all photographs, videos, films or any other pictorial or visual evidence of the damage to the vehicles, the accident scene, or pertaining in any way to the accident in question or injuries or damages claimed by the plaintiff.

4. Any and all policies of insurance issued to you or anyone else which were in effect at the time of the incident, which provided motor vehicle liability coverage to you of any kind, including excess or umbrella coverage, for any vehicle.

5. Any documents, insurance policies, photographs or items of any kind identified by you in your answers to plaintiff's interrogatories.

6. All documents created, received or maintained by you containing any information pertaining in any way to the incident except for any documents protected by the attorney-client privilege.

7. The insurance claims files pertaining to the claim of plaintiff and all documents contained therein.

8. All documents, including internal memoranda, photographs, claims reports, accident reports, or any document of any kind, which contain any information concerning the incident.

9. Any and all records, documents or tangible evidence pertaining to any contention or claim of the defendants that the accident in question or any other accident or event caused or aggravated a pre-existing or congenital condition.

10. Any and all records, documents or tangible evidence pertaining to any contention or claim of the defendants that any pre-existing or subsequent or congenital condition is a cause of the injuries or damages that the plaintiff is claiming in the lawsuit herein.

11. Any and all documents, records or things obtained by you from anyone as a result of the use of any authorization of the plaintiff, including but not limited to authorizations for medical records, employment records, tax records, social security records, etc.

12. All documents containing any information regarding any cell phone or other digital device, e.g., cell phone, iPod, iPad, notebook, tablet, etc., which was in the defendant's possession at the time of the incident in question, including but not limited to, usage or billing records.

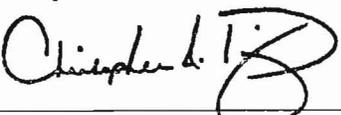
13. If you refuse to produce any documents requested on the grounds of attorney-client privilege or work-product of counsel, provide a privilege log, which provides the date of the document, a general description of the document, a general description of the subject matter of the document, and identifies the author and all recipients.

Dated at Lake Geneva, Wisconsin this 26<sup>th</sup> day of October, 2016.

**HABUSH HABUSH & ROTTIER S.C.<sup>®</sup>**

Attorneys for Plaintiffs

By:

  
\_\_\_\_\_  
Christopher A. Duesing, State Bar No. 1025613

**P.O. ADDRESS:**

851 Park Drive, Suite 102  
Lake Geneva, WI 53147  
(262) 248-5200



November 1, 2016

Walworth County Board of Supervisors  
100 W. Walworth Street  
Elkhorn, WI 53121

Re: Advocating for Extension Funding

Dear Supervisors:

Cooperative Extension plays an important role in improving the quality of life for residents of Walworth County. The continued success of Extension depends upon funding by its Federal, State and County partners. A cut in funding by any of the partners places important programs at risk. There are a number of pending decisions that will have important impacts on the future of Extension.

On September 30, the House and Senate approved a Continuing Resolution, which leaves funding at its current level. This Continuing Resolution expires on December 9. In addition to the federal budget, the state's 2017-2019 biennial budget planning has begun. The University of Wisconsin Board of Regents has submitted its budget request to the Governor. The Governor is required to submit his budget request to the State Legislature by January 31, 2017. Additional information can be found in my report to the Agriculture and Extension Education Committee at its meeting on October 17. Documentation is posted on the county website (select the "Distributed at Meeting" link).

I strongly urge the County Board to adopt a resolution advocating for adequate funding for Cooperative Extension and to forward that resolution to both state and federal representatives.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael Krejci". The signature is written in a cursive style with a large, prominent initial "M".

Michael Krejci  
Citizen Representative  
Agriculture and Extension Education Committee

MK/nh

# COMMUNITY LINK, INC.

formerly CCCW, ContinuUs, & WWC

RECEIVED  
WALWORTH COUNTY CLERK

2016 NOV -3 AM 10: 15

## MEMO

**TO:** Community Link, Inc. Stakeholders

**FROM:** Mark Hilliker, Acting Chief Executive Officer - Community Link, Inc.  
*(formerly ContinuUs, Community Care Connections of Wisconsin, and Western Wisconsin Cares)*

**DATE:** October 31, 2016

**SUBJECT:** NOTIFICATION OF COMMUNITY LINK, INC. RESPONSE TO STATE RFP

Community Link, Inc. (CLI) is preparing a response to the State Request for Proposal (RFP) to contract as a regional Managed Care Organization for the delivery of the Family Care Program in the counties of Ozaukee, Sheboygan, Walworth, Washington, and Waukesha.

This RFP was let on September 19, 2016, and the response is due November 9, 2016.

CLI represents a merger of three of the five original pilot programs for Family Care and, as such, each organization has contracted with the State of Wisconsin to provide Family Care Program benefits and services to eligible residents (frail elders and adults with physical and developmental disabilities) in Wisconsin since April 1, 2000. A successful response to this RFP will enable Community Link, Inc. to extend its provision of the same high level of service and care coordination currently being provided to more than 15,000 members under the auspices of ContinuUs, Community Care Connections of Wisconsin, and Western Wisconsin Cares.

Our organization works closely with local Aging & Disability Resource Centers and Income Maintenance Consortia to assure easy access and enrollment to the Family Care Program, and with other community stakeholders to provide high quality, individualized, and cost-effective long term care supports and services to our members.

I am contacting you as a leader within your county to let you know of our organization's plans to respond to this State Request for Proposal to operate the Family Care program in your region of the state. I have informed key members of your county management staff of our intent to respond to this RFP.

Please feel free to contact me directly at (715) 204-1802, with any questions regarding this Memo, the Request for Proposal, or the Family Care Program. I also invite you to visit our website at [www.mcomerger.org](http://www.mcomerger.org) to learn more about our organization.

Thank you.

RECEIVED  
WALWORTH COUNTY CLERK

2016 NOV -3 AM 10: 27



RECEIVED

NOV 3 2016

WALWORTH COUNTY ADMINISTRATION

October 27, 2016

The purpose of this letter is to notify you that My Choice Family Care (MCFC) is submitting a proposal in response to the State of Wisconsin Department of Health Services-Request for Proposal for Managed Care Organizations for the Delivery of Managed Long-term Care.

MCFC is proposing to provide the Family Care benefit in DHS geographic service region 5 (Adams, Columbia, Dodge, Green Lake, Jefferson, Marquette and Waushara Counties) and 6 (Ozaukee, Sheboygan, Walworth, Washington and Waukesha Counties); and the Family Care Partnership benefit in DHS geographic service region 5 (Columbia, Dodge and Jefferson Counties) and 6 (Ozaukee, Washington and Waukesha Counties).

MCFC currently provides the Family Care benefit to over 8,500 frail elders and adults with intellectual, developmental and physical disabilities in Milwaukee, Racine, Kenosha, Ozaukee, Rock, Sheboygan, Washington, Waukesha and Walworth Counties.

We contract with nearly 1,200 community agencies who provide a wide breadth of services to meet the needs of diverse populations throughout our service area. We look forward to a building a positive and collaborative partnership with you.

If you have any questions, please contact me at [maria.ledger@mychoicefamilycare.com](mailto:maria.ledger@mychoicefamilycare.com) or the phone number below.

Sincerely,

A handwritten signature in cursive script that reads 'Maria Ledger'.

