

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes November 21, 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; Rock Brandner, Dan Neu and Tom Wolff.

Excused Absent: Trustee Bill Collins

Also present: Village Administrator Jim Healy, Municipal Attorney John Macy, Administrative Services Coordinator Jen Keller, and Village Engineer Ron Dalton.

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

EDITOR'S NOTE: President Jeffords stated items 8b and 8l would be moved to the beginning of the discussion/action items.

4. PRESENTATION: EPA Brownfields Redevelopment Grant Presentation – Mike Bach, Stantec

Christian Tscheschlok, EDWC, spoke regarding market trends and site readiness.

Mike Back, Stantec, presented on the financial analysis of any proposed infrastructure in the Northwest Corridor of the Village.

Jackie Mich, Vandewall & Associates, spoke regarding land use categories included in the presented materials.

5. PUBLIC HEARING

a. Discussion regarding the adoption of the 2020 Village Budget

Administrator Healy provided an overview of the 2020 budget.

Motion by Trustee Wolff to open the public hearing; Seconded by Trustee Neu; Motion carried unanimously.

There were no comments regarding the 2020 budget.

Motion by Trustee Wolff to close the public hearing; Seconded by Trustee Brandner; Motion carried unanimously.

6. PUBLIC COMMENTS:

Charles Sanger, spoke to the board regarding item 10a. on the agenda. Mr. Sanger wanted to speak on behalf of Mr. Kurt Schwindeman and Lake 5 Farms. Mr. Sanger was concerned there have not been proper channels of communication utilized by the Village regarding progress made to clean up the property. Mr. Sanger stated his client had multiple employees working on the property to clean-up the appearance.

7. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes
 - i. October 17, 2019 – Regular Meeting
- d. Applications for New Operator's Licenses
- e. Letter of Credit Reduction – Monches Investments
- f. Contractual Agreement with Telecom
- g. Appointment of Mr. Adam Ludovic to the Board of Zoning Appeals – 2nd Alternate

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, Minutes of the October 17, 2019 Regular Meeting, Applications for New Operator's Licenses per the attached list, Letter of Credit reduction for Monches Investments, LLC. per our Village Engineer's recommendation, contractual agreement with Telecom, and the appointment of Mr. Adam Ludovic to the Board of Zoning Appeals as the 2nd Alternate; Seconded by Trustee Neu; Motion carried unanimously.

8. DISCUSSION/ACTION

- a. **Discussion/Action regarding a Memorandum of Agreement (MOA) with Washington County for the Environmental Protection Agency (EPA) Brownfields Redevelopment Grant Coalition**

Administrator Healy introduced the topic and the program which the Village has been involved with since 2014. In total, the community has received close to \$100,000 in financial benefit.

Motion by Trustee Wolff to authorize the Village Administrator to sign the MOA with the Washington County Planning and Parks Department to join and participate in the Brownfields Assessment Coalition; Seconded by Trustee Neu; Motion carried unanimously.

- b. **Discussion/Action regarding the adoption of the EPA Brownfields Redevelopment Grant Infrastructure Analysis**

Motion by Trustee Wolff to adopt the proposed Draft Infrastructure Evaluation Report prepared by Stantec; Seconded by Trustee Brandner; Motion carried unanimously.

- c. **Discussion/Action regarding Resolution R2019-11-01, A Resolution adopting the 2020 Village Budget and Establishing the Property Tax Levy**

Motion by Trustee Neu to adopt Resolution R2019-11-01, a Resolution adopting the 2020 Village Budget and Establishing the Property Tax Levy as published in the West Bend Daily News 'Notice of Public Hearing' for the Village of Richfield; Seconded by Trustee Brandner; Motion carried unanimously.

- d. **Discussion/Action regarding a proposed redivision of Lot 2 of CSM 6868, a 28.07-ac parcel identified by Tax Key: V10_008800M – Steven Schmidt, petitioner**

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

Administrator Healy stated the petitioner emailed staff at 6PM on the date of the meeting to delay a vote to the December Village Board meeting, with a verified DocuSign to arrive by 4PM the following day.

