

**Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Village Board Meeting Minutes April 18, 2019  
7:00 PM**

**1. Call to Order/ Roll Call**

The meeting was called to order by Village President John Jeffords at 7:00 PM. A quorum of the Village Board was present. Present: Village Board of Trustees; Bill Collins, Tom Wolff and Rock Brandner.

Also present: Village Administrator Jim Healy and Representative Rick Gundrum

Excused Absence: Trustee Neu

**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:**

**Aylah Zoulek, 609 Scenic Road**, Aylah stated she is present with her mom and sister Sarah and wanted to say that her home is a good thing, not a bad thing and that they're not trying to do anything bad.

**Danah Zoulek, 609 Scenic Road**, Ms. Zoulek stated that she wanted to take the opportunity while Rep. Gundrum was present to discuss how the Scenic Pit case has impacted their family, their business and the community and what possibly can be done to prevent the ongoing litigation. Ms. Zoulek stated this was a conflict of interest with the paving bid results.

**Cari Brust, 2184 Scenic Rd**, Regarding Item 7i on the Agenda. Ms. Brust first wanted to thank Administrator Healy for all of the help and assistance he has provided. Mrs. Brust explained to the Board that she is a lifetime resident and that Richfield is her home. Mrs. Brust is concerned that if she and the other homeowners of these lots do not ask for the Deed Restrictions to be lifted or terminated now, the way the language reads it's her understanding that they would need to wait another 20 years.

**Marie Graziano, 1787 Whispering Woods Ct**, Mrs. Graziano congratulated the Board members on their recent wins at the spring election. Regarding Items 7a & 7c. Ms. Graziano wanted more clarification on the 2019 road improvements and wanted to know the zoning for the property at Bases Taste of Country.

**5. REPORT: Legislative Update by Rep. Rick Gundrum – 58<sup>th</sup> Assembly District**

Representative Gundrum spoke about the budget. Local Transportation is one of the items. Mr. Gundrum stated the Governor has not made any changes to the formula in his proposed budget. The Governor is increasing 10% in the funding level for both counties and municipalities, total of about 46 million dollars will go into that portion of the budget if approved. Shared Revenue – county and municipal aide, an annual increase of 2% beginning in 2020. Other topics included assessments to properties, timeliness in court proceedings down to one year from 18 to 24 months. Rep. Gundrum spoke about a Bill that he is working on and introduced with Senator Kooyenga that would allow Local Government to do a Bi-Annual Budget, this is an optional Bill should counties or municipalities want to do this. Additional topic included Dark Stores.

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**6. CONSENT AGENDA**

- a. Vouchers for Payment
- b. Treasurer's Report
- c. New Operators License Applications
- d. Administrators Report – Open Records Requests

Administrator Healy provided the following information regarding Item 6d above:

Since January of 2019 - Administrator Healy has completed 33 Open Records Requests, which equates to approximately \$4,000 in staff time. There are two (2) outstanding requests for Open Records, with plans to be completed by next week. Mr. Healy discussed delegating these requests to the lowest paid staff member and then going through each and every one of them personally to confirm there is no confidential or privilege information. Administrator Healy added that the Village is working on an update to its website and will have an increase to user experience. Open Records requests will be published online for other users that may be looking for similar type of information.

Motion by Trustee Wolff to approve the Vouchers for Payment, Treasurer's Report, New Operators License Applications per the attached list; Seconded by Trustee Brandner; Motion carried without objection.

**7. DISCUSSION/ACTION**

- a. **Discussion/Action regarding the acceptance of bid for the 2019 Highway Improvement Program**

It is the recommendation of the Village Engineer that we award the contract amount is the amount of \$1,897,129.00. This amount includes the Base Bid roads, Alternate 2, and Alternate 3. It should be noted that in all cases, the rebidding produced lower prices than what was originally submitted. For FY2019, the Village budgeted ~\$2,050,000 for road construction and road improvements

In terms of the timeline for construction, the Village was anticipating a May construction starting time with "substantial completion" occurring during the middle of September. Our hope would be that this expedited turnaround will not impact this construction timetable and still afford the Village the ability to communicate with residents regarding roadwork occurring in 2019.

Tonight, Mitchell Leisses from Kunkel Engineering Group is present to discuss the project and answer any questions, comments, or concerns from the Village Board. April 29<sup>th</sup> and May 6<sup>th</sup> are the two (2) dates scheduled for the 9<sup>th</sup> Annual Pre-Construction meeting.

Upon approval of the recommendation from the Village Board, notices will be sent via First Class Mail to properties abutting the project limits. Information will also be added to the Village's website as well as the next publication of the Richfield Happenings Newsletter. No regular services will be interrupted for residents.

Motion by Trustee Wolff to accept the recommendation of the Village Engineer to award the 2019 Highway Improvement Program contract to Payne and Dolan for the stated contract price of \$1,897,129; Seconded by; Trustee Brandner; Motion carried without objection.

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**b. Discussion/Action regarding the purchase of a Reserve “Class B” Liquor License from the Town of Lisbon**

President Jeffords discussed with Roger Basse having a community meeting to help inform his neighbors of his desired plans. President Jeffords also discussed the fee for the Reserve license and not netting \$10,000 to the Village of Richfield as is the case with all other holders of a Reserve “Class B” Liquor license.

Trustee Collins apologized to the Basse’s for the decision making process taking a bit longer than usual and advised the Basse’s that he is in support of their business.

