

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 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, Dan Neu, Tom Wolff and Rock Brandner.

Also present: Village Administrator Jim Healy 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:**

**Bob Lalk, 3663 Neuburg Ct**, regarding Item 7b. Mr. Lalk requested that the Village Board look at the Basse's project, stating that Basse's Taste of Country was initially supposed to be a seasonal educational venue to agricultural zoning. Mr. Lalk requested that the Board get together with the Basse's and get a Plan of Operation to determine the Basse's long term goal and plans for the property. Mr. Lalk stated the property does not have septic, that business outside of agriculture is being conducted and that a property zoned Agricultural should not be getting a liquor license.

**5. REPORT: Presentation by Tom Steinbach, Oconomowoc River Watershed Improvement Program**

Mr. Steinbach confirmed that there are currently five (5) Watershed Programs in Wisconsin. The Watershed is 49 miles in length, it starts in Slinger, WI and is 131 square miles total, 43,000 acres with 17 lakes. There are three (3) impaired streams and five (5) impaired lakes. Currently the Watershed is in pretty good shape. North end of North Lake has cause for concern however. The goal is water quality, to reduce erosion and nutrient loss and better soil. Some key factors to reach this goal are Urban Stormwater Treatment, Street Cleaning, Shoreline Stabilization, Fertilizer Management and Agriculture BMP's. The Aerial Interseeding Project in 2018 hit almost 2,000 acres and 76 fields. Long term projects are usually ten (10) year agreements and concern, municipal stormwater management, moving fence lines back from creeks, pollinator covers, field borders and filter / buffer strips. City of Oconomowoc is the primary entity funding the project and through some grants. Funding needed is approximately \$330,000 a year. Regarding Friess Lake – analysis and data show high amounts of phosphorous.

**6. CONSENT AGENDA**

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes – March 21, 2019 and April 18, 2019
- d. Applications for New Operator's Licenses
- e. Application for Temporary Operator's License
- f. Application for Temporary Class B Picnic License → Knights of Columbus
- g. Application for Temporary Class B Picnic License → Richfield Historical Society

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 2019**  
**7:00 pm**

- h. Resolution No. R2019-05-01, A Resolution Honoring Lisa Hartlund for her Service as a Park Commission Member
- i. Resolution No. R2019-05-02, A Resolution Honoring Rick Hillman for his Service as a Board of Review Member
- j. Resolution No. R2019-05-03, A Resolution Honoring Bill Neureuther for his Service as a Administrative Review Board Member

Motion by Trustee Neu to approve the Vouchers for Payment, Treasurer's Report, Minutes of the March 21, 2019 Regular Meeting, New Operator's License Applications per the attached list, Application for Temporary Operator's License, Applications for Temporary Class B Picnic Licenses for Knights of Columbus and Richfield Historical Society, and Resolution No's, R2019-05-01, R2019-05-02, and R2019-05-03, and to Table the Minutes of the April 18, 2019 Regular Meeting until the June 20, 2019 Regular Meeting; Seconded by Trustee Wolff; Motion carried without objection.

## **7. DISCUSSION/ACTION**

- a. **Discussion/Action regarding appointments to the Village's various Boards and Commissions**

Motion by Trustee Neu to appoint Tim Einwalter and Jason Duehring to a three (3) year term on the Village's Architectural Review Board; Seconded by Trustee Collins; Motion carried without objection.

Motion by Trustee Wolff to appoint Richard Schlei and Norb Weyer to a three (3) year term on the Village's Board of Zoning Appeals; Seconded by Trustee Neu; Motion carried without objection.

Motion by Trustee Wolff to appoint John Jeffords, Dan Neu, Richard Melzer and Tom Lechner to a one (1) year term on the Village's Capital Improvement Plan Administrative Subcommittee; Seconded by Trustee Brandner; Motion carried 4-0-1; Trustee Neu recused himself.

Motion by Trustee Wolff to appoint Heidi Woelfel, Patrick Murray and Diane Sommers to a three (3) year term on the Village's Park Commission; Seconded by Trustee Brandner; Motion carried without objection.

Motion by Trustee Neu to appoint Jim Otto to a one (1) year term as Plan Commission Chairman and to appoint Bill Collins to a one (1) year term as Village Board Representative, in addition to appoint Ray Cote and Bob Lalk to a three (3) year term on the Village's Plan Commission; Seconded by Trustee Brandner; Motion carried 4-0-1; Trustee Collins recused himself.