Motion by Trustee Wolff to accept the recommendation of the Village's Consultant Planner and Plan Commission for the denial of the proposed redivision of CSM 6868 for property identified by Tax Key: V10_008800M subject to a hold over by 4PM tomorrow, November 22nd. If the DocuSign document is received, the matter is in fact tabled to the December meeting; Seconded by Trustee Neu; Motion carried unanimously.

e. Discussion/Action regarding a Final Plat for Highland Ridge Subdivision (Tax Key: V10_1250 & V10_1255) – Monches Investments LLC., Petitioner

Motion by Trustee Neu to conditionally approve the proposed Final Plat for Highland Ridge Subdivision subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

1. The Plan Commission and Village Board must approve the proposed 1st Amendment to the Developer's Agreement and a copy of the same must be recorded with the County Register of Deeds.
2. The Village Board must approve the proposed 1st Amendment to the Deed Restrictions and subsequent to filing the Final Plat must contemporaneously record the same against all lots in the Highland Ridge Subdivision.

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 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.

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

3. Deed Restrictions: Subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney and the Village Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private or site development, or recording of the Final Plat, whichever is earlier.
4. 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.
5. Payment of Charges: Any unpaid bills owed 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 unanimously.

- f. **Discussion/Action regarding a proposed 1st Amendment to the Developer's Agreement for Highland Ridge Subdivision (Tax Key: V10_1250 & V10_1255) – Monches Investments LLC., Petitioner**

Motion by Trustee Wolff to conditionally approve the proposed 1st Amendment to the Developer's Agreement for Highland Ridge Subdivision subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

1. Subject to the final review and approval of the Village Attorney.
2. Subject to the final review and approval of the Village Engineer.
3. Subject to the Lots being staked by a surveyor prior to the filing of the Final Plat and verified by the Village Engineer.
4. Subject to We Energies completing the utility installation and verified by the Village Engineer.
5. In Spring of 2020, that the necessary restoration on the site occur prior to the final lift of asphalt being installed.
6. Subject to the Village Board approving the proposed Final Plat for Highland Ridge Subdivision.

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

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

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 owed 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 unanimously.

- g. **Discussion/Action regarding a proposed 1st Amendment to the Deed Restrictions for Highland Ridge Subdivision (Tax Key: V10_1250 & V10_1255) – Monches Investments LLC., Petitioner**

Motion by Trustee Brandner to accept the recommendation of the Village Attorney for approval of the 1st Amendment to the Deed Restrictions contained in his letter dated November 15, 2019 subject to his final review and approval of the same; Seconded by Trustee Neu; Motion carried unanimously.

- h. **Discussion/Action regarding a proposed Two-Lot Certified Survey Map (CSM) for St. Gabriel Congregation for property located at 3733 Hubertus Road (Tax Key: V10_0829 & V10_0830) – St. Gabriel Congregation, Petitioner**

Motion by Trustee Neu to approve the proposed Two-Lot CSM for St. Gabriel Congregation for property located at 3733 Hubertus Road (Tax Key: V10_0829 and V10_0830) subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

1. The following be added to the Face of the CSM: “Lot 1 and Lot 2 are substandard lots and were approved by the Village of Richfield under authority of 330-11-1 of the Village of Richfield

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

Code of Ordinances. Such parcel shall comply with all applicable regulations relating to legal nonconforming lots which may now exist or which may be established by the Village of Richfield.”

2. The following be added to the Face of the CSM: “Lot 2 contain structures which do not comply with the setback requirements in the Village’s zoning regulations in effect on the date this certified survey map was approved by the Village of Richfield. Such structures shall comply with all applicable regulations relating to legal nonconforming structures which may now exist or which may be established by the Village of Richfield”.
3. Easement Document No. 1108032 be added to the face of the CSM to show a grant of access from Scenic Road for the benefit of Tax Key: V10_082500C.
4. All road names (e.g., Hubertus Road and Scenic Road) must be underscored.
5. The CSM merges V10_0417001 with the larger parcel. Please show that parcel with a dashed line and add a label as such.
6. Any building on the adjacent lots that are located within 50 feet this CSM must be shown and labeled as to their use.
7. The location of all existing wells within this CSM and those on adjacent parcels that are within 50 feet of any existing or proposed septic systems must be shown.
8. The area for Lot 2 on sheet 1 and 2 are different. These should be corrected accordingly. Please also verify the area for Lot 1. The total of all lots and ROW dedications must total the acreage in the Surveyor’s Certificate.
9. The surveyor must monument the corners separating Lot 1 and 2 and include corresponding notes in the Legend on sheet 1.
10. All sheets shall be label in the following format: Sheet 1 of X, Sheet 2 of X, etc.
11. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

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 November 21, 2019
7:00 pm

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 unanimously.