Motion by President Jeffords to Table item 7b until the May 16, 2019 Village Board meeting at 7:00 PM regarding the acquisition of a Reserve “Class B” Liquor License from the Town of Lisbon to provide an opportunity for the Basse family, should they choose to hold a community meeting with the surrounding subdivisions of their business regarding their future goals; Seconded by Trustee Wolff; Motion carried by voice vote 3-0-1, Trustee Brandner abstain.

**c. 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**

Motion by President Jeffords to Table item 7c until the May 16, 2019 Village Board meeting at 7:00 PM in an effort to provide guidance on the process for charging when a license is obtained from another community and how that relates to the \$10,000 Reserve License law; Seconded by Trustee Wolff; Motion carried by voice vote 3-0-1, Trustee Brandner abstain.

**d. Discussion/Action regarding a petitioned One Lot Certified Survey Map (CSM) for properties identified by Tax Keys: V10\_008200Z, V10\_008100Z, V10\_008000A – Pleasant Hill Bar and Grill, petitioner**

Motion by Trustee Wolff to approve the proposed One Lot Certified Survey Map for Pleasant Hill Bar and Grill, combining properties identified by Tax Keys: V10\_008200Z, V10\_008100Z, and V10\_008000A, subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. **Rezoning:** Prior to the filing of the proposed CSM, the applicant must petition for and receive approval of the rezoning of the area identified by Tax Key: V10\_008000A from A-1, Exclusive Agricultural District to B-4, Highway Business District.
2. **WisDOT:** Written confirmation from the WisDOT regarding any access restrictions or granting of access off STH 164 so it may be included on the face of the proposed CSM prior to filing.

**General Conditions of Approval:**

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes,

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and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.

2. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval;

Seconded by Trustee Brandner; Motion carried without objection.

- e. **Discussion/Action regarding a petitioned One Lot Certified Survey Map (CSM) for properties identified by Tax Keys: V10\_0209003 and V10\_0209002 – Ryan and Jessica Janzer, petitioners**

Motion by Trustee Brandner to approve the proposed One Lot Certified Survey Map for Mr. and Mrs. Ryan Janzer, combining properties identified by Tax Keys: V10\_0209003 and V10\_0209002, subject to the following General Conditions of Approval:

**General Conditions of Approval**

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.
2. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also

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constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.;

Seconded by Trustee Wolff; Motion carried without objection.

**f. Discussion/Action regarding a property donation proposal from SaintA, Inc. for a 0.18ac property identified by Tax Key: V10\_015500F**

Motion by Trustee Wolff to conditionally approve the proposed property donation from SaintA for land identified by Tax Key: V10\_015500F and the Village to decide on a Phase I Environmental Assessment with the Village Administrator's approval along with the following Specific Conditions of Approval:

**Specific Conditions of Approval:**

1. The Village Staff obtain a quote for doing a Phase I Environmental Assessment to bring before the Board for consideration during the month of May.
2. The Village Board author a letter to Washington County indicating their conditional acceptance of the land donation and imploring them to consider Committee action on transferring the land to the County.
3. Accurate Surveying complete the previously submitted proposal for services and the Village receive written approval from the DNR regarding the proposed transfer.
4. The Village agrees to pay for the legal review of the land transfer documents, as directed by the Village Attorney, for SaintA so that they do not incur any costs related to this property donation;

Seconded by Trustee Brandner; Motion carried without objection.

**g. Discussion/Action regarding a Stormwater Management Agreement for Highland Ridge Subdivision**

Motion by Trustee Collins to conditionally approve the proposed Stormwater Management Agreement subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. Attorney Macy's comments from March 22, 2019 are shared with the Village Engineer for his review and comment.
2. The final signature copy shall be recorded at the Washington County Register of Deeds against all property owners.

**General Conditions of Approval:**

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.

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2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.
3. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
4. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval;

Seconded by Trustee Wolff; Motion carried without objection.

h. **Discussion/Action regarding a reconsideration of the Deed Restrictions for Bark Lake Estates Subdivision**

Motion by Trustee Collins to approve the proposed amendment to the Deed Restrictions for Bark Lake Estates subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The final signature copy shall be recorded at the Washington County Register of Deeds against all property owners.
2. Developer shall legally establish the Bark Lake Estates HOA and ACC in the State of Wisconsin

**General Conditions of Approval:**

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.
2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and

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Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.

3. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
4. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval;

Seconded by Trustee Brandner; Motion carried without objection.

- i. **Discussion/Action regarding the termination of Deed Restrictions upon properties created by CSM 4315 and identified by the following Tax Keys: V10\_003700D, V10\_003700C, V10\_003700B, V10\_003700A**

Motion by Trustee Wolff to direct the Village Administrator to work with the Village Attorney and Village Consultant Planner to author a letter to the subject property owners denying the request to terminate the Deed Restrictions related to open space preservation on properties identified by Tax Keys: V10\_003700D, V10\_003700C, V10\_003700B, V10\_003700A and to seek the opinion of the Village Attorney on whether or not the Deed Restrictions can be opened up by the Board at any given time; Seconded by Trustee Brandner; Motion carried without objection.

## **8. PUBLIC COMMENTS –**

Additional Comments by Cari Brust, 2184 Scenic Rd, regarding Item 7i are noted above

## **9. ADJOURNMENT**

Motion by Trustee Wolff to adjourn the meeting at 9:23 PM; Seconded by Trustee Brandner; Motion carried without objection.

Respectfully Submitted,

Jim Healy  
Village Administrator