



AGENDA  
VILLAGE BOARD MEETING  
RICHFIELD VILLAGE HALL  
4128 HUBERTUS ROAD, HUBERTUS WISCONSIN  
June 18, 2015  
7:30P.M.

1. Call to Order/ Roll Call
2. Verification of Compliance With Open Meeting Law
3. Pledge of Allegiance
4. REPORTS
  - a. State of the County – County Administrator Schoemann
  - b. Proposed landfill at 609 Scenic Road – Village Administrator Healy
5. PUBLIC HEARING
  - a. Public Hearing: Weights and Measures
  - b. Discussion/Action regarding approval of Weights and Measures
6. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding ITEMS ON THE AGENDA ONLY. Public comments are not a public hearing and are typically a one way conversation from a citizen to the Board. Individual comments shall not exceed 3 minutes, with a total time limit of approximately 20 minutes. Unless part of a Public Hearing, handouts will not be accepted by the Village. Comments beyond 20 minutes will be moved to the end of the meeting at the discretion of the President.)
7. CONSENT AGENDA
  - a. Vouchers for Payment
  - b. Treasurer’s Report
  - c. Meeting Minutes:
    - i. May 21, 2015 – Regular Meeting
    - ii. May 28, 2015 – Regular Meeting
  - d. New Operator Licenses
  - e. Resolutions R2015-06-01, R2015-06-02, resolutions of commendation for service to the Village for Don Weiland and Virgil Dawson
8. DISCUSSION/ACTION ITEMS
  - a. Discussion/Action regarding the advertisement for a full-time Public Works Laborer
  - b. Discussion/Action regarding Beer, Liquor, Cigarette, Coin Machine, Target Trap, Unenclosed Premise Permit and Related License Renewals
  - c. Discussion/Action regarding the granting of various Picnic Licenses throughout the community
  - d. Discussion/Action regarding Operator License Renewals
  - e. Discussion/Action regarding scheduling of July Village Board meeting
9. PUBLIC COMMENTS (...Continued)
10. CLOSED SESSION
  - a. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- *Reflections Richfield Investments, LLC.*
11. RECONVENE IN OPEN SESSION
  - a. Discussion/Action regarding matters address in Closed Session as outlined above

12. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village’s website at [www.richfieldwi.gov](http://www.richfieldwi.gov). Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk’s office at 628-2260 or [www.richfieldwi.gov](http://www.richfieldwi.gov) with as much advance notice as possible.

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**AFFIDAVIT OF POSTING**

Pursuant to Sec. 985.02(2), Wis Stats., I, Bradley Calder, being duly sworn, state as follows:

1. I am an adult resident of the State of Wisconsin, and I make this affidavit on personal knowledge.

2. I hereby certify that I posted a copy of the attached:

June 18 2015 Agenda Village Board @ 7:30 PM  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on June 12 2015 (date), 1:00 PM (time), at the Village posting locations, namely: on the outside bulletin board of the Village Hall located at 4128 Hubertus Road, Hubertus; on the outside bulletin board at the Hubertus Post Office located at 3695 Hubertus Road, Hubertus; on the outside bulletin board at the Richfield Post Office located at 1925 Hwy 175, Richfield; and on the outside bulletin board at the Colgate Post Office located at 3392 Hwy Q, Colgate.

Bradley Calder  
Signature

6/12/2015  
Date

Personally came before me this 12<sup>th</sup> day  
of June 2015.  
[Signature]  
Notary Public, State of Wisconsin  
My commission expires 9/4/16

I also certify that notice of such meeting(s) were sent via email to the West Bend Daily News, the Germantown Express News, the Hartford Times Press, and the Milwaukee Journal Sentinel.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I further certify that a copy has been posted to the Village website [www.richfieldwi.gov](http://www.richfieldwi.gov).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

4 a

# 2015 State of the County Address

Joshua Schoemann, Washington County Administrator

# From Operational Oversight to Strategic Leadership

- ▶ <http://www.co.washington.wi.us/uploads/docs/report-on-county-planning-2013-15.pdf>

# Top Ten of 2014

## 10) Design, Adoption and Implementation of Paid Time Off (PTO)

- ▶ 2014 Design by Administrative Services Committee and internal staff
- ▶ January 2014 Adoption
- ▶ July 01, 2014 Implementation
  - ▶ Special thanks to Sue Haag and the Finance Department, as well as Sandy Weiland and the Human Resources Department
  - ▶ **Achieves County Board Strategic Initiative:**
    - ▶ *“Design & enact Paid Time Off (PTO) system to replace separate sick time, vacation time, etc.”*

“I really felt comfortable with our old sick and vacation system, and I must admit that I felt threatened by the prospect of PTO. But now that we have PTO I wouldn’t even want to think about going back. I love the flexibility it provides for me and my family. I feel like I really own it.”

## Top Ten of 2014

### 9) Transition from Administrative Coordinator to County Administrator

- ▶ January - County Manager begins
- ▶ April - Various discussions, including an ordinance amendment
- ▶ June - Formal ordinance amendment

This act of the County Board marked a major shift in the day to day leadership of our organization.

The County Board sets strategic policy direction, and the County Administrator executes that direction!

The focus shifts from the day to day, to Strategic Issues

## Top Ten of 2014

### 8) Health Insurance Fund Balance Deficiency

- ▶ After proposing bold budget goals for 2015, deficiency is identified
- ▶ August - County Administrator communicates deficiency to Board
- ▶ Staff collaboratively works to create an immediate recovery plan
- ▶ Through the strategic leadership of Supervisor Sorce and the ASC plan is enacted
  - ▶ \$500,000 Health Insurance surcharge back to the departments: July 01 - Dec. 31
  - ▶ Increased rates, co-pays and deductibles in 2015
  - ▶ Eliminated Plan F
- ▶ Through the operational leadership of Todd Scott and the HR team these major changes are communicated and implemented on January 01, 2015

## Top Ten of 2014

7) \$1 million injection of additional investment in EDWC

- ▶ July - EDWC reports outstanding results so far this year
- ▶ August - Finance Committee recommends allocation of additional \$1 million in Sales Tax Fund Balance to Revolving Loan Funding
- ▶ September - County Board affirms \$1 million investment in the jobs and economy of Washington County

▶ Achieves County Board Strategic Initiative:

*“Promote the County as a good business environment and a good place to live, by supporting a countywide approach to economic development with EDWC, local municipalities, area businesses.”*

“If we are focused on service delivery, then we need to focus on what services we are going to commit to!” - Andy Phillips

# Top Ten of 2014

## 6) 2015 Budget - Unique Milestones

- ▶ Largest reduction in County tax levy, as a percentage, in over 30 years
- ▶ Largest reduction in County tax levy, in total dollars, ever
- ▶ Largest reduction in County tax rate, as a percentage, in over 30 years
- ▶ Lowest County tax levy since 2005
- ▶ Lowest County tax rate since 1985
- ▶ First cost of living adjustment since Act 10 (2011)
  - ▶ **Achieves County Board Strategic Initiative:**
    - ▶ *“Continue sound financial management by holding tax levy and rate, having Committees and Supervisors more involved with the budget process, and more clearly defining the philosophy and methods to be used to continue eliminating county debt.”*
    - ▶ *“Recognize the value of and investment in long term, dedicated employees and municipal partners...”*

# Top Ten of 2014

## 5) Washington/Waukesha Medical Examiner

- ▶ August - Staff presents details regarding concept of shared services
- ▶ November - 2015 Budget lays out new direction for ME's Office
- ▶ December - You pass 2014 Resolution 50 authorizing an Intergovernmental Agreement with Waukesha County for shared ME services

- ▶ **Achieves County Board Strategic Initiative:**

- ▶ *"Study options to better share services and equipment with neighboring counties and local communities to reduce spending."*

"A new collaborative effort in the 2015 budget is a contract with [Washington] County for Waukesha County to serve as its Medical Examiner, allowing a third forensic pathologist position to be funded. [Washington] county will maintain its own field investigators, however will share protocols, policies and procedures under the supervision of a Waukesha County forensic medical pathologist. The additional position will allow more long term and stable staffing for 24/7 service needs."

- Waukesha County Executive, Dan Vrakas

# Top Ten of 2014

## 4) County Board Structure Advisory Committee

Ok, so this one goes into 2015 a little... 😊

- ▶ September - County Board Chairman establishes committee
- ▶ October - First committee meeting
- ▶ April - After decades of status quo, and various attempts to try something new, you courageously take a step toward something new and different
  - ▶ 5 Major Committees, plus Executive Committee
- ▶ May - Reduce County Board to 26 Supervisors
  - ▶ During one-on-one interviews with County Board Supervisors in December 2013 and January 2014, 29 of 30 indicated a desire for a reduced number of County Board Supervisors
- ▶ June/July - County Board Chair duties and salary & Supervisor Salary

## Top Ten of 2014

### 3) Six (6) new Department/Division Heads since January 2014

- ▶ Jay Shambeau, Planning and Parks
- ▶ Rob Schaefer, Medical Examiner
- ▶ Todd Scott, Human Resources
- ▶ Maureen Murphy, Human Services
  - ▶ Eric Diamond
- ▶ Jamie Ludovic, Administration
  - ▶ Steve LaMonte
- ▶ Kirsten Johnson, Health Department

# Top Ten of 2014

## 2) Priority Based Budgeting Introduced

This one goes into 2015...and beyond 😊

- ▶ August - County Administrator attends Center for Priority Based Budgeting Conference
- ▶ December - Executive Committee sees presentation by CPBB
- ▶ March 2015 - 2014 Resolution 64 funding Priority Based Budgeting
  - ▶ Achieves County Board Strategic Initiative:
    - ▶ *“Inventory programs and services offered by county government and identify and eliminate overlapping/duplicative programs and/or services.”*

# Top Ten of 2014

## 1) City of West Bend & Washington County Cooperative Agreement

Again, slightly into 2015 ☺

- ▶ August - County Board Chair and County Administrator meet with City Mayor and City Administrator to investigate cooperative opportunities
- ▶ September - Executive Committee is introduced to original proposal
- ▶ September - February 2015 - Various committees are informed and opine
- ▶ February 2015 - Joint Session of Finance/Executive recommend to Board
- ▶ March 2015 - County Board approves deal putting to rest over a combined century of disputes between these two bodies.
  - ▶ Achieves County Board Strategic Initiative:
    - ▶ *“Recognize the value of and investment in long term, dedicated employees and municipal partners...”*

## 2015 and beyond...

- ▶ Developing a comprehensive strategy to “Inspire a Shared Vision”
  - ▶ Priority Based Budgeting
    - ▶ Strategic Planning
    - ▶ Results Mapping & Setting Priorities
  - ▶ Shared Services
    - ▶ Ozaukee/Washington Partnerships
      - ▶ Health Department
      - ▶ Veteran Services
  - ▶ Fiscal Responsibility
    - ▶ Continued reduction of debt liability
    - ▶ Hold or reduce tax levy &/or mill rate

# 2014 Budget Results

- ▶ [2014 unaudited year end report.xlsx](#)

# 2016 Budget Goals

- ▶ “Continue sound financial management by holding tax levy and rate, having Committees and Supervisors more involved with the budget process, and more clearly defining the philosophy and methods to be used to continue eliminating county debt.”
    - ▶ \$250,000 reduction in the tax levy
    - ▶ Reduce or eliminate need to access fund balance to balance budget
    - ▶ Replenish the Health Insurance Fund Balance
  - ▶ “Recognize the value of and investment in long term, dedicated human capital (employees and municipal partners). Develop employment policies and practices that align with the county’s investment in human capital so that the County can attract, retain and invest (train) in high performing employees.”
    - ▶ A 2<sup>nd</sup> consecutive pay plan adjustment
- AND/OR
- ▶ “Create incentives for employee cost saving ideas.”
    - ▶ Develop a plan based on other county models

STATE OF WISCONSIN  
SCENIC PIT LLC,

CIRCUIT COURT

WASHINGTON COUNTY

FILED

06-04-2015

Clerk of Circuit Court

Washington County, WI

Plaintiff,

v.

VILLAGE OF RICHFIELD, and  
JIM HEALY,

Case No. 15-CV-374

Defendants.

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**NOTICE OF MOTION AND MOTION FOR  
A TEMPORARY INJUNCTION AND RESTRAINING  
ORDER PENDING HEARING**

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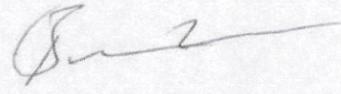
To: VILLAGE OF RICHFIELD, JIM HEALY  
4128 Hubertus Road 2205 North University Drive, #5  
Hubertus, WI 53033 Waukesha, WI 53188

PLEASE TAKE NOTICE that pursuant to §§813.02 and 813.03, Stats., plaintiff shall move the Court for a restraining order and temporary injunction restraining the Village of Richfield, Wisconsin, and its officers, agents and employees, from interfering with the plaintiff's plans to operate a clean fill site at 609 Scenic Road, Richfield, Wisconsin, under the exemption for such sites contained in NR 500.08(2), Wis. Admin. Code, which injunction will remain in place until final judgement in this matter.

Upon the foregoing notice, the plaintiff hereby moves the Court for a Restraining Order until plaintiff's motion for a Temporary Injunction can be heard. This motion is supported by the Affidavits and Memorandum of Law filed simultaneously herewith, and the pleadings on file herein.

McInay Button Law LLC  
Counsel for Plaintiff

Dated: June 3, 2015



By: \_\_\_\_\_  
Bruce A. McInay  
State Bar No.: 1006609

Address:  
1971 Washington Street, Suite 201  
Grafton, WI 53024  
(262) 421-8060  
(262) 421-8059 --fax  
bruce@mcbusinesslaw.com

STATE OF WISCONSIN  
SCENIC PIT LLC,

CIRCUIT COURT

WASHINGTON COUNTY

Plaintiff,

v.

VILLAGE OF RICHFIELD, and  
JIM HEALY,

Case No. 15-CV-374

Defendants.

---

**TEMPORARY RESTRAINING ORDER  
AND  
ORDER SETTING HEARING ON MOTION FOR  
TEMPORARY INJUNCTION**

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Upon the plaintiff's motion filed on June 4, 2015, and the pleadings of record herein,

IT IS HEREBY ORDERED:

That a hearing on plaintiff's motion for a Temporary Injunction shall be heard beginning at \_\_\_\_\_ on June \_\_, 2015, before the Honorable, \_\_\_\_\_, Branch \_\_, of the Washington County Circuit Court, in Room \_\_\_\_ of the Washington County Courthouse, 432 E Washington Street, West Bend, Wisconsin.

It is further ordered that until the hearing on plaintiff's motion for a Temporary Injunction, the defendants are restrained from interfering with plaintiff's plan to accept clean fill as defined in NR 500.08(2), Wis. Admin. Code, at the abandoned quarry at 609 Scenic Road, Richfield, Wisconsin.

Dated: June \_\_, 2015

By the Court:

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**STATE OF WISCONSIN, CIRCUIT COURT, WASHINGTON COUNTY**

*For Official Use*

**FILED**

**06-04-2015**

**Clerk of Circuit Court  
Washington County, WI**

Scenic Pit LLC vs. Village of Richfield et al      **Electronic Transmittal Letter –  
New Document Filing**

Case No.      2015CV000374

On 06-03-2015, the documents listed below were electronically filed in Washington County circuit court on case number 2015CV000374 by Bruce A. McInay whose address is 1971 Washington Street, Suite 201, Grafton, WI, 53024, and phone number is 262-421-8060.

The following documents are transmitted with this filing:

- Affidavit for Temporary Order and Preliminary Injunction of Danah Zoulek

**Electronically signed by Bruce A. McInay**

\_\_\_\_\_  
Signature of Party or Attorney

1006609

\_\_\_\_\_  
Attorney's State Bar Number

06-03-2015

\_\_\_\_\_  
Date

**STATE OF WISCONSIN, CIRCUIT COURT, WASHINGTON COUNTY**

*For Official Use*  
**FILED**

Scenic Pit LLC vs. Village of Richfield et al     **Electronic Transmittal Letter –  
New Document Filing**

**06-04-2015  
Clerk of Circuit Court  
Washington County, WI**

Case No.     2015CV000374

On 06-03-2015, the documents listed below were electronically filed in Washington County circuit court on case number 2015CV000374 by Bruce A. McInay whose address is 1971 Washington Street, Suite 201, Grafton, WI, 53024, and phone number is 262-421-8060.

The following documents are transmitted with this filing:

- Affidavit for Temporary Order and Preliminary Injunction of Thomas Zoulek

**Electronically signed by Bruce A. McInay**

\_\_\_\_\_  
Signature of Party or Attorney

**1006609**

\_\_\_\_\_  
Attorney's State Bar Number

**06-03-2015**

\_\_\_\_\_  
Date

**STATE OF WISCONSIN, CIRCUIT COURT, WASHINGTON COUNTY**

For Official Use

**FILED**

**06-04-2015**

**Clerk of Circuit Court  
Washington County, WI**

Scenic Pit LLC vs. Village of Richfield et al      **Electronic Transmittal Letter –  
New Document Filing**

Case No.      2015CV000374

On 06-03-2015, the documents listed below were electronically filed in Washington County circuit court on case number 2015CV000374 by Bruce A. McInay whose address is 1971 Washington Street, Suite 201, Grafton, WI, 53024, and phone number is 262-421-8060.

The following documents are transmitted with this filing:

- Notice of Motion and Motion for Restraining Order and Temporary Injunction

**Electronically signed by Bruce A. McInay**

\_\_\_\_\_  
Signature of Party or Attorney

**1006609**

\_\_\_\_\_  
Attorney's State Bar Number

**06-03-2015**

\_\_\_\_\_  
Date

STATE OF WISCONSIN  
SCENIC PIT LLC,

CIRCUIT COURT

**FILED**  
**06-04-2015**  
**WASHINGTON COUNTY**  
**Clerk of Circuit Court**  
**Washington County, WI**

Plaintiff,

v.

VILLAGE OF RICHFIELD, and  
JIM HEALY,

Case No. 15-CV-374

Defendants.

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**AFFIDAVIT OF DANAH ZOULEK IN SUPPORT OF  
MOTION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY  
INJUNCTION**

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State of Wisconsin )  
                                  )ss  
Washington County )

Danah Zoulek, being first duly sworn, under oath, deposes and says:

1. I am an adult resident of the Village of Richfield, Wisconsin. I make this affidavit from my personal knowledge.
2. I am a member of Scenic Pit LLC, a Wisconsin limited liability company, of which I hold the majority membership interests.
3. I went to the Village of Richfield Village Hall on or about September 25, 2014 to inquire about the zoning of the property located at 609 Scenic Road, Richfield, Wisconsin. I had a conversation with Jim Healy, Village Administrator, about the zoning of M-5 extractive district and what land uses it would allow. I inquired about the possibility of accepting clean fill to which Mr. Healy responded that it was an allowable land use and provided me with reclamation guidelines.
4. On or around September 26, 2014, my husband, Thomas Zoulek (“Tom”), and I went with our real estate agent, Barb Pedersen, for a showing of the property at 609 Scenic Rd.

We made an offer to purchase 609 Scenic Road, on or about September 29, 2014. The offer to purchase was not accepted until October 19, 2014, after back and forth with counteroffers.

5. On or around October 3, 2014, my husband, Thomas Zoulek and I, met with Village Attorney, John Macy, Village Engineer, Ron Dalton, and Village Administrator, Jim Healy. We wanted to discuss our preliminary ideas of how to develop the property. We discussed bringing in clean fill, the possibility of putting homes on the virgin land surrounding the filled quarry, and using the filled area as pasture for horses. They asked for time frames and number of trucks to which we gave them an estimate and informed them that until we had an engineer draft the final grading plans it would be difficult to give any hard estimates. We advised them we were interested in working collaboratively with the Village on these details. My husband made it very clear he was not interested in the project if the Village was going to object to the development because he has extensive experience with municipalities and wanted to maintain a positive relationship. Tom even said, "if the Village is going to give us a hard time please let me know right away because I will walk away from this project right now."

6. About two weeks after our meeting with the Village we followed up with a phone call to Jim Healy to inquire about the position of the Village. Mr. Healy informed us he did not have an answer and no objections as far as he knew.

7. On or about September 26, 2014, my husband, Thomas Zoulek, and I made an offer to purchase two parcels of real estate commonly known as 609 Scenic Road, Richfield, Wisconsin. Together the two parcels are approximately 40 acres, of which approximately 29 acres had been quarried from the early 1960s to the mid-1970s, leaving a large pit with steep slopes. These 29 acres are undesirable for any type of development. A counteroffer was accepted by us on October 19, 2014.

8. At the time that we made the offer to purchase, the property was zoned by the Village of Richfield for M-5, mineral extraction and restoration. The 20 Year Comprehensive Plan for the Village of Richfield had the property designated as quarry redevelopment.

9. The mission of the Scenic Pit, LLC is to restore the property by accepting clean fill listed in NR 500.08(2)(a).

10. On or about October 27, 2014, after we had an accepted offer on the property the Village sent a letter to Mr. Richard Holz with a copy to Thomas Zoulek, informing them of two main points. First, that we intended to open a landfill at the property and that the Village was interested in meeting with Mr. Holz to discuss the terms of the Conditional Use Permit granted in 1963 which required the reclamation of the quarry to the point where the slopes needed to be 3:1. This was our first indication that we had opposition from the Village.

11. On October 29, 2014, Tom responded to Mr. Healy informing him that he was upset by the letter in that it breached the confidentiality they had agreed upon with the Village and that Mr. Healy had misrepresented the uses permitted in the M-5 zoning district.

12. In early November Tom and I met with Jim Healy, John Macy, and our counsel, Dave Turciano, to discuss the letter and the position of the Village. The Village stated they were opposed to our plan and they refused to acknowledge the fact that our plan followed the comprehensive plan. Since we were already invested and had an accepted offer and a pending SBA, veteran advantage loan, we explained we were no longer interested in abandoning our plans as we felt we had exhausted that offer in October when the Village had no objections.

13. On or about February 1, 2015, we received a copy of an appraisal of 609 Scenic Road, a true and correct copy of which is attached hereto as Exhibit A.

14. On February 19, 2015, the Village of Richfield voted to amend the 20 Year Comprehensive Plan as it related to 609 Scenic Road, from "quarry redevelopment" to "single family residential." Tom and I, being members of the Scenic Pit, LLC, prepared a presentation about our project and asked that the Village Board table the agenda item until we had time to answer questions from residents in the community. The Board unanimously approved the change in the comprehensive plan.

15. On March 5, 2015, we attended the Plan Commission Meeting with our Attorney, Bruce McIlroy. We requested, from the Village of Richfield and Washington County, all local approvals that Scenic needed to apply for to operate a solid waste facility under Chapter 289. The Plan Commission voted to change to zoning of the property from extractive district to single-family residential at that meeting.

16. On or about March 19, 2015, the Village Board voted to rezone the property to single family residential. During public comments at this Village Board meeting the Village President allowed me to be heckled and did not allow me to answer the questions and concerns of the community.

17. After the property was rezoned from M-5 to Rs-1, single family residential, we learned that the Wisconsin Supreme Court had ruled that a solid waste facility that accepts only clean fill was exempt from local approvals.

18. We applied for an erosion control and storm water permit with the DNR. Maureen McBroom, from the DNR granted the permit.

19. We were notified that the DNR attorney, Cheryl Heilman, believed that we needed a driveway permit and a storm water and erosion control permit from the Village, although no local approvals applied per 289.43(8). With our attorney's advice that it would be

more cost effective to obtain the permits rather than go to litigation we obliged and applied for the permits. To date we have not received any permits from the Village and have been denied the driveway permit twice.

20. On or about May 7, 2015, I received copies of numerous emails from Mr. Healy in response to my several open records requests. I have included true and correct copies of 20 of the emails that I receive from Mr. Healy as group Exhibit B to this affidavit.

21. I believe the Village of Richfield is acting unreasonable and discriminatory in regards to our site vs other sites in the area. Payne and Dolan restored the Jacklin Pit on Hubertus Road in the Village of Richfield and even received more lots for residential development than our zoning allowed. The Jacklin Pit was zoned M5 before development and they accepted fill. Our Village President is a Controller for Zenith Tech, a sister company of Payne and Dolan, and recuses himself for all matters involving Payne and Dolan projects.

22. The Village of Richfield is demonstrating discriminatory behavior because Moraine Development, a quarry located in the Village of Richfield, is zoned M5 and operates a clean fill solid waste facility as part of their restoration plan.

  
Danah Zoulek

Subscribed and sworn to before me  
this 9<sup>th</sup> day of June 2015

  
Notary Public, State of Wisconsin





**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

609 Scenic Rd  
Ne Se V161 P553+V1016 P55+DOC 1036546 Exc PT Sold Sec 27-9-19 38.27 A  
Colgate, WI 53017-9316

**FOR:**

First Bank Financial Centre  
155 W. Wisconsin Avenue  
Oconomowoc, WI 53066

**AS OF:**

01/30/2015

**BY:**

Andrew MacDonald

Ex A

**SUMMARY OF SALIENT FEATURES**

<b>SUBJECT INFORMATION</b>	Subject Address	609 Scenic Rd
	Legal Description	Ne Se V161 P553+V1016 P55+DOC 1036546 Exc PT Sold Sec 27-9-19 38.27 Ac
	City	Colgate
	County	Washington
	State	WI
	Zip Code	53017-9316
	Census Tract	4601.02
	Map Reference	33340
<b>SALES PRICE</b>	Sale Price	\$ 445,000
	Date of Sale	03/06/2015
<b>CLIENT</b>	Borrower	Thomas & Danah Zoulek
	Lender/Client	First Bank Financial Centre
<b>DESCRIPTION OF IMPROVEMENTS</b>	Size (Square Feet)	1,554
	Price per Square Foot	\$ 286.36
	Location	Village of Richfield
	Age	1899
	Condition	Average
	Total Rooms	7
	Bedrooms	4
	Baths	2
<b>APPRAISER</b>	Appraiser	Andrew MacDonald
	Date of Appraised Value	01/30/2015
<b>VALUE</b>	Opinion of Value	\$ 390,000

Borrower	Thomas & Danah Zoulek	File No.	AM9589
Property Address	609 Scenic Rd		
City	Colgate	County	Washington
Lender/Client	First Bank Financial Centre	State	WI
		Zip Code	53017-9316

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A.M. Appraisals  
N1442 2nd Street Rd  
Watertown, WI 53098

02/19/2015

First Bank Financial Centre  
155 W. Wisconsin Avenue  
Oconomowoc, WI 53066

Re: Property: 609 Scenic Rd  
Colgate, WI 53017-9316  
Borrower: Thomas & Danah Zoulek  
File No.: AM9589

Effective Date: 01/30/2015

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

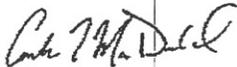
The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Andrew MacDonald  
License or Certification #: 1740-9  
State: WI Expires: 12/14/2015  
amappraisals@sbcglobal.net

**UNIFORM COMMERCIAL/INDUSTRIAL SUMMARY APPRAISAL REPORT - SMALL PROPERTY**

Client 1st Bank Financial Centre File Number AM9589  
 Property Use  Office  Commercial  Industrial  2-Family/Single Fam.  
 Property Address 609 Scenic Rd Map Reference 33340  
 City Colgate County Washington State WI Zip Code 53017-9316  
 Building Name None Census Tract 4601.02  
 Owner/Occupant Richard Holt & Yvonne Holt APN V10 1161  
 Typical Buyer  Owner/User  Investor   
 Property Rights Appraised  Fee Simple  Leased Fee  Leasehold  Other  
 Purpose of Appraisal This appraisal is to be used for the use of a mortgage loan only.

