

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes February 21, 2019
7:00 pm

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:03 PM. A quorum of the Village Board was present. Present: Village Board of Trustees; Bill Collins, Dan Neu, Tom Wolff and Rock Brandner.

Also present: Village Administrator Jim Healy, Village Attorney John Macy, Attorney Joe Wirth and Deputy Clerk Donna Cox

2. Verification of Compliance with Open Meeting Law

Village Administrator Healy verified that the meeting was posted per statute at three local post offices and the Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. PUBLIC COMMENTS:

Ms. Danah Zoulek, 609 Scenic Rd, regarding Closed Session item. Ms. Zoulek asked the Board to not continue with an appeal to the Court of Appeals and stated the ruling has been made. Ms. Zoulek commented that she was quite surprised this item was even on the agenda and remarked at the cost of litigation to the taxpayers. Ms. Zoulek stated there would be a trial held in May, as she has received 57 “animal at-large” tickets from the Washington County Sheriff’s Office.

5. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer’s Report
- c. Meeting Minutes:
 - i. July 30, 2018 – Special Meeting
 - ii. January 17, 2019 – Regular Meeting
- d. New Operators License Applications
- e. Resolution R2019-02-01, A Resolution Honoring Eagle Scout Robert Wolff
- f. Awarding of contract for portable restrooms on public lands – Port-A-John

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer’s Report, Minutes of the July 30, 2018 Special Meeting, Minutes of the January 17, 2019 Regular Meeting, New Operators Licenses Applications per the attached list, Resolution No. R2019-02-01, A Resolution Honoring Eagle Scout Robert Wolff, and to authorize the Administrative Services Coordinator to execute a contract with Port-A-John to place one handicap accessible portable restroom in each park and public boat launch; Seconded by Trustee Neu; Motion carried without objection.

6. PUBLIC HEARINGS

President Jeffords read aloud information regarding the Public Hearings.

Motion by Trustee Neu to open the public hearings for agenda items 6a, and 6b.; Seconded by Trustee Wolff; Motion carried unanimously by voice vote.

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Pete Hurth, Baudhuin Surveying and Engineering, regarding item 6b. Mr. Hurth stated he went through the zoning map and reviewed all the parcels zoned Upland Conservancy. Mr. Hurth stated they're asking that the Upland Conservancy portion, which is all owned by the same person be used for the density calculation, which would be protected forever in an outlot. The Upland Conservancy portion would not be developed. Asking that 50% of the acreage be used in the density calculations. Mr. Hurth stated that by doing this, it would match what the Village does for Wetlands, Lowland Conservancy and Environmental Corridors and every other environmental classification other than Upland Conservancy. Mr. Hurth stated that by doing the text amendment for Upland Conservancy, will clean things up and making it consistent with everything else.

Danah Zoulek, 609 Scenic Rd, regarding item 6a. Ms. Zoulek stated she is in favor of the rezoning petition and believes this rezoning will be good for the community.

Danah Zoulek, 609 Scenic Rd, regarding item 6b. Ms. Zoulek commented that the constant over regulating in the Village and developers being met with resistance is ridiculous. Ms. Zoulek stated the developers and property owners in the Village need to be treated with more respect and the Board should have more trust in their projects. Ms. Zoulek stated that property owners do not need to be micromanaged and asked the Board to stop the pettiness.

Jim Healy read into record statements received from property owners in support of the various petitions:

Sue Munger, 1950 County Rd CC, regarding item 6b. Ms. Munger would like to try as hard as possible to conserve and protect our environmental corridors and upland and lowland conservancy areas. She stated the property which is backed up to the Highland Ridge land is a unique property with hardwood forests, a major esquire, a swamp and is also in proximity to Lake Five. These environmental areas will be protected more if we can make more changes to benefit and keep them. I am in support of this ordinance amendment.

Jeff Klug, Trustee for the Arlee J Klug Family Trust, 4298 STH 167, regarding item 6a. Mr. Klug issued his support for the property rezoning and stated with his time on the Plan Commission that he believed he was, in fact, always A-2, General Agricultural District.

Motion by Trustee Collins to close the public hearings for agenda items 6a, and 6b.; Seconded by Trustee Neu; Motion carried unanimously by voice vote.