Maria Ledger, Chief Executive Officer

**My Choice Family Care ~ 901 N. 9<sup>th</sup> Street ~ Room 307C ~ Milwaukee, WI 53233**

Phone: 414.287.7600 Toll Free: 877.489.3814 FAX: 414.287.7704

TTY: 414.287.7601

[www.mychoicefamilycare.com](http://www.mychoicefamilycare.com)

November 1, 2016

Nancy Russell  
Chairperson  
County Board  
100 W. Walworth St.  
Elkorn, WI 53121

Dear Nancy Russell:

Care Wisconsin is a statewide non-profit organization offering the Family Care and Family Care Partnership programs in 40 counties across Wisconsin. Since 1976, Care Wisconsin has been assisting persons with physical and intellectual/developmental disabilities and frail seniors to live as independently as possible. Our Mission statement is as follows: *"To promote the quality of life of our communities by empowering others and working together to creatively solve unique health and long term care needs. To operate on a sustainable financial basis through growth and continuous improvement."*

This letter is to notify you that Care Wisconsin First, Inc. plans to submit a proposal in response to the Wisconsin Department of Health and Family Services Request for Proposal RFP #S-0505 DLTC-17 to offer the Family Care program in 2017 in:

- GSR #1 – counties of Chippewa, Dunn, Eau Claire, Pierce, St. Croix, and Taylor;
- GSR #5 – counties of Adams, Columbia, Dodge, Green Lake, Jefferson, Marquette, and Waushara;
- GSR #6 – counties of Ozaukee, Sheboygan, Walworth, Washington, and Waukesha.

We look forward to the opportunity to serve the residents of your communities.

Sincerely,



Karen Musser  
Chief Executive Officer

**OUTAGAMIE COUNTY BOARD MEETING  
OCTOBER 11, 2016**

RESOLUTION NO. 57—2016-17

Supervisor Lemanski moved, seconded by Supervisor Gabrielson, for adoption.

RESOLUTION NO. 57—2016-17 IS ADOPTED.

1. THOMPSON	YES	13. WEGAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	YES	27. CULBERTSON	YES
4. PATIENCE	YES	16. LEMANSKI	YES	28. STURN	YES
5. GABRIELSON	YES	17. VACANT	Absent	29. BUCHMAN	YES
6. STRENN	YES	18. SPEARS	Absent	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	YES
11. MEYER	Absent	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
Item 15	Passed (33 Y - 0 N - 0 A - 3 Absent)			Majority Vote >	

***RESOLUTION NO.: 57—2016-17***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1 Wisconsin has no dedicated, stable federal and state funding sources for communicable disease  
2 control and prevention efforts. A strong public health infrastructure is paramount to the health of  
3 all citizens. Emerging and existing communicable diseases threaten health security, economies,  
4 and quality of life for all. Communicable diseases such as ebola, H1N1, measles, HIV and  
5 AIDS, tuberculosis, influenza, measles, syphilis, gonorrhea, rabies, hepatitis, polio, and pertussis,  
6 can threaten the lives and well-being of Wisconsin residents. Emerging and re-emerging threats  
7 such as ebola, H1N1, SARS, and measles threaten personal and community safety and require  
8 substantial resources to contain. Wisconsin local health department communicable disease  
9 programs protect residents by investigating and controlling communicable diseases, collecting  
10 data, educating the community about prevention and the importance of immunizations, and  
11 caring for those affected by these diseases. Public health departments have been successful in  
12 controlling communicable diseases through case reporting and involvement of public health staff  
13 in referral of exposed persons for screening and prevention services. Evidence in the scientific  
14 literature indicates that partner notification services are not adequately assured in the absence of  
15 specific public health staff involvement. Local health departments and the State of Wisconsin  
16 have demonstrated commitment, competence and success in assuring the confidentiality of  
17 persons with reported communicable disease for decades, including cases of AIDS. Local health  
18 departments have placed a high priority on communicable disease control. Communicable  
19 disease control is one of the ten essential functions of public health.

20  
21 NOW THEREFORE, the undersigned members of the Health & Human Services Committee  
22 recommend adoption of the following resolution.

23 BE IT RESOLVED, the Outagamie County Board of Supervisors urges the state legislature to  
24 develop and enact bipartisan support for funding of comprehensive, sustainable, effective and evidence  
25 based communicable disease control and prevention for the public's health, and

26 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy  
27 of this resolution to the Outagamie County Health & Human Services Director, the Outagamie County  
28 Executive, all Wisconsin Counties and the Outagamie County Lobbyist who will distribute to the  
29 Legislature and Governor.

30 Dated this 11th day of October 2016

31

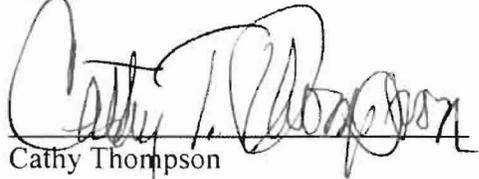
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

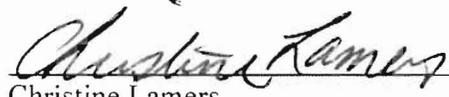
Respectfully submitted,  
HEALTH & HUMAN SERVICES COMMITTEE

  
Barney Lehanski

  
Patrick Meyer

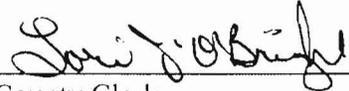
  
Dan Gabrielson

  
Cathy Thompson

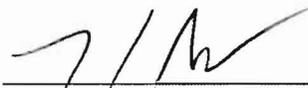
  
Christine Lamers

Duly and officially adopted by the County Board on: October 11, 2016

Signed:   
Board Chairperson

  
County Clerk

Approved: 10.13.16 Vetoed: \_\_\_\_\_

Signed:   
County Executive



# Village of Mukwonago

Office of the Village Planner

P.O. Box 206, 440 River Crest Court, Mukwonago, Wisconsin 53149  
(262) 363-6420 Fax: (262)363-6425

[www.villageofmukwonago.com](http://www.villageofmukwonago.com)

RECEIVED  
WALWORTH COUNTY CLERK  
2016 OCT 31 AM 10:11

October 26, 2016

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

Re: Notice of Comprehensive Plan Amendment

Dear Ms. Bushey:

The Village of Mukwonago adopted "Comprehensive Plan 2035" in October 2009 in accordance with the Comprehensive Planning Law of the State of Wisconsin. For most of 2016, Village officials and committees have been preparing an update to the plan focusing on land use priorities.

As directed by state law, the purpose of this correspondence is to inform you of an upcoming public hearing that will allow all interested parties to comment regarding a draft document to update the plan. The public hearing will occur on Tuesday, November 29, 2016 in the lower level Community Room of Village Hall, 440 River Crest Court, at 6:30 P.M. In addition, aspects of the updated plan can be reviewed and discussed with Village representatives during an Open House on Wednesday, November 9, 2016. The Open House will be held between 4:00 and 6:15 P.M. in the Board Room on the main level of Village Hall.

Enclosed with this letter please find a copy of the draft plan document and appendices, the public notice and the Plan Commission resolution granting preliminary approval of the proposal.

I encourage you or your representatives to attend the public hearing and Open House. Questions or comments can be forwarded to me at [planner@villageofmukwonago.com](mailto:planner@villageofmukwonago.com), or by calling 262-363-6420, x. 2111.

Sincerely,

VILLAGE OF MUKWONAGO

Bruce S. Kaniewski, AICP  
Village Planner/Zoning Administrator

**NOTICE OF A JOINT PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO PLAN  
COMMISSION AND VILLAGE BOARD TO CONSIDER AN AMENDMENT TO  
"COMPREHENSIVE PLAN 2035"**

Please take notice there will be a public hearing held jointly by the Village Plan Commission and the Village Board of the Village of Mukwonago in the Community Room within the lower level of Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on Tuesday, November 29, 2016, commencing at 6:30 P.M. to consider an amendment to "Comprehensive Plan 2035" adopted by the Village Board on October 9, 2009, pursuant to Section 66.1001 of Wisconsin Statutes.