Intended Use of Report First Bank Financial Centre. Use by any other parties or for any other purpose is strictly prohibited. The appraiser accepts no responsibility for unauthorized use of this report.

Scope of Work This report is a full summary report, with the appraiser to determine the scope of work necessary to produce a credible assignment result. This included identifying the property, an interior and exterior inspection, reliable data collection for comparables and subject property, application of the approaches to value, reconciliation, and report value.

Complete Appraisal  Limited Appraisal due to the following departures from Standard 1 Only the direct sales comparison approach is used on this report. Appraiser has determined a credible opinion of value can be determined without the income and or cost approaches to value.

Summary Appraisal Report

**THREE YEAR OWNERSHIP HISTORY**

Owner	Recording Reference	Date	Price Paid	Terms of Sale
Most Recent <u>Lester Holt</u>	<u>Trustee's Deed</u>	<u>02/10/2004</u>	<u>\$ Unknown</u>	<u>Transfer from Family to Family</u>
Previous			\$	
Previous			\$	
Previous			\$	
Current Contract <input checked="" type="checkbox"/> Option <input type="checkbox"/>		Listing Price	\$ <u>499,000</u>	<u>Arm's Length</u>
Buyer <u>Thomas &amp; Danah Zoulek</u>		Contract Price	\$ <u>445,000</u>	<u>Arm's Length</u>
Seller <u>Richard &amp; Yvonne Holt</u>		Closing Date	<u>03/07/2015</u>	<u>Arm's Length</u>
Analysis/Comments: <u>Offer to purchase was drafted on 09-29-14. Purchase price \$445,000. Earnest Money \$5,000.00. Contingency are financing, document review, and appraisal. Items Included: All appliances, Antique stove, and window treatments.</u>				

**NEIGHBORHOOD DESCRIPTION**

Boundaries: Bounded by Town of Polk to the north, County of Waukesha to the south, Village of Germantown to the east, and Town of Erin to the west. Located in the Village of Richfield.

Neighborhood Built Up <u>0</u> %	Office <u>1</u> %	Multi-Family <u>5</u> %	Location <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Suburbs <input type="checkbox"/> Urban
Land Use: Single Family <u>50</u> %	Retail <u>5</u> %	Vacant <u>34</u> %	Development Trend <input type="checkbox"/> Up <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Down
Industrial <u>5</u> %			Value Trend <input type="checkbox"/> Up <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Down
Single Family <input type="checkbox"/>	Balanced <input checked="" type="checkbox"/>	Oversupply <input type="checkbox"/>	Vacancy Trend <input type="checkbox"/> Up <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Down
Multi-Family <input type="checkbox"/>			Rental Demand <input type="checkbox"/> Up <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Down
Office <input type="checkbox"/>			Change in Land Use <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Likely <input type="checkbox"/> Taking Place
Retail <input type="checkbox"/>			From <u>N/A</u> To <u>N/A</u>
Industrial <input type="checkbox"/>			Rental Rate Range (Exclude Extremes) for Subject Property Type: From \$ <u>5</u> /SF/Year To \$ <u>25</u> /SF/Year
			Age Range (Exclude Extremes) for Subject Property Type: From <u>5</u> To <u>150</u>

Distance-CBD 5-10 Miles  
 Distance-Freeway 4 Miles  
 Distance-Public Transportation None Miles

Neighboring Property Use: Most area surrounding the subject is single family with some areas of agricultural, and a few other parcels designated similar to the subject (M-5). See attached zoning map.

Analysis/Comments: Total housing units: 4,338. Owner-occupied housing units: 3,972. Renter-occupied units: 198. Vacant housing units: 168.

Richfield is located in southeast Wisconsin which is part of Washington County. The Village has 35.91 square miles of land area, and 0.55 square miles of water area. As of 2010, the total population is 11,300.

Richfield median house value is \$310,100 in 2008-2012. On average, the public school district that covers Richfield is much better than the state average in quality.

The Village of Richfield features overall average proximity to schools, employment, and shopping centers all within 1 to 10 miles. There are no apparent adverse factors that would affect the marketability.

**SITE DESCRIPTION**

Legal Description Ne Se V161 P553+V1016 P55+DOC 1036546 Exc PT Sold Sec 27-9-19 38.27 Ac  See Addenda

Environmental Problems Known or Suspected Yes  No

Site Size 38.27 Acres Usable Land Area \_\_\_\_\_ Excess Land Area \_\_\_\_\_

Site Dimensions 259.5' x 1086.04' x 1,265.04' x 1,377.34' Apx.

Street Frontage 1086.04'

**SITE DESCRIPTION** (continued)

Access <input type="checkbox"/> Gd <input checked="" type="checkbox"/> Av <input type="checkbox"/> Fr Street Frontage <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Shape <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Functional Utility <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Visibility <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Landscaping <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Drainage <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Adequacy of Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Traffic Pattern <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Traffic Volume <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Utility: Provided By: Electricity <u>Public/WE Energies</u> Gas <u>Private LP Tank</u> Water <u>Private Well</u> Sewer <u>Private Septic</u> Telephone <u>Public/At&amp;t</u>	Topography: Level <input checked="" type="checkbox"/> Mod Slope <input type="checkbox"/> Steep Slope <input checked="" type="checkbox"/> At Grade <input checked="" type="checkbox"/> Above Grade <input type="checkbox"/> Below Grade <input type="checkbox"/>
Street Improvements: Describe: Street Width <u>2 lanes</u> Street Paving <u>Asphalt</u> Sidewalks <u>None</u> Curbs & Gutters <u>None</u> Storm Sewers <u>None</u> Lighting <u>None</u>	Corner Lot <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Underground Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> Railroad Access <input type="checkbox"/> <input checked="" type="checkbox"/> Earthquake Zone <input type="checkbox"/> <input checked="" type="checkbox"/> Flood Hazard Area <input type="checkbox"/> <input checked="" type="checkbox"/> Map # <u>55131C0353D</u> Date <u>11/20/2013</u>	

Soil Conditions Appears adequate in and around home and outbuildings apx. 9.8 acres / 28.4 old stone pit classified undeveloped land.

Easements No adverse disclosed, visible or noted

Encroachments None noted or apparent

Current Zoning M-5 Mineral Extractive District Legally Conforming Yes  No

Zoning Change: Likely  Not Likely  To \_\_\_\_\_

Uses Allowed Under Current Zoning Grandfathered use, Single Family / With an active mining.

Analysis/Comments: The lot size, and shape of the subject site is large, located in a low density type area. The necessary on site improvements include well, septic, and electric. The essential off site improvements including public streets. No apparent adverse easements, encroachments, special assessments, adverse conditions or other problems were noted by realtor, and owner at time of inspection.

**ASSESSMENT AND TAXES**

Assessment Year	<u>2014</u>	APN	<u>V10 1161</u>	Tax Rate		Year		Taxes
Total	\$		<u>337,900</u>	Total	<u>\$13.10/Thsnd</u>	Current Taxes	<u>2014</u>	\$ <u>44,265</u>
Land	\$		<u>241,200</u>	County		Estimated Taxes	<u>2015</u>	\$ <u>4,429.38</u>
Building(s)	\$		<u>96,700</u>	City		Tax Assessment		\$ <u>205.03 /SF</u>
Other	\$		<u>0</u>	Other		Year Of Next Reassessment	<u>Unkwn</u>	

Special Assessments: None known of, or disclosed.

Reassessment Issues: 2014 Records indicated a ratio of 1.022. Re-assessment has taken place 2014. Tax assessment per sq ft is calculated using total floor area of the 2-family home (1,648 sf). Site assessment per sf \$337,900/1648 = \$205.03 per sf.

Analysis/Comments: 2014 Assessed value has dropped from prior year by more than \$156,400. The value from the quarry has been reduced and is now taxed as undeveloped. Undeveloped area does have some small trees, and rocky areas. This is considered recreational use which typically has a lower value when comparing it to agricultural, and or forest use. (See Wiredata Tax information attached to report).

**IMPROVEMENTS DESCRIPTION**

Property Type	<u>Single Family/Inactive Quarry</u>		Construction Type	<u>Frame</u>	# Buildings	<u>1</u>	# Stories	<u>2</u>
Building	Floor	Gross SF	*Net SF	Use Type	Net SF	Use %		
Main	<u>1</u>	<u>942</u>	<u>942</u>	Office				
Upper	<u>2</u>	<u>816</u>	<u>816</u>	Retail				
				Warehouse				
				Manufacturing				
				Distribution				
				Research/Development				
Total		<u>1,758</u>	<u>1,758</u>	Outbuildings/Garage	<u>2,792</u>	<u>100%</u>		
*Usable Area	<input type="checkbox"/>	Rentable Area	<input checked="" type="checkbox"/>					
Year Built		<u>1899</u>		Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Industrial Only		
Building Efficiency Ratio		<u>100</u> %		On Site	<input checked="" type="checkbox"/> <input type="checkbox"/>	# Overhead Doors		
Effective Age		<u>25</u>		Adequacy	<input checked="" type="checkbox"/> <input type="checkbox"/>	Floor Height		FT
Total Economic Life		<u>60</u>		Covered	<input type="checkbox"/> <input checked="" type="checkbox"/>	Ceiling Height		FT
Remaining Economic Life		<u>35</u>		Parking Garage	<input type="checkbox"/> <input checked="" type="checkbox"/>	Column Spacing		FT x FT
Floor Area Ratio		<u>4594</u> %		Paved	<input type="checkbox"/> <input checked="" type="checkbox"/>			
Ground Coverage Ratio				Number of Spaces	<u>5-10</u>	Railroad Spur	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
				Spaces/1000 SFBA				

Analysis/Comments: Overall average quality building with few updates, and reasonable maintenance. Pitched roof with composition singles covering that shows to be in good condition at 5 years old. Exterior is primarily wood and vinyl siding, with older double hung windows, and storms. Exterior includes average landscaping, gravel driveway for approximately 5-10 Cars, 2 outbuildings, and a 1 car garage. Building was construction in the late 1800's with some addition to original home around the 50/'60's. Average finish quality inside with updates and remodeling throughout the years. This is a 2 family home that has one upper, and one lower unit that are both owner occupied at time of inspection. Utilities are separated with 2 furnaces (Oil FWA/Gas FWA), one central air unit, one wood stove, gas hot water heaters, well and septic system. Overall mechanical components are adequate and operational. Ingress and egress to the property from Scenic Drive is adequate.

**IMPROVEMENTS DESCRIPTION**

(continued)

Building Description		Improvement Rating			
		Gd	Av	Fr	N/A
Foundation	Stone/Concrete/Block				
Frame	Stud/Framed				
Floor/Cover	Vinyl/Carpet				
Ceiling	Drywall/Plaster/Tile				
Exterior Walls	Wood/Vinyl Siding				
Interior Partitions	Wood stud walls / Plaster / Drywall / Paneling				
Roof Cover	Comp Shingles / 3 dement ional				
Plumbing	Typical				
Heating	Oil FWA / Gas FWA / 2-Units				
Air Conditioning	1-Unit				
Electrical	2-100 amp electrical panels				
Elevators	None				
Parking	Good				
Insulation	Assume adequate				
Sprinkler	None				
Roof Support	Pitched /Trusses				
Landscaping	Average				
Outbuildings	Older/Average to Fair Condition				
Appeal/Appearance		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor Plan/Design		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction Quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Condition		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Condition		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof Cover		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heating		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Conditioning		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevators		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insulation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outbuildings		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Site Improvements: Owner indicates that well is newer at 6 years old. Attic, and walls has been recently insulated and some spray foam used in the basement sills. Home has an enclosed porch area, enclosed stairwell to second level, stoop, and concrete patio area.

Personal Property or Other Non-Realty Interests Included in Valuation:  No  Yes Personal property is not part of this valuation.

Analysis/Comments: Overall the building is in average condition and repair.

**HIGHEST AND BEST USE**

HIGHEST AND BEST USE AS IF VACANT

Legally Permissible Uses: The reasonable probable and legal use of the vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. As the property stands the current use is residential (2-Family) which is legal nonconforming per Richfield.

Physically Possible Uses: Nearly anything legally permissible within the confines of the site.

Financially Feasible Uses: Residential / Rock quarry.

Maximally Productive Use: Residential / Rock quarry.

Analysis/Comments: While Village zoning allows for flexibility the large site could be re-zoned and split.

HIGHEST AND BEST USE AS IMPROVED

Legally Permissible Uses: See attached Zoning code for M-5

Physically Possible Uses: Present use.

Financially Feasible Uses: Present use.

Maximally Productive Use: Present use.

Analysis/Comments: It is my opinion that one/two family use is its highest and best use. It is unknown if this in-active rock quarry could or would be financial feasible due to its current condition, and or amount of stone that is left for future use. A study would need to be developed to determine a good conclusion. At this time no information exist. The 2014 assessment shows that 28.42 acres of land taxed is now classified as undeveloped.

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**VALUATION METHODS SELECTED**

Cost Approach  Income Approach  Direct Sales Comparison Approach

Reasons for Excluding an Approach: \_\_\_\_\_

Cost Approach: Is not applicable or necessary and omitted in this analysis due to the age of improvements.

Income Approach: Is applicable but not necessary and omitted in this analysis.

Sales Comparison Approach: Is necessary and developed in this analysis.

**MARKET VALUE ESTIMATE OF NON-REALTY ITEMS**

Market Value of Personal Property ----- \$ 0

Market value of Other Non-Realty Interests ----- \$ 0

Total Market Value of Non-Realty Interests ----- \$ 0

Analysis/Comments: None

\_\_\_\_\_

\_\_\_\_\_

**COMPARABLE SITE ANALYSIS**

Data Sheets Att <input type="checkbox"/>	Subject	Comparable #1	Comparable #2	Comparable #3
Location/Address	609 Scenic Rd			
Proximity to Subject	N/A			
Map Reference	33340			
Deed Reference	N/A			
Date of Sale	03/06/2015			
Exposure Time	611			
Data Source	Inspection			
Site Size SF <input type="checkbox"/> Acres <input checked="" type="checkbox"/>	38.27			
Frontage	1086.04'			
Zoning	M-5			
Utilities	Well/Septic			
Site Improvements	Driveway/Landscaping			

Unit of Comparison	Subject	Comparable #1	Comparable #2	Comparable #3
Unit of Comparison	Acres			
Sales Price		\$	\$	\$
Price Per Unit		\$	\$	\$
Property Rights Conveyed				
Adjustment				
Financing				
Adjustment				
Conditions of Sale				
Adjustment				
Market Conditions				
Adjustment				
Other Adjustments:				
Location				
Topography				
Shape/Utility				
Utilities				
Site Improvements				
Total Adjustments				
Indicated Value Per Unit		\$	\$	\$

Analysis/Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Site Units: Acres ----- 38.27

Unit Value ----- \$

Estimated Site Value ----- \$

EXPRESS LAND

Excess Land Area Units: -----

Unit Value ----- \$

Estimated Excess Land Value ----- \$

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**INCOME APPROACH/RENTAL COMPARABLE BUILDING ANALYSIS**

(continued)

Location	_____	_____	_____	_____
Quality	_____	_____	_____	_____
Condition	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Adjustments	_____	_____	_____	_____
Indicated Market Rent	\$ _____	\$ _____	\$ _____	\$ _____

\*Lease Types: Gross Lease (G), Net Lease (N), Triple Net Lease (TN), Modified Gross (MG), Expense Passthroughs (P), Sales Overage Rents (O), Common Area Maintenance (C), Renewal Options (R)

Analysis/Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SUMMARY OF SUBJECT LEASES**

Tenant Name	Rented Area (SF)	Beginning Date	Term	Lease Types	Current Rent	Effective Rent/SF	Estimated Market Rent/SF
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Analysis/Comments: \_\_\_\_\_  
 \_\_\_\_\_

**INCOME AND EXPENSE HISTORY AND FORECAST**

Income:	Actual	Comments and Calculations	Stabilized
From _____ to _____	_____	_____	\$ _____
Gross Potential Income _____	\$ _____	_____	\$ _____
Vacancy and Collection _____	_____	_____	\$ _____
Loss _____ % _____	(\$ _____)	_____	(\$ _____)
Other Income _____	\$ _____	_____	\$ _____
Effective Gross Income _____	\$ _____	_____	\$ _____
<b>Expenses:</b>			
Property Taxes _____	\$ _____	_____	\$ _____
Insurance _____	\$ _____	_____	\$ _____
Property Management _____	\$ _____	_____	\$ _____
Utilities _____	\$ _____	_____	\$ _____
Janitorial _____	\$ _____	_____	\$ _____
Maintenance _____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Reserves _____	\$ _____	_____	\$ _____
Total Expenses _____	\$ _____	_____	\$ _____
Net Operating Income (NOI) _____	\$ _____	Expense/SF \$ _____ Expense Ratio _____ %	\$ _____

Analysis/Comments: \_\_\_\_\_  
 \_\_\_\_\_

**DIRECT CAPITALIZATION**

Overall Rate Range _____ to _____	Equity Dividend Rate Range _____ to _____
Overall Rate (RO) _____ = _____	Mortgage _____ x _____ = _____
	Equity _____ x _____ = _____
	Overall Rate (RO) _____ = _____
\$ _____ NOI / _____ (RO) = \$ _____ Estimated Value	\$ _____ NOI / _____ (RO) = \$ _____ Estimated Value

Analysis/Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**YIELD CAPITALIZATION**

Cash Flow Analysis in Addenda	Yes <input type="checkbox"/> No <input type="checkbox"/>	Market Rate Scenario	Contract Rent Scenario
Forecast Holding Period	_____	\$ _____	\$ _____
Beginning NOI	_____	_____	_____
NOI Pattern	_____	_____	_____
Reversion Assumption	_____	_____	_____
Yield Rate	_____	\$ _____	\$ _____
Value Estimate	_____	_____	_____

Analysis/Comments: \_\_\_\_\_

**ADJUSTMENT FOR INTEREST APPRAISED**

Value Estimate - Market Rent Scenario	_____	\$ _____
Value Estimate - Contract Rent Scenario	_____	\$ _____
Difference (Adjustment for Interest Appraised)	_____	\$ _____

Analysis/Comments: \_\_\_\_\_

Value Indicated by Direct Capitalization/Yield Analysis (excluding excess land)	_____	\$ _____
Plus: Estimated Excess Land Value	_____	\$ _____
Value Indication - Income Approach	_____	\$ _____
Rounded	_____	\$ _____

**DIRECT SALES COMPARISON APPROACH/COMPARABLE BUILDING ANALYSIS**

Comp Sheets	Subject	Comparable # 1	Comparable # 2	Comparable # 3
All <input type="checkbox"/>	609 Scenic Rd	W148N12340 Pleasant D	738 N. Lake View Road	4835 Monches Rd
Address	N/A	6.83 miles E	0.48 miles E	2.53 miles W
Proximity to Subject	33340	Germantown, WI 53022	Hubertus, WI 53033	Colgate, WI 53017
Map Reference	Inspection	MLS#1373694	MLS#130959	MLS#1359649
Data Source	Gross Building Area 1,648	1,979	2,134	1,858
Gross Building Area	Net Building Area 1,648	1,979	2,134	1,858
Net Building Area	Site Size: SF 38,27	9,47	11,26	1,86
Site Size: SF <input type="checkbox"/> Acres <input checked="" type="checkbox"/>	Land-to-Building Ratio 0.0231	0.004 to 1	0.004 to 1	0.001 to 1
Land-to-Building Ratio	Year Built 1899	1900	1900	1877
Year Built	Construction Type Frame/Siding	Frame/Siding	Frame Siding	Frame/Brick/Siding
Construction Type	Construction Quality Average	Average	Average	Average
Construction Quality	Condition Average	Good/Remodeled	Average	Average
Condition	Parking Good	Good	Good	Good
Parking	Other Outbuildings	Outbuildings	None	Outbuilding
Other	Building Type 2-Family/Duplex	Single Family	Single Family	Single Family
Building Type				

	Subject	Comparable # 1	Comparable # 2	Comparable # 3
Sale Price	\$ 445,000	\$ 415,000	\$ 254,000	\$ 287,000
Date of Sale	03/06/2015	08/26/2014	09/09/2013	07/30/2014
Exposure Time	611	DOM: 53	DOM: 15	DOM: 106
Property Rights Conveyed	Fee Simple	Fee simple	Fee simple	Fee simple
Adjustment				
Financing	Unknown	Conventional	Conventional	Unknown
Adjustment				
Conditions of Sale	Arms Length	Arms Length	Arms Length	Arms Length
Adjustment				
Excess Land	9.85 ac/28.42AcUndv	9.47 ac / -----	2.91 Ac / -----	1.86ac / -----
Adjustment		66,342	127,350	137,115
Non-Realty Interests	None	None	None	None
Adjustment				
CE/Terms Adjusted Price	\$ 445,000	\$ 481,342	\$ 381,350	\$ 424,115
Other Adjustments:				
Market Conditions	Typical	Typical	Typical	Typical
Adjustment				
Location	Richfield	Richfield	Richfield	Richfield
Adjustment				
Quality	Average	Average	Average	Average
Adjustment				
Condition	Average	Good/Remodel 8%	Average	Good/Remodel 8%
Adjustment		-33,200		-22,960
GLA/Outbuildings	1,648 SF/Yes	1,944 SF/Yes	2,134 SF/None	1,858 SF/Yes
Adjustment		-11,840	560	-8,400
Total Other Adjustments		-45,040	560	-31,360
Indicated Value				
Per Property	\$ 445,000	\$ 436,302	\$ 381,910	\$ 392,755

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**UNIFORM COMMERCIAL/INDUSTRIAL SUMMARY APPRAISAL REPORT-SMALL PROPERTY**

**DIRECT SALES COMPARISON APPROACH/COMPARABLE BUILDING ANALYSIS**

	Subject	Comparable # 4	Comparable # 5	Comparable # 6
Comp Sheets All <input type="checkbox"/>				
Address	609 Scenic Rd	5503 Shannon Road	3414 Pioneer Rd	4266 Fond du Lac Dr
Proximity to Subject	N/A	5.40 miles NW	4.73 miles N	6.29 miles N
Map Reference	33340	Hartford, WI 53027	Richfield, WI 53076	Slinger, WI 53086
Data Source	Inspection	MLS#1357535	MLS#1310018	MLS#1351472
Gross Building Area	1,648	1,568	1,560	2,556
Net Building Area	1,648	1,568	1,560	2,556
Site Size: SF <input type="checkbox"/> Acres <input checked="" type="checkbox"/>	38.27	8.47	5.01	2
Land-to-Building Ratio	0.0231	0.0051	0.003	0
Year Built	1899	1880	1890	1880
Construction Type	Frame/Siding	Frame Siding	Frame/Siding	Frame/Siding
Construction Quality	Average	Average	Average	Average
Condition	Average	Average	Average	Average
Parking	Good	Good	Good	Good
Other <u>Other</u>	Outbuildings	Outbuilding	Outbuilding	None
Building Type	2-Family/Duplex	Single Family	Single Family	2-Family/Duplex
Sale Price	\$ 445,000	\$ 315,000	\$ 252,500	\$ 210,000
Date of Sale	03/06/2015	11/14/2014	07/15/2013	05/23/2014
Exposure Time	611	DOM: 133	DOM: 6	DOM: 80
Property Rights Conveyed	Fee Simple	Fee simple	Fee simple	Fee simple
Adjustment				
Financing	Unknown	Conventional	Conventional	Conventional
Adjustment				
Conditions of Sale	Arms Length	Arms Length	Arms Length	Arms Length
Adjustment				
Excess Land	9.85 ac/28.42AcUndv	8.47 ac/ —	5.01 ac/ —	2 ac/ —
Adjustment		75,642	107,820	135,813
Non-Realty Interests	None	None	None	
Adjustment				
CE/Terms Adjusted Price	\$ 445,000	\$ 390,642	\$ 360,320	\$ 345,813
Other Adjustments:				
Market Conditions	Typical	Typical	Typical	Typical
Adjustment				
Location	Richfield	Erin	Richfield	Polk
Adjustment				
Quality	Average	Average	Average	Average
Adjustment				
Condition	Average	Average	Average	Average
Adjustment				
GLA/Outbuildings	1,648 SF/Yes	1,568 SF/Yes	1560 SF/Yes	2,556 SF/None
Adjustment		3,200	3,520	-18,320
Total Other Adjustments		3,200	3,520	-18,320
Indicated Value				
Per <u>Property</u>	\$ 445,000	\$ 393,842	\$ 363,840	\$ 329,493

**FEE SIMPLE OR LEASED FEE OPERATING DATA AND RATIOS**

	Comparable # 4	Comparable # 5	Comparable # 6
Fee Simple or Leased Fee			
Gross Potential Income	\$	\$	\$
Vacancy and Collection Loss%			
Effective Gross Income	\$	\$	\$
Operating Expenses	\$	\$	\$
Expenses/SF Gross Building Area	\$	\$	\$
Expense Ratio			
Net Operating Income	\$	\$	\$
EGDM			
Overall Rate			
Equity Dividend Rate			

Comments: All comparables are considered the best available at the present time. Choosing single family homes is necessary due to the lack of other 2-family sales in the area, which then would be the next best comparison for this type property. A typical buyer would not buy this rental property for a 2 family home investment, since return would be none. Comparable six is the only two family/duplex in this report. The subject style for the area would typical be use as single family due to the large lot size, and outbuildings.

Most comparables sales used are from similar marketing areas, are most recent, and proximate. Sales research indicates homes in this area have good appeal. All value affecting dissimilarities are adjusted according to market reaction with a limited amount of similar listings, and sales data in the neighborhood. A search of the market revealed some sales with the appraiser using other styles of homes, older sales, and an extended search up to 10 miles.

Comp sales have an adjusted range of value from \$325,000 to \$434,000. Adjustments were made to comparable sales/listings for major factors that differed from the subject in order to derive indicated values. Guided by experience and referencing widely accepted market adjustments amongst the appraiser community and lending institutions, my adjustments properly reflect the local market and cost reaction to differences. No personal property has been included.

Mid range of value(\$390,000) is used in this report with 3 comparables falling on or close to this value.