- a. **Discussion regarding a rezoning petition for property located at 4231 STH 167 (Tax Key: V10_0430025003) from Rs-2, Single Family Residential District to A-2, General Agricultural District – Ordinance O2019-02-01**
- b. **Discussion regarding proposed amendments to multiple Sections of Chapter 70.193, Single-Family Cluster/Open Space Residential District and multiple Sections of 70.209, Upland Conservancy District of the Zoning Code- Ordinance O2019-02-02**

7. DISCUSSION/ACTION

- a. **Discussion/Action regarding proposed Contract with Wellntel Inc. for 2019**

Trustee Neu thanked Dr. Cherkauer for all of his hard work.

Trustee Collins inquired as to what are the options for the Village if the business Wellntel Inc. were to go out of business. Trustee Collins questioned who would be the one to monitor this if there wasn't anyone in the field and would this data be available and accessible.

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Administrator Healy will request that Village IT Staff download the data quarterly.

Motion by Trustee Wolff to direct the Village President to execute an agreement with Wellntel for the continuation of the Village's Groundwater Monitoring Program for fiscal year 2019; Seconded by Trustee Brandner; Motion carried without objection.

- b. **Discussion/Action regarding a rezoning petition for property located at 4231 STH 167 (Tax Key: V10_0430025003) from Rs-2, Single Family Residential District to A-2, General Agricultural District – Ordinance O2019-02-01**

Motion by Trustee Collins to approve Ordinance O2019-02-01, an Ordinance to rezone the property located at 4231 STH 167, identified by Tax Key: V10-0430025003, from Rs-2, Single Family Residential District to A-2, General Agricultural District; Seconded by Trustee Neu; Motion carried without objection.

- c. **Discussion/Action regarding proposed amendments to multiple Sections of Chapter 70.193, Single-Family Cluster/Open Space Residential District and multiple Sections of 70.209, Upland Conservancy District of the Zoning Code- Ordinance O2019-02-02**

Motion by Trustee Collins to approve Ordinance O2019-02-02, an Ordinance to amend various Sections of 70.193 and 70.209 of the Village Code; Seconded by Trustee Neu; Motion carries 4-1. President Jeffords opposed.

- d. **Discussion/Action regarding a Preliminary Plat for Highland Ridge Subdivision (Tax Keys: V10_1250 and V10_1255)**

Request to take a five (5) minute recess by Village Staff granted by the Village President.

Motion by Trustee Wolff to refer back to the Plan Commission for consideration of the Preliminary Plat and to direct the Staff to prepare the applicable conditions for approval and with the understanding that the Petitioner has granted an extension until March 22, 2019; Seconded by Trustee Neu; Motion carries without objection.

- e. **Discussion/Action regarding Alcohol Beverage Retail Application for a new Reserve "Class B" Liquor License for establishment - Basses Taste of Country, located at 3190 County Line Road**

Staff has been directed to discuss further with the Town of Lisbon the purchase of a Reserve "Class B" Liquor License and meet on this item at a later date and time.

- f. **Discussion/Action regarding the rejection of the bids for the 2019 Highway Improvement Program**

Administrator Healy discussed the bids came in approximately \$300,000 over the Village Engineer's estimate and modifications to the bidding document would need to be made to have the project fall within budget for FY2019. He further discussed that the Village is legally prevented from negotiating with the "low bidder" for a reduced contract price. This information was further confirmed by the Village Attorney and the League of Wisconsin Municipalities. Based on this information, Staff's recommendation was for rejection of the bids.

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Motion by Trustee Neu to “Reject All Bids” for the 2019 Highway Improvement Program and to direct the Village Engineer to again advertise the bidding process; Seconded by Trustee Wolff; Motion carried without objection.

8. PUBLIC COMMENTS – No Additional Comments

9. CLOSED SESSION

- a. **Discussion/Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategies to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically: *Scenic Pit, LLC. v. Village of Richfield and Jim Healy Circuit Court No. 2015CV374***

President Jeffords read aloud the Closed Session item

Motion by Trustee Neu to enter into Closed Session at 9:49 PM pursuant to Wisconsin State Statutes, Section 19.85(1)(g); Seconded by Trustee Wolff; Motion carried unanimously by voice vote.

10. RECONVENE IN OPEN SESSION

- a. **Discussion/Action regarding matters addressed in Closed Session outlined above**

Motion by Trustee Collins to Reconvene in Open Session at 10:57 PM; Seconded by Trustee Brandner; Motion carried unanimously by voice vote.

No action taken.

11. ADJOURNMENT

Motion by Trustee Wolff to adjourn the meeting at 11:00 PM; Seconded by Trustee Neu; Motion carried without objection.

Respectfully Submitted,

Jim Healy
Village Administrator