On January 19, 2016 the Village Board adopted Resolution 2016-004 establishing a "Public Participation Plan to Update Comprehensive Plan 2015 for the Village of Mukwonago, Wisconsin" and on March 15, 2016 adopted Resolution 2016-015 "Amending the Public Participation Plan to Update Comprehensive Plan 2035 for the Village of Mukwonago, Wisconsin." The Public Participation Plan created a 13 member Steering Committee.

After considering many aspects and public comments, on September 29, 2016 the Steering Committee forwarded a recommendation to the Village Plan Commission to consider "Update to Comprehensive Plan 2035," a 40 page document, including appendices, focusing on land use descriptions for recommended land uses of five key areas within the Village and environs, and for the entire Village and extraterritorial planning area. The document recommends placement of mixed-use business/residential, business, multi-family residential, and other adjacent land uses within key locations throughout the Village, and lists policies and criteria to guide new development or redevelopment.

On October 11, 2016, the Village Plan Commission discussed and considered the recommendation of the Steering Committee, revised and preliminarily adopted "Update to Comprehensive Plan 2035" pending the public hearing, and recommended the scheduling of a joint public hearing with the Village Board.

The "Update to Comprehensive Plan 2035" can be viewed on-line at [www.villageofmukwonago.com](http://www.villageofmukwonago.com); or at Village Hall or the Mukwonago Community Library, 511 Division Street, Mukwonago, Wisconsin. All interested persons will be heard at the public hearing, and written comments forwarded to the Village Clerk will be accepted up to the time of the hearing. Action may be taken by the Village Plan Commission and Village Board immediately following the conclusion of the hearing, or may take place at a future date during a duly noticed meeting.

Questions regarding the proposal can be forwarded to Village Planner Bruce Kaniewski at [planner@villageofmukwonago.com](mailto:planner@villageofmukwonago.com) or 262-363-6420, Ext. 2111.

Steven A. Braatz, Jr.  
Village Clerk-Treasurer  
Pub: October 26, 2016

**RESOLUTION NO. 2016-052**

**RESOLUTION GRANTING PRELIMINARY APPROVAL TO AMEND  
“COMPREHENSIVE PLAN 2035”  
FOR THE VILLAGE OF MUKWONAGO**

**WHEREAS**, the Village of Mukwonago, Walworth and Waukesha Counties, Wisconsin, pursuant to Sections 62.23 and 61.35 of the Wisconsin Statutes and Chapter 62 of the Village Municipal Code, has established a Plan Commission; and

**WHEREAS**, the Village Plan Commission has the authority to recommend to the Village Board the adoption of a Comprehensive Plan for the physical development of the Village, pursuant to Sections 62.23 (1), (2) and (3), and Section 66.1001 of the Wisconsin Statutes; and

**WHEREAS**, on July 20, 2009 the Village Plan Commission adopted Plan Commission Resolution 2009-01 that recommended “Comprehensive Plan 2035” to the Village Board; and

**WHEREAS**, after a public hearing as require by Wisconsin Statutes, on October 6, 2009 the Village Board approved Ordinance No. 824 that created a comprehensive plan for the Village of Mukwonago, entitled “Comprehensive Plan 2015;” and

**WHEREAS**, the Village Board with input from the Village Plan Commission determined certain aspects, assumptions and recommendations of the plan must be reconsidered and potentially updated to address changing demographic, social, public infrastructure and economic needs of the community with a focus on placement of mixed-use business/residential, multi-family residential and other adjacent land uses at key locations throughout the Village along with policies to guide new development or redevelopment of land uses at key locations; and

**WHEREAS**, after review and recommendation by the Village Plan Commission, on January 19, 2016 the Village Board adopted Resolution 2016-004, establishing a “Public Participation Plan to Update Comprehensive Plan 2035 for the Village of Mukwonago, Wisconsin” pursuant to Section 66.1001 of Wisconsin Statutes and on March 15, 2016 adopted Resolution 2016-015 “Amending the Public Participation Plan to Update Comprehensive Plan 2035 for the Village of Mukwonago, Wisconsin;” and

**WHEREAS**, pursuant to the Public Participation Plan as amended the Village Board appointed a 13 member Steering Committee; and

**WHEREAS**, from April 2016 through September 2016 the Steering Committee held 11 business meetings and two off-site informational meetings during which time they received and reviewed volumes of background information, considered recommendations from Village Staff and verbal and written comments brought forth by the public during business meetings and during two Open House/Public Informational meetings; and

**WHEREAS**, after many hours of deliberation during business meetings, on September 29, 2016 the Steering Committee forwarded a recommendation to the Village Plan Commission to consider "Update to Comprehensive Plan 2035", a 40 page document, including appendices, that provides land uses descriptions for recommended land uses within five key areas within the Village and environs, and for the entire Village and extraterritorial planning area; and

**WHEREAS**, the Village Plan Commission reviewed the document recommended by the Steering Committee and found it to be appropriate to guide the orderly development of the Village of Mukwonago; and

**WHEREAS**, the Village Plan Commission finds that the Comprehensive Plan, with the proposed amendment, contains all required elements as required in Section 66.1001 (2) of the Wisconsin Statutes and the Comprehensive Plan with the proposed amendment; and

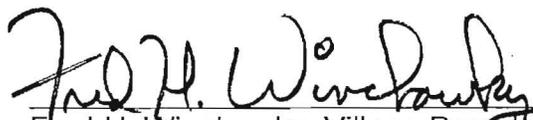
**WHEREAS**, pursuant to the Public Participation Plan, the Village Plan Commission will co-jointly conduct a public hearing with the Village Board to take public comment regarding the proposed amendment to "Comprehensive Plan 2035," after which final action will be taken by the Plan Commission to consider approval of the proposed amendment.

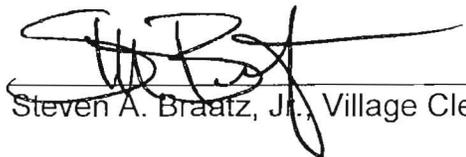
**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 66.1001 (4) (b) of Wisconsin Statutes, the Village of Mukwonago Plan Commission grants preliminary approval of the proposed amendment to "Comprehensive Plan 2035," attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Village Plan Commission does hereby recommend the Village Board schedule a public hearing jointly with the Plan Commission to consider final adoption of the proposed amendment.

Dated and adopted this 11<sup>th</sup> day of October, 2016.



  
Fred H. Winchowky, Village President

  
Steven A. Braatz, Jr., Village Clerk

Public Service Commission of Wisconsin  
RECEIVED: 10/19/16, 12:56:32 PM

**ENVIRONMENTAL ASSESSMENT**  
**of**  
**Wisconsin Electric Power Company**  
**Hospital Road Gas Main Replacement and Upgrade Project**

**Docket 6630-CG-135**

Application of Wisconsin Electric Power Company, as a Gas Public Utility, for Authority  
to Replace Natural Gas Distribution Facilities in the Towns of Geneva and Lyons  
in Walworth County, Wisconsin