**UNIFORM COMMERCIAL/INDUSTRIAL SUMMARY APPRAISAL REPORT-SMALL PROPERTY**

DIRECT SALES COMPARISON APPROACH/COMPARABLE BUILDING ANALYSIS				
	Subject	Comparable # 7	Comparable # 8	Comparable # 9
Comp Sheets <input type="checkbox"/> At <input type="checkbox"/>				
Address	609 Scenic Rd	1563 Scenic Road	1370 Scenic Drive	
Proximity to Subject	N/A	2.18 miles N	0.88 miles N	
Map Reference	33340	Richfield, WI 53076	Richfield, WI 53076	
Data Source	Inspection	MLS#1404970	MLS#1396977	
Gross Building Area	1,648	2,036	2,031	
Net Building Area	1,648	2,036	2,031	
Site Size: SF <input type="checkbox"/> Acres <input checked="" type="checkbox"/>	38.27	4	5.81	
Land-to-Building Ratio	0.0231	0.001	0.002	
Year Built	1899	1900	1974	
Construction Type	Frame/Siding	Frame/Siding	Frame Siding	
Construction Quality	Average	Average	Average	
Condition	Average	Average	Good	
Parking	Good	Good	Average	
Other <u>Other</u>	Outbuildings	Outbuildings	Outbuilding	
Building Type	2-Family/Duplex	Single Family	Single Family	
Sale Price	\$ 445,000	\$ 235,000	\$ 398,900	
Date of Sale	03/06/2015	Listing	Current Listing	
Exposure Time	611	2	77	
Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	
Adjustment				
Financing	Unknown	Asking Price \$235,000	Asking Price \$398,900	
Adjustment		-11,750	-19,945	
Conditions of Sale	Arms Length	Arms Length	Arms Length	
Adjustment				
Excess Land	9.85 ac/28.42AcUndv	4 ac /---	5.81 acres	
Adjustment		117,213	100,380	
Non-Realty Interests	None	None	None	
Adjustment				
CE/Terms Adjusted Price	\$ 445,000	\$ 340,463	\$ 479,335	
Other Adjustments:				
Market Conditions	Typical	Typical	Typical	
Adjustment				
Location	Richfield	Richfield	Richfield	
Adjustment				
Quality	Average	Average	Average	
Adjustment				
Condition	Average	Average	Good	
Adjustment			-30,316	
GLA/Outbuildings	1,648 SF/Yes	2,036/Outbuildings	2,031/Extra Garage	
Adjustment		-15,520	-15,320	
Total Other Adjustments		-15,520	-45,636	
Indicated Value				
Per <u>Property</u>	\$ 445,000	\$ 324,943	\$ 433,699	
FEE SIMPLE OR LEASED FEE OPERATING DATA AND RATIOS				
	Comparable # 7	Comparable # 8	Comparable # 9	
Fee Simple or Leased Fee				
Gross Potential Income	\$	\$	\$	
Vacancy and Collection Loss%				
Effective Gross Income	\$	\$	\$	
Operating Expenses	\$	\$	\$	
Expenses/SF Gross Building Area	\$	\$	\$	
Expense Ratio				
Net Operating Income	\$	\$	\$	
EGIM				
Overall Rate				
Equity Dividend Rate				
Comments:	<p><u>All adjusted sale prices fall short of purchase price as this indicates that the buyers are paying too much for this property. After this result I have considered all of the factors associated with the subject property, and agree with results. In my opinion many factors could be considered.</u></p> <p><u>1.) Subject has been on and off the market since 2007. Asking price started at the \$999,900 range.</u></p> <p><u>2.) Duplex properties have become harder to finance due to the higher banking standards. This means that less number of buyers exist for these type properties. Not a normal income property for the area.</u></p> <p><u>3.) Subject property has improvements that are older construction.</u></p> <p><u>4.) The rock quarry is currently not functioning. Since property has been marketed no real interest from any mining company exist. This might indicate that this mine is not worth what owners are asking.</u></p> <p><u>5.) In my opinion the mining site is not that appealing. A low rocky bowl type area with trees.</u></p> <p><u>6.) The lost use of 28 acres at this time do not function as a working mine, agricultural use, and or woods. This year the assessor has classified this area as undeveloped. A normal buyer would not pay top dollar for this acreage. Typically undeveloped areas are used as recreational. Land that is classified as agricultural/woods/residential brings more value as indicated in land sales provided and past experiences.</u></p>			

**DIRECT SALES COMPARISON APPROACH/COMPARABLE BUILDING ANALYSIS**

(continued)

Analysis/Comments:

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**FEE SIMPLE OR LEASED FEE OPERATING DATA AND RATIOS**

	Comparable # 1	Comparable # 2	Comparable # 3
Fee Simple or Leased Fee			
Gross Potential Income	\$ _____	\$ _____	\$ _____
Vacancy and Collection Loss%			
Effective Gross Income	\$ _____	\$ _____	\$ _____
Operating Expenses	\$ _____	\$ _____	\$ _____
Expenses/SF Gross Building Area	\$ _____	\$ _____	\$ _____
Expense Ratio			
Net Operating Income	\$ _____	\$ _____	\$ _____
EGIM			
Overall Rate			
Equity Dividend Rate			

Analysis/Comments:

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Building Units	
Value Per Unit	\$ _____ /Unit
Value Estimate	\$ _____

Effective Gross Income	\$ _____
Effective Gross Income Multiplier (EGIM)	x _____
Value Estimate	\$ _____

Analysis/Comments:

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Value Indicated by Direct Sales Comparison Approach (excluding excess land)	\$ 390,000
Plus: Estimated Excess Land Value	\$ 0
Plus: Adjustment for Interest Appraised	\$ 0
Value Indication - Direct Sales Comparison Approach	\$ 390,000
Rounded	\$ 390,000

**RECONCILIATION AND FINAL VALUE ESTIMATES**

Cost Approach Indication	\$ 0
Income Approach Indication	\$ 0
Direct Sales Comparison Approach Indication	\$ 390,000

Reconciliation: The Sales Approach was used and is a direct indication of value due to the activity and motives of buyers, sellers, and investors in the real market place.  
The Income Approach to value was used in this analysis.  
The Cost Approach was not used. This approach is deemed less reliable and could be considered not appropriate and or considered.  
 After analyzing the approaches to value, the market approach generally is the most widely use of the three approaches to value.

Estimated Exposure Time: Value assumes typical marketing period for this type property estimated at 6-24 months.

Extraordinary Assumptions and Limiting Conditions: The appraisal report cannot be relied upon to disclose all conditions and or defect in the property, as only a visual inspection was performed with the assumption of all mechanicals and building structure in working order at time of appraisal. Therefore any hidden deficiencies may not be reported upon. Unknown defects could result in a value different than this appraisal would indicate.

Estimated Market Value "As Is"	\$ 390,000
Effective Date of Valuation	01/30/2015
Market Value of Personal Property Included in Appraisal	\$ 0
Market Value of Other Non-Realty Interests Included in Appraisal	\$ 0

## RECONCILIATION AND FINAL VALUE ESTIMATES

(continued)

Appraiser # 1

Signature

Name

Certification

Andrew MacDonald

No.: 1740-9

State: WI

Exp. Date:

12/14/2015

Date

02/19/2015

Property

Inspected

Yes



No



Appraiser # 2

Signature

Name

Certification

No.:

State:

Exp. Date:

Yes



No



## CONTENTS OF ADDENDA

Legal Description	<input checked="" type="checkbox"/>	Land Lease	<input type="checkbox"/>	Support for Non-Realty Interest Valuation	<input type="checkbox"/>
Subject Photographs	<input checked="" type="checkbox"/>	Segregated Cost Sheet	<input type="checkbox"/>	Support for Adjustment for Interest Appraised	<input type="checkbox"/>
Area Map	<input checked="" type="checkbox"/>	Soils Survey Map	<input type="checkbox"/>	Copy of Easement	<input type="checkbox"/>
Neighborhood Map	<input checked="" type="checkbox"/>	Subject Leases	<input type="checkbox"/>	Appraiser Qualifications	<input type="checkbox"/>
Zoning Map	<input checked="" type="checkbox"/>	Rental Comparable Data Sheets	<input type="checkbox"/>		<input type="checkbox"/>
Flood Zone Map	<input checked="" type="checkbox"/>	Rent Location Map	<input type="checkbox"/>		<input type="checkbox"/>
Topographic Map	<input type="checkbox"/>	DCF Analysis	<input type="checkbox"/>		<input type="checkbox"/>
Site Sketch	<input checked="" type="checkbox"/>	Improved Property Sales Data Sheets	<input type="checkbox"/>		<input type="checkbox"/>
Site Plan	<input type="checkbox"/>	Building Sales Location Map	<input type="checkbox"/>		<input type="checkbox"/>
Building Plans	<input type="checkbox"/>	Copy of Deed	<input type="checkbox"/>		<input type="checkbox"/>
Tax Assessment Card	<input checked="" type="checkbox"/>	Contract of Sale	<input type="checkbox"/>		<input type="checkbox"/>
Land Sales Data Sheets	<input type="checkbox"/>	Construction Cost Contract	<input type="checkbox"/>		<input type="checkbox"/>
Land Sales Map	<input type="checkbox"/>	Support for Personal Property Valuation	<input type="checkbox"/>		<input type="checkbox"/>

## DEFINITION OF MARKET VALUE

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and acting in what they consider their best interests; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

## ASSUMPTIONS AND LIMITING CONDITIONS

- As agreed upon with the client prior to the preparation of this appraisal, unless otherwise indicated, this is a Limited Appraisal because it invokes the Departure Provision of the Uniform Standards of Professional Appraisal Practice. As such, information pertinent to the valuation has not been considered and/or the full valuation process has not been applied. Depending on the type and degree of limitations, the reliability of the value conclusion provided herein may be reduced.
- Unless otherwise indicated, this is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it might not include full discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
- No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
- The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
- Responsible ownership and competent property management are assumed unless otherwise stated in this report.
- The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
- It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
- It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
- It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
- It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
- Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
- It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

(Continued)

ASSUMPTIONS AND LIMITING CONDITIONS

- 14. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
- 15. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
- 16. Any proposed improvements are assumed to be completed in a in accordance with the submitted plans and specifications.
- 17. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- 18. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed, and in any event, only with proper written qualification and only in its entirety.
- 19. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected), shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

Adverse Environmental Conditions: Unless otherwise stated in this report, the existence of hazardous substances including without limitation: asbestos, radon gas, polychlorinated biphenyls, petroleum leakage, electromagnetic radiation fields or other hazardous chemicals or conditions, were not called to the appraiser's attention, nor did the appraiser become aware of any such adverse conditions or influences during the property inspection. The appraiser has no knowledge of the existence of such materials or conditions on or near the subject property unless otherwise specifically stated in the appraisal report. However, the appraiser is not an environmental hazard expert and is not qualified to test for such conditions. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. It may be necessary to retain an expert in the field of environmental hazard evaluation if the presence of environmental hazards are suspected. The value estimate contained in this report is predicated on the assumption that there are no hidden environmental hazards or conditions which would adversely affect the subject property's marketability or value.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- 1. The statements of fact contained in this report are true and correct.
- 2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial unbiased professional analyses, opinions, and conclusions.
- 3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
- 4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- 5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- 6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- 7. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- 8. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the edition of the Uniform Standards of Professional Appraisal Practice current as of the date of the appraisal.
- 9. Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- 10. No one provided significant professional assistance to the person signing this report, unless otherwise indicated.

Appraiser's Signature

Date 02/19/2015

State Certification #

1740-9

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI Zip Code 53017-9316
Lender/Client	First Bank Financial Centre				

**Legal Matters:** Good, marketable title to the subject property is assumed, and no responsibility is assumed for legal ownership of the property, Subsoil or structures which would render it more or less valuable than otherwise comparable property.

**Information and Data:** Information, estimates and opinions furnished to the appraiser and contained in this report were obtained from sources considered reliable and believed to be true and accurate. However, no responsibility for accuracy of such items furnished to the appraiser is assumed.

**Distribution of Value:** The distribution of the total valuation of this appraisal between land and improvements applies only under the existing program of utilization. These separate valuations for land building must not be used in conjunction with any other appraisal and are invalid, if so used. If the subject property has not been appraised in its entirety, any allocations to portions hereof, or as an inference of value for other property, is invalid.

**Other Use of this Report:** Neither all nor any part of this report shall be disseminated to the general public by the use of advertising media, news or other media for public communication without the prior written consent of the signatories of this report. Further, this report may not be used or relied upon by anyone, other than the intended client, First Bank Financial Centre and/or his/her assigns, without the written consent of the signatories.

**Net/Gross Adjustment:** Sales data was researched through MLS, Assessors Data, and Wiredata. The adjustments were considered appropriate and reflect current market activity and or cost.

**Sales Date of the Comparables Sales:** All of the comparables sales utilized in this analysis closed within the past 24 months. eight comparables were used all located in the same or similar marketing areas.

**Room Count:** Areas are incorporated into the GLA. Adjustment of GLA negates the need for individual adjustments.

**Gross Living Area:** The basis for adjustments is market driven. Size adjustment of \$40.00 per square foot extracted by pairing comparable sales.

**Location:** All comparables are located in the same or similar market like the subject.

**Extra Acres:** Sales show difference in value with adjustments made (see land sales info). Residential/Agricultural/Woods estimated at \$9,300 per acre, and Undeveloped land at \$2,210.

**Outbuildings:** \$20,000 is estimate and taken from cost and depreciation valuation method.

**Condition:** estimated at 8%.

**Vacant Land Sales:**

**Comparable #1:** County Road C, Town of Polk / Tax #T9 057400A & T9 057400B/ SDS#45329 / Sold Date: 06/2014 / Sold Price: \$197,000 / 20.11 Acres. (Price per acre \$9,796).  
**Comparable #2:** Hubertus Rd / Town of Richfield / Tax #V10 077100D / Sold Date: 11/2014 / Sold Price: \$130,000 / 14.00 Acres (Price per acre \$9,286)  
**Comparable #3:** Town Line Rd / Town of Polk / Tax #T9 002500Z / Sold Date: 01/2015 / Sold Price \$275,900 / 36 Acres (Price per acre \$7,664)  
**Comparable #4:** Pleasant Hill Road / Town of Richfield / Tax# V10 0035+ / Sold Date: 05/2014 / Sold Price \$880,500 / 119 Acres (Price per acre \$7,399)  
**Comparable #5:** Pioneer Road / Town of Richfield / Tax# V10 0071+ / Sold Date: 12/2013 / Sold Price \$350,000 / 48 Acres (Price per acre \$7,292).  
**Comparable #6:** Town Line Rd / Town of Polk / Tax#T9 002500Z / Sold Date: 01/2015 / Sold Price \$275,000 / 36 Acres (Price per acre \$7,639)  
**Comparable #7:** County Road Q / Town of Erin / Tax# T3 069600A / Sold Date 09/2013 Sold Price \$320,900 / 35 Acres (Price per acre \$9,143)  
**Comparable #8:** Sherman Road / Town of Polk / Tax#1350146 / Sold Date 11/13 / Sold Price: \$240,000 / 26 Acres (Price per acre \$9,231)

Estimated Subject price per acre Agricultural/Wooded/Residential: \$9,300 per acre

**Undeveloped Vacant Land:**

**Comparable #1:** Scenic Road / Town of Polk / Tax #T9 1014 / Sold Date: 01/2012 / Sold Price: \$22,125 / 10.01 Acres (Price per acre \$2,210)  
 Estimated Subject price per acre Undeveloped \$2,210 per acre.

**Opinion of subject site value:** (9.85 acres (Residential/Forest) x \$9,300 = \$91,605) + (28.42 acres (Undeveloped) x \$2,210 = \$62,808) = \$154,400 rounded.

**ENVIRONMENTAL ADDENDUM**

APPARENT \* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

File # AM9589

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI Zip Code 53017-9316
Lender/Client	First Bank Financial Centre				

\* Apparent is defined as that which is visible, obvious, evident or manifest to the appraiser.

This Environmental Addendum is for use with any real estate appraisal. Only the statements which have been marked by the appraiser apply to the Subject property.

This addendum reports the results of the appraiser's routine viewing of and inquiries about the subject property and its surrounding area. It also states what assumptions were made about any observed evidence of any hazardous substances and/or detrimental environmental conditions. The appraiser is not an expert environmental inspector and therefore might be unaware of existing hazardous substances and/or detrimental environmental conditions which may have a negative effect on the safety or value of the property. It is possible that tests and inspections made by a qualified environmental inspector would reveal the existence of hazardous materials and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.

**DRINKING WATER**

- Drinking water is supplied to the subject from a municipal water supply which is considered safe. However, the only way to be absolutely certain that the water meets published standards is to have it tested at all discharge points.
- Drinking water is supplied by a well or other non-municipal source. It is recommended that tests be made to be certain that the property is supplied with adequate drinking water.
- Lead can get into drinking water from its source, the pipes, at all discharge points, plumbing fixtures and/or appliances. The only way to be certain that water does not contain an unacceptable lead level is to have it tested at all discharge points.
- The opinion of value is based on the assumption that there is an adequate supply of safe, lead-free drinking water.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SEWER SYSTEM**

- Sewage is removed from the property by a municipal sewer system.
- Sewage is disposed of by a septic system or other sanitary on-site waste disposal system. The only way to determine that the disposal system is adequate and in good good working condition is to have it inspected by a qualified inspector.
- The opinion of value is based on the assumption that the sewage is disposed of by a municipal sewer or an adequate properly permitted alternate treatment system in good condition.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SOIL CONTAMINANTS**

- There are no apparent signs of soil contaminants on or near the subject property (except as stated in Comments, below). It is possible that research, inspection and testing by a qualified environmental inspector would reveal existing and/or potential hazardous substances and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.
- The opinion of value is based on the assumption that the subject property is free of soil contaminants.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ASBESTOS**

- All or part of the improvements were constructed before 1979 when asbestos was a common building material. The only way to be certain that the property is free of friable and non-friable asbestos is to have it inspected and tested by a qualified asbestos inspector.
- The improvements were constructed after 1979. No apparent friable asbestos was observed (except as stated in Comments, below).
- The opinion of value is based on the assumption that there is no uncontained friable asbestos or other hazardous asbestos material on the property.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PCBs (POLYCHLORINATED BIPHENYLS)**

- There were no apparent leaking fluorescent light ballasts, capacitors or transformers anywhere on or nearby the property (except as stated in Comments, below).
- There was no apparent visible or documented evidence known to the appraiser of soil or groundwater contamination from PCBs anywhere on the property (except as reported in Comments below).
- The opinion of value is based on the assumption that there are no uncontained PCBs on or nearby the property.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RADON**

- The appraiser is not aware of any radon tests made on the subject property within the past 12 months (except as stated in Comments, below).
- The appraiser is not aware of any indication that the local water supplies have been found to have elevated levels of radon or radium.
- The appraiser is not aware of any nearby properties (except as stated in Comments, below) that were or currently are used for uranium, thorium or radium extraction or phosphate processing.
- The opinion of value is based on the assumption that the Radon level is at or below EPA recommended levels.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

USTs (UNDERGROUND STORAGE TANKS)

- There is no apparent visible or documented evidence known to the appraiser of any USTs on the property nor any known historical use of the property that would likely have had USTs.
- There are no apparent petroleum storage and/or delivery facilities (including gasoline stations or chemical manufacturing plants) located on adjacent properties (except as reported in Comments below).
- There are apparent signs of USTs existing now or in the past on the subject property. It is recommended that an inspection by a qualified UST inspector be obtained to determine the location of any USTs together with their condition and proper registration if they are active, and if they are inactive, to determine whether they were deactivated in accordance with sound industry practices.
- The opinion of value is based on the assumption that any functioning USTs are not leaking and are properly registered and that any abandoned USTs are free from contamination and were properly drained, filled and sealed.

Comments: Property did have a UST at one time in the past.

NEARBY HAZARDOUS WASTE SITES

- There are no apparent hazardous waste sites on the subject property or nearby the subject property (except as stated in Comments, below). Hazardous Waste Site search by a trained environmental engineer may determine that there is one or more hazardous waste sites on or in the area of the subject property.
- The opinion of value is based on the assumption that there are no hazardous waste sites on or nearby the subject property that negatively affect the value or safety of the property.

Comments:

UREA FORMALDEHYDE INSULATION (UFFI)

- All or part of the improvements were constructed before 1982 when urea foam insulation was a common building material. The only way to be certain that the property is free of urea formaldehyde is to have it inspected by a qualified urea formaldehyde inspector.
- The improvements were constructed after 1982. No apparent urea formaldehyde materials were observed (except as stated in Comments, below).
- The opinion of value is based on the assumption that there is no significant UFFI insulation or other urea formaldehyde material on the property.

Comments:

LEAD BASED PAINT

- All or part of the improvements were constructed before 1978 when lead based paint was a common building material. There is no apparent visible or known documented evidence of peeling or flaking Lead Paint on the floors, walls or ceilings (except as stated in Comments, below). The only way to be certain that the property is free of surface or subsurface lead based paint is to have it inspected by a qualified inspector.
- The improvements were constructed after 1978. No apparent Lead Paint was observed (except as stated in Comments, below).
- The opinion of value is based on the assumption that there is no flaking or peeling Lead Paint on the property.

Comments:

AIR POLLUTION

- There are no apparent signs of air pollution at the time of the appraiser's viewing of the subject property, nor were any reported (except as reported in Comments, below). The only way to be certain that the air is free of pollution is to have it tested.
- The opinion of value is based on the assumption that the property is free of air pollution.

Comments:

WETLANDS/FLOOD PLAINS

- The site does not contain any apparent wetlands/flood plains (except as stated in Comments, below). The only way to be certain that the site is free of wetlands/flood plains is to have it inspected by a qualified environmental professional.
- The opinion of value is based on the assumption that there are no Wetlands/Flood Plains on the property (except as stated in Comments, below).

Comments:

MISCELLANEOUS ENVIRONMENTAL HAZARDS

- There are no other apparent hazardous substances and/or detrimental environmental conditions on or in the area of the site except as indicated below:

- Excess noise
- Radiation and/or electromagnetic radiation
- Light pollution
- Waste heat
- Acid mine drainage
- Agricultural pollution
- Geological hazards
- Nearby hazardous property
- Infectious medical wastes
- Pesticides
- Other (chemical storage, drums, pipelines, etc.)

- The opinion of value is based on the assumption that, except as reported above, there are no other environmental hazards that would negatively affect the value of the subject property.

When any of the environmental assumptions made in this addendum are not correct, the opinion of value in this appraisal may be affected.

**Subject Photograph Addendum [15 Digital Photos/Lg]**

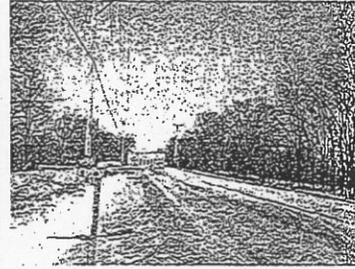
Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
Lender/Client	First Bank Financial Centre				
				Zip Code	53017-9316



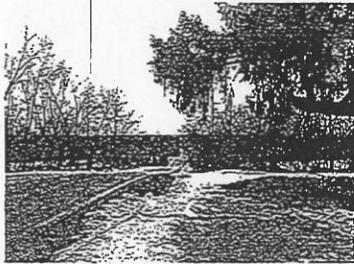
**Front**



**Rear View**



**Street View**



**Street View**



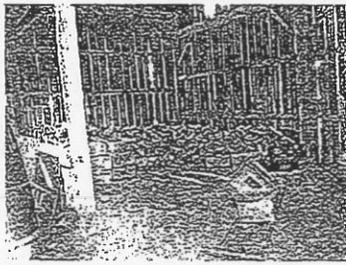
**Side View**



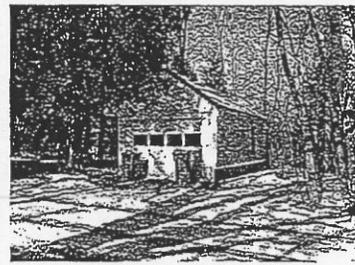
**Barn 46'x32'**



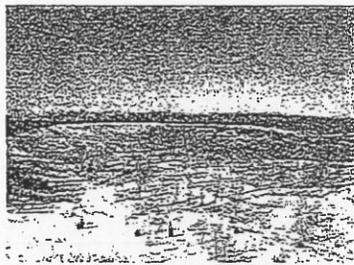
**Out Building 54'x20'**



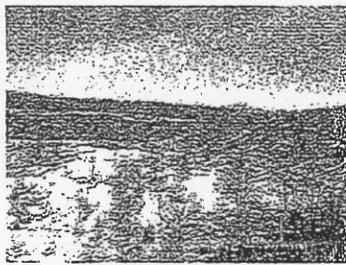
**Inside Barn**



**1-Car Detached Garage**



**Old Rock Quarry/Part Wooded**



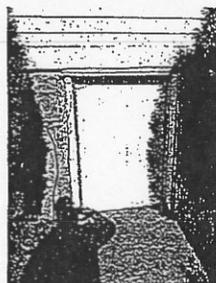
**Old Rock Quarry/Part Wooded**



**Septic**



**Side View/Windows**



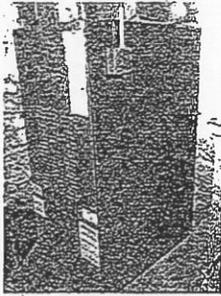
**Outside Basement Access**



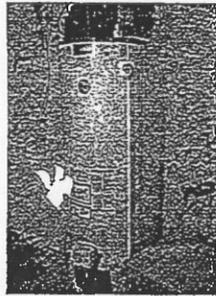
**Well**

**Subject Photograph Addendum [15 Digital Photos/Lgl]**

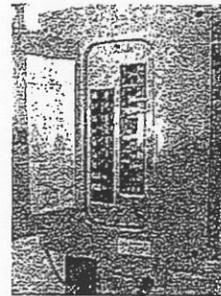
Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
Lender/Client	First Bank Financial Centre				
				Zip Code	53017-9316



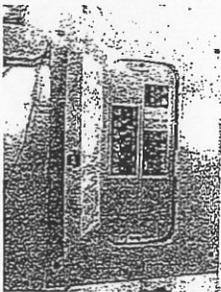
**Furnace**



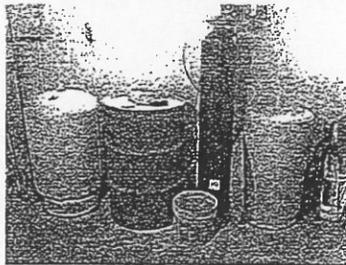
**Basement / Hot water heater**



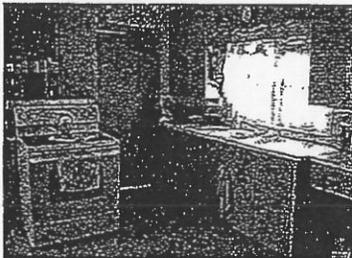
**Electrical Panel #1**



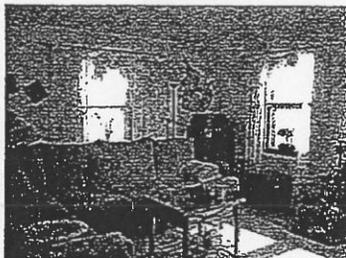
**Electrical Panel #2**



**Water Heater/Water Softener**



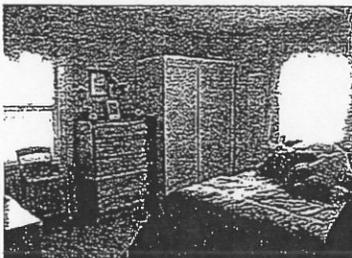
**Lower Level Kitchen**



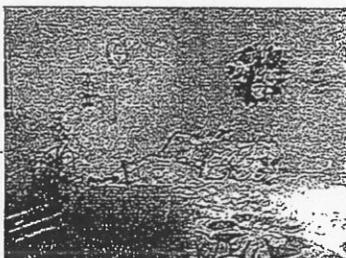
**Lower Level Living Room**



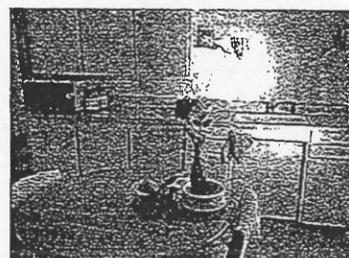
**Lower Level Bath**



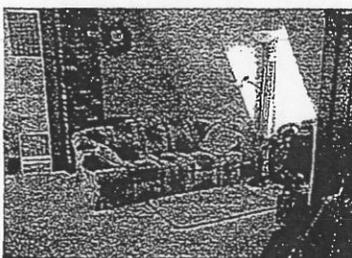
**Lower Level Bedroom**



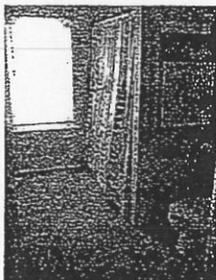
**Lower Level Bedroom**



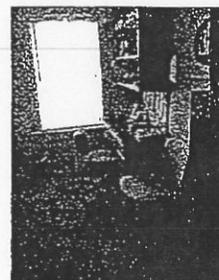
**Kitchen Upper Level**



**Living Room / Furnace**



**Upper Level Bath**



**Upper Level Bedroom**

## Comparable Photo Page

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI Zip Code 53017-9316
Lender/Client	First Bank Financial Centre				