- i. **Discussion/Action regarding the adoption of an Addendum to the established 2011 Radio User Agreement – Washington County Sheriff’s Office, Petition**

Motion by Trustee Wolff to authorize the Village President and Village Administrator to execute the Addendum to the User Agreement with Washington County, as drafted; Seconded by Trustee Brandner; Motion carried unanimously.

- j. **Discussion/Action regarding an engineering services proposal for the 2020 Highway Improvement Program with Kunkel Engineering Group**

Motion by Trustee Wolff to authorize the Village Administrator to execute an agreement with Kunkel Engineering Group to complete the tasks noted in the areas specified in their proposal letter dated November 12, 2019 in the amount not to exceed \$40,000; Seconded by Trustee Neu; Motion carried unanimously.

- k. **Discussion/Action regarding the 2020 contract with the Richfield Volunteer Fire Company for fire and EMS**

Trustee Neu recused himself from discussing and voting on item 8k.

Motion by Trustee Wolff to approve the contract for fire and emergency medical services with the Richfield Volunteer Fire Company covering the period January 1, 2020 through December 31, 2020; Seconded by Trustee Brandner; Motion carried unanimously.

- l. **Discussion/Action regarding the issuance of a Raze Order for property located at 3431 S Shore Drive (Tax Key: V10_096200B)**

Motion by Trustee Brandner to authorize the Village Staff to work with the Village Attorney to petition the Washington County Circuit Court for a Raze Order for the subject property, located at 3431 S Shore Drive (Tax Key: V10_096200B); Seconded by Trustee Neu; Motion carried unanimously.

- m. **Discussion regarding the 2020 Village Calendar**

It was requested of the Village Board to review the proposed meeting date calendar and for it to be adopted in December.

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

9. PUBLIC COMMENTS – No Additional Comments

10. CLOSED SESSION

- a. **Discussion/Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governing body who is rendering oral or written advice concerning strategy to be adopted by the governing body with respect to litigation in which it is or is likely to become involved. - Grace Investors II LLC & Tenant for property identified by Tax Key: V10_130900E**
- b. **Discussion /Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governing body who is rendering oral or written advice concerning strategy to be adopted by the governing body with respect to litigation in which it is or is likely to become involved. – Echos Rental LLC for property identified by Tax Key: V10_031400L Referenced by Case No. Village of Richfield v. C&P Rentals Limited, et al. Case No. 10 CX 2; Village of Richfield v. Carla M. Whitcomb Case No. 16 CX 2**

President John Jeffords read 8a and 8b aloud.

Motion by Trustee Wolff to enter into Closed Session at 8:28 PM pursuant to Wisconsin State Statutes, Section 19.85(1)(g); Seconded by Trustee Neu; Motion carried unanimously by voice vote.

11. RECONVENE IN OPEN SESSION

Motion by Trustee Wolff to Reconvene in Open Session at 9:07 PM; Seconded by Trustee Neu; Motion carried unanimously by voice vote.

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

Motion by Tom Wolff to authorize the Village Attorney to commence litigation against Grace Investors II LLC in a long form summons and complaint for violations on the property; Seconded by Trustee Brandner; Motion carried without objection.

Motion by Tom Wolff to authorize the Village Attorney to commence litigation against Carla Whitcomb a/k/a Echos Rentals LLC, C&P Rentals LLC and C&P Rentals LLC. for violation of the Washington Court Circuit Court Order; Seconded by Trustee Neu; Motion carried without objection.

Motion by Tom Wolff to authorize the Village Attorney to commence litigation against any and all residential tenants and Carla Whitcomb and her rental agencies for property located at 3090 Polk Street for violations of the Washington County Circuit Court Order; Seconded by Trustee Neu; Motion carried without objection.

Motion by Tom Wolff to direct the Village Administrator so seek an inspection warrant with the Richfield Volunteer Fire Company for the property located at 3090 Polk Street for the purposes of doing a the State

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

Required Fire and Safety Inspections and to determine compliance with the Village of Richfield Code of Ordinances; Seconded by Trustee Brandner; Motion carries 2-0-1, Trustee Neu abstained.

12. ADJOURNMENT

Motion by Trustee Wolff to adjourn the meeting at 9:17 PM; Seconded by Trustee Neu; Motion carried without objection.

Respectfully Submitted,

Jim Healy
Village Administrator