**September 2016**

Prepared by  
Aaron Greene  
Environmental Analysis and Review Specialist

RECEIVED  
WALWORTH COUNTY CLERK  
2016 NOV -3 AM 10:15

## Contents

<b>1. Project Authorization Request</b> .....	<b>1</b>
<b>2. Project Purpose and Need</b> .....	<b>1</b>
<b>3. Project Description</b> .....	<b>1</b>
1.3 Project location.....	1
<b>4. Project Construction</b> .....	<b>2</b>
4.1 Construction methods and design.....	2
4.2 Use of public road ROW and private easement acquisition .....	3
4.3 Restoration of impacted properties and ROW .....	3
4.4 Permits and approvals required .....	3
<b>5. Environmental Impact Analysis</b> .....	<b>3</b>
5.1 Habitat and land cover types.....	3
5.2 Wetlands and waterways.....	4
5.3 Uplands .....	4
5.4 Protected species .....	5
5.5 Agricultural impacts .....	5
5.6 Archaeological impacts.....	5
<b>6. Architectural Review</b> .....	<b>5</b>
6.1 Archeological resources investigation .....	6
<b>7. Public Comments</b> .....	<b>6</b>
<b>8. Community Impacts</b> .....	<b>6</b>
<b>9. Evaluation of the Reasonable Alternatives and their Environmental Consequences</b> .....	<b>7</b>
9.1 No-build alternative .....	7
9.2 Reasonable alternatives to the proposed project .....	7
9.3 Alternative project routes.....	8
<b>10. Persons Contacted and Information Received</b> .....	<b>8</b>
<b>11. Public Comments</b> .....	<b>8</b>
<b>12. Wisconsin Environmental Protection Act Determination</b> .....	<b>8</b>
12.1 Effects on geographically important or scarce resources, such as historic or cultural resources, scenic or recreational resources, prime farmland, threatened or endangered species and ecologically important areas.....	8
12.1 Conflicts with federal, state, or local plans or policies.....	8
12.2 Significant controversy associated with the proposed action .....	8

12.3	Irreversible environmental effects .....	8
12.4	New environmental effects .....	9
12.5	Unavoidable environmental effects .....	9
12.6	Precedent-setting nature of the proposed action .....	9
12.7	Cumulative effect of the proposed action when combined with other actions and the cumulative effect of repeated actions of the type proposed .....	9
12.8	Foreclosure of future options .....	9
12.9	Direct and indirect environmental effects .....	9
<b>13.</b>	<b>Conclusion .....</b>	<b>10</b>
<b>14.</b>	<b>Recommendation .....</b>	<b>10</b>

## 1. Project Authorization Request

Wisconsin Electric Power Company (WEPCO), doing business as We Energies (WE), filed an application with the Public Service Commission (Commission) on June 9, 2016, seeking authority to replace natural gas distribution facilities in the towns of Geneva and Lyons in Walworth County, Wisconsin. This project has been designated as the Hospital Road project. The estimated total cost of the project is \$4.71 million. Wisconsin Admin. Code § PSC 133.03(1)(e) requires that a public gas utility obtain Commission authorization under Wis. Stat. § 196.49(2)(5g) for any single gas line project, the cost of which exceeds \$2,500,000. This is a Type II action under Wis. Admin. Code § PSC 4.10(2). Commission Division of Energy Regulation staff prepared this environmental assessment (EA) to determine if an environmental impact statement (EIS) is necessary under Wis. Stat. § 1.11. A notification of the Commission's intent to prepare an EA, including a solicitation for comments on the environmental aspects of this project, was mailed to the project mailing list on August 5, 2016.

## 2. Project Purpose and Need

WEPCO states that the primary driver for the proposed project is to replace the aging 1951 vintage main with newer, less leak-prone main. In addition, WEPCO states that increasing the diameter of the existing pipe would enable them to accommodate an anticipated growth in future demand for natural gas service from the communities in the Walworth area.

## 3. Project Description

WEPCO is proposing to replace 23,000 feet (approximately 4 miles) of 6-inch steel gas main with 8-inch steel main. The maximum operating pressure of the pipeline would remain unchanged at 200 pounds per square inch. In addition, 16 high-pressure services would be replaced. Most of the high-pressure service replacements would occur along the western portion of the project, with one occurring at the far eastern end. Approximately 12,550 feet of main (about 55 percent of the project by length) would be located in private easement with the remaining 10,450 feet of main (about 45 percent of the project by length) located within public road right-of-way (ROW). The existing gas pipeline, would be retired in place.

### 1.3 Project location

The project is located within the town of Geneva in Walworth County, Wisconsin at the eastern edge of the city of Elkhorn (attached **Figure 1**). The proposed project route begins on County Trunk Highway (CTH) NN at the eastern edge of Elkhorn and extends east, traveling down CTH NN to Weaver Road, to Bowers Road, to Hospital Road, terminating just east of the intersection of Hospital Road and State Road 120.

Replacement construction of the existing 6-inch steel main would start about 1 mile east of the intersection of CTH NN and Sporleder Road in the town of Geneva and continue along the following route:

- Follow CTH NN eastward for about 1 mile to the intersection with Weaver Road.
- Cross under CTH NN, and continue eastward along the south side of Weaver Road for 1 mile to Bowers Road, where a shorter length of pipe (about 200 feet) would connect the main to an existing branch of the natural gas system.
- Continue south from the interconnection along the west side of Bowers Road for about 0.25 mile until reaching the intersection with Hospital Road.
- Turn east along Hospital Road and continue east, along the north side of Hospital Road, in the easement, for approximately 1,450 feet.
- Cross Hospital Road and continue east, staying on the south side of Hospital Road, in road ROW, for approximately 2,860 feet.
- Turn south (into easement) and continues east along the south side of Hospital Road, in the easement, for approximately 1,350 feet.
- Turn north into the road ROW and continue east along Hospital Road, in road ROW, for approximately 2,560 feet. The new main will be tied into the existing main at this point.

WEPCO has chosen a staging area on the south side of CTH NN near the Department of Health and Human Services Building. The 1.2 acre staging area would be located on an existing paved parcel between the Lakeland School and BMO Harris Bank.

Several terms are used within this document to describe specific areas related to the proposed project. For instance, “study area” is a specifically defined area referring to the 300-foot-wide corridor along the proposed project in which environmental field investigations such as the wetlands survey and land cover survey took place. The terms “study corridor” and “area of potential effect” (APE) both relate to the 2015 cultural resources investigations. Study corridor describes the areas of previously reported archaeological/burial sites within the existing road ROW adjacent to the project. Finally, APE is a term specific to the architectural component of the investigations which included all properties immediately adjacent to the proposed project area.

## **4. Project Construction**

If the proposed project is approved, WEPCO must obtain, in addition to a Commission issued Certificate of Authority, all applicable state, local, or municipal permits prior to initiating construction. Construction is anticipated to begin in April, 2017, with an estimated completion date of October 2017.

### ***4.1 Construction methods and design***

Two construction methods would be used to install the pipe for the proposed project—open trenching and horizontal directional drilling (HDD). Open trenching is a commonly-used type of construction in which excavated materials are replaced after a trench has been dug and the pipe has been installed. A typical trench excavated for this project would measure, on average, 4 feet wide by 5 feet deep. In areas where the soil has limited cohesion, the trench width may need to be widened to ensure that adequate depth of cover for the gas pipe is achieved. In agricultural lands, trench depth would be sufficiently deep enough to allow a minimum of 4 feet of cover over the top of the pipeline to avoid possible interference with farming equipment.

HDD is an alternative construction technique and would be used in sensitive, or otherwise difficult to trench areas such as waterways, wetlands, and road crossings. During HDD construction, the pipe is placed into pre-drilled tunnels and travels underneath the area containing the sensitive or difficult to trench feature. Although this method is costlier than open trenching, it requires less ground surface disturbance, thereby reducing the potential risk associated impacts including soil loss and the introduction of invasive species.

#### **4.2 Use of public road ROW and private easement acquisition**

If the project is approved, it would be constructed on both private easements and public road ROW. In areas where the route would cross private lands, WEPCO would seek permanent and temporary easements from private landowners. Permanent easements would average 30 feet in width except for the area along Bowers Road, which would be 50 feet in width, while temporary easements (to be used as a short-term workspace during construction) would range from 25 to 50 feet depending on the amount of space required for construction. WEPCO would negotiate with landowners prior to the start of construction to acquire all private easements.