### Comparable 1

W148N12340Pleasant View Drive



### Comparable 2

738 N. Lake View Road



### Comparable 3

4835 Monches Rd



## Comparable Photo Page

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
Lender/Client	First Bank Financial Centre	Zip Code	53017-9316		



**Comparable 4**  
5503 Shannon Road



**Comparable 5**  
3414 Pioneer Rd



**Comparable 6**  
4266 Fond du Lac Dr

### Comparable Photo Page

Borrower	Thomas & Danah Zoufek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
				Zip Code	53017-9316
Lender/Client	First Bank Financial Centre				



#### Comparable 7

1563 Scenic Road



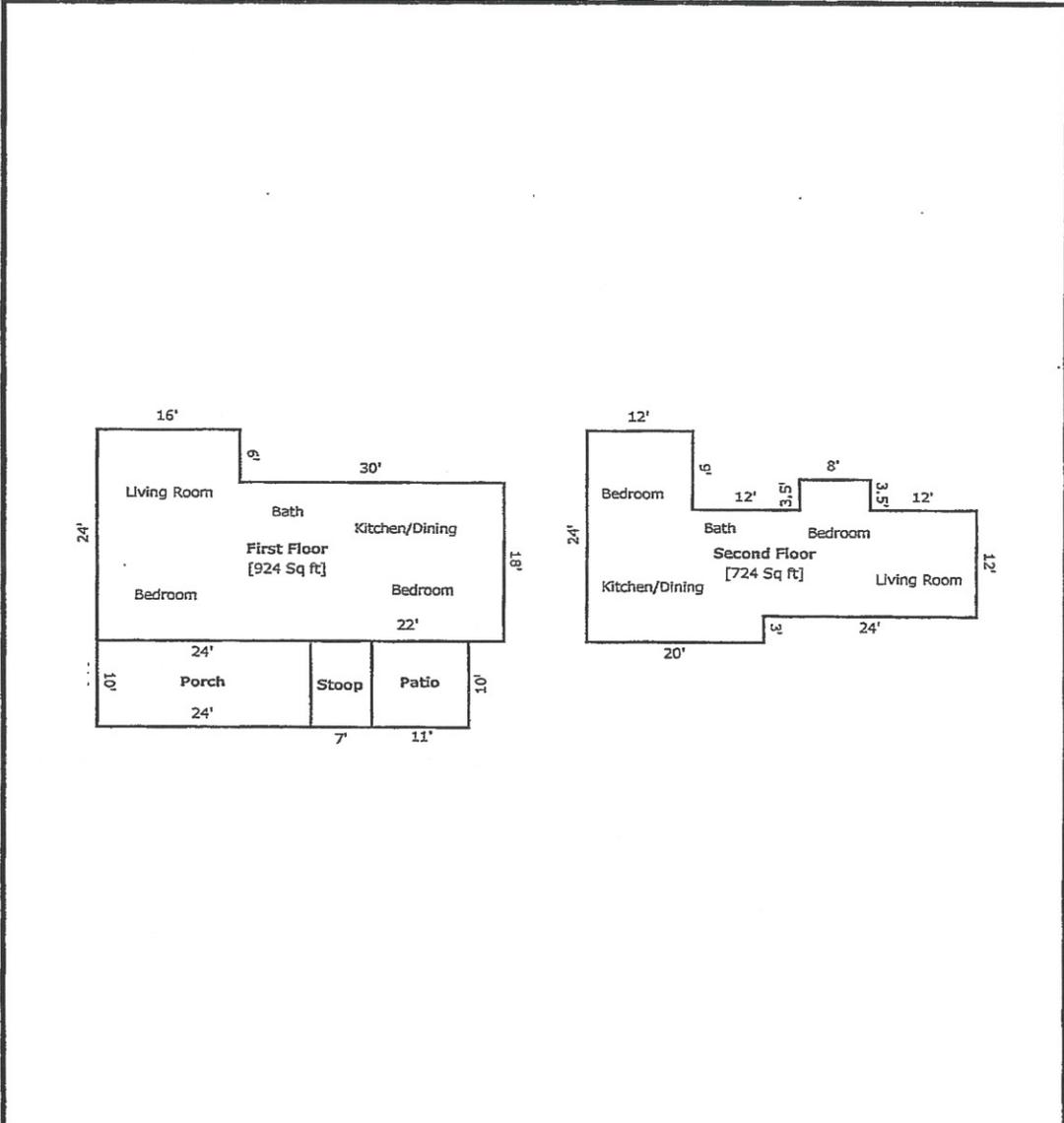
#### Comparable 8

1370 Scenic Drive

#### Comparable 9

## Building Sketch

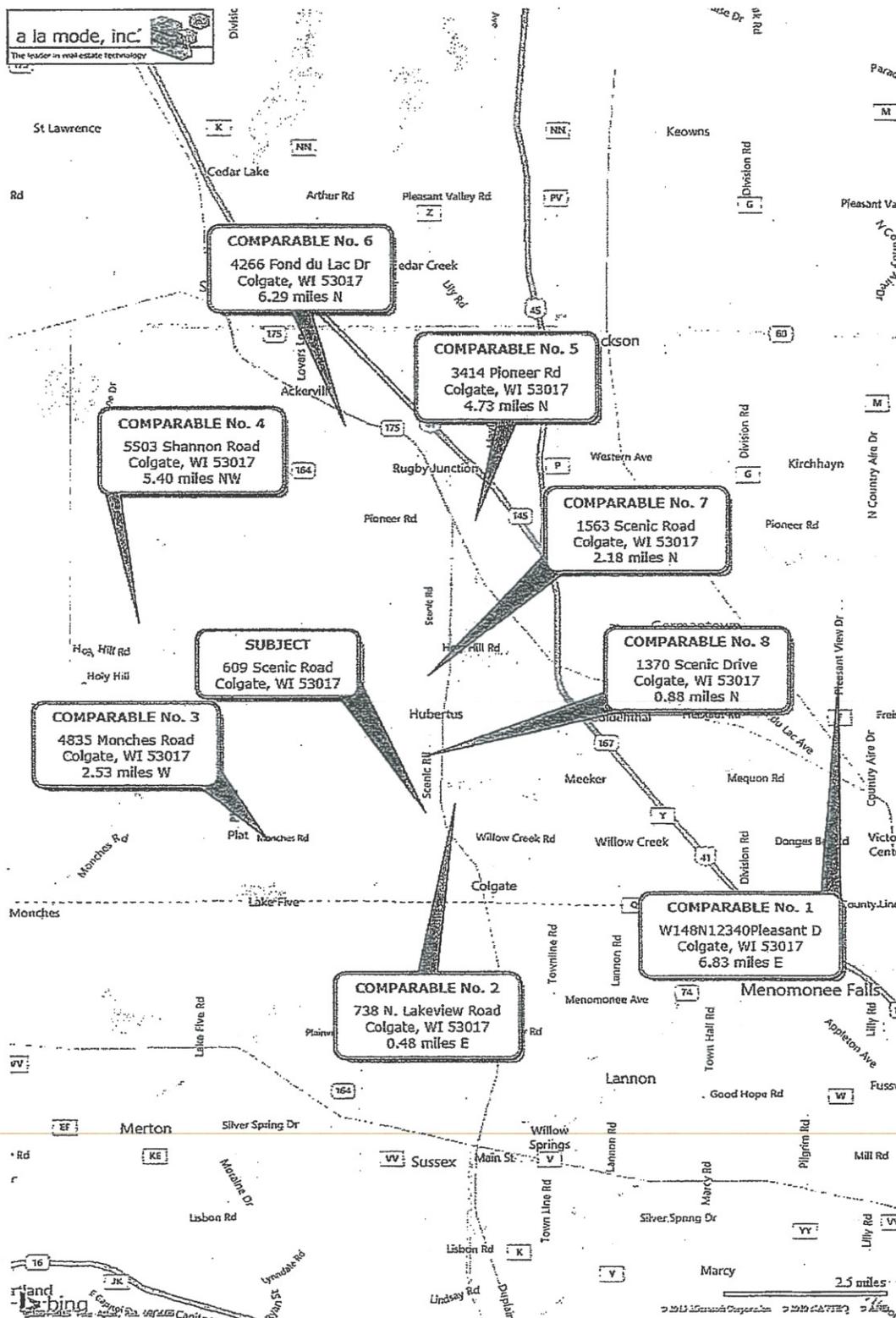
Borrower	Thomas & Danah Zoulek		
Property Address	609 Scenic Rd		
City	Colgate	County	Washington
		State	WI
		Zip Code	53017-9316
Lender/Client	First Bank Financial Centre		



TOTAL Sketch by a la mode, Inc.		Area Calculations Summary	
Living Area			Calculation Details
First Floor	924 Sq ft		24 × 16 = 384
			18 × 30 = 540
Second Floor	724 Sq ft		8 × 3.5 = 28
			12 × 9 = 108
			15 × 20 = 300
			12 × 24 = 288
<b>Total Living Area (Rounded):</b>	<b>1648 Sq ft</b>		
Non-living Area			
Stoop	70 Sq ft		10 × 7 = 70
Patio	110 Sq ft		10 × 11 = 110
Porch	240 Sq ft		24 × 10 = 240

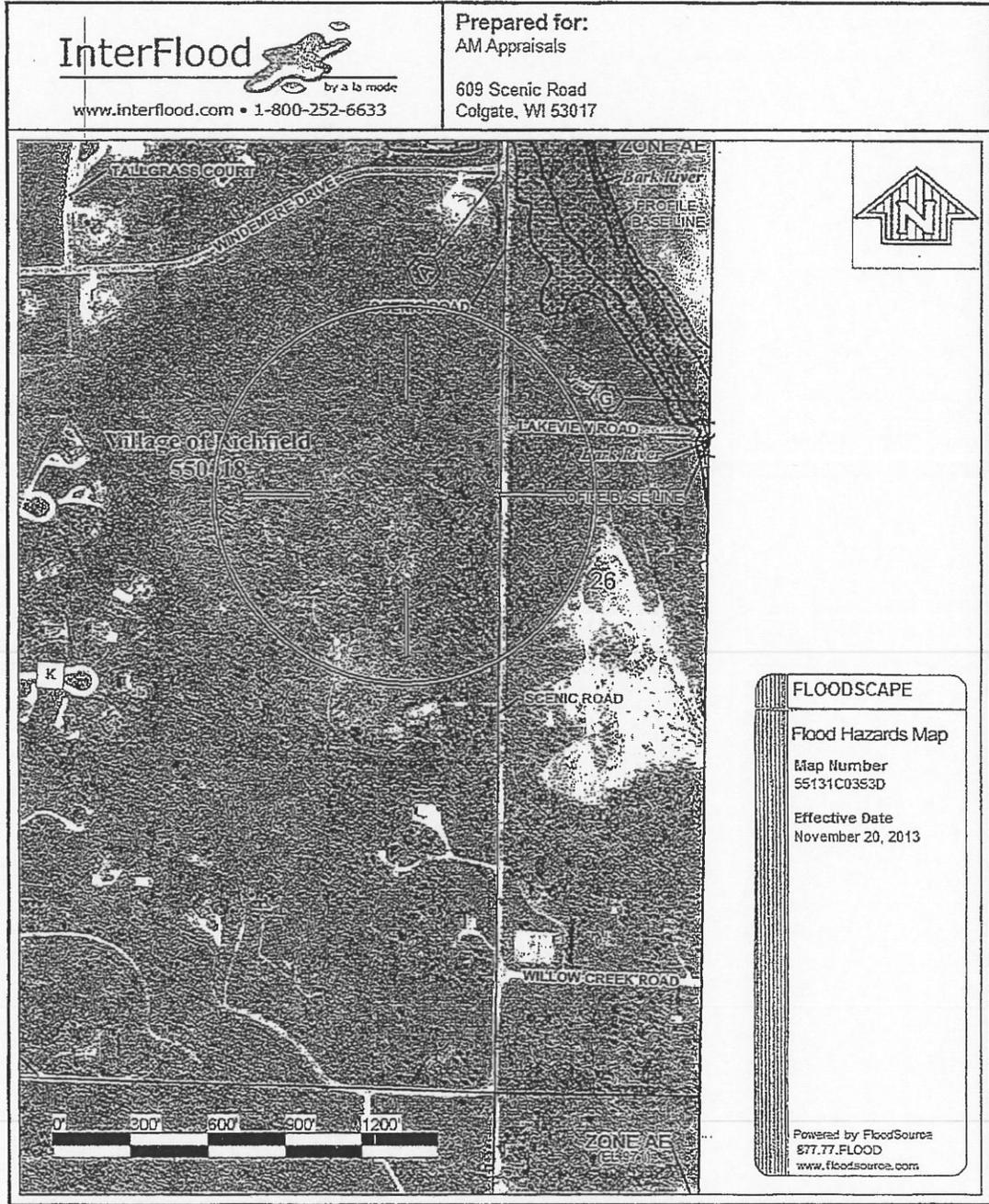
### Location Map

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI Zip Code 53017-9316
Lender/Client	First Bank Financial Centre				

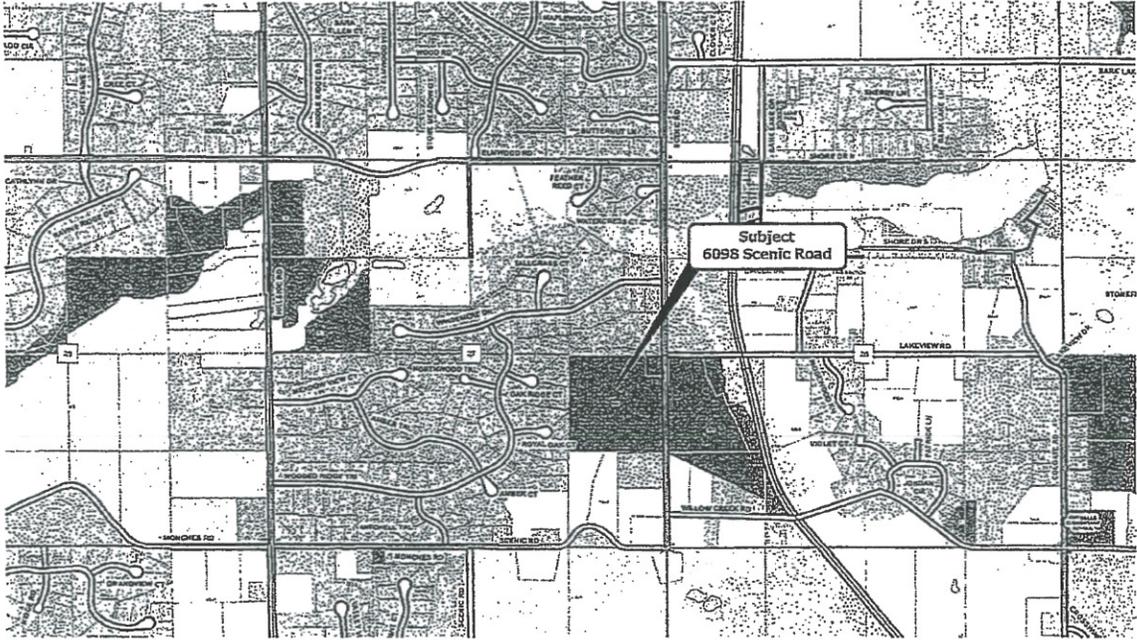


# Flood Map

Borrower	Thomas & Danah Zoulek		
Property Address	609 Scenic Rd		
City	Colgate	County	Washington
		State	WI
		Zip Code	53017-9316
Lender/Client	First Bank Financial Centre		



© 1999-2014 SourceProse and/or FloodSource Corporations. All rights reserved. Patents 6,831,328 and 6,079,615. Other patents pending. For Info: info@floodsource.com.



## Zoning Addendum

File No. AM9589

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
Lender/Client	First Bank Financial Centre				
				Zip Code	53017-9316

**Subject Zoning**

**M-5 Extractive District.**

**A. Intent.** The M-5 extractive district is intended to provide for the orderly continuation or restoration of quarries or other extractive and related operations in existence on the effective date of the ordinance from which this chapter is derived and to provide for the location in appropriate places of new extractive operations that provide maximum protection to the natural environment. This M-5 district further provides for the restoration of quarries in a manner that will not deteriorate the natural environment.

**B. Permitted principal uses.** There are no permitted principal uses in the M-5 district.

**C. Permitted accessory uses (see section 70.186).** There are no permitted accessory uses in the M-5 district.

**D. Conditional uses (see section 70.241).** Conditional uses in the M-5 district are as follows:

1. Mining or extraction of rock, slate, gravel, sand, topsoil, and other minerals.
2. Processing, refining, and washing of rock, slate, sand, or minerals.
3. Processing or storage of topsoil.
4. Storage of any of the mineral products listed in subsections D(1) and (2) of this section.
5. The onsite processing, conversion or packaging of the materials extracted including manufacturing of cement and bituminous concrete products, lime, and the initial preparation of concrete as a ready-mix.

**E. Lot area and width.** Lot area and width in the M-5 district are as follows:

1. Lots shall provide sufficient area for the principal structure and its accessory structures, the extractive industrial operation, off-street parking and loading, and yards as required herein.
2. Lots shall be not less than 80 feet in width at the principal street access.

**F. Building height and size.** Building height and size in the M-5 district are as follows:

1. No structure, building or parts of a building shall exceed 75 feet in height above original land elevation of the parcel.
2. The sum total of the first floor area of all buildings shall not exceed 5% of the total area of the lot or parcel.

**G. Setback and yards.** Setback and yards in the M-5 district are as follows:

1. The extractive operation shall be set back a minimum of 200 feet from the right-of-way line of all highways, streets or roads, and all exterior property lines.
2. Uses accessory to the extractive operations such as offices, parking and loading areas, and stockpiles of materials shall be set back a minimum of 100 feet from the right-of-way line of all highways or roads and all property lines.

**H. Parking and loading space.** Parking and loading space in the M-1 district are as follows:

1. There shall be a minimum of one square foot of off-street parking space for each 10 square feet of enclosed storage or operations area and for each 20 square feet of open storage area (see section 70.185).
2. There shall be adequate loading area to accommodate all necessary loading and unloading activities on the premises, and no loading dock or area shall be located closer than 100 feet from the right-of-way of a public access street.

**I. Minimum utility service.** Minimum utility service in the M-1 district shall be electricity.

**J. Special regulations.** To encourage a business use environment in the M-1 district that is compatible with the residential character of the Village, building/zoning permits for permitted uses in the M-1 district shall not be issued without prior review by and approval of the Village Plan Commission. Such review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, building materials, ingress, egress, parking, loading and unloading, and drainage, screening and landscape plans.

### Assessor Records

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
				Zip Code	53017-9316
Lender/Client	First Bank Financial Centre				

Tax key number: V10-1161

Property address: 609 Scenic Rd

Neighborhood / zoning: Rural Scattered / M-5

Traffic / water / sanitary: Light / Well water / Septic

Legal description: NE SE V161 P553+V1016 P55+DOC 1036546 EXC PT SOLD SEC 27-9-19 38.27 AC

Summary of Assessment	
Land	\$224,600
Improvements	\$96,700
<b>Total value</b>	<b>\$321,300</b>

Summary of Last Valid Sale	
Sale date	
Sale price	

Land									
Qty	Tax Classification	Unit of Measure	Width	Depth	Sq Ft	Acres	Waterfront	Description	Assess Value
1	Residential	Acres			217,600	5.000	None	rolling, pt wooded, pt old gravel pit	\$131,400
1	Undeveloped	Acres			1,449,241	33.270	None		\$93,200
<b>Total land:</b>									<b>\$224,600</b>

Residential Building			
Year built:	1899	Basement:	888 SF
Story height:	1.5 story	Rec room:	
Style:	Old style	FBLA:	
Use:	Single family	First floor:	888 SF
Exterior wall:	Alum/vinyl	Second floor:	665 SF
Roof type:	Asphalt shingles	Finished attic:	
Basement type:	Full	Unfinished attic:	
Heat type:	Basic	Unfinished area:	
Fuel type:	Oil	Patio:	
System type:	Warm air	Open porch:	50 SF
Bedrooms:	4	Screen porch:	
Family rooms:		Enclosed porch:	60 SF
Full baths:	2	Wood deck:	
Half baths:		Attached garage:	
Total rooms:	9	Masonry adjust:	
FP stacks:		Other feature 1:	
FP openings:		Other feature 2:	
Metal FPs:	1	Grade factor:	C-
Bsmnt garage:		Condition:	Average
		% complete:	100%

photograph not available

Residential building assessed value: \$90,900 Total square feet: 1,554



Full Report  
Property Location: 609 Scenic RD

Owner:  
Holt Richard R  
Holt Yvonne E  
609 Scenic RD  
Richland, WI 53086-0216

Owner Contact Via  
Property Address:  
609 Scenic RD PA #77  
Richland, WI 53086-0216

County: Washington  
Taxes by Village of Richland  
Taxkey # V10 1161

Assessment Year	Property Class	Land Assessment	Improvement Assessment	Total Assessment	Percent of Change	Acres	Ratio
2014	Residential	\$ 131,400	\$ 66,700	\$ 228,100		1.000	
2014	Undeveloped	\$ 71,000		\$ 71,000		28.429	
2014	Forest Lands	\$ 38,800		\$ 38,800		4.350	
2014	Total of Multiple Classes	\$ 241,200	\$ 66,700	\$ 327,900	-31.64%	38.279	1.022465034
2013	Forest Lands	\$ 266,300		\$ 266,300		32.270	
2013	Residential	\$ 131,400	\$ 66,700	\$ 228,100		1.000	
2013	Total of Multiple Classes	\$ 397,700	\$ 66,700	\$ 464,400	53.84%	38.279	1.054492430
2012	Total of Multiple Classes	\$ 224,600	\$ 66,700	\$ 291,300	0.00%	38.279	1.023275707
2011	Total of Multiple Classes	\$ 224,600	\$ 66,700	\$ 321,300	-7.33%	38.279	0.988133229
2010	Total of Multiple Classes	\$ 224,600	\$ 117,000	\$ 341,600	0.00%	38.279	1.040059008
2009	Total of Multiple Classes	\$ 228,600	\$ 117,000	\$ 345,600	0.00%	38.279	1.000841031
2008	Total of Multiple Classes	\$ 228,600	\$ 117,000	\$ 345,600	0.00%	38.279	0.996323700
2007	Total of Multiple Classes	\$ 228,600	\$ 117,000	\$ 345,600	0.00%	38.279	0.994851466
2006	Total of Multiple Classes	\$ 228,600	\$ 117,000	\$ 345,600	16.68%	38.279	0.991588500

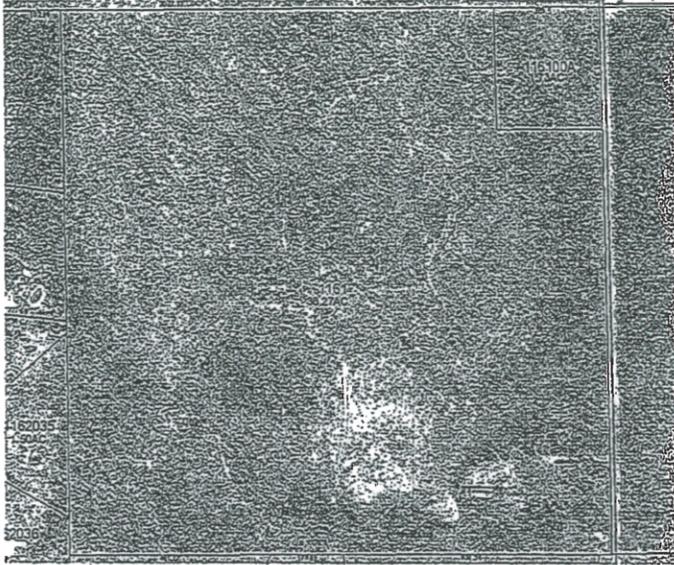
Tax Year	Total Tax	First	Second	Third	Special	Special	Full Pay
		Charge	Charge	Charge	Assessment	Charges	Amount
2014	\$104.64						\$4,429.28
2013	\$107.50						\$4,662.28
2012	\$94.83						\$4,710.52
2011	\$91.18						\$4,205.18
2010	\$98.48						\$4,662.28
2009	\$77.67						\$4,902.62
2008	\$80.71						\$4,658.44
2007	\$87.83						\$4,636.25
2006	\$93.65						\$4,721.82

Building Square Feet:      Year Built:      Township: 09N  
 Bedrooms:      Year Remodeled:      Range: 19E  
 Full Baths:      Effective Year Built:      Section: 27  
 Half Baths:      Air Conditioning:      Quarter:  
 Total Rooms:      Fireplace:      Post:  
 Number of Stories:      Number of Units:      Area:

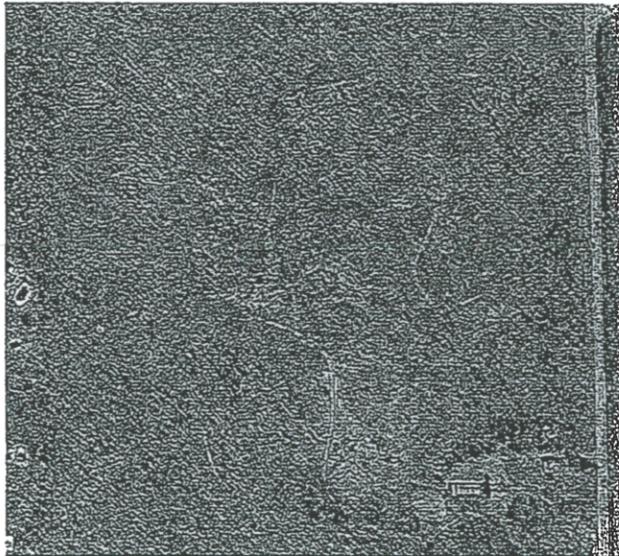
Building Type:      Basement:      District:  
 Exterior Wall:      Molt:      Garage:  
 Land Use:      School District: 2025 Communiton  
 Zoning:      Historic Designation:

### Map Photograph Addendum [2 Digital/Large Photos]

Borrower	Thomas & Danah Zoulek				
Property Address	609 Scenic Rd				
City	Colgate	County	Washington	State	WI
Lender/Client	First Bank Financial Centre				
				Zip Code	53017-9316



Plat Map



Aerial Map

Borrower	Thomas & Danah Zoulek	File No.	AM9589
Property Address	609 Scenic Rd		
City	Colgate	County	Washington
		State	WI
		Zip Code	53017-9316
Lender/Client	First Bank Financial Centre		

### APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- Appraisal Report (A written report prepared under Standards Rule 2-2(a) pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b) pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

### Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

### Reasonable Exposure Time

(USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is:

Reasonable exposure time is estimated at 3 to 24 Months.

### Comments on Appraisal and Report Identification

Note any USPAP-related issues requiring disclosure and any state mandated requirements:

USPAP SR 2-3 Disclosure: I have not performed a prior appraisal of the subject property within the 3 year period immediately preceding acceptance of this appraisal assignment.

Appraisal Independence Requirements: This report is developed in adherence to the lenders Appraisal Independence Requirements.

Reason for Adjustments: If the physical characteristics of comparable property and the subject property differ in many ways, each of these differences may require comparison and adjustment. Physical differences may include differences in lot size, gross living area, bathrooms, finished basement, condition, and amenities. The value added or lost by the presence or absence of a differing item in a comparable property does not usually equal the cost of installing or removing the item. Buyers are typically unwilling to pay a higher sales price that include the extra cost of adding an amenity. I have reviewed my file and find that adjustments are reasonable for GLA, and finished basement adjustment. They are not low but represent market data and not cost. I have sales data to support findings with ranges of value and averages used. Cost is not typical when units of comparison can be used.