Motion by Trustee Wolff to appoint Don Kriefall to a one (1) year term, Mike Bagin to a three (3) year term and Mike Anderson to a five (5) year term on the Village's Residency Board; Seconded by Trustee Neu; Motion carried without objection.

Motion by Trustee Wolff to appoint John Jeffords, Dan Neu and Donald Schmitt to two (2) year terms on the Village's Administrative Review Board; Seconded by Trustee Brandner; Motion carried 4-0-1; Trustee Neu recused himself.

Motion by Trustee Neu to appoint Carol Robinson as Chairperson, Pam Schmitt, Sandy Stuetgen, Rock Brandner, Tom Wolff, Tom Lechner and Douglas Mikolainis to two (2) year terms on the Village's Board of Review Board; Seconded by Trustee Collins; Motion carried 3-0-2; Trustees Brandner and Wolff recused themselves.

**Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Village Board Meeting Minutes May 16, 2019  
7:00 pm**

- b. Discussion/Action regarding petitioned application for Alcohol Beverage Retail License for a new Reserve “Class B” Liquor License for establishment - Basses Taste of Country, located at 3190 County Line Road.**

Administrator Healy provided the following details:

If the Village Board were to accept the recommendation of Staff to not enter into an agreement with the Town of Lisbon at this time, there are no Reserve “Class B” Liquor Licenses available to give. The subject property received a Conditional Use Permit in August of 2012. Under their current Conditional Use Permit, they were granted a Class “B” Beer License in 2018. This License allows them to sell beer and other types of fermented malt beverages. They have now petitioned for a Reserve “Class B” Liquor License, which was previously mentioned that we currently do not possess. The only way the Village would come to have one, is if it were negotiated with the Town of Lisbon in some way, shape, or form.

At present, the petitioner’s business is seasonal. It operates on limited hours each year with U-Pick fruits and vegetables. But then has expanded hours of operation during their “Pumpkin Fest” which occurs during the month of October. It is Staff’s understanding that this is the primary time they desire to sell liquor to adults over 21 years of age. It is a policy decision of the Board whether they want to give a license that can be used 365 days a year to this type of a seasonal business. It is the opinion of Staff that the utilization of this type of license on this property and under their current operational constraints is not its highest and best use when compared to the potential for, say, a restaurant.

Also discussed at the Board meeting was the fact that with the way the Village has previously handled its Reserve “Class B” Liquor Licenses, a fee of \$10,000 was paid to the Village. This occurred with Sobelman’s Pub, Logger’s Park, and the local Veterans of Foreign Wars (VFW) establishment on Bark Lake. What was suggested by Village President Jeffords was that to be equitable with the local business owners and the Veterans in charge of operating the local VFW post, a fee of \$10,000 in addition to the fee of \$25,000 should be paid by the petitioners. Again, while fundamentally Village Staff is not recommending approval for the license, if the Board is of a mind to grant approval, it is suggested that the amount charged for the license be \$35,000. This covers the cost of the license from the Town of Lisbon (\$25,000) and includes the additional fee of \$10,000 so that we are consistent and fair with how we transitionally administer our Reserve “Class B” Liquor Licenses.

Motion by Trustee Wolff to direct Village Administrator and Village President to prepare a letter indicating to the petitioners the denial of their request for a Reserve “Class B” Liquor License based on the fact that there are none available; Seconded by Trustee Brandner; Motion carried without objection.

- c. Discussion/Action regarding a petitioned Two-Lot extraterritorial plat CSM in the Town of Lisbon for property identified by Tax Key: LBST\_0149.999 – SPACE4U LLC, petitioner**

Motion by Trustee Wolff to approve the petitioned extraterritorial Two-Lot Certified Survey Map for SPACE4U LLC, for property identified by Tax Key: LBST\_0149.999 in the Town of Lisbon; Seconded by Trustee Neu; Motion passed without objection

- d. Discussion/Action regarding a petitioned Two-Lot CSM for property identified by Tax Keys: V10\_0482, V10\_048300A and V10\_048300B – Darrell S. and Kris M. Woltmann Rev. Trust, petitioner**

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 2019**  
**7:00 pm**

Motion by Trustee Neu to approve of the proposed Two-Lot Certified Survey Map for properties identified by Tax Keys: V10\_0482, V10\_048300A and V10\_048300B, subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The Village be presented with the necessary Quit Claim Deed documents or other legal instrument used to convey property between Mr. and Mrs. Woltmann and Mr. Wolff. This shall be reviewed to the satisfaction of the Village Engineer.
2. Prior to filing the CSM, to the satisfaction of the Village Engineer, the Road Vacation documents will be finalized with the documents being filed contemporaneously.