#### **4.3 Restoration of impacted properties and ROW**

WEPCO would restore road ROW and acquired easements to preconstruction conditions where permissible. Surface grading would be done to re-establish natural contours. De-compaction of soil would occur where necessary and re-vegetation would be similar to preconstruction conditions and adjacent vegetation patterns.

#### **4.4 Permits and approvals required**

- Certificate of Authority from the Public Service Commission;
- Wisconsin Department of Transportation – ROW excavation permit;
- Permits from local municipalities (counties, cities, and villages) for utility construction in ROW/roads, floodplains, and erosion control.

### **5. Environmental Impact Analysis**

#### **5.1 Habitat and land cover types**

The project is located within the Southeast Glacial Plains Ecological Landscape; as such, glacially created features including moraines, drumlins, outwash plains, and kettles are commonly encountered within the project area. The glacial past of this region has resulted in the accumulation of lime-rich and fertile soils which support the extensive agricultural operations present in the area today.

In August 2015, an environmental field survey was conducted within a 300-foot-wide corridor along the proposed project route. Generalized land cover types within the study area were recorded and include: cropland, grassland/prairie/shrub land, developed/urban, non-forested wetland, upland woodland, and forested wetlands. **Table 1** shows the percentage rank of each cover type identified during the survey. As shown in the table, cropland (mainly corn and soybeans) was found to be the most abundant, followed by lesser quantities of grassland, urban/developed areas, wetlands, and wooded uplands.

Known water resources within the project area include wetlands, streams, and small ponds. Many of the wetlands within the study area are associated with, and adjacent to, the intermittent tributaries of Jackson Creek, Como Creek, and Ore Creek. Nearly all of the wetlands identified during the survey had experienced some degree of disturbance and contained at least one species of invasive plant. Additional discussion regarding wetland and waterways including state and federal permitting requirements can be found in **Section 4.3**.

**Table 1 Habitat Types within Proposed Project Survey Area Corridor**

Land Cover Type	Acres	Percent of Total Land Cover Reported in Survey
Cropland	23.55	89%
Prairie/Grassland	1.07	4%
Developed/Urban	1.05	4%
Non-forested Wetland	0.37	1%
Upland Woodland	0.46	2%
Forested Wetland	0.11	<1%
Total Acreage Reported	26.61	

## **5.2 Wetlands and waterways**

During a field survey conducted in August 2015, a total of 20 wetlands and 16 waterways were identified within the 300-foot-wide study area. Of all the wetlands types encountered during the survey, the most common was wet meadow wetland, occurring in almost every location surveyed. Less common, but also present were hardwood swamps and farmed wetlands. Perennial waterways identified by the survey included Ore Creek, Como Creek, and Jackson Creek. In addition, several intermittent, or seasonally occurring unnamed tributaries of these creeks were also identified.

Wisconsin Department of Natural Resources (DNR) participated in the environmental review process with the Commission as required under Wis. Stat. § 30.025. As part of its review, DNR determines if the proposed project is in compliance with applicable state water standards. Wis. Admin. Code ch. NR 103 and 299. In the case of the proposed project, DNR has stated that no significant impacts are likely to occur to wetlands or waterways, due to the spatial configuration of the project, planned use of HDD, and the avoidance measures to be used by WEPCO. It is therefore anticipated that the project, as currently proposed, would not require a wetland/waterway permit from DNR. It is likely to qualify for the non-reporting portion of GP3 under Wis. Stat. § 30.025.

## **5.3 Uplands**

As previously discussed, cropland is the most common habitat found within the study area. Likewise, agricultural practices are the dominant land use in upland areas. Less common but also present upland habitats include animal pastures/grazing areas, scattered woodlots, and grassland/prairie/old field areas. Since this project would occur within existing road ROWs largely devoid of upland habitats including trees and woodlots, impacts including habitat loss and fragmentation are expected to be minimal.

#### **5.4 Protected species**

WEPCO consulted with the DNR Bureau of Natural Heritage Conservation to complete an endangered resources review (ER) for this project. The DNR-maintained Natural Heritage Inventory (NHI) database was consulted to identify any endangered, threatened, or special concern species or natural communities that may be present along the route of the proposed project. This database includes the location and status of current and historic observations of rare plants, animals, and natural communities.

Results of the ER indicated the possible presence of one threatened terrestrial plant species. The listed plant occurrence is shown within a one-mile buffer of the land potentially impacted by the project, but not directly in the project corridor. Therefore, impacts to this listed species are unlikely. No other state listed threatened or endangered species were found. As a result, DNR has not required WEPCO to perform any follow-up actions to comply with state and/or federal endangered species laws for this project.

#### **5.5 Agricultural impacts**

Adverse effects from pipeline construction could include: direct loss of crop production by clearing during the growing season before harvest is complete; reduction of soil fertility by mixing topsoil with subsoil; compaction of the subsoil, which could limit root penetration and inhibit infiltration of water over the travel lane and additional work areas; potential trench subsidence and grade issues following construction; breakdown of soil structure from overworking soils or working soils under excessively wet conditions; loss of topsoil, and therefore fertility, from the action of water and wind erosion; introduction of noxious weeds and organisms; bringing up subsurface rocks to the topsoil horizon; failure to remove construction debris and trash, which might interfere with normal farming practices; and failure to clean up and remove contaminated soils from hydraulic leaks, fuel spills, and other machinery discharges.

Beneficial effects from pipeline construction could include a new supply of natural gas, which could lower demand for propane and lead to a corresponding reduction in the cost of grain drying. Additional information regarding potential impacts to agricultural lands are described in the Agricultural Impact Statement that has been prepared by Department of Agriculture, Trade and Consumer Protection staff.

#### **5.6 Archaeological impacts**

In July 2015, a historical and archaeological investigation was completed for the proposed project. The study, conducted by the University of Wisconsin–Milwaukee Cultural Resource Management on behalf of WEPCO, included a review of the State and National Registers of Historic Places (NRHP) and the Wisconsin Historic Preservation Database.

### **6. Architectural Review**

An architectural review was conducted to determine the potential impact the proposed project may have on historical buildings or structures. The review consisted of a field site survey as well as a literature review of known historic resources. The survey examined all structures immediately adjacent to the proposed project. Three previously recorded properties were found;

however, two of the properties no longer exist, and the third is not considered eligible for National Register listing because of building alterations. As a result, it was determined that the project would not have an adverse effect on any NRHP eligible properties.

### **6.1 Archeological resources investigation**

During the archeological resources review, three uncatalogued burial sites were identified within the Study Corridor: a n Unnamed Cemetery (BWL-0062), Union Cemetery (BWL-0063), and 47WL0327 (BWL-0065) Brewster's Grove Cemetery. Because the Unnamed Cemetery (BWL-0062) is scheduled to be removed from the NRHP and the project would completely avoid the other two cemeteries, no further action was recommended for compliance under Wis. Stat. §§ 44.40 and/or 157.70.

## **7. Public Comments**

Commission staff received several comments and questions regarding the proposed project from landowners along the project route. Primary concerns included environmental and personal property impacts associated with utility pipeline construction, impacts to home and property values, and gas pipeline safety concerns (mainly regarding leaks and explosions). In particular, several property owners along Hospital Road voiced concerns about the potential loss of wildlife habitat that could result from vegetation removal and clearing within the road ROW.

## **8. Community Impacts**

WEPCO sent informational letters with a description of the project and a request to access properties to all landowners along the route for environmental impact research. WEPCO has met with the towns of Lyons and Geneva, Walworth County to discuss the scope of the project.