Comparable Gross Adjustments that Exceed 15% When researching, only a few sales exist which is normal at this time for homes having large lot size. Some large adjustment in this report have exceed the typical requirement that gross adjustments fall below 15%. Major adjustments in this report are for Lot size, GLA, and finished basement area. It is necessary to use these comparables in the report to produce value which also supports the comparables that have lower gross adjustments. Guidelines set up by the lender can't be always followed when it come to a property like the subject.

Well/Septic: The subject and all comparable properties are serviced by a well, and septic system. Well & Septic system are common in these areas and are not considered to be a detriment to value.

APPRAISER:

SUPERVISORY or CO-APPRAISER (if applicable):

Signature:   
 Name: Andrew MacDonald  
 State Certification #: 1740-9  
 or State License #:  
 State: WI Expiration Date of Certification or License: 12/14/2015  
 Date of Signature and Report: 02/19/2015  
 Effective Date of Appraisal: 01/30/2015  
 Inspection of Subject:  None  Interior and Exterior  Exterior-Only  
 Date of Inspection (if applicable): 01/30/2015

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_ Expiration Date of Certification or License: \_\_\_\_\_  
 Date of Signature: \_\_\_\_\_  
 Inspection of Subject:  None  Interior and Exterior  Exterior-Only  
 Date of Inspection (if applicable): \_\_\_\_\_

**From:** Jim Healy  
**Sent:** Monday, October 27, 2014 8:12 AM CDT  
**To:** daltonr@crispell-snyder.com; tim.schwecke@civitekconsulting.com;  
jmacy@ammr.net  
**Subject:** 609 Scenic Road  
**Attachments:** 2014.10.23 Letter to Holz RE Landfill Operations.docx

---

Gentlemen,

Enclosed is the reviewed letter which will be placed in the mail today to the property owners at 609 Scenic Road. Your time and effort reviewing this letter was greatly appreciated. Once they make contact to set up a site visit I will advise.

Sincerely,  
Jim H.

EX B-1

October 27, 2014

Mr. Richard Holz  
609 Scenic Road  
Colgate, WI 53017

RE: Questions regarding the property located on Scenic Road, Richfield, WI.

Dear Mr. Holz,

It is my understanding that you own the property located on Scenic Road. Over the last four (4) years or so various individuals have contacted the Village of Richfield about your property on Scenic Drive that is apparently on the market. Most recently, Mr. Thomas Zoulek, Design Manager/Project Manager for Mid-City Plumbing, located in Butler, Wisconsin, contacted us. We met with Mr. Zoulek on Friday, October 3, 2014. In attendance at this meeting were the Village Engineer and the Village Attorney.

Mr. Zoulek expressed an interest in buying the property to use it as a landfill for clean fill and other construction related materials. As you know, this property is currently zoned M-5 (Extractive) and is subject to a conditional use permit. As currently defined in the Village's zoning code, a gravel pit cannot be used as a landfill. We wanted to inform you of this determination so there is no potential for miscommunication.

In addition, we want to open a dialogue with you as the current property owner with regard to the restoration of the gravel pit consistent with the conditional use approval granted in 1963. Several of these conditions of approval address the restoration of the subject property. For example, the slopes of the pit are to be graded to a 3:1 slope, meaning a one foot drop in elevation for every three feet of horizontal run.

In an effort to help better understand the state of the property and the potential grade limitations, we would like to conduct a site visit that may include the Village Engineer, the Village's consultant planner, and me. While there is a great deal of information we are able to pull from our digital archives, having the ability to physically walk the land would aide us in our understanding of the original terms and conditions of the original authorization from 1963.

If this is agreeable to you, please contact me at your earliest convenience in order to set up a site visit for a mutually agreeable time. I can be reached Monday-Friday from 7:30AM-4:00PM at (262)-628-2260 Ext. 115 or via email at [Administrator@richfieldwi.gov](mailto:Administrator@richfieldwi.gov).

Sincerely,

Jim Healy  
Village Administrator

Cc:

John Jeffords, Village President

Board of Trustees

Ron Dalton, Village Engineer

Tim Schwecke, Civi Tek Consulting

John Macy, Village Attorney

Thomas Zoulek, Mid-City Plumbing, Project Manager

**From:** Jim Healy  
**Sent:** Wednesday, October 29, 2014 3:43 PM CDT  
**To:** John P Macy; tim.schwecke@civitekconsulting.com; daltonr@crispell-snyder.com  
**Subject:** RE: 609 Scenic Road  
**Attachments:** voradmin@richfieldwi.gov\_20141029\_154358.pdf  
voradmin@richfieldwi.gov\_20141029\_154435.pdf

---

Attorney Macy Tim and Ron,

I have frequent talks with the Washington County Parks and Planning Staff so that should not be an issue to get Scott Schmitt on a teleconference. The individual at the Wisconsin DNR who would be the most knowledgeable is Rob Grosch. His contact information is listed below. Conveniently he is located on Barstow St. in Waukesha. I can also call the County to see if they have anything on file for this property. When I visited their offices prior to our meeting with Mr. Zoulec they did not have anything that could help us in this instance. Attached are all the documents that I am aware of relating to the property.

<http://dnr.wi.gov/staffdir/newsearch/ContactSearchResultsExt.aspx?cno=5339&cSrc=EMPLOYEE>

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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---

**From:** John P Macy [mailto:jmacy@ammr.net]  
**Sent:** Wednesday, October 29, 2014 2:58 PM  
**To:** Jim Healy; tim.schwecke@civitekconsulting.com; daltonr@crispell-snyder.com  
**Subject:** Re: 609 Scenic Road

Ex B-2

**Importance:** High

Mr. Administrator

I agree.

Prior to meeting or as part of the meeting, we need to have contact with the appropriate County and State representatives.

If possible it would be nice if they were available to answer questions by teleconference while we are meeting.

John P. Macy

Arenz, Molter, Macy, Riffle & Larson, S.C.  
720 N. East Avenue  
Waukesha, WI 53186

(262) 548-1340  
[jmacy@ammr.net](mailto:jmacy@ammr.net)

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**The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.**

**From:** Joshua Schoemann <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Date:** Wednesday, October 29, 2014 at 2:39 PM  
**To:** John Macy <[jmacy@ammr.net](mailto:jmacy@ammr.net)>, Schwecke Tim <[tim.schwecke@civitekconsulting.com](mailto:tim.schwecke@civitekconsulting.com)>, "daltonr@crispell-snyder.com" <[daltonr@crispell-snyder.com](mailto:daltonr@crispell-snyder.com)>  
**Subject:** FW: 609 Scenic Road

Gentlemen,

Please see the below email received today from Mr. Tom Zoulek. It may be a good idea for us to get together to discuss this situation in greater detail.

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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**From:** Tom Zoulek [<mailto:tzoulek@midcityplumbing.com>]  
**Sent:** Wednesday, October 29, 2014 2:21 PM  
**To:** Jim Healy  
**Cc:** [barbpedersen@wi.rr.com](mailto:barbpedersen@wi.rr.com); Danah Zoulek; John Jeffords  
**Subject:** 609 Scenic Road

Mr. Healy,

As you are aware of I for received a letter today at my business office referring to the parcel at 609 Scenic Road that we my wife and I met with you to discuss on October 3, 2014. At that time we stressed the confidentiality of this project and noted that we had an offer to purchase in on the property.

At that meeting we informed you of our desire to fill the abandoned mine site and restore the property to its original condition and then request rezoning to allow for residential properties.

We left the meeting requesting that you follow up with me if there were any concerns regarding our planned venture.

In the meantime my wife and I have contacted the WI DNR to discuss the restoration of this property and determine if there were any necessary WI DNR permits required. According to the WI DNR the restoration of the property is governed by the County based on the rules and regulations set forth by

the WI DNR.

We then contacted the Washington County Land Use Department and talked with Scott Schmidt, PE. Mr. Schmidt is aware of the property and it aware of its need for restoration. I explained to him the need to import fill and grade the site to allow for building. He informed me that this would be considered a grading project and the only permits needed will be those required for a standard site grading project. (Erosion Control).

With this key information we now stand with an accepted offer to purchase along with a schematic restoration and development plan.

After rereading your letter and reviewing Section 70.205 of the Village of Richfield Zoning Code I find that your letter is as contradictory as the Zoning Code. Noted in your letter is that we cannot fill the site with clean fill, however you are requesting the current owner to comply with the 1963 Conditional Permitted Use permit which requires restoration, hence requiring fill to be imported. Section 70.205 is just as contradictory. The section allows for the removal of materials, requires a minimum restoration requirement but then (according to you) does not allow for fill to be imported to allow for restoration.

Lastly, you currently are allowing a development company to fill a mine, with clean fill, located in the M-5 zoning district. (Kettle Moraine Development) This sets precedent for the 609 site to be filled also.

I believe your Zoning Code is contradictory, you have violated the confidentiality of this project as we discussed at our meeting, you have associated this project with Mid City Plumbing with has nothing to do with this and misstated the intent of the project. The intent, as I have told you multiple times, is to restore the mine and develop it into residential properties. We are not operating a landfill.

At this point I recommend that you discuss this further with the WI DNR, Washington County and your Board of Trustees very quickly. I am closing on this property in the near future and will begin the restoration process. The Village will have to prove how I am to restore a property without filling it and then develop. May I remind you that the Village has this property planned as "Mine Reclamation" in its 20 year strategic plan and according to you the ultimate plan is R-1 zoning. Time is of the essence. I want to avoid a legal battle over this however if necessary we will move to that level of discussion.

A phone call to discuss further would be appreciated.

**Thomas A. Zoulek, P.E.**

*Vice President*

---

**Mid City Plumbing & Heating Inc.**

12930 W. Custer Avenue, Butler, WI 53007

PH: 262.781.5940 FX: 262.781.4005

CL: 414.349.0623

**From:** Jim Healy  
**Sent:** Wednesday, October 29, 2014 4:32 PM CDT  
**To:** jmacy@ammr.net; tim.schwecke@civitekconsulting.com; daltonr@crispell-snyder.com  
**Subject:** FW: 609 Scenic Road

---

Attorney Macy,

It appears Mr. Zoulek re-sent the previous e-mail and indicated there was a 'Read Receipt' or 'Delivery Receipt' attached do it. Do you suggest I reply and said that I am in receipt of his email?

Sincerely,

Jim

**From:** Tom Zoulek [mailto:tzoulek@midcityplumbing.com]  
**Sent:** Wednesday, October 29, 2014 4:29 PM  
**To:** Jim Healy; John Jeffords  
**Subject:** 609 Scenic Road

SENT INCLUDING DELIVERY AND READ RECIEPTS

Mr. Healy,

As you are aware of I for received a letter today at my business office referring to the parcel at 609 Scenic Road that we my wife and I met with you to discuss on October 3, 2014. At that time we stressed the confidentiality of this project and noted that we had an offer to purchase in on the property.

At that meeting we informed you of our desire to fill the abandoned mine site and restore the property to its original condition and then request rezoning to allow for residential properties.

We left the meeting requesting that you follow up with me if there were any concerns regarding our planned venture.

In the meantime my wife and I have contacted the WI DNR to discuss the restoration of this property and determine if there were any necessary WI DNR permits required. According to the WI DNR the restoration of the property is governed by the County based on the rules and regulations set forth by the WI DNR.

We then contacted the Washington County Land Use Department and talked with Scott Schmidt, PE. Mr. Schmidt is aware of the property and it aware of its need for restoration. I explained to him the need to import fill and grade the site to allow for building. He informed me that this would be considered a grading project and the only permits needed will be those required for a standard site grading project. (Erosion Control).

With this key information we now stand with an accepted offer to purchase along with a schematic restoration and development plan.

After rereading your letter and reviewing Section 70.205 of the Village of Richfield Zoning Code I find

Ex B-3

that your letter is as contradictory as the Zoning Code. Noted in your letter is that we cannot fill the site with clean fill, however you are requesting the current owner to comply with the 1963 Conditional Permitted Use permit which requires restoration, hence requiring fill to be imported. Section 70.205 is just as contradictory. The section allows for the removal of materials, requires a minimum restoration requirement but then (according to you) does not allow for fill to be imported to allow for restoration.

Lastly, you currently are allowing a development company to fill a mine, with clean fill, located in the M-5 zoning district. (Kettle Moraine Development) This sets precedent for the 609 site to be filled also.

I believe your Zoning Code is contradictory, you have violated the confidentiality of this project as we discussed at our meeting, you have associated this project with Mid City Plumbing with has nothing to do with this and misstated the intent of the project. The intent, as I have told you multiple times, is to restore the mine and develop it into residential properties. We are not operating a landfill.

At this point I recommend that you discuss this further with the WI DNR, Washington County and your Board of Trustees very quickly. I am closing on this property in the near future and will begin the restoration process. The Village will have to prove how I am to restore a property without filling it and then develop. May I remind you that the Village has this property planned as "Mine Reclamation" in its 20 year strategic plan and according to you the ultimate plan is R-1 zoning. Time is of the essence. I want to avoid a legal battle over this however if necessary we will move to that level of discussion.

A phone call to discuss further would be appreciated.

**Thomas A. Zoulek, P.E.**  
414.349.0623

**From:** Jim Healy  
**Sent:** Monday, November 10, 2014 10:08 PM CST  
**To:** Dalton Ron  
**Subject:** Fwd: Meeting on Monday, 11/10 at 3PM

---

Ron,

Do you have any availability tomorrow at 10:30AM to do a property walk at 609 Scenic? If not, that's fine. I just wanted an engineers perspective.

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

Begin forwarded message:

**From:** Tom Zoulek <[tzoulek@midcityplumbing.com](mailto:tzoulek@midcityplumbing.com)>  
**Date:** November 10, 2014 at 7:40:55 PM CST  
**To:** Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Subject:** Re: Meeting on Monday, 11/10 at 3PM

Jim

We are set to walk the property tomorrow at 10:30 am. They just ask that we park by the barns.

Tom

Sent from my iPhone

On Nov 10, 2014, at 9:39 AM, Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)> wrote:

Dear Tom,  
No, just the Village Attorney and me. They are all aware of the situation though and that we have a scheduled meeting.

Sincerely,  
Jim H.

**From:** Tom Zoulek [<mailto:tzoulek@midcityplumbing.com>]  
**Sent:** Monday, November 10, 2014 9:38 AM  
**To:** Jim Healy  
**Subject:** RE: Meeting on Monday, 11/10 at 3PM

Ex B-4

Jim,  
Will there be any representation from the Village Board at today's meeting? Either the President or any of the Trustees?  
Thanks  
Tom

**From:** Jim Healy [<mailto:administrator@richfieldwi.gov>]  
**Sent:** Monday, November 10, 2014 9:36 AM  
**To:** Tom Zoulek  
**Cc:** [jmacy@ammr.net](mailto:jmacy@ammr.net)  
**Subject:** RE: Meeting on Monday, 11/10 at 3PM

Dear Tom,  
Thank you for the update. We will see you today at 3PM.  
Sincerely,  
Jim H.

**From:** Tom Zoulek [<mailto:tzoulek@midcityplumbing.com>]  
**Sent:** Monday, November 10, 2014 9:35 AM  
**To:** Jim Healy  
**Cc:** [jmacy@ammr.net](mailto:jmacy@ammr.net)  
**Subject:** RE: Meeting on Monday, 11/10 at 3PM

Jim,  
Due to the time sensitive matter of the acquisition we would like to keep our meeting scheduled for today.  
As I am aware that no approvals can be granted without going through the necessary channels we would like to further explain the intent of the project and get a better understanding of the Village's goal for the parcel.  
Respectfully,  
Tom Zoulek

**From:** Jim Healy [<mailto:administrator@richfieldwi.gov>]  
**Sent:** Friday, November 07, 2014 6:39 PM  
**To:** Tom Zoulek  
**Cc:** [jmacy@ammr.net](mailto:jmacy@ammr.net)  
**Subject:** Meeting on Monday, 11/10 at 3PM

Dear Tom,  
I just wanted to recap my understanding of the events that will transpire on Monday, November 10, 2014 at 3PM. Your intent is to provide us documents or additional information to consider regarding your proposal for the property at 609 Scenic Road. You understand that our position has not changed. You understand that we will not render any sort of decision at this meeting on Monday, it is information only.  
If you would like to provide the documents to us in advance, we will be happy to review them and have a meeting at a date in the very near future. Please advise if you would like to keep our meeting date or if you would like to provide us with this information in advance for our consideration and set up a date as soon as reasonably possible thereafter.  
Thank you very much, I hope you have a great weekend.  
Sincerely,  
Jim Healy

*Village Administrator  
Planning and Zoning Administrator  
(262)-628-2260*

*Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033*

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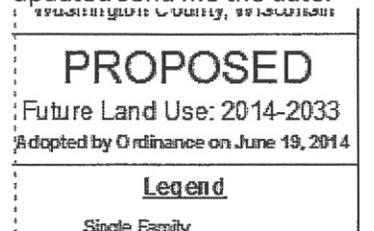
**From:** Jason Penning  
**Sent:** Wednesday, December 31, 2014 1:14 PM  
**To:** Jim Healy  
**Cc:** Ronald Dalton  
**Subject:** RE: Mapping Work

Hello Jim,

Attached is Map 13 (11x17) from the comprehensive plan update – I updated the Quarry Redevelopment along Scenic to Single Family.

If you want a different type of map let me know.

We have another map – much bigger 3x5 that has the Ord date on it. If that is something you want updated send me the date.



**From:** Jim Healy [<mailto:administrator@richfieldwi.gov>]  
**Sent:** Monday, December 29, 2014 9:48 AM  
**To:** Jason Penning  
**Cc:** Ronald Dalton  
**Subject:** Mapping Work  
**Importance:** High

Dear Jason,

On the Village's adopted Future Land Use Map we have two areas designated as 'Quarry Redevelopment', one on STH 175 and the other on Scenic Road/Willow Creek Road.

Would it be possible to receive a mapping exhibit that shows the change of the 'Quarry Redevelopment' on Scenic Road/Willow Creek Road from its current state to 'Single Family'?

Sincerely,

Jim Healy  
*Village Administrator  
Planning and Zoning Administrator  
(262)-628-2260  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
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Ex B-5

**From:** Jim Healy  
**Sent:** Monday, January 05, 2015 9:08 AM CST  
**To:** Jason Penning  
**CC:** Ronald Dalton  
**Subject:** RE: Mapping Work

---

Jason,

This is wonderful, thank you so much! Hope you and yours had a happy holiday season.  
Jim H.

**From:** Jason Penning [mailto:j.penning@gaiconsultants.com]  
**Sent:** Wednesday, December 31, 2014 2:20 PM  
**To:** Jim Healy  
**Cc:** Ronald Dalton  
**Subject:** RE: Mapping Work

The last pdf was bad (not able to open) so here is a new one.

**From:** Ronald Dalton  
**Sent:** Wednesday, December 31, 2014 1:42 PM  
**To:** Jason Penning  
**Subject:** RE: Mapping Work

Jason

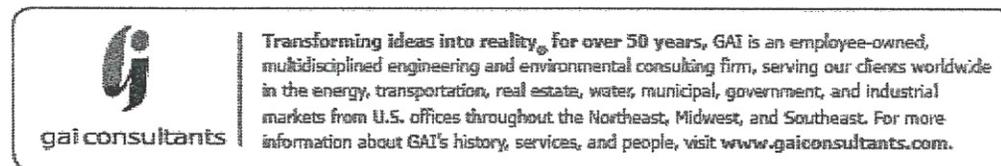
I am not able to open the attachment. Not sure if Jim will have the same problem. Have a Happy New Years Eve!

**Ron Dalton,**  
Senior Engineering Manager

**GAI Consultants, Inc.**

W175 N11081 Stonewood Drive, Suite 103  
Germantown, WI 53022

T 262.250.8000 ext. 103 | C 920.946.3269 | F 262.250.8011 | Twitter | Facebook | LinkedIn



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EX B-6

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**From:** Jim Healy  
**Sent:** Monday, January 05, 2015 11:37 AM CST  
**To:** jmacy@ammr.net  
**Subject:** Comprehensive Plan Amendment - Notice to surrounding property owners

---

Dear Attorney Macy,

I am surprised you are in the office today! I just wanted to touch base with you briefly regarding a letter I am sending out to neighboring property owners to comply with the public participation plan adopted by the Village Board. The text of the letter is below. I want to make sure it is 'Letter Perfect' as you would say. Any insight you may be able to offer would be greatly appreciated!

\_\_\_\_\_

\_\_\_\_\_

January 5, 2015

**RE: Future Land Use Map - Proposed Changes**

Dear Property Owner,

I hope this finds you doing well in the New Year! My name is Jim Healy and I am the Village Administrator here in Richfield. I am writing today to inform you that the Village is currently in the process of amending our Comprehensive Plan's Future Land Use Map. Specifically, we are taking steps to help eliminate the possibility that the abandoned quarry on Scenic Road will ever be used again for those same purposes.

Currently, the Comprehensive Plan shows several properties from Scenic Road extending south to Willow Creek Road as 'Quarry Redevelopment' (see reverse side map). After these proposed changes are made, the properties will be shown as 'Single Family'.

While we are not legally required to notify individual property owners regarding these types of land use changes, we are doing so in an effort to better inform the public and give them the opportunity to voice their opinions on our proposed Map amendments. The Village Board and Plan Commission's interest in doing this is two-fold; 1) to protect the quality of life of those individuals who live in the highly residential surrounding area and 2) to protect our groundwater from the possibility of any contaminants being brought in.

Village Staff will be hosting an Open House on Thursday, January 8<sup>th</sup> from 4:30PM to 6:30PM to discuss these changes with anyone who is interested in stopping by. If you are unable to attend but would like to voice your opinion via email, please feel free to do so at [Administrator@richfieldwi.gov](mailto:Administrator@richfieldwi.gov). Any emails received prior to Thursday, January 8<sup>th</sup> at 5PM will be provided to the Plan Commission for their consideration during deliberations later that evening.

Thank you again and if you have any questions, comments, or concerns regarding this matter or anything else related to the Village, please do not hesitate to contact me directly at the number listed below.

Sincerely,

EX B-7

Jim Healy  
Village Administrator

CC:  
John Jeffords, Village President  
Sandy Voss, Village Trustee  
Rock Brandner, Village Trustee  
Dan Neu, Village Trustee  
Bill Collins, Village Trustee

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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**From:** Jim Healy  
**Sent:** Thursday, February 05, 2015 4:32 PM CST  
**To:** jmacy@ammr.net  
**Subject:** FW: Daily News E-Edition Article

---

FYI

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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**From:** Jim Healy  
**Sent:** Thursday, February 05, 2015 8:10 AM  
**To:** John Jeffords  
**Subject:** FW: Daily News E-Edition Article

Dear John,

I hope you are enjoying your vacation! Today the Village is on the front page of the paper so I thought I would pass it along. No need to respond, I'll speak with you when you return back home. Enjoy the rest of your stay!

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*

Ex B-8

4128 Hubertus Road

Hubertus, WI 53033

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**From:** Daily News EE [mailto:noreply@newsmemory.com]

**Sent:** Thursday, February 05, 2015 8:08 AM

**To:** Jim Healy

**Subject:** Daily News E-Edition Article

[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov) sent you this article.

## West Bend Daily News 02/05/2015, Page A01

Developers: Public misinformed on quarry

Couple wants to build home on land

By JOE VANDELAARSCHOT

Daily News

A Richfield couple trying to buy land at the site of a former quarry in the village claims officials are misleading the public about their plan.

---

Danah and Thomas Zoulek said they want the public to know what their y real plans y are.

Village officials are attempting to have the property y s zoning switched from quarry development to single family in Richfield y s comprehensive plan so the quarry cannot be reopened. Village Administrator Jim Healy said officials were told the couple were considering dumping fill on the site, which is a concern.

“ We have absolutely no intention of reopening the quarry,” Danah Zoulek said. “ That couldn’t be further from the truth. Our children go to Amy Belle School and we live in Richfield. We’re members of this community and plan to build our future home on this property as we own horses.”

Zoulek claims the village is misrepresenting their intentions and has been since the beginning of the process.

“ After our accepted offer to purchase, the village sent a letter to the sellers informing them that we had plans of opening a landfill there. This is absolutely outrageous,” Zoulek said.

Healy said when Zoulek came to his office after a story in the Daily News about the issue she accused him of giving false information.

Please see QUARRY/ A8



Snow covers the hills of the former quarry Wednesday afternoon along Scenic Road in Richfield. A public hearing will be held Feb. 19 to discuss the future of the quarry.

John Enike/Daily News

Article Continued Below

See QUARRY on Page A08

FROM THE FRONT

Quarry: Public meeting set for Feb. 19

“ She had the article with her and I asked her to show me what was incorrect and she couldn’t do it.”

Healy said. I just don't think it'll do any good to say anything more now. We'll let everyone talk at the public meeting Feb. 19.

Zoulek said they intend to have fill hauled onto the property, but not for the reason the village was telling residents.

Now the grading is so steep you couldn't do anything out there, Zoulek said. We're going to have enough fill brought in so we can grade it properly so it isn't so steep. We'd like to see it rezoned for country estate.

Village officials said with a country estate designations, the lots must be at least 1 acre. The land is in the area of Scenic Road south to Willow Creek Road near single-family or residential property. Our plans would expedite the restoration and stop others from reopening reopening a mine there, Zoulek said.

Healy said earlier the Zouleks told him the proposal could mean 25-250 more trucks a day on the roads bringing fill to the site.

That would create noise, dust and other problems for the adjacent homes, Healy said.

The Zouleks want to clarify some points for which they feel village officials have provided incorrect information:

Contamination: They would only accept DNR approved materials that are not contaminated.

Groundwater: The Zouleks had concerns and did their homework. Gravel pits that are abandoned and left with crushed materials (as in this pit) and the earth ripped open pose more danger to groundwater than fill materials.

Zoulek said their plan would also eliminate a dangerous area that has the potential of being the scene of accidents, injuries or even deaths.

We've contacted countless experts from the DNR, mine safety experts, MSHA and more. The common theme amongst all of these experts is basically, if someone is restoring an abandoned mine, the thing to say is thank you, Zoulek said.

The hearing is 7:30 p.m. Feb. 19 at Village Hall.

**From:** Jim Healy  
**Sent:** Friday, February 13, 2015 7:33 AM CST  
**To:** Macy John  
**Subject:** Fwd: VB

---

John,

Please see the link below.

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

Begin forwarded message:

**From:** Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Date:** February 13, 2015 at 7:19:48 AM CST  
**To:** Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Subject:** VB

<https://animoto.com/play/CVq01N0AaJSrJiGh0rUmQg>

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

EX B-9

**From:** Jim Healy  
**Sent:** Friday, February 13, 2015 5:17 PM CST  
**To:** Tom Zoulek; Douglas S Cherkauer; Danah Zoulek  
**CC:** jmacy@ammr.net  
**Subject:** RE: Question Regarding Property in Richfield

---

Dear Tom and Danah,

I hope this email finds you both doing well. In response to your email inquiry below, I've requested that Dr. Cherkauer refrain from responding until he has been briefed by the Village and our other consultant professionals.

Danah, thank you again for your written comments. They have been included in the packet for our Village Board to review ahead of their meeting next week Thursday, February 19th at 7:30PM. If you have any additional questions, comments, or concerns, please do not hesitate to contact me at your earliest convenience. I'll be happy to help in any way that I can.