**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 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 Two-Lot and Out Lot CSM for property identified by Tax Key: V10\_045400A – Lavern H. Wolf Rev. Trust, Betty Jane Wolf Rev. Trust, petitioner**

Motion by Trustee Wolff to approve the proposed Two-Lot and One Out-Lot Certified Survey Map for property identified by Tax Key: V10\_045400A, subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 2019**  
**7:00 pm**

1. The Village be presented with the necessary Quit Claim Deed documents or other legal instrument used to convey property between Mr. and Mrs. Woltmann and Mr. Wolff. This shall be reviewed to the satisfaction of the Village Engineer.
2. Prior to filing the CSM, to the satisfaction of the Village Engineer, the Road Vacation documents will be finalized with the documents being filed contemporaneously.
3. Prior to the filing of the CSM, the petitioner shall place verbiage on the face of the CSM to the satisfaction of the Village Planner related to the “Out Lot”.

**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 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 Neu; Motion carried without objection.

**f. Discussion/Action regarding the contracting of services for the completion of the Village’s 2019 PASER Road Ratings with Kunkel Engineering Group**

Administrator Healy provided the following details:

In November of 2018, the Village residents passed a road referendum to double the amount of money the Village is able to levy for the purposes of “road construction” and “road maintenance”. This \$750,000 increase will unquestionably help to increase the overall ratings of the Village’s network of roads. However, with this increase in road maintenance funding comes the increased responsibility in effectively planning Village road construction efforts- whether that is with the typical road construction process of pulverizing the existing asphalt and overlaying a top course, increasing crack filling efforts, sealcoating roadways recently repaired in the last 7-9 years, shoulder repair, base patching areas with failed bases, or storm water management efforts.

Also, the possibility exists that some of the work that would have previously been contracted for could bring in-house with the modest purchase of some add-on equipment to the Village’s Bobcat Skid Steer.

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 2019**  
**7:00 pm**

Specifically, the Village has been looking into the purchase of an 18” or 24” mill to add onto our Bobcat to improve the rideability of certain areas throughout the community. Areas that the Village would be looking to utilize this piece of equipment would be areas where we see consistent transverse cracking.

Village Staff is requesting the Board to consider a proposal from Kunkel Engineering Group to conduct the PASER updates for 2019. The cost to conduct this service on behalf of the Village is the same that it was in 2015 and 2017. That amount is \$2,250.

Motion by Trustee Wolff to authorize the Village Engineer to perform the 2019 PASER Road Ratings Update in the amount of \$2,250; Seconded by Trustee Neu; Motion carried without objection.

- g. **Discussion/Action regarding the release of a held Letter of Credit for Bridlewood Estates Subdivision- Hartford Land Development, LLC, petitioner**

Motion by Trustee Wolff to accept the recommendation of the Village Engineer for the release of the Letter of Credit for Hartford Land Development, LLC, for the Bridlewood Estates Subdivision, in the amount of \$84,011.25; Seconded by Trustee Collins; Motion carried without objection.

- h. **Discussion/Action regarding the exploration of an intergovernmental agreement with Washington County for human resource management services**

Motion by Trustee Brandner to authorize the Village Administrator to work with the Washington County Government Affairs Coordinator on the creation of an intergovernmental agreement for human resources management services, to be considered at a future meeting; Seconded by Trustee Wolff; Motion carried without objection.

- i. **Discussion/Action regarding a 1st Amendment to an established Developer’s Agreement for Kwik Trip gas station/convenience store on property identified by Tax Key: V10\_038400A – Kwik Trip, petitioner**

Motion by Trustee Collins to approve the proposed 1st Amendment to the Developer’s Agreement for Kwik Trip 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.

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes May 16, 2019**  
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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 Neu; Motion carried without objection.

**8. PUBLIC COMMENTS – No Additional Comments**

**9. ADJOURNMENT**

Motion by Trustee Wolff to adjourn the meeting at 8:34 PM; Seconded by Trustee Brandner; Motion carried without objection.

Respectfully Submitted,

Jim Healy  
Village Administrator