Homeowners on the side of the road where the pipeline would be installed would likely have some short-term impacts as a result of blocking driveways during trench excavation and pipeline installation. Anticipated impacts to private landowners and local residents could include disruptions to local traffic flow and lane closures on local roads when construction is occurring adjacent to public roadways.

Property owners would be provided maximum allowable driveway access during construction. If a customer's driveway or access needs to be temporarily disturbed, they would be notified in advance. Temporary driveway access would be provided after excavation and pipe installation with road plates until full restoration is complete.

The project would create increased noise and dust in the areas of construction. Individuals in the immediate vicinity of construction activities could experience this noise and vibration from construction equipment and may find it annoying or disruptive. Dust may be generated from excavation work, exposed soils, or materials transport, and could create a nuisance for local homeowners or drivers. The extent to which dust would be generated during construction would depend on the level of construction activity, weather conditions such as high winds, as well as the moisture content and texture of soils being disturbed. Air quality impacts during construction of the water pipeline are expected to be localized and limited in duration to the use of machinery or increased heavy traffic. Diesel exhaust from construction machinery or trucks

may occur in and around the work areas. These impacts are expected to be short term and would end when local construction activities are complete.

To minimize erosion and prevent sediment runoff from entering nearby residential or municipal water systems, the selected contractor would need to implement erosion control measures that comply with an approved Erosion Control and Storm Water Management Plan. Restoration would take place along the route as areas would be fertilized, seeded, and mulched with erosion mats installed to encourage the reestablishment of vegetation.

Construction of the project may result in the spread and establishment of invasive species. The removal of existing vegetation during construction could create conditions conducive for the spread and establishment of noxious and invasive weeds, which often invade and persist in areas after disturbance. In order to avoid and minimize the spread of noxious and invasive species and ensure compliance with Wis. Admin. Code ch. NR 40, the contractor selected would need to follow applicable Best Management Practices (BMP) recommended by DNR and the Wisconsin Council on Forestry for work in utility ROWs.

As with any construction project, the potential exists for spills of pollutants such as diesel fuel, hydraulic fluid, drilling fluids, lubricants, and solvents. Care would need to be taken when handling any potential pollutant especially during construction of the pipeline and when refueling or performing maintenance of equipment and vehicles. Spill kits and staff training in the use of these materials would decrease the risk of spills leading to site or water contamination. Solid waste would be generated during the construction of this project and would need to be removed to appropriate waste disposal or treatment facilities. Any contaminated soils found during the construction process would need to be disposed of at an approved disposal or treatment facility for those materials.

## **9. Evaluation of the Reasonable Alternatives and their Environmental Consequences**

### ***9.1 No-build alternative***

Foregoing the replacement and upgrade of the proposed gas main and associated facilities would not meet WEPCO's stated needs for replacing the aging main.

### ***9.2 Reasonable alternatives to the proposed project***

WEPCO believes replacement of the main is the best alternative and the most advantageous means of meeting their obligation as a public utility. Because this is a gas pipeline replacement project, renewable resources and additional energy conservation and efficiency would not be cost-effective or technically feasible alternatives to the Hospital Road project. The purpose of the project is to replace aging natural gas facilities; currently available renewable technology cannot replicate the ability of a pipeline to deliver natural gas.

### **9.3 *Alternative project routes***

Because the proposed project is a replacement of existing facilities within an existing corridor, no other practical route alternatives were considered. The existing corridor utilizes a large amount of existing road ROW.

## **10. Persons Contacted and Information Received**

Joshua Brown, WDNR, Wetlands and Waterways

## **11. Public Comments**

The Commission received several comments from potentially impacted property owners along Hospital Road. In general, the commenters concerns focused on property value, environmental impacts, and general safety concerns.

- Negative impacts to property value
- Loss of wildlife habitat caused by removal of trees and other vegetation along ROW
- Loss of property that may result from acquisition of easements and for ROW
- Safety concerns regarding gas main leaks, and potential explosions.

## **12. Wisconsin Environmental Protection Act Determination**

### ***12.1 Effects on geographically important or scarce resources, such as historic or cultural resources, scenic or recreational resources, prime farmland, threatened or endangered species and ecologically important areas***

There are no known conflicts of the proposed action with any of the above listed resources.

### ***12.1 Conflicts with federal, state, or local plans or policies***

There are no known conflicts of the proposed action with any federal, state, or local plans or policies.

### ***12.2 Significant controversy associated with the proposed action***

There is no known controversy regarding the type, magnitude, or significance of the environmental impacts expected to result from the proposed project.

### ***12.3 Irreversible environmental effects***

Construction of this natural gas main would not be expected to result in any truly irreversible environmental effects. Short-term impacts such as noise, air quality, erosion, and removal of vegetation would occur as a result of construction activities, and would not be irreversible. WEPCO has stated their intent to restore disturbed soils to a stable vegetated state or suitable soil structure for agriculture.

#### ***12.4 New environmental effects***

There are no unique or new environmental effects expected as a result of this project. The proposed project utilizes common pipeline construction techniques (trenching and HDD) that are used when constructing natural gas pipelines.

#### ***12.5 Unavoidable environmental effects***

The construction of the proposed project would result in short-term, localized increases in noise, vibrations, air quality degradation, odors, erosion and runoff, all of which are expected to be minor. Where the pipeline would be installed by trenching, trees and shrubs in the construction corridor would be removed. Where construction would occur in or adjacent to a road, there would likely be some disruption to local residents and road users, which would be temporary in nature.

#### ***12.6 Precedent-setting nature of the proposed action***

The proposed project would not set any precedents. The proposed project is a common activity of natural gas utilities.

#### ***12.7 Cumulative effect of the proposed action when combined with other actions and the cumulative effect of repeated actions of the type proposed***

The proposed project is a stand-alone project and does not depend on any other activities for it to have value. Therefore, there is not a direct cumulative effect associated with the proposed project in relation to other gas pipeline construction projects.

#### ***12.8 Foreclosure of future options***

Commission staff is not aware of any options for future natural gas system reinforcement or expansion that would be either foreclosed by the proposed project or necessary if the proposed project were put in place. The proposed pipeline would not foreclose any future environmental or land uses in the project area; however, easements typically have restrictions that prevent certain activities, excavations, or the building of structures within the easement. Typically, no structures, water retention, or septic systems are permitted within the immediate easement area, and there would likely be restrictions on the type or quantity of woody vegetation allowed to grow directly over the pipeline.

#### ***12.9 Direct and indirect environmental effects***

The direct environmental effects of the proposed project would include short-term, localized effects from construction activities. No long-term direct environmental effects are expected beyond any required tree clearing and maintenance of existing and/or new ROW areas.

Construction activities would disturb the vegetation and soils along the route of the gas main project, primarily in areas where trenching is used for placing the pipe. Tree clearing and similar environmental effects of the proposed project could possibly lead to changes in habitat and species compositions along the project route areas. During excavation activities, there would be an increased risk of soil erosion, which in areas near wetlands or waterways is a serious concern with regard to sedimentation. Erosion control methods can decrease this risk. Properly

# Spring Valley-North Lake Geneva Electric Reliability Project

Fall 2016

## Pre-construction activities underway

Long before crews arrive in 2018 to erect poles and string wires for the Spring Valley-North Lake Geneva Electric Reliability Project, preparations are being made for construction. Surveying and staking activities define the exact location of the right-of-way, soil borings help determine the composition of the ground conditions to aid in foundation and structure design, easements are acquired from landowners, and the right-of-way is cleared of vegetation.

The pre-construction activities began recently and will continue for approximately 18 months. "Some of the activities occur in the field; others, like engineering and design, occur in front of a computer screen," explains Doug Berton, ATC project manager. "There is a lot of behind-the-scenes work occurring to get ready for construction."