Sincerely,

Jim Healy  
Village Administrator  
Planning and Zoning Administrator  
(262)-628-2260  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
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-----Original Message-----

From: Tom Zoulek [mailto:tzoulek@midcityplumbing.com]

Sent: Friday, February 13, 2015 3:27 PM

To: Douglas S Cherkauer; Danah Zoulek

Cc: Jim Healy

Subject: RE: Question Regarding Property in Richfield

Dr. Cherkauer,

I have attached a question and answer letter that I generated to help better inform people about the pending reclamation. I would appreciate your input and will help answer any questions that you may have.

Respectfully,

Thomas Zoulek, PE

-----Original Message-----

From: Douglas S Cherkauer [mailto:aquadoc@uwm.edu]

Sent: Friday, February 13, 2015 3:20 PM

To: Danah Zoulek

Cc: Tom Zoulek; Richfield Administrator (Jim Healy)

Subject: Re: Question Regarding Property in Richfield

Hello,

Your questions are intriguing and raise a potentially very complex situation. To begin to answer them appropriately, I think I'd need a whole lot more information about what's being proposed - things like the likely sources and composition of the fill, its depth, how it would be deposited, along with more information about the conceived final land use for the filled areas. I think that this matter may be coming before the Village Board at an upcoming meeting. I think it would be more appropriate for me to comment after I've learned more about the proposal and the differences between the possible land use designations.

I'm cc'ing Village Administrator Healy so that he can alert me when the issue comes before the Board.

Doug Cherkauer

---

From: Danah Zoulek <danahzoulekphotography@gmail.com>

Sent: Wednesday, February 11, 2015 5:53 PM

To: Douglas S Cherkauer

Cc: Tom

Subject: Question Regarding Property in Richfield

Good evening,

The reason for my email is to ask you a few questions regarding a property in the Village of Richfield.

The Village is looking to change the 20 Year Comprehensive Plan for the Village so that abandoned quarries along Scenic Road and Willow Creek are no longer designated "quarry redevelopment". The Village wants to change the vocabulary from "quarry redevelopment" to "single family residential". The reason for the change is that the land is being sold and the developers have plans to redevelop the quarry (per the comprehensive plan) and bring in clean fill to restore the quarry.

I noticed in the minutes that the Village is using your services to continue the Ground Water Monitoring program and I was hoping that you could help us shed some light on the environmental effects of abandoned quarries in residential areas. This abandoned quarry is surrounded by subdivisions and residential homes. After speaking with Tom Portle from the WIDNR, Nonmetallic Mining, and numerous mine/abandoned mine safety experts both at the state and federal level, I am convinced that the Comprehensive Plan should remain "quarry reclamation". State Law requires reclamation of quarries per Chapter 135 but this quarry is not affected by that law because it wasn't in operation after 2001. The quarry has dangerous high walls lined with loose gravel and 30 acres of exposed excavation.

The Village is concerned about the following issues:

- 1) The effects on the ground water when placing clean fill in the quarry
- 2) The environmental effects of bringing in clean fill
- 3) the noise of dump trucks interrupting residents

I know #3 is a huge obstacle for the Village but if we can show them that the long term benefit of quarry reclamation and redevelopment far outweighs the dangers of leaving it "as is" maybe they will be more receptive. Since they already have looked to you for your expertise I am wondering if you are able to offer them some clarity of the pros and cons of filling quarries.

The operation will be managed by a professional engineer who is also a graduate of MSOE with a degree in architectural engineering and is a sewer/water contractor. The land is currently zoned for mining (M5 Mineral Extraction District). There are no plans to mine the property, only to restore.

Thank you for any help you may be able to offer.

Respectfully,

Danah Zoulek  
262-720-8570

Thomas Zoulek, P.E.  
414-349-0623

**From:** Jim Healy  
**Sent:** Thursday, February 26, 2015 1:27 PM CST  
**To:** Deputy Clerk; DPW; Front Desk; inspector@richfieldwi.gov; Greg Darga; Intern User  
**CC:** jmacy@ammr.net; tim.schwecke@civitekconsulting.com; Douglas S Cherkauer; daltonr@crispell-snyder.com  
**Subject:** Danah and Tom Zoulek, 609 Scenic Road

---

Village Staff, President Jeffords, Board of Trustees, and contracted employees,

Just as an FYI, the Village was contacted today by a law firm which claimed to either be representing Danah and Tom Zoulek or will be in the very near future in an action against the Village. From my perspective, I would strongly advise everyone to now treat this situation as though we are in active litigation with Mr. and Mrs. Zoulek.

As a reminder to you all, when the Village is involved in active litigation it would not be appropriate to discuss matters with residents who come into Village Hall, the press, or certainly not the potential developers themselves (the Zouleks). I understand that because Mrs. Zoulek is running for Village Trustee in April that it somewhat complicates the relationship between Village Hall and her. But the distinction between information to discuss with 'Danah the candidate' versus 'Danah the developer' should be abundantly clear at this point. If it is not, please let me know and I will clarify.

Thank you all,

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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EX B-10

**From:** Jim Healy  
**Sent:** Thursday, February 26, 2015 3:28 PM CST  
**To:** jmacy@ammr.net  
**CC:** tim.schwecke@civitekconsulting.com; daltonr@crispell-snyder.com  
**Subject:** Douglas Mashman

---

Attorney Macy,

I just wanted to let you know that today I had a conversation with the farmer who owns the private road from CTH Q to Willow Creek Road. He informed me that Tom and Danah Zoulek have approached him about purchasing the easement, as we suspected they would, for trucking operations.

I advised Mr. Mashman of the action that was taken by the Village Board and the proposed action being considered next week by the Plan Commission after the conclusion of the Public Hearing. To which he responded that he 'has some thinking to do'. Not much more was said after that but I wanted to bring it to your attention.

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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Ex B-11

**From:** Jim Healy  
**Sent:** Thursday, March 05, 2015 8:48 AM CST  
**To:** Macy John  
**Subject:** Fwd: Questions for a story

---

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

Begin forwarded message:

**From:** "[bluebird@discoverhometown.com](mailto:bluebird@discoverhometown.com)" <[bluebird@discoverhometown.com](mailto:bluebird@discoverhometown.com)>  
**Date:** March 4, 2015 at 10:40:24 PM CST  
**To:** Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Subject:** Questions for a story  
**Reply-To:** "[bluebird@discoverhometown.com](mailto:bluebird@discoverhometown.com)" <[bluebird@discoverhometown.com](mailto:bluebird@discoverhometown.com)>

Dear Administrator Healy,

During the Feb. 23 Germantown School Board meeting, district resident Danah Zoulek explained a proposal that she and her husband had put together for a site that once was a sand and gravel quarry. She was at the School Board to take issue with correspondence from the district that was presented to village officials for the Feb. 19 Village Board meeting.

I've since looked at the village website and I know that zoning request related to this is before the Plan Commission March 5. We're in production for the paper that evening but I want do a story of what has happened so far. I just want to make sure I have my current information right.

Background: is this information right? From village documents and a story in the West Bend Daily News, this is what I have determined up to now:

- 1) That Tom and Danah Zoulek have submitted a proposal for two to six lots at 609 Scenic Road, which is the site of an abandoned sand and gravel quarry;
- 2) That the Zouleks have stated that clean will would be needed to reduce the slope in their development and as part of the restoration of the quarry site;
- 3) That the Village Board approved a motion Feb. 19 changing the Land Use Portion of the village Comprehensive Plan for those parcels from Quarry Development to Single Family;
- 4) That the item is on the March 5 Plan Commission agenda to change the zoning in that area from the M-5 Mineral Extraction District to the Rs-1 Country Estates District and the the Rs-1r Country Estates Remnant Parcel District.

EX B-12

If there's anything from above that needs to be clarified or corrected, please let me know. If that is all correct, I do have a few other questions:

1)What were the reasons cited by the Village Board for supporting the change in the Land Use for the site?

2)What is the overall timing between the village's changes in the Land Use portion of the Comprehensive Plan and the Zoulek's request for this specific site? By this I mean: Has the village been reviewing the land use and other portions of its Comprehensive Plan for several years or does it response to specific situations that may arise?

If possible, please email a response by 4 p.m. March 5 or call me after noon at (262) 408-3254.

Thank you for your time and patience.

Thomas J. McKillen,  
Express News

**From:** Jim Healy  
**Sent:** Thursday, March 05, 2015 8:48 AM CST  
**To:** Macy John  
**Subject:** Fwd: WTMJ radio interview request

---

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

Begin forwarded message:

**From:** Michelle Richards <[mrichards@jrn.com](mailto:mrichards@jrn.com)>  
**Date:** March 5, 2015 at 8:33:27 AM CST  
**To:** Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>  
**Subject:** WTMJ radio interview request

Good morning Jim,

I'm a reporter at WTMJ radio in Milwaukee. I got a call from Danah Zoulek about a business proposal she and her husband submitted to restore an old quarry at 609 Scenic Road. She tells me the village initially supported the project because it fit with the 20 year plan and it was exactly what it wanted, but all of a sudden the board changed its mind and no longer supports it. She says the village is telling the community she wants to put in a landfill and contaminate the water, when that's not the case - she wants to use clean fill, which by definition is not considered a risk. She also says the village came up with a seemingly random number of hundreds of dump trucks that would be driving past houses, which she claims also is not the case. She's also concerned there may be a conflict of interest - someone on the board apparently works for or used to work for Payne and Doyle, a company that restored another quarry nearby.

I'd like to get your side of the story before I go on the air with this. I only work until noon today, which means I'd need a call back by 11:00 at the very latest. I would have called earlier this week, but unfortunately I've been out sick the past few days, so I apologize for the last minute request.

My phone number is [414-967-5310](tel:414-967-5310). Please call as soon as you can.

Thank you!!!

EX B-13

--

**Michelle Richards | News Anchor/Reporter**

Newsradio 620 WTMJ  
720 E Capitol Dr  
Milwaukee, Wisconsin 53212  
414.967.5310  
[mrichards@irn.com](mailto:mrichards@irn.com)  
[WTMJ.com](http://WTMJ.com)



--

**Michelle Richards | News Anchor/Reporter**

Newsradio 620 WTMJ  
720 E Capitol Dr  
Milwaukee, Wisconsin 53212  
414.967.5310  
[mrichards@irn.com](mailto:mrichards@irn.com)  
[WTMJ.com](http://WTMJ.com)



**From:** Jim Healy  
**Sent:** Friday, March 06, 2015 12:29 PM CST  
**To:** com> Tim Schwecke <tim.schwecke@civitekconsulting.  
**CC:** Macy John  
**Subject:** Fwd: 609 Scenic Road Solid Waste Disposal Site Request  
**Attachments:** ATT00001.htm  
150305 Ltr to Village of Richfield1.pdf  
ATT00002.htm

---

Tim,

As a TOP priority on Monday we need to talk about the attached letter, timing of tasks, and execution of the same. We have 14 days to respond to them formally about approvals processes and I'd like to conference call with Attorney Macy regarding the same on Tuesday.

Sincerely,

Jim Healy  
Village Administrator

\*\*\*\*\*

Please excuse my brevity, this email is being sent from my iPhone.

Begin forwarded message:

**From:** "Bruce A. McInay" <[bruce@mcbusinesslaw.com](mailto:bruce@mcbusinesslaw.com)>  
**Date:** March 5, 2015 at 2:29:02 PM CST  
**To:** Deputy Clerk <[deputyclerk@richfieldwi.gov](mailto:deputyclerk@richfieldwi.gov)>, Jim Healy <[administrator@richfieldwi.gov](mailto:administrator@richfieldwi.gov)>, John Jeffords <[villagepresident@richfieldwi.gov](mailto:villagepresident@richfieldwi.gov)>  
**Cc:** "jmacy@amnr.net" <[jmacy@amnr.net](mailto:jmacy@amnr.net)>, "brenda.jaszewski@co.washington.wi.us" <[brenda.jaszewski@co.washington.wi.us](mailto:brenda.jaszewski@co.washington.wi.us)>, "scott.schmidt@co.washington.wi.us" <[scott.schmidt@co.washington.wi.us](mailto:scott.schmidt@co.washington.wi.us)>, Thomas Zoulek <[tzoulek@midcityplumbing.com](mailto:tzoulek@midcityplumbing.com)>, 'Rob Merkel' <[rmerkel@keyengineering.com](mailto:rmerkel@keyengineering.com)>  
**Subject:** 609 Scenic Road Solid Waste Disposal Site Request

Dear Clerks:

I am sending this today via certified mail as required by statute. I am sending you a copy via email in case staff deems this relevant to the plan commission's agenda for this evening's meeting.

Thank you for your attention to this matter.

Bruce A. McInay  
McInay Button Law LLC  
1971 Washington Street  
Grafton, WI 53024

Ex B-14

(262) 421-8060  
(262) 421-8059  
[bruce@mcbusinesslaw.com](mailto:bruce@mcbusinesslaw.com)

**From:** Jim Healy  
**Sent:** Monday, March 16, 2015 11:01 AM CDT  
**To:** jmacy@ammr.net  
**CC:** Stan Riffle  
**Subject:** 2015.3.11+Letter+to+Zoulek hsr revisions and comments  
**Attachments:** 2015.3.11+Letter+to+Zoulek hsr revisions and comments.docx

---

Gentlemen,

Over the weekend I combed through our Village Code and I believe that I have found every permitting provision applicable. All previous suggestions have been incorporated into this generation of the document. As you know, this is a time sensitive response so your expedient review of the same will be greatly appreciated. Thank you both for your time and effort in this regard. Please contact me with any questions, comments, or concerns.

Sincerely,  
JRH

Ex B-15

**From:** Jim Healy  
**Sent:** Monday, March 23, 2015 4:00 PM CDT  
**To:** jmacy@ammr.net; Stan Riffle  
**Subject:** Zoulek DNR Meeting

---

Gentlemen,

The DNR has asked them to describe their plans in written form and they will respond with suggestions of how to proceed with permitting. It was again emphasized to me that the DNR will not attempt to subvert our ordinances and will make clear in their written communications that 'other approvals may be necessary', etc. before operations can commence. Cynthia Moore (DNR) told me she will CC: me on their response letter so that we are in the loop on the communication.

The provision the DNR will likely be giving them guidance under is NR 500.08, Exemptions. This will be wholly dependent on the project narrative they receive from Scenic Pit LLC. There was no discussion on how their petition with Wis. Stats. 289 would be impacted.

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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Ex B-16

**From:** Jim Healy  
**Sent:** Wednesday, March 25, 2015 2:38 PM CDT  
**To:** jmacy@ammr.net  
**CC:** Stan Riffle  
**Subject:** FW: Scenic Pit issue

---

Gentlemen,

FYI, here is an email we received from one of our local residents who has contacts within the DNR.

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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**From:** KateLynn Schmitt  
**Sent:** Wednesday, March 25, 2015 2:36 PM  
**To:** Jim Healy  
**Subject:** FW: Scenic Pit issue

**From:** Heidi Woelfel [<mailto:woelfel.heidi@gmail.com>]  
**Sent:** Wednesday, March 25, 2015 2:29 PM  
**To:** KateLynn Schmitt  
**Subject:** Scenic Pit issue

Hi KateLynn,

I spoke with Mr. Jerry DeMers of the WDNR regarding the Scenic Site former gravel pit. Jerry (who is a good friend) told me that he and others at the DNR met with the Zoulek's to discuss the filling of the

Ex B-17

pit. They are no longer proceeding with the citing for a landfill, as I'm sure you have heard. Jerry told me the DNR said that if the Zoulek's provide a scope of work for the filling activities which include the fill sources and the analytical testing as well how they will segregate dirty fill, there isn't much the DNR can do to deter the filling activities. Also, when I spoke with Dana last month, she had mentioned the property owner located south of Willow and north of County Line Q along the CN rail tracks is allowing access on his property for the dump trucks to utilize to get to the former pit. If the Village is still unsure of this project, I would suggest a call to CN regarding the use of the access road since it would allow for dump trucks to foul the main lines (come within 25 feet of the track) which CN takes very seriously. I would very much doubt they would allow travel of numerous dump trucks on this access road that close to the rail line. This would make the only access via Scenic Road which is a big concern of the local citizens. I can continue to stay in touch with Jerry to see what other items are being address by the DNR on the Scenic pit and will keep you posted if you would like.

Thanks,  
Heidi

**From:** Jim Healy  
**Sent:** Tuesday, April 21, 2015 4:00 PM CDT  
**To:** Riffle Stan; Macy John  
**Subject:** Letter to Waste Siting Board  
**Attachments:** image1.JPG  
ATT00001.txt

---

Gentlemen,

Just as an FYI, today a copy of the emailed notification to the Waste Siting Board was placed in the mail.

EX B-18

**From:** Jim Healy  
**Sent:** Wednesday, April 22, 2015 9:16 AM CDT  
**To:** 'Stan Riffle'; jmacy@ammr.net  
**Subject:** FW: Statements of Economic Interest and Village Board Resolution

---

Gentlemen,

Well, the DOA response to me was not very reassuring but they have received it. I will spend some time today looking over the statutes but I would like to confirm my understanding with either of you to make sure we've got our bases covered. Are one or both of you available to chat sometime today? We've come this far I would hate to drop the ball on the 1 yard line.

Sincerely,

Jim Healy  
*Village Administrator*  
*Planning and Zoning Administrator*  
*(262)-628-2260*  
*Village of Richfield*  
*4128 Hubertus Road*  
*Hubertus, WI 53033*  
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**“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.” – President Theodore Roosevelt**

**From:** DHA Mail [mailto:DHAMail@wisconsin.gov]  
**Sent:** Wednesday, April 22, 2015 9:03 AM  
**To:** Jim Healy  
**Subject:** RE: Statements of Economic Interest and Village Board Resolution

Received.

**From:** Jim Healy [mailto:administrator@richfieldwi.gov]

Ex B-19

**Sent:** Tuesday, April 21, 2015 3:47 PM

**To:** DHA Mail

**Cc:** Stan Riffle; Katelynn Schmitt; 'Bruce A. McInay ([bruce@mcbusinesslaw.com](mailto:bruce@mcbusinesslaw.com))'; danah zoulek; 'Tom Zoulek ([tzoulek@midcityplumbing.com](mailto:tzoulek@midcityplumbing.com))'; 'jmacy@ammr.net'

**Subject:** Statements of Economic Interest and Village Board Resolution

**Importance:** High

To Whom It May Concern,

My name is Jim Healy and I am the Village Administrator for the Village of Richfield in Washington County. On April 4, 2015, I spoke to a member of the staff for the Waste Siting Board named Brenda and she was kind enough to advise me that sending the above referenced documents via email was acceptable to fulfill requirements of Wis. Stats. 289. Could you please confirm the same or direct me to the appropriate individual who can?

For the ease and convenience of the developer petitioning the Village, I've also CC:d Mr. and Mrs. Tom Zoulek (Scenic Pit, LLC) and their legal counsel. Hardcopy of this letter will also follow to all parties via the USPO.

It would also be greatly appreciated if confirmation of receiving this email could be given by the State for our records. Thank you for your consideration of our requests.

Have a wonderful rest of your day!

Sincerely,

Jim Healy

*Village Administrator*

*Planning and Zoning Administrator*

*(262)-628-2260*

*Village of Richfield*

*4128 Hubertus Road*

*Hubertus, WI 53033*

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**“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.” – President Theodore Roosevelt**

**From:** Heilman, Cheryl W - DNR  
**Sent:** Wednesday, May 20, 2015 9:01 AM CDT  
**To:** McBroom, Maureen A - DNR  
**CC:** Landretti, Jane R - DNR; Denow, Nicole M - DNR; Szabo, Michael G - DNR; Bertolacini, Jim K - DNR  
**Subject:** Stormwater Permit for Scenic Pit Construction Activity

---

I understand that the Department has issued stormwater permit coverage under the WPDES Construction Site Storm Water Runoff General Permit for proposed fill activity at a former quarry known as the Scenic Pit. You have asked whether an erosion control permit from the Village of Richfield is also required or whether the Village's erosion control permit is preempted under the Supreme Court's decision in DeRosso Landfill Company v. City of Oak Creek, 200 Wis.2d 642 (1996).

The stormwater statute, s. 283.33(3m), Wis. Stats., expressly authorizes a city, village, town or county to enact an ordinance regulating erosion control and stormwater management. The Supreme Court case you cited involving preemption applies to solid waste regulation, not to stormwater regulation. Because the stormwater statute expressly authorizes (and in fact requires) the Village to have an ordinance regulating erosion control and stormwater, local approval should be obtained for the proposed activity in addition to the DNR's WPDES Construction Site Storm Water Runoff GP.

Cheryl

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Department clients visit our survey at <http://intranet.dnr.state.wi.us/int/legal/> to evaluate how I did.

Cheryl W. Heilman

Environmental Protection Section Chief – Bureau of Legal Services

Wisconsin Department of Natural Resources

Phone: (608) 266-0235

[Cheryl.heilman@wisconsin.gov](mailto:Cheryl.heilman@wisconsin.gov)



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Ex B-20

STATE OF WISCONSIN                      CIRCUIT COURT

WASHINGTON COUNTY

SCENIC PIT LLC,

Plaintiff,

v.

Case No. 15-CV-374

VILLAGE OF RICHFIELD, and  
JIM HEALY

Defendants.

---

**AFFIDAVIT OF THOMAS ZOULEKIN SUPPORT OF MOTION FOR TEMPORARY  
RESTRAINING ORDER AND TEMPORARY INJUNCTION**

---

State of Wisconsin    )  
                                  ) SS  
Washington County    )

Thomas Zoulek, being first duly sworn, on oath deposes and says:

1. I am an adult resident of the Village of Richfield, Wisconsin. I make this affidavit of my personal knowledge.

2. I have a minority ownership interest in Scenic Pit LLC, the plaintiff in this case. I received my degree in architectural engineering from Milwaukee School of Engineering in 2001, and am a licensed Professional Engineer in the State of Wisconsin.

3. On or about September 29, 2014, my wife, Danah Zoulek, and I made an offer to purchase two parcels of real estate commonly known as 609 Scenic Road, Richfield, Wisconsin. Together the two parcels are approximately 40 acres, of which approximately 29 acres had been quarried from the early 1960s to the mid-1970s, leaving a large pit with steep slopes. These 29 acres are undesirable for any type of development.

4. Prior to responding to a counteroffer on 609 Scenic Road, my wife, Danah Zoulek (“Danah”), had talked with Jim Healy and discussed the use of this site as a clean fill facility.

Danah told me that Jim stated to her that it would be a permissible use of the property and it fit well with the new revised Richfield Comprehensive Plan.

5. On October 3, 2014, Danah and I met with officials of the Village so that in good faith effort, we could determine the acceptable uses for this property. At that meeting was Jim Healy, Ron Dalton, John Macy, Danah and I. We discussed the property and expressed to them our desire to reclaim the property by making a clean fill site much like Moraine Development, which is located in an M-5 District in Richfield. We also noted that we would look into the possibility of mining the remaining aggregate and/or using the property for the recycling of concrete and asphalt pavement. The meeting ended with me asking them to please respond to us with any problems or concerns about our proposed operation within the next two weeks as we wanted to respond to a counteroffer to our offer to purchase 609 Scenic Road. I asked if the question "if this cannot be a clean fill site let me know now" so I can stop wasting our time. The only response the group gave me was that they would get back to me and that "this meeting was free, but you will have to pay us for any further meetings." Jim Healy stated this talking about having to pay the Village Engineering Consultant and Attorney for having to be there. On our way out of the meeting, Jim gave us a copy of the Conditional Use Permit that had been granted to Wissota Sand and Gravel in the 1960's for excavation of the gravel pit on 609 Scenic Road.

6. Approximately two weeks later I called Jim Healy and asked if he had found any objections to our proposal. He stated that he really hadn't looked into it. I told him that we were weighing the counteroffer to purchase and proceeding with our proposed filling of the site. During this time my wife had been in conversation with various local, state and federal officials regarding mine reclamation. We did this in the belief that we may be required to reclaim the gravel pit under certain DNR rules for reclamation of non-metallic mines.

7. On or about October 19, 2014, we accepted the counteroffer to purchase 609 Scenic Pit for \$445,000.

8. On October 29, 2014, I received a copy of a letter from Mr. Healy to Richard Holz, the owner of 609 Scenic Road. The letter was to advise Mr. Holz of our intentions, calling our proposed operation a "landfill," and asking permission to walk and inspect the property. The Village wanted to review the status of the reclamation under the 1963 conditional use permit. The letter also stated the Holz's may be responsible if the property was not properly reclaimed.

9. Upset about the letter, feeling the Village had divulged confidential information to the seller, I responded to Mr. Healy via email that same day expressing that in our first meeting we discussed confidentiality. I also informed him that I thought his letter misrepresented the Village zoning ordinance. I felt that Mr. Healy was attempting to interfere with our intended purchase and redevelopment of 609 Scenic Road. Mr. Healy did not respond until the following day simply stating he was in receipt of our emails.

10. On October 30, 2014 I requested, via email, a meeting with Jim Healy and John Jeffords, the Village President for the following week to discuss the project. Mr. Healy stated the soonest we could meet is November 10, 2014 due to scheduling conflicts. After correspondence we set a time to meet for 3 pm on November 10, 2014. At that meeting was John Macy, Jim Healy, David Turciano, our counsel at the time, Danah and myself. Dave and John discussed the zoning and ordinances supposedly preventing us from having a clean fill site. At this meeting it was asked by the Village if they could walk the site. We arranged for this to happen the following morning, November 11, 2014 at 10:30 am.

11. November 11, 2014 Danah and I met with Jim Healy and, the Village Engineer, Ron Dalton, at 609 Scenic Road. Weather was poor (rain / snow mix). They looked at the

excavation, we showed them some of the steeply graded slope that have no topsoil or vegetation. I explained it was our intent to raise the center elevation approximately 50', gently slope the sides, landscape and possibly subdivide the property into 3 to 5 lots. Ron Dalton acknowledged that fill was needed to restore the site.

12. During November, we worked with our local bank, First National Bank of Hartford, to procure the necessary loan to purchase the property. The banker reviewed and took it to their loan committee. The loan committee denied our loan giving little reason.

13. We requested and got an extension to the closing of the property stating we need more time to secure financing.

14. Danah and I then started to process of working with First Bank Financial Center and applied for a SBA Small Business Loan. In January, 2015 we were approved, subject to an appraisal.

15. In early February 2015, we received a copy of the appraisal that our lender had prepared on 609 Scenic Road. The appraisal was much less than our offer, largely due to the 29 acres of undevelopable pit. A copy of the appraisal is attached as Exhibit A to the Affidavit of Danah Zoulek.

16. During January we were made aware that the Village of Richfield had petitioned themselves to change the comprehensive plan with intent to change the zoning of 609 Scenic Road to residential. At that time we felt that zoning was a major issue in the financial success of this project. We began with attempting to answer citizen concerns via Facebook, handouts, etc... but to our surprise they all seemed to have more information regarding our trucking routes, number of incoming loads, business revenues, etc.... than we even did.

17. On February 11, 2015, I emailed Dr. Douglas Cherkauer, a hydrologist with UWM, to ask his opinion of the environmental impacts of our proposed project. Dr. Cherkauer responded on the afternoon of February 13, 2015 and stated, "Your questions are intriguing and raise a potentially very complex situation." Within less than two hours Jim Healy emailed Danah, myself, Dr. Cherkauer and John Macy and stated the following: "I've requested that Dr. Cherkauer refrain from responding until he has been briefed by the Village and our other consultant professionals."