The work leading up to construction will occur in overlapping phases to allow for the efficient use of crews and equipment,



and to help ensure the entire project will be completed on schedule in late 2019.

The map on the following page shows the timeline for the various activities as well as the affected areas along the route.

## Routing new transmission line balances several factors

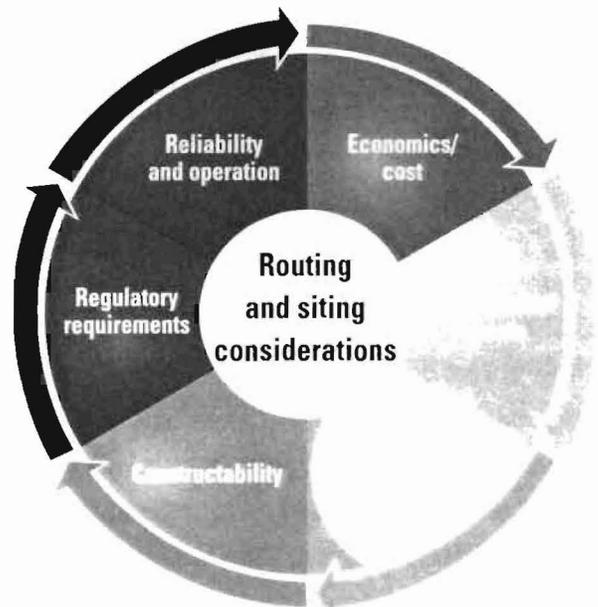
ATC conducts a thorough and inclusive routing and siting process. The process of identifying routes is a sensitive one. Input from local communities helps in identifying the benefits and burdens of various options. State policy on new transmission line routing requires that first consideration be given to using existing linear corridors such as utilities, highways, railroad and recreational trails. ATC also must consider and balance other "seen and unseen" local issues:

- Natural resources, including wetlands, woodlands and wildlife areas
- Archaeological and agricultural resources
- Operational and maintenance considerations
- Community and landowner impacts, local land use and road expansion plans
- Constructability including terrain and obstacles, stream and railroad crossings, embankments, bridges and soil conditions
- Project costs

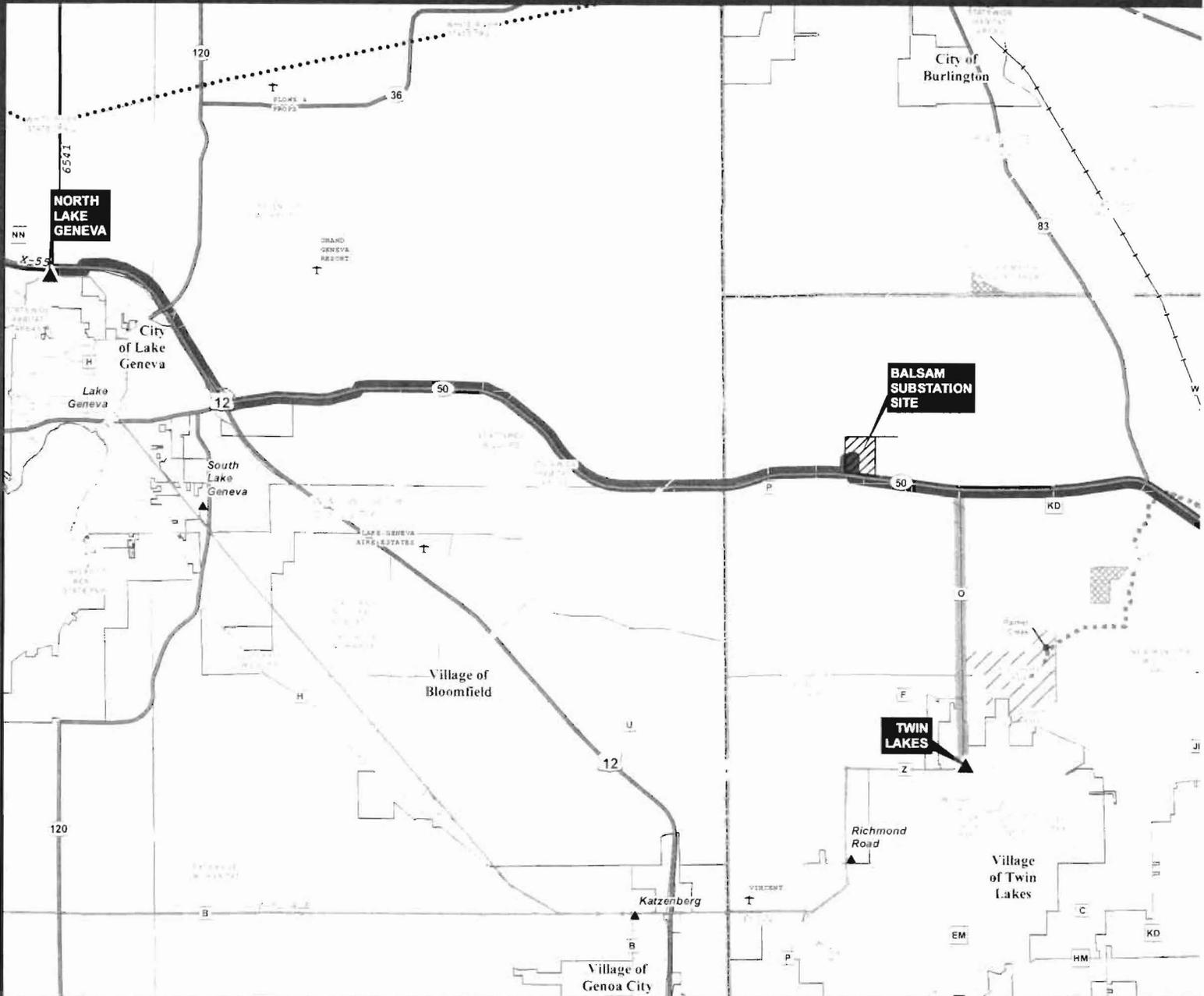
"It's not as simple as drawing a line from Point A to Point B," said Pete Holtz, ATC routing and siting manager. "Likewise, it's not a matter of counting houses and farms, or pursuing an unrealistic goal of avoiding every impact. It really is a matter of balance and difficult decisions."

In the case of the route along Hwy. 50, the location of the new Balsam Substation site on the north side of Hwy. 50 meant that a route primarily on the north side of the highway was

an important safety and cost consideration for both ATC and the Wisconsin Department of Transportation. "Multiple road crossings—a zig-zag approach—is not prudent even when doing so avoids some impacts," said Holtz. "Now that we have an ordered route from the PSC, our goal is to discuss with landowners possible minor adjustments to pole placement within the approved route and to answer questions related to construction and restoration."



# Construction schedule – Spring Valley-North Lake Geneva B



## WHAT TO EXPECT DURING CONSTRUCTION

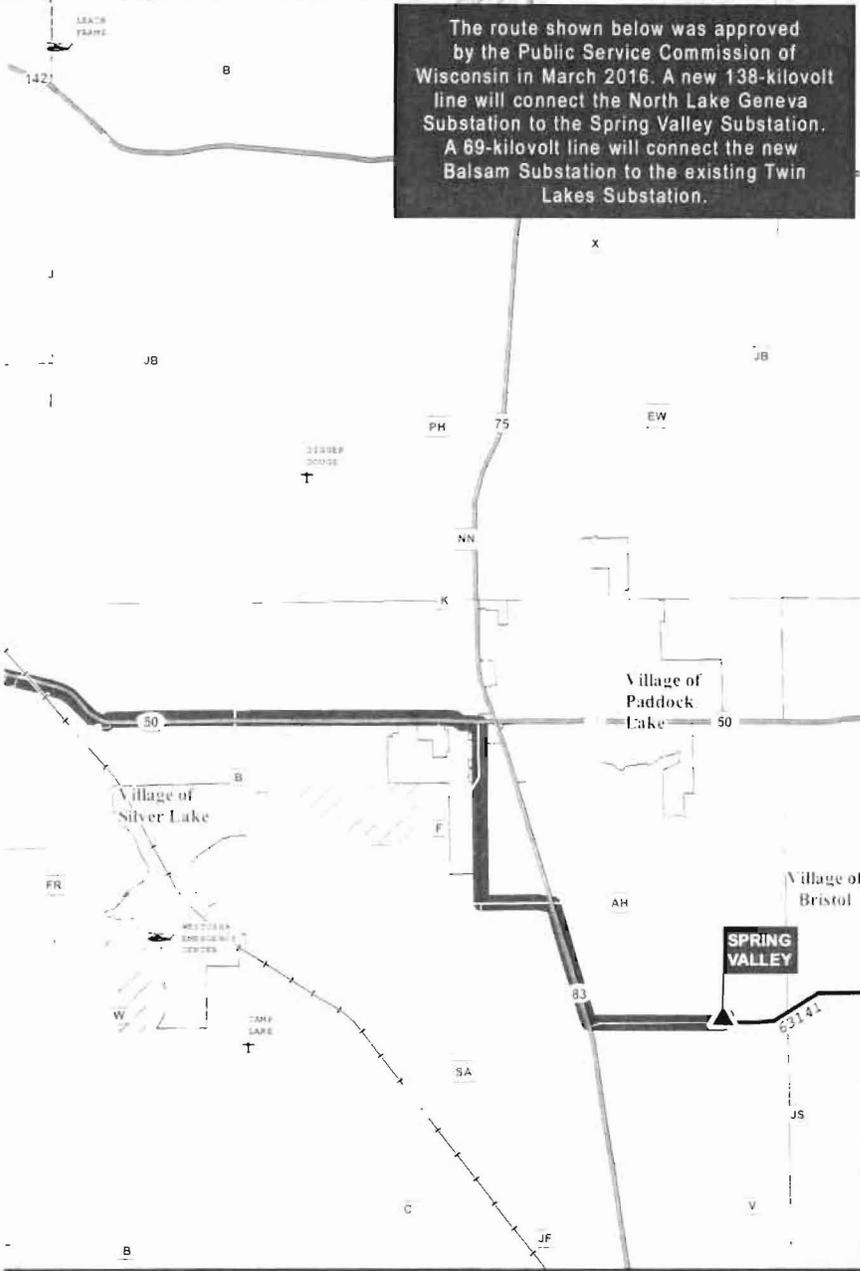
Construction is expected to begin in 2018, starting with the Balsam Substation and continuing with the 138-kilovolt line between North Lake and the Balsam Substation. The next phase will be the construction of the 69-kilovolt segment along Hwy. O to the Twin Lakes Substation. A rebuild of the existing 69-kilovolt transmission line between Katzenberg Substation and the Twin Lakes Substation will be followed by the final phase, which involves constructing the remaining

138-kilovolt transmission line to connect the Balsam Substation to the Spring Valley Substation. Work will include surveying and staking, right-of-way clearing, foundation installation, pole installation, wire stringing and right-of-way restoration. The entire construction is expected to be complete in late-2019.



# Electric Reliability Project

The route shown below was approved by the Public Service Commission of Wisconsin in March 2016. A new 138-kilovolt line will connect the North Lake Geneva Substation to the Spring Valley Substation. A 69-kilovolt line will connect the new Balsam Substation to the existing Twin Lakes Substation.



Easement acquisition: June 2017 – Spring 2018  
 Vegetation clearing: Q3 2018  
 Transmission line construction: Q4 2018-Q1 2019



Easement acquisition: Feb./Mar. 2019  
 Vegetation clearing: Feb. 2019 – May 2019  
 Transmission line construction: Mid 2019 – Late 2019



Easement acquisition: Feb. 2018 – Summer 2018  
 Vegetation clearing: Oct./Nov. 2018  
 Transmission line construction: Late 2018 – June 2019



Construction of Balsam Substation begins Mid-2017, with completion in early 2019.

## You have asked, we're answering

### How is my community benefitting from this project?

Presently, there is only a single transmission line that serves the local lower-voltage distribution system. In most populated communities, there are two transmission lines so that one can back up the other in the event of an outage. This redundancy means that an outage is less likely to occur and if it does, it will impact fewer households and businesses.

In addition, the population in both Kenosha and Walworth counties has grown by more than 10 percent since the early 2000s. The resulting increase in electric usage means the electric loads on the single existing transmission line will become vulnerable to overloads and outages.

### If an easement is needed on my property, when will I be contacted?

The construction map to the left indicates the approximate timeframe for acquiring easements in the various project segments. A real estate contractor working for ATC will contact you at the appropriate time to discuss the easement acquisition process and your associated rights.

### What will the poles look like?

The new 138-kV line will be placed on weathering steel poles approximately 60 to 100 feet high and at span lengths of 400 to 600 feet apart. Wood poles will be used along CTH O. In some cases, both the existing low-voltage distribution lines and the new transmission line will be carried on the same structures.

### Do you have a question for ATC?

Contact us at [localrelations@atllc.com](mailto:localrelations@atllc.com) or visit [www.atc-projects.com](http://www.atc-projects.com) and look for the Spring Valley-North Lake Geneva page.

## Who we are

P.O. Box 47  
Waukesha, WI 53187-0047



American Transmission Co. is a Wisconsin-based transmission-only utility that owns, operates, builds and maintains transmission facilities in portions of Wisconsin, Michigan, Minnesota and Illinois.

For more information about ATC and our projects, visit [www.atc-projects.com](http://www.atc-projects.com).



RECEIVED  
WALWORTH COUNTY CLERK  
2016 NOV -3 AM 10:15

First Class Mail  
Presorted  
U.S. Postage  
PAID  
Milwaukee, WI  
Permit No. 4607



\*\*\*\*\*AUTO\*\*SCH 5-DIGIT 53104\*\*1\*115

Nancy Russell  
Walworth County Chairperson  
1720 Fairview Dr  
Lake Geneva, WI 53147-1604

## Questions from the public follow project approval

ATC introduced the Spring Valley-North Lake Geneva project to the public in early 2013, and spent more than two years conducting public outreach and gathering information needed to assist in identifying suitable route options for the transmission line. The project was approved by the Public Service Commission of Wisconsin (PSC) in March 2016 following an almost year-long regulatory review period which began in 2015.

ATC regulatory relations representative Val Lehner, explains the PSC decision is a key milestone and marks the conclusion of the routing and siting phase of the project. "Once the PSC approves the project and selects the route, only very minor route adjustments can be made—and only for very specific reasons, which must be approved by the PSC" said Lehner. "We know that PSC decisions on transmission line projects aren't always



well received. Nonetheless, ATC must build the approved project as ordered by the PSC, even when opposition to the project or a particular route persists after the decision."

## Contractors and crews support construction

ATC contracts with professional utility crews, engineering contractors and other professionals who specialize in various aspects of the project. You may encounter or observe individuals from the following companies listed below. Any person working for ATC will carry identification.

- Henkels & McCoy
- ECI Engineering & Construction Co.
- Border States Electric
- Stantec
- HDR, Inc.
- Nelson Tree Service Co.

**For more information about ATC's construction practices, please visit [www.atc-projects.com/learning-center/construction-practices](http://www.atc-projects.com/learning-center/construction-practices) or email [mcarpenter@atcllc.com](mailto:mcarpenter@atcllc.com).**