18. At the Village board meeting on February 19, 2015, there was a public hearing held regarding the change in the comprehensive plan from Quarry Redevelopment to Residential. Prior to the meeting I had spoke with John Jeffords, Village President. I asked if I could speak first to help address some of the potential questions. I also wanted to let him know that I felt it was not in his best interest to vote on the change as the company he works for is an active subcontractor of mine which could raise a conflict of interest. I spoke along with a many others including, Dr. Cherkauer who spoke as a resident of Richfield. The Village also read some emails from residents and the Germantown School District. Ron Dalton was in attendance but not asked to speak. The Village Board briefly discussed the 609 Scenic Road project and noted that they felt there was too much risk to groundwater if this was allowed. They never discussed the 3661 Lakeview property across the street and how this change would also affect that property. The board voted 5-0 to approve the change. They then voted to petition the planning commission to rezone the properties to Rs-1 Country Estates.

19. In Late February 2015 we retained the services of McIlnay Button Law LLC. We began the process of reviewing State NR code regarding the construction of a land fill facility.

20. On March 3, 2015, counsel notified me of the use of the State Citing Board as a tool to negotiate a solid waste facility.

21. On March 4, 2015, we signed a lease with the Holz's to operate a solid waste facility at their property

22. On March 5<sup>th</sup>, 2015, there was a public hearing scheduled during the Planning Commission meeting to discuss the rezoning of the 609 and 3661 parcels. Prior to that meeting Bruce emailed a copy of the necessary letter requesting that this site be considered as a Solid Waste Disposal Site. During the public hearing Bruce spoke and gave notice of this to the Planning Commission. A letter from the Holz's was also read during this public hearing. President Jeffords and Trustee Neu were in attendance at the meeting. The planning commission voted and approved to change the zoning. Commissioner Berghammer voted against the change.

23. On March 17<sup>th</sup>, 2015, the Village responded to the request with its list of necessary local approvals.

24. On March 19, 2015, the Village Board meet and voted on the zoning change. Trustee Voss made the motion and Trustee Brandner seconded. The zoning change was approved.

25. On Monday March 23, 2015, Danah, Bruce, Rob Merkel of Key Engineering and I meeting the Cynthia Moore and the solid waste management people from the WDNR at the Milwaukee office. The project was discussed and they notified us that clean fill is "solid waste" however there is no approvals necessary from the WDNR solid waste department. Simply a stormwater /erosion control notice is necessary.

26. On April 3<sup>rd</sup>, 2015, we received a letter from the WDNR solid waste department reiterating the discussion we had on March 23, 2015.

27. For the April plan commission meeting an agenda item to audit the property and review the 1963 conditional use permit. The committee decided to not take action on at the meeting.

28. On May 3, 2015 Danah learned of the *DeRosso vs. City of Oak Creek* case.

29. On May 4, 2015, on the advice of counsel, we believed that the holding in DeRosso case was applicable to our plan to fill the abandoned gravel mine at 609 Scenic Road, with clean fill, and that we would not require and local approvals to do so. The same day, Danah sent a copy of the DeRosso case to the Waste Management group for the Southeast Region of Wisconsin. We were informed that Cynthia Moore, the manager of the group, had forwarded the decision to the DNR's legal staff in Madison.

30. On or about May 5, 2015, Rob Merkel filed an NOI (notice of intent) with the WDNR, which was the "application for a storm water management and erosion control permit from the DNR.

31. On May 13, 2015, we received notice that the NOI had been approved with minor changes. We understood that the issuer of the permit, Maureen McBroom, was looking for guidance from the DNR legal staff as to whether we needed to apply for an erosion control permit from Richfield.

32. On May 21, 2015, Zoulek Family LLC, consisting of Danah and me, closed on the purchase of 609 Scenic Road.

33. On May 22, 2015 I applied for a temporary driveway permit and erosion control permit through Joel Jaster, Village Building Inspector, and in the presence of Jim Healy. I paid the fee of \$50 for the driveway and \$150 for the erosion control permit. I notified both Joel and

Jim of a preconstruction meeting set for 2pm on May 26 at the site. They both said they would be there and Joel stated he would bring the formal permit with him.

34. I left and within a few minutes of leaving I decided to call Joel and verify that I was good to go on construction over the Memorial Day weekend. He stated "yes."

35. That holiday weekend I began with moving equipment to the site and cutting down trees. Although I had verbal authorization I did not start any land disturbing activities.

36. At the preconstruction meeting Mr. Healy showed up with Village Engineer, Ron Dalton. I asked where Joel was and they told me he was not able to make it. Maureen McBroom from the WDNR, Mr. McIlnay, Mr. Merkel and Danah were also present. I had an agenda that we went through and then I walked everyone to the location of the proposed driveway. When doing that Ron Dalton started telling us that he would have to perform site line evaluations, etc... regarding the driveway. On our walk back onto the site I mentioned to Mr. Healy and Mr. Dalton that Joel told me Friday that I was good to start construction. They stated that he was not allowed to do that without further review. The meeting ended and Mr. Dalton, Mr. Healy, and Ms. McBroom left.

37. That evening I reviewed the Village's stormwater and driveway ordinances and policies. I discovered that it is up to the Village Building Inspector to issue the driveway permits, not the engineer. I also confirmed our findings that stormwater management did not apply to this site because we have no increase in storm water discharge. The storm water management plan that had been provided to the DNR and Village shows that we are not adding any impervious surfaces to the site and that the storm water run-off will be contained on the site. This means that the storm water conditions pre and post construction would be identical.

38. On May 27, 2015, the morning after the pre-construction meeting, I went in to see Building Inspector Joel Jaster. I recorded the conversation. He told me Jim Healy took the permits from him on the Friday before, and that he was not allowed to issue them. Jim was in a meeting and not able to comment. Mr. Jaster told me he would have Jim call me after his meeting. I sent that recording to Bruce and Danah. Mr. Healy did not call me.

39. On Thursday, May 28, 2015, I went and saw Jim Healy. I also recorded this conversation. Mr. Healy told me that he did take away the permits from Mr. Jaster. I stated that he did not have that right but he told me "we have control over Joel." Mr. Healy told me that the Village's council and engineer was meeting that afternoon at 2pm and he would email me prior to the end of the day. I did not receive the promised email.

40. On Friday, May 29, 2015, I went to see Greg Darga, the building inspector on duty that day. I made application for a driveway alteration to an existing driveway at 609 Scenic road. I wanted to widen and improve my existing driveway. Greg approved the permit, issued the number, wrote it on the form, but when he then saw my name on the check for the permit fee, he asked if this was for that "landfill site" on Scenic Road. I told him yes, but that this was for a simple alteration. He told me he could not issue the permit and would have to discuss this with Jim Healy. Mr. Darga stated it could have major ramifications if he issued the permit. I told him that this was just another showing of harrassement by the Village. Mr. Darga told me he would have Jim review it and he would call me back Monday morning.

41. Monday, June 1, 2015, I waited till 9am when inspector office hours end. I went to Village hall and I met with Mr. Healy. Mr. Healy was very short with me. I asked about my permit, and Mr. Healy denied having any knowing of it. Mr. Healy checked his mailbox and

stated he had nothing either. Mr. Healy stated he would email me before the end of the day. I did not receive any further communication from Mr. Healy that day.

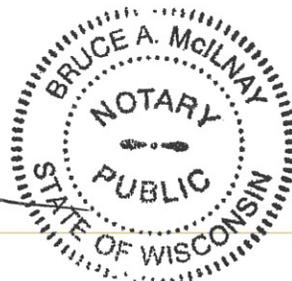
42. The loan approval for our purchase of 609 Scenic Road is premised on our ability to accept clean fill and reclaim the abandoned gravel pit. Each day that we are not able to proceed, stretched the cash flow of Scenic Pit and may ultimately result in our inability to make the mortgage payments. If we are permitted to proceed with the acceptance of clean fill to reclaim the abandoned gravel pit, Scenic Pit will generate cash flow from tipping fees between \$30 and \$50 per truckload. We planned on these fees in proceeding with the closing, and, without them the property may have to be resold for closer to the appraised value of approximately \$390,000. As a result, Scenic Pit and my wife and I, with legal fees, costs and potential loss of the property are likely to suffer damages in excess of several \$100,000 if the Village is not restrained from interfering with our operation of a clean-fill site at 609 Scenic Road.

43. As in DeRosso, I am asking that the Court permanently restrain the Village of Richfield from interfering with our plan to accept clean-fill to reclaim the abandoned gravel pit at 609 Scenic Road.

  
Thomas Zoulek

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of June 2015

  
Notary Public, State of Wisconsin



FILED

06-02-2015

WASHINGTON COUNTY  
Clerk of Circuit Court

Washington County, WI

2015CV000374

STATE OF WISCONSIN

CIRCUIT COURT

SCENIC PIT LLC  
2996 Beechwood Industrial Court  
Hubertus, WI 53033

Plaintiff,

v.

VILLAGE OF RICHFIELD,  
4128 Hubertus Road  
Hubertus, WI 53033,

Case No. \_\_\_\_\_

Classification: 30701  
Declaratory Judgment

JIM HEALY  
2205 North University Drive, #5  
Waukesha, WI 53188

Defendants.

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**SUMMONS**

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To: VILLAGE OF RICHFIELD, JIM HEALY  
4128 Hubertus Road 2205 North University Drive, #5  
Hubertus, WI 53033 Waukesha, WI 53188

THE STATE OF WISCONSIN, To each person named above as a Defendant:

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

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. 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 432 East Washington Street, Room 3151, West Bend, WI 53095, and to Bruce A. McIlnay, Plaintiffs attorney, whose address is McIlnay Button Law LLC You may have an attorney help or represent you.

If you do not provide a proper answer within 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.

McInay Button Law LLC  
Counsel for Plaintiff

Dated: June 2, 2015



By: \_\_\_\_\_  
Bruce A. McInay  
State Bar No.: 1006609

Address:  
1971 Washington Street, Suite 201  
Grafton, WI 53024  
(262) 421-8060  
(262) 421-8059 --fax  
bruce@mcbusinesslaw.com

STATE OF WISCONSIN

CIRCUIT COURT

FILED  
06:02:2015  
WASHINGTON COUNTY  
Clerk of Circuit Court  
Washington County, WI  
2015CV000374

SCENIC PIT LLC  
2996 Beechwood Industrial Court  
Hubertus, WI 53033

Plaintiff,

v.

VILLAGE OF RICHFIELD,  
4128 Hubertus Road  
Hubertus, WI 53033,

Case No. \_\_\_\_\_

Classification: 30701  
Declaratory Judgment

JIM HEALY  
2205 North University Drive, #5  
Waukesha, WI 53188

Defendants.

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COMPLAINT AND PETITION FOR WRIT OF MANDAMUS

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Plaintiff, by its undersigned counsel, complain against the defendant and petitions the Court as follows:

PARTIES

1. Plaintiff, Scenic Pit LLC (“Scenic”), is a Wisconsin limited liability company with its principal office located at 2996 Beechwood Industrial Court Hubertus, Wisconsin. Scenic was formed in November 2014, by Danah and Thomas Zoulek for the purposes of operating clean-fill, solid waste facilities. Danah and Thomas Zoulek are husband and wife, and are residents of the Village of Richfield, Wisconsin.

2. Defendant, Village of Richfield (“Richfield”), is a municipal corporation organized and governed under Chapters 66 and 62 of the Wisconsin Statutes. On information and belief, incorporated on or about February 13, 2008, before which the area now encompassed within the Village’s boundaries was governed as Town under Chapter 60 of the Wisconsin Statutes.

3. Defendant, James Healy, is an adult resident of Waukesha, Wisconsin, and the Village Administrator of Richfield.

#### **FACTS COMMON TO ALL CLAIMS**

4. Between approximately 1963 and 1975, Wissota Sand and Gravel Company (“Wissota”) operated a non-metallic mine or “gravel pit” at a property commonly known as 609 Scenic Road in the then Town of Richfield. Such operations were conducted under a conditional use permit issued by the Town of Richfield to the then property owners of the property, Lester and Frances Holz in 1963. The conditional use permit required that Wissota reclaim the gravel pit as a condition of the permit. On information and belief, Wissota abandoned the quarry on 609 Scenic Road in the mid-1970s without completing the reclamation plan for the abandoned gravel pit.

5. Subsequent to the abandonment of the gravel pit at 609 Scenic Road, the property passed to Richard and Yvonne Holz, the children of Lester and Frances Holz.

6. Richard and Yvonne Holz placed the property at 609 Scenic Road on the market in approximately 2009. On or about September 29, 2014, the Zouleks, through Zoulek Family LLC, made an offer to purchase the 609 Scenic Road property for \$390,000, contingent on financing. On October 19, 2014, the Zouleks accepted at counteroffer in the amount of \$445,000, still contingent on financing.

7. The Zouleks knew in making the offer, they would need to make productive use of the former quarry to support the price they had offered. Accordingly, they met with the Village Administrator, Jim Healy (“Healy”), no later than October 3, 2014. In initial meetings with Healy, the Zouleks discussed plans to fill the gravel pit with clean fill. At first, the Zouleks believed Healy was enthusiastic about the plan because, as Healy told them, the M-5 Zoning

district was created for the “orderly restoration of quarries and other extractive and related operations.

8. In spite of the initial enthusiasm he expressed, on October 27, 2014, Healy sent a letter to Richard Holz, in which he stated, among other things:

It is my understanding that you own the property located on Scenic Road. Over the last four (4) years or so various individuals have contacted the Village of Richfield about your property on Scenic Drive that is apparently on the market. Most recently, Mr. Thomas Zoulek, Design Manager/Project Manager for MidCity Plumbing, located in Butler, Wisconsin, contacted us. We met with Mr. Zoulek on Friday, October 3, 2014. In attendance at this meeting were the Village Engineer and the Village Attorney.

Mr. Zoulek expressed an interest in buying the property to use it as a landfill for clean fill and other construction related materials. As you know, this property is currently zoned M-5 (Extractive) and is subject to a conditional use permit. As currently defined in the Village's zoning code, *a gravel pit cannot be used as a landfill. We wanted to inform you of this determination so there is no potential for miscommunication.*

9. On October 29, 2014, Mr. Zoulek responded to Healy’s letter to Richard Holz, noting that:

After rereading your letter and reviewing Section 70.205 of the Village of Richfield Zoning Code I find that your letter is as contradictory as the Zoning Code. Noted in your letter is that we cannot fill the site with clean fill, however you are requesting the current owner to comply with the 1963 Conditional Permitted Use permit which requires restoration, hence requiring fill to be imported. Section 70.205 is just as contradictory. The section allows for the removal of materials, requires a minimum restoration requirement but then (according to you) does not allow for fill to be imported to allow for restoration.

Lastly, you currently are allowing a development company to fill a mine, with clean fill, located in the M-5 zoning district. (Kettle Moraine Development) This sets precedent for the 609 site to be filled also.

10. In continued efforts to work with the Village, Tom Zoulek arranged for a meeting with the Healy, the Village Attorney and the Village to take place at 609 Scenic Road on November 10, 2014.

11. The minutes of the November 20, 2014, Village Board meeting reflect that the Village Board convened to close session, for among other items:

9. CLOSED SESSION

a. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.*- Specifically regarding property at 609 Scenic Road

12. On or about January 5, 2015, Healy drafted a letter to send to neighboring property owners stating in part:

Currently, the Comprehensive Plan shows several properties from Scenic Road extending south to Willow Creek Road as 'Quarry Redevelopment' (see reverse side map). After these proposed changes are made, the properties will be shown as 'Single Family'.

While we are not legally required to notify individual property owners regarding these types of land use changes, we are doing so in an effort to better inform the public and give them the opportunity to voice their opinions on our proposed Map amendments. The Village Board and Plan Commission's interest in doing this is two-fold; 1) to protect the quality of life of those individuals who live in the highly residential surrounding area and 2) to protect our groundwater from the possibility of any contaminants being brought in.

Village Staff will be hosting an Open House on Thursday, January 8th from 4:30PM to 6:30PM to discuss these changes with anyone who is interested in stopping by. If you are unable to attend but would like to voice your opinion via email, please feel free to do so at [Administrator@richfieldwi.gov](mailto:Administrator@richfieldwi.gov). Any emails received prior to Thursday, January 8th at 5PM will be provided to the Plan Commission for their consideration during deliberations later that evening.

Thank you again and if you have any questions, comments, or concerns regarding this matter or anything else related to the Village, please do not hesitate to contact me directly at the number listed below.

13. The January 8, 2015, minutes of the meeting of the Richfield's Plan Commission reflects that a resolution was approved "to amend multiple section of the Comprehensive Plan and to direct Staff to fulfill requirements of Wisconsin State Statues for giving notice of the proposed Public Hearing on February 19, 2015 at 7:30 PM."

14. From at least January 8, 2015 through February 19, 2015, Thomas and Danah Zoulek worked to correct the misrepresentations made by Healy and others that, among other things, their plan to fill the pit at 609 Scenic Road, would threaten the ground water in the area with contamination. Healy kept close track to the Zouleks' activities and on several occasions forwarded copies of written materials and information posted in websites to the Village Attorney.

15. As part of the financing approval process, the proposed lender had the Scenic Road property appraised on January 30, 2015. The appraiser concluded that the value of the property as it was to be only \$390,000, not enough to support the proposed financing.

16. At the time of the appraisal, the property was zoned M-5, which the Village Code described as:

A. Intent. The M-5 extractive district is intended to provide for the orderly continuation or restoration of quarries or other extractive and related operations in existence on the effective date of the ordinance from which this chapter is derived and to provide for the location in appropriate places of new extractive operations that provide maximum protection to the natural environment. This M-5 district further provides for the restoration of quarries in a manner that will not deteriorate the natural environment.

17. In reaching his opinion of value, the appraiser noted, “[i]t is unknown if this inactive rock quarry could or would be financial fezable (sic) due to its current condition, and the amount of stone that is left for future use. ... The 2014 assessment shows that 28.42 acres of land taxed is now classified as undeveloped.” While making adjustments to comparable sales in the area, the appraiser noted:

Comments: All adjusted sale prices fall short of purchase price as this indicates that the buyers are paying too much for this property. After this result I have considered all of the factors associated with the subject property, and agree with results. In my opinion many factors could be considered.

- 1) Subject has been on and off the market since 2007. Asking price started at the \$999,900 range.
- 2.) Duplex properties have become harder to finance due to the higher banking standards. This means that less number of buyers exist for these type properties. Not a normal income property for the area.
- 3.) Subject property has improvements that are older construction.
- 4.) The rock quarry is currently not functioning. Since property has been marketed no real interest from any mining company exist. This might indicate that this mine is not worth what owners are asking.
- 5.) In my opinion the mining site is not that appealing. A low rocky bowl type area with trees.
- 6.) The lost use of 28 acres at this time do not function as a working mine, agricultural use, and or woods. This year the assessor has classified this area as undeveloped. A normal buyer would not pay top dollar for this acreage. Typically undeveloped areas are used as recreational. Land that is classified as agricultural/woods/residential brings more value as indicated in land sales provided and past experiences.

18. The minutes of the February 19, 2015, meeting of the Village Board reflects that a public hearing was held on a recommendation of the Plan Commission to amend the Village's comprehensive land use plan as it relates to 609 Scenic Road. These minutes further reflect passage of a motion to approve an ordinance "to amend multiple sections of the Comprehensive Plan," relating to "Quarry Redevelopment."

19. On February 26, 2015, Healy sent an email to "Village Staff, President Jeffords, Board of Trustees, and contracted employees," in which Healy stated:

Just as an FYI, the Village was contacted today by a law firm which claimed to either be representing Danah and Tom Zoulek or will be in the very near future in an action against the Village. From my perspective, I would strongly advise everyone to now treat this situation as though we are in active litigation with Mr. and Mrs. Zoulek.

As a reminder to you all, when the Village is involved in active litigation it would not be appropriate to discuss matters with residents who come into Village Hall, the press, or certainly not the potential developers themselves (the Zouleks). I understand that because Mrs. Zoulek is running for Village Trustee in April that it somewhat complicates the relationship between Village Hall and her. But the distinction between information to discuss with 'Danah the candidate' versus 'Danah the developer' should be abundantly clear at this point. If it is not, please let me know and I will clarify.

20. On February 26, 2015, Healy sent the following email to the Village Attorney, Village's Consulting Planner and the Village's Engineer:

Attorney Macy,

I just wanted to let you know that today I had a conversation with the farmer who owns the private road from CTH Q to Willow Creek Road. He informed me that Tom and Danah Zoulek have approached him about purchasing the easement, as we suspected they would, for trucking operations.

I advised Mr. Mashman of the action that was taken by the Village Board and the proposed action being considered next week by the Plan Commission after the conclusion of the Public Hearing. To which he responded that he 'has some thinking to do'. Not much more was said after that but I wanted to bring it to your attention.

The Zouleks indeed had contacted Mr. Mashman regarding the use of a private road that had been constructed to remove gravel from the pit in the 1960s and 1970s, as a way to minimize truck traffic on public roads for loads of clean fill destined for the pit at 609 Scenic Road.

21. On March 5, 2015, counsel for the Zouleks sent the Village a letter and notice pursuant to §893.22 (1m), Wis. Stats., dealing with the siting of solid waste facilities generally. That evening, counsel appeared before the Village's Plan Commission concerning a proposal to rezone 609 Scenic Road from M-5 to residential zoning.

22. On Sunday, March 8, 2015, Healy sent the following email to the Village Attorney:

Attorney Macy,

I just got off the phone with President Jeffords who informed me that today Tom Zoulek called him. The purpose of the call as I understood it was to first try to convince President Jeffords that it is in the Villages best interests to negotiate with him rather than leaving it up to the State. When President Jeffords informed him that any such negotiations must go through you and me he became upset. He doesn't feel as though "anyone will talk to him" at the Staff level.

He then asked President Jeffords why we would not allow the County to take this matter over. This is consistent with the conversation I had with County Administrator Schoemann this weekend who said he was approached by Danah and had an hour long conversation with her in which she became visibly upset numerous times.

I'm not sure where this is headed this week but it is curious to me they are seemingly trying to negotiate or plant the seeds of negotiation on multiple levels.

Sincerely,  
JimHealy  
Village Administrator

23. On March 19, 2015, the Village Board adopted an ordinance to rezone 609 Scenic Road from M-5, Mineral Extraction, to Rs-1, Country Estate/Remnant Parcel District.

24. On March 23, 2015, the Zouleks, Scenic's independent engineer, and Scenic's counsel met with Ms. Cynthia Moore, Department of Natural Resources' ("DNR") Waste Program Manager for the DNR's SE Region, and members of her staff to discuss NR 500, WI Admin Code, as it relates to exemptions from DNR licensing for Clean Fill. The substance of the meeting was summarized in a letter from Scenic's counsel to Ms. Moore dated March 30, 2015, and attached hereto as and incorporated herein as Exhibit A.

25. Ms. Moore responded to the letter dated March 30 letter from Scenic's counsel on April 2, 2015. A copy of her letter is attached hereto and incorporated herein as Exhibit B.

26. Prior May 13, 2015, Scenic had concluded that Ms. Moore was partially incorrect in her interpretation of the impact of the DNR's exemption from the licensing for clean fill facilities under NR 500.08(2), as that exemption had been interpreted by the Wisconsin Supreme Court in *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642; 547 N.W.2d 770 (1996), and assisted the Holz's in applying for an Erosion Control and Storm Water Management permit, which was issued on May 13, 2015. In connection with the issuance of the Storm Water and Erosion Control permit, Scenic's counsel sent a letter to the Village Attorney, a copy of which is attached hereto and incorporated herein as Exhibit C.

27. On May 15, 2015, Healy posted a “press release” on the Village’s website reading: “the Village Attorney has been directed to take any and all necessary action in order to protect the Village.”

28. Between May 13, 2015 and the interpretation of *DeRosso* was under review by the DNR staff counsel in Madison. On May 20, 2015, Attorney Cheryl Heilman sent an email to various staff of the DNR stating in part:

I understand that the Department has issued stormwater permit coverage under the WPDES Construction Site Storm Water Runoff General Permit for proposed fill activity at a former quarry known as the Scenic Pit. You have asked whether an erosion control permit from the Village of Richfield is also required or whether the Village’s erosion control permit is preempted under the Supreme Court’s decision in *DeRosso Landfill Company v. City of Oak Creek*, 200Wis.2d 642 (1996).

The stormwater statute, s. 283.33(3m), Wis. Stats., expressly authorizes a city, village, town or county to enact an ordinance regulating erosion control and storm water management. The Supreme Court case you cited involving preemption applies to solid waste regulation, not to stormwater regulation. Because the stormwater statute expressly authorizes (and in fact requires) the Village to have an ordinance regulating erosion control and stormwater, local approval should be obtained for the proposed activity in addition to the DNR’s WPDES Construction Site Storm Water Runoff GP.

29. On May 21, 2015, Zoulek Family LLC closed on its purchase of 609 Scenic Road from Richard and Yvonne Holz.

30. On May 21, 2015, the Village Board met in closed session for, among other items:

c. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- Scenic Pit LLC

The Village Board then reconvened in open session and passed a resolution directing the Village Attorney to take any and all measures to enforce the Village Zoning Code and to ensure that all permits and required approvals are obtained relating to Scenic Pit LLC.

31. In a good faith effort to comply with Attorney Heilman's interpretation, on May 22, 2015, Scenic applied for a temporary driveway permit and erosion control permit from the Village and arranged for a pre-construction meeting to take place at 609 Scenic Road on Tuesday May 26, 2015 at 2:00 p.m. At the time he applied for the driveway permit, the Village's Building Inspector advised Mr. Zoulek that he could begin work on the driveway and that the physical permit would be delivered by the Building Inspector at the meeting scheduled for May 26.

32. Healy and the Village Engineer attended the pre-construction meeting at 609 Scenic Road on May 26, 2015, at which time Healy advised Mr. Zoulek to that driveway permit had not been issued.

33. On May 27, 2015, Mr. Zoulek met with Joel Jaster, the Village Building Inspector, regarding the status of the temporary driveway permit. Mr. Jaster informed Mr. Zoulek that Healy had taken the permit from Mr. Jaster and that Mr. Jaster could not do anything about it.

34. On May 28, 2015, Mr. Zoulek met with Mr. Healy regarding the status of the temporary driveway permit. Healy advised him that he had taken the permit from Mr. Jaster and that it was under review.

35. On May 29, 2015, Mr. Zoulek applied for a permit to widen and existing driveway at 609 Scenic Road. The Village Building Inspector on duty, Greg Darga, had completed the work on the permit and was in the process of giving the permit to Mr. Zoulek

when he noticed the address of 609 Scenic Road. Mr. Draga then asked if this had to do with the “landfill,” and stated that “if it did, he could not issue the permit until Healy reviewed it on the following Monday.

36. To date, the Village has not issued either the temporary or the second driveway permits.

**FIRST CLAIM FOR RELIEF  
(Writ of Mandamus)**

37. Plaintiff realleges and incorporates herein the allegations for paragraphs 1 through 36 above.

38. Pursuant to § 324-11 of the Village’s Code, “[n]o person shall construct a driveway and/or a culvert without first obtaining a building permit from the Building Inspector.” §324-12 for the Village Code provides in relevant part: “Application for a driveway and/or culvert permit may be obtained from and filed with the Building Inspector, together with a fee set by the Village Board from time to time.” §324-3 of the Village Code provides: “The Building Inspector shall review the application and shall issue a permit, together with a copy of driveway/culvert standards, if the location of the driveway and/or culvert is in compliance with this article and all other appropriate sections of this chapter.”

39. The Village Code delegates authority for the issuance of a driveway permit solely on the Building Inspector and does not grant the Building Inspector discretion with regard to applications that meet the requirements of Chapter 324 of the Village Code. In all respects the applications submitted by Scenic meet the requirements of Chapter 324 of the Village Code.

40. Scenic is without any other remedy for the Village’s failure to issue the driveway permits for which it applied on May 27 and May 29, 2015. Scenic will suffer substantial

damages caused by delay of its intended use of 609 Scenic Road caused by the Village's failure to issue the driveway permits applied for pursuant to Chapter 324 of the Village Code.

41. Pursuant to §783.04, Stats., Scenic is entitled to costs and damages if its petition is granted.

**SECOND CLAIM FOR RELIEF  
(Declaratory Judgment)**

42. Scenic realleges and incorporates herein the allegations of paragraphs 1 through 41 above.

43. The interpretation of §283.33(3m), Wis. Stats., the definition of local approvals under §289.33(3)(d), cannot be reconciled with the holding in *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642; 547 N.W.2d 770 (1996), as suggested by Attorney Heilman of the DNR. Section 289.33(3)(d), defines local approvals to include local approvals as including, without limitation, ordinances adopted under among many other statutes Section 61.354, Stats., which derives its authority from §281.33, Stats. Accordingly, it must be assumed that in adopting §289.33(3)(d), the legislature intended to include §281.33, Stats among the provisions controlled in application under Chapter 289.

44. Under the *DeRosso* holding, "it is manifestly absurd to instruct a prospective landfill operator that it need not apply to a municipality for permission to open the facility while simultaneously stating that the same municipality's ordinances govern whether and under what conditions the facility can be opened and operated."

45. On information and belief, the Village contends that Scenic must apply for local storm water management, erosion control, and other local approvals despite the directly contrary authority of the Courts holding in the *DeRosso* case.

46. There now exists a controversy between the Village and Scenic concerning the scope of the holding in *DeRosso* as it applies to Scenic's intended use of 609 Scenic Road, as to which a declaratory judgement will "terminate the the uncertainty or controversy giving rise to the proceeding, " within the meaning of § 806.04, Wis. Stats.

47. Scenic request that the Court issue a declaratory judgment that no local approvals are required from the Village for the operation of a clean-fill site at 609 Scenic Road, within the Village of Richfield, Wisconsin.

**THIRD CLAIM FOR RELIEF  
(Temporary and Permanent Injunction)**

48. Scenic realleges and incorporates herein the allegations of paragraphs 1 through 47 above.

49. Scenic is entitled to a permanent injunction restraining the Village from interfering with the proposed plan to fill the abandoned quarry at 609 Scenic Road with clean fill.

50. Scenic does not have an adequate remedy at law and will suffer irreparable harm if the Village is permitted to continue to obstruct its plans to fill the abandoned quarry at 609 Scenic Road with clean fill.

WHEREFORE, plaintiff hereby requests the following relief:

1. A writ of mandamus directing Healy and the Village to issue the driveway permits applied for by the plaintiff of 609 Scenic Road and awarding the plaintiff its costs herein.

2. A judgment declaring that Scenic is not required to obtain any local approvals in order to proceed with its plan to fill the abandoned quarry at 609 Scenic Road with clean fill.

3. A permanent injunction restraining the Village from interfering with plaintiff's proposed plan to fill the abandoned quarry at 609 Scenic Road with clean fill.

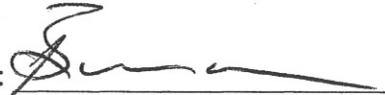
4. An award of such further relief and the Court deems just and equitable including an award of costs and attorneys fees.

McInay Button Law LLC  
Counsel for Scenic Pit LLC

Dated:

June 2, 2015

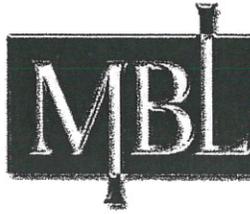
By:



Bruce A. McInay  
State Bar No.: 1006609

Address:

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(262) 421-8060  
(262) 421-8059 --fax  
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**FILED**  
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P: 262-421-8060  
WWW.MCBUSINESSLAW.COM  
2015C-000374

March 30, 2015

VIA EMAIL

Ms. Cynthia Moore  
Waste Program Manager, Se Region  
Wisconsin Department of Natural Resources  
2300 N Martin Luther King Jr. Dr.  
Milwaukee, WI 53212

Re: Proposed Scenic Pit Solid Waste Facility; Richfield, Wisconsin

Dear Ms. Moore:

Thank you for inviting representatives of Scenic Pit LLC (the "Operator") to meet with you and other interested representatives from the Department of Natural Resources regarding the Operator's intent to establish a solid waste disposal site at an abandoned gravel pit at 609 Scenic Road (Colgate) in the Village of Richfield, Wisconsin. We understand from our conversation that you had received several inquiries about the Operator's proposed operation and are glad that we were able to answer your questions. Because of the substantial misunderstanding regarding these operations among portions of local residents, we would appreciate if you could confirm the following understandings in the form of the letter to Danah Zoulek, the majority member of the Operator.

Generally, solid waste disposal facilities are regulated under Chapters NR 500 to 538. Section NR 500.08 provides certain exceptions to those regulations. Relevant to the Operator's intended operation is subsection (2) of NR 500.08, which reads as follows:

(2) OTHER FACILITIES. The following facilities shall be established in conformance with the locational requirements of s. NR 504.04 (3) (c) and (4) (a) to (f) and shall be operated and maintained in a nuisance-free and aesthetic manner but are exempt from licensing and the requirements of chs. NR 500 to 538:

(a) Facilities where only clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint are disposed.

Ex A

(b) Facilities for the exclusive disposal of spoils from sand, gravel or stone and crushed stone quarry operations and similar nonmetallic earth materials.

From our meeting, we understood that a facility that accepts exclusively the solid waste materials identified in subsection NR 500.08 (2), is not subject to licensing under chapter NR 500. Nevertheless, such a facility must be established in conformance with the locational requirements of section NR 504.04 (3) (c) and (4) (a) to (f). Furthermore, such a facility must be operated and maintained in a nuisance-free and aesthetic manner.

Section NR 504.04 (3) (c) and (4) (a) to (f): reads in relevant part as follows:

(3) **LOCATIONAL CRITERIA.** No person may establish, construct, operate, maintain or permit the use of property for a landfill where the limits of filling are or would be within the following areas:

(c) Within a floodplain.

(4) **PERFORMANCE STANDARDS.** No person may establish, construct, operate, maintain or permit the use of property for a landfill if there is a reasonable probability that the landfill will cause:

(a) A significant adverse impact on wetlands as provided in ch. NR 103.

(b) A take of an endangered or threatened species in accordance with s. 29.604, Stats.

(c) A detrimental effect on any surface water.

(d) A detrimental effect on groundwater quality or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140. For the purposes of design the point of standards application is defined by s. NR 140.22 (1).

(e) The migration and concentration of explosive gases in any landfill structures excluding the leachate collection system or gas control or recovery system components in excess of 25% of the lower explosive limit for such gases at any time. The migration and concentration of explosive gases in the soils outside of the limits of filling within 200 feet of the landfill property boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time. The migration and concentration of explosive gases in the air outside of the limits of filling within 200 feet of the landfill

boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.

(f) The emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.04 or 445.05.

It is the Operator's understanding and intent to comply with the above requirements. To that end, the Operator has engaged Key Engineering to assist it to comply with chapter NR 140. We explained that Mr. Merkel has been in touch with the appropriate representative of the DNR for that purpose. Key Engineering Group, Ltd. has spoken with a DNR stormwater specialist regarding an NR216 stormwater discharge permit for the project. We were informed that this project would be reviewed similar to any other development project.

We also discussed that the DNR will investigate and enforce these requirements should it receive complaints from the public. Accordingly, best practices dictate that the Operator maintained an appropriate documentation system to verify that it only accepts the solid waste materials identified under section NR 500.08 (2). One practice that we identified was requiring that parties who intend to deposit materials at the site give the Operator 24 hour's prior notice and identify the site from which the materials were acquired by that party. This will allow the Operator to investigate the source of the materials and compare that against identified contaminated sites.

It was noted by you or one of your colleagues, that had there been even on truck load of extraction from this site after August 1, 2001, then it would have been subject to reclamation under NR 135.

On behalf of my client, I am requesting the DNR's written verification that the correctly states the substance of our discussion on Monday, March 23, 2015. Please address your letter to:

Scenic Pit LLC  
2296 Beachwood Industrial Court  
Hubertus, WI 53033  
Attention: Danah Zoulek

Ms. Cynthia Moore  
March 30, 2015  
Page 4

Thank you again for taking the time to meet with us. Should you have any additional questions or comments regarding the Operator's proposed operation, do not hesitate to contact me, Mr. Merkel, or the Operator.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce A. McInay", written in a cursive style.

Bruce A. McInay

cc: Scenic Pit, LLC  
John Jeffords, Village President (VillagePresident@richfieldwi.gov)  
John Macy, Village Attorney (jmacy@ammr.net)  
State Representative Bob Gannon (Rep.Gannon@legis.wisconsin.gov)  
State Representative Janel Brandtjen (Rep.Brandtjen@legis.wisconsin.gov)  
State Senator Alberta Darling (Sen.Darling@legis.wisconsin.gov)

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Milwaukee Headquarters  
2300 N. Martin Luther King Drive  
Milwaukee WI 53212

FILED  
06-02-2015  
Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2626  
Toll Free 1-888-936-7463  
WISCONSIN  
DEPT. OF NATURAL RESOURCES  
Washington County, WI  
2015CV000374

April 2, 2015

File Ref: FID  
Washington County  
CORR

Ms. Danah Zoulek  
Scenic Pit LLC  
2296 Beachwood Industrial Court  
Hubertus, WI 53033

Subject: Proposed Scenic Pit Solid Waste Facility, Richfield, Wisconsin

Dear Ms Zoulek:

The Department has written this letter in response to a March 30, 2015 letter from Mr. Bruce McIlnay of McIlnay Button Law, LLC to me regarding the approval requirements for soil disposal at the proposed Scenic Pit at 609 Scenic Road in the Village of Richfield. As was discussed during our March 23, 2014 meeting, Scenic Pit LLC is proposing to take fill to Scenic Pit. Clean fill, as defined by s. NR 500.08 (2) (see below), would be brought to the site from sources known by the owners of Scenic Pit LLC. The intent is to reclaim the gravel pit to allow future development of the site.

Please note that this letter addresses solid waste disposal requirements and is not intended to address other approvals for the disposal of soils at this site, including local zoning requirements or other environmental rules such as stormwater requirements.

Section 289.01(33) of the Wisconsin Statutes defines solid waste:

"Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility *and other discarded or salvageable materials*, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (1). (*Italics added*)

As indicated in the definition, any "other discarded or salvageable material" is considered a solid waste. Therefore, soil that is excavated and requires disposal is considered a solid waste, even if that soil is considered "clean."

As Mr. McIlnay indicates in his letter, solid waste disposal facilities are regulated under Chapters NR 500 to 538 of the Wisconsin Administrative Code. Section NR 500.08 (2) provides certain exceptions to those regulations:

(2) OTHER FACILITIES. The following facilities shall be established in conformance with the locational requirements of s. NR 504.04 (3) (c) and (4) (a) to (f) and shall be operated and maintained in a nuisance-free and aesthetic manner but are exempt from licensing and the requirements of chs. NR 500 to 538:

(a) Facilities where only clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint are disposed.

Ex B

Ms. Danah Zoulek  
April 1, 2015  
Page 2

(b) Facilities for the exclusive disposal of spoils from sand, gravel or stone and crushed stone quarry operations and similar nonmetallic earth materials.

The proposal of Scenic Pit LLC to place clean fill materials at 609 Scenic Road in the Village of Richfield would be considered an "Other Facility" described above which is exempt from the licensing requirements of Chapters NR500 to 538, Wis. Adm. Code. This includes the requirement to seek applicable local approvals under s. 289.22(1m), Stats. for a solid waste facility.

Mr. McInay also correctly indicates that a facility that accepts clean fill materials must comply with the locational and performance requirements section NR 504.04 (3) (c) and (4) (a) to (f), and such a facility must be operated and maintained in a nuisance-free and aesthetic manner. In summary, these requirements prohibit the facility from:

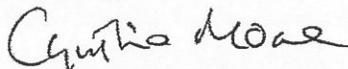
- Being located within a floodplain.
- Causing a significant adverse impact on wetlands.
- A take of an endangered or threatened species.
- A detrimental effect on any surface water.
- A detrimental effect on groundwater quality.
- The migration of explosive gases.
- The emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.04 or 445.05, Wis. Adm. Code.

The exemption from the licensing requirements of ch. NR500 to 538, however, does not exempt the proposed activities at the site from other pertinent requirements, such as local zoning and stormwater and erosion control.

Mr. McInay's letter also indicates a procedure for accepting only clean fill at this proposed facility, as defined in s. NR 500.08 (2) above. The Department agrees with the proposed method of having a hauler identify the source of the materials that are proposed to be brought for disposal so that the originating site can be compared with sources of contaminated materials, such as the Department's BRRTS database of contaminated sites. Other good practices for excluding contaminated soils that we discussed include controlling access to the site and observing soils brought to the site for staining or odors.

If you have any questions about this completeness determination, please do not hesitate to contact Gerald DeMers at (414) 263-8594.

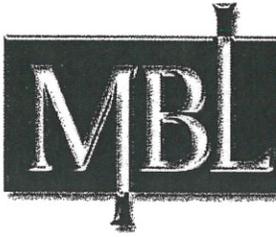
Sincerely,



Cynthia Moore, Supervisor  
Waste and Materials Management Program, Southeast District

cc: SER Facility Files  
Bruce A. McInay, McInay Button Law, LLC  
Robert Merkel, Key Engineering Group  
Jim Healy, Village Administrator  
John Jeffords, Village President (VillagePresident@richfieldwi.gov)  
John Macy, Village Attorney (jmacy@ammr.net)  
State Representative Bob Gannon (Rep.Gannon@legis.wisconsin.gov)  
State Representative Janel Brandtjen (Rep.Brandtjen@legis.wisconsin.gov)  
State Senator Alberta Darling (Sen.Darling@legis.wisconsin.gov)

Gerald DeMers, DNR SER  
Rob Grosch, DNR SER  
Nancy Ryan, DNR SER  
Melanie Burns, DNR SER



FILED  
06-02-2015

MCBAY BUTTIN COWI LLC  
1971 WASHINGTON STREET  
GRAFTON, WI 53024  
P: 262-421-8060  
F: 262-421-8059  
WWW.MCBUSINESSLAW.COM

May 13, 2015

VIA EMAIL <mailto:Jmacy@ammr.net>

Mr. John P. Macy  
Arenz, Molter, Macy, Riffle & Larson SC  
720 North East Avenue  
Waukesha, WI 53186-4800

Re: Scenic Pit LLC; DNR Permit

Dear Mr. Macy:

I am writing to you as counsel for the Village of Richfield to advise you that the DNR has issued a permit for the filling of the pit located at 609 Scenic Road with clean fill. The plan of operation and the corresponding permit accompany this letter. The operations permitted are described in plan document identified as C-1. As a result, Scenic Pit LLC is proceeding with its plan to fill this pit without seeking local approvals.

As discussed in Ms. Cynthia Moore's letter of April 2, 2015,

The proposal of Scenic Pit LLC to place clean fill materials at 609 Scenic Road in the Village of Richfield would be considered an "Other Facility" described above which is exempt from the licensing requirements of Chapters NR500 to 538, Wis. Adm. Code. This includes the requirement to seek applicable local approvals under s. 289.22(lm), Stats. for a solid waste facility.

Ms. Moore incorrectly concluded, however, that the exemption from licensing does not exempt the proposed activities from other pertinent requirements, "such as local zoning...." In this regard, Ms. Moore's reasoning is in direct conflict with the holding in *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642; 547 N.W.2d 770 (1996).

In *DeRosso*, the Court held that in enacting Chapter 144, now Chapter 289, of the Wisconsin Statutes, "the legislature has expressly withdrawn the power of municipalities to act" as to clean fill sites. The Court reasoned:

By providing that certain facilities may be exempted from local approval, the legislature has clearly and expressly withdrawn municipal power to act as to exempt facilities such

Exc

Mr. John P. Macy  
May 13, 2015  
Page 2

as the plaintiffs' site. The plain language of the applicable DNR regulations requires this conclusion. Furthermore, any other interpretation of the statute produces absurd results.

*Id.* at 657.

Under *DeRosso*, the Village may not impede establishment of "low-hazard waste facilities" that the DNR has determined do not significantly jeopardize the environment or public health. Thus, contrary to the argument of the City of Oak Creek, the Court held that local rule was preempted by the statutory scheme and the DNR's regulatory implementation of that scheme in furtherance of a matter of statewide concern. Thus, stated the Court, in exempting clean-fill sites from licensing under Chapters NR 500 to 538, the DNR had not "ceded authority over the facility and restored any pre-existing authority the City might have had to regulate the facility." *Id.* at 662. The Court concluded:

Instead, the DNR has established an alternative regulatory scheme of its own designed to insure that the plaintiffs' facility does not compromise the integrity of the environment or the health of the City's residents. In prohibiting the deposit of clean fill at the plaintiffs' site, the City not only thwarts the plaintiffs' plans, but also is in direct conflict with the DNR's own regulatory scheme.

*Id.*

In light of the holding in *DeRosso*, Scenic Pit LLC intends to proceed with the operational plans approved in the attached permit without further application for local approvals and negotiation/arbitration pursuant to §289.22(1m), Stats.

My client has made efforts to work with the Village and in some instances its efforts have been met with less than frank responses. I am writing now, in part, because documents, especially emails, recently provided my client under open records requests revealed a pattern of efforts by the Village staff to frustrate my client's plans that were in some instances beyond the ordinary business of municipal legislation and regulation. My client will meet further efforts to frustrate its plans with all claims for relief available to it under the circumstances including, but not limited to, redress for frivolous suits. Further, I would expect that the Village will make all reasonable efforts to contact me before seeking any type of *ex parte* injunction.

Very truly yours,



Bruce A. McIlroy

cc: Danah Zoulek

5 a

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, June 18, 2015**

**PLEASE TAKE NOTICE:**

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield will conduct a public hearing on Thursday, June 18, 2015 at 7:30 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033, to accept oral and written testimony regarding the 2015/2016 Weights and Measures Assessments per Chapter 363 of the Village of Richfield Code of Ordinances Weights and Measures adopted April 16, 2009 per Village Ordinance 2009.4.3.

For information regarding this public hearing, please contact KateLynn Schmitt, Administrative Services Coordinator at (262) 628-2260. A copy of the Village Code is available online via the Village of Richfield website [www.richfieldwi.gov](http://www.richfieldwi.gov).

All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262) 628-2260 with as much advance notice as possible.

Dated this May 29, 2015

**Publication Dates:**

June 3, 2015

June 10, 2015

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

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VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

# 56

MEETING DATE: June 18, 2015

SUBJECT: Weights and Measures- Public Hearing
DATE SUBMITTED: June 12, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE ASSESSED WEIGHTS AND MEASURE FEES AND TO DIRECT STAFF TO ADMINISTER THE LICENSING PROCESS PER OUR VILLAGE BOARD?

ISSUE SUMMARY:

The State of Wisconsin requires villages to pay for the testing of weighing and measuring devices within their municipality. State Statutes allow municipalities to recoup the costs of this process and the \$2,400 fee the State charges for this service. In April 2009, the Board approved Chapter 363 (attached) regulating Weights and Measures. Through research of the devices declared within the community, Staff has determined the licensing should be set at \$30.00, while the fee should be set at \$16.50 per heavy capacity weighing device or scanner and \$15.00 per small counter scale or liquid measuring device. In 2014 the Village realized a deficit in the total amount reimbursed to the State of Wisconsin. For the 2015 licensing period the small counter scale and liquid measuring device fee increased slightly by \$.25 per device as a result of this deficit.

Tonight a Public Hearing has been scheduled regarding these fees. Adequate notice has been published in the West Bend Daily News and a copy of the same has been attached for your convenience.

FISCAL IMPACT:

REVIEWED BY: [Signature] Village Deputy Treasurer

Initial Project Costs: \$2,400
Future Ongoing Costs: None
Physical Impact (on people/space): None
Residual or Support/Overhead/Fringe Costs: None

ATTACHMENTS:

- 1. Chapter 363 of the Village Code, Weights and Measures
2. Public Hearing Notice from June 1, 2015

STAFF RECOMMENDATION:

Motion to approve the assessed weights and measures fees and direct staff to administer the licensing process per Chapter 363 of the Village Code.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

[Signatures]
Village Staff Member
Village Administrator

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

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**VILLAGE OF RICHFIELD**  
**VILLAGE BOARD COMMUNICATION FORM**

# 7

MEETING DATE: June 18, 2015

SUBJECT: Consent Agenda  
 DATE SUBMITTED: June 11, 2015  
 SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE ATTACHED CONSENT AGENDA?*

*ISSUE SUMMARY:*

Included for your review are the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from May 21st and May 28<sup>th</sup>, New Operator Licenses, and Resolutions R2015-06-01 and R2015-06-02, Resolution of Commendation for Don Weiland and Virgil Dawson.

*FISCAL IMPACT:*

REVIEWED BY: Katey Smith  
 Village Deputy Treasurer

Initial Project Costs:  
 Future Ongoing Costs:  
 Physical Impact (on people/space):  
 Residual or Support/Overhead/Fringe Costs:

*ATTACHMENTS:*

1. Vouchers for Payment
2. Treasurer's Report
3. Meeting Minutes from May 21, 2015 and May 28, 2015
4. New Operator License List, Copy of Applications, Background Investigation Report
5. Resolutions R2015-06-01 and R2015-06-02, Resolution of Commendation for Don Weiland and Virgil Dawson.

*STAFF RECOMMENDATION:*

Motion to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from May 21<sup>st</sup> and May 28<sup>th</sup>, New Operator Licenses and Resolutions R2015-06-01 and R2015-06-02, Resolution of Commendation for Don Weiland and Virgil Dawson.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
 BOARD ACTION TAKEN

[Signature]  
 Village Staff Member  
[Signature]  
 Village Administrator

Resolution No. \_\_\_\_\_  
 Ordinance No. \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Denied \_\_\_\_\_  
 File No. \_\_\_\_\_

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VILLAGE OF RICHFIELD  
VOUCHERS FOR PAYMENT  
JUNE 2015

BATCH #1					
CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		5/19/15	Village of Richfield	\$15,448.14	Bi-Weekly Payroll
EFTPS		5/19/15	Federal Income Tax Payment	\$5,680.65	FICA Tax
ACH		5/19/15	Wisconsin Dept. of Revenue	\$1,106.16	State Withholding Tax
ACH		5/19/15	Wisconsin Deferred Compensation	\$250.00	457 Plan (Payroll deduction)
9281		5/19/15	Johnsons Nursery	\$215.00	Tree Dedication in HP (Reimbursed)
9282		5/19/15	Ann Wunrow	\$50.00	Park Deposit Reimbursement
9283		5/20/15	Civi Tek Consulting	\$749.00	Profesional Planning Services
9284		5/20/15	953 Stone Meadow Court	\$2,000.00	Road Bond Refund
ACH		5/26/15	Wisconsin Retirement	\$5,975.30	April WI Retirement
9285-9322		5/22/15	May Payables		
ACH		5/28/15	United Health Care	\$10,636.63	June Health Insurance (Payroll deduction)
9323		5/28/15	Delta Dental	\$206.80	Dental Insurance June Payment (Payroll deduction)
9324		5/28/15	Postmaster	\$944.80	May/June Newsletter
9325		5/28/15	North Shore Bank Leasing	\$718.04	June Building Inspector Lease
9326		5/28/15	WE Energies	\$1,420.48	Electric Bill
9327		5/28/15	Alesci Homes	\$2,000.00	Road Bond Refund
9328		5/28/15	Greg and Jill Surette	\$2,000.00	Road Bond Refund
9329		5/28/15	Washington County Convention	\$70.00	2015 WCCVB Annual Meeting
9330		5/28/15	Charter Communications	\$158.01	June Charter Business Invoice
			<b>TOTAL BATCH #1</b>	<b>\$49,629.01</b>	<b>Checks Written End of May 2015</b>
BATCH #2					
CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		6/2/15	Village of Richfield P/R	\$15,181.86	Bi-Weekly Payroll
EFTPS		6/2/15	Federal Income Tax	\$5,624.46	FICA Tax
ACH		6/2/15	Wisconsin Dept. of Revenue	\$1,037.57	State Withholding Tax
ACH		6/2/15	Wisconsin Deferred Compensation	\$250.00	457 Plan (Payroll deduction)
ACH		6/2/15	Village of Richfield P/R	\$2,046.14	Monthly Payroll
ACH		6/2/15	Federal Income Tax	\$555.57	FICA Tax
9331		6/3/15	R&R Insurance Services Inc.	\$5,564.00	Workers Compensation 13/14
9332		6/3/15	1550 Cambridge Court	\$2,000.00	Road Bond Refund
9333		6/3/15	3889 Hickory Hill Parkway W	\$2,000.00	Road Bond Refund
9334		6/8/15	Park Rental Refund	\$50.00	Park Shelter Rental Refund
9335		6/8/15	AT&T	\$181.42	April 20th through May 19th Bill
9336		6/8/15	Waste Management of Milwaukee	\$446.34	June 2015 Waste Disposal Invoice
9337			Voided Check (Accidental Printing)		
9338		6/8/15	WE Energies	\$2,196.73	May Street Lighting Invoice
9339		6/8/15	Neu's Building Center Inc.	\$49.94	Transfer Station and Paint
9340		6/8/15	Premium Waters Inc.	\$64.64	Monthly Water Invoice
9341		6/8/15	Waste Management of Milwaukee	\$187.78	Waste Management Tire Disposal
9342		6/11/15	1545 Coventry Court	\$2,000.00	Road Bond Refund
9343		6/11/15	1560 Coventry Court	\$2,000.00	Road Bond Refund
9344		6/12/15	Equal Rights Division	\$75.00	May 2015 Work Permits
			<b>TOTAL BATCH #2</b>	<b>\$41,511.45</b>	<b>Checks Written Beginning of June 2015</b>

VILLAGE OF RICHFIELD  
VOUCHERS FOR PAYMENT  
JUNE 2015

**\*\*BATCH #3**

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	10495		Arenz, Molter, Macy, Riffle & Larson, S.C.	\$9,903.80	May 21, 2015 Invoice
	3345		Associated Appraisal Consultants	\$3,958.33	Professional Services Contract
	184-01653		Cintas	\$766.62	May Service Invoices
	29-75		Civi Tek Consulting	\$616.00	June Planning invoice
	1540390515		Conley Media, LLC	\$64.19	Public Meeting Notices
			Digital Edge Copy & Print Centers	\$242.92	Printed Office Supplies
	744219		E.H. Wolf and Sons Inc.	\$400.95	55 Gallon drum of 15W40 Oil
			Falls Auto Parts and Supplies	\$395.03	Park and DPW Supplies
	WIJAC1646		Fastenal	\$16.86	Traffic Counter Duct Tape
	2131781		Force America Distributing, LLC	\$87.12	Truck #5 Front Salter
	25044221054		Fox Brothers Piggly Wiggly	\$18.08	Office Supplies
	2090744		GAI Consultants	\$1,876.85	April 19th-May 16th 2015
	V0079712		Hallman and Lindsay	\$373.70	Stripe Kote Athletic Ready Mix
	38929		Houseman & Feind, LLP	\$48.00	Carla Whitcomb Call
	307800		Hopson Oil LLC	\$3,087.96	May Fuel Invoice
	153668		Kunkel Engineering Group	\$780.00	2015 Hwy Improvement Program Invoice
	54194		Lange Enterprises, Inc.	\$420.27	Road Signs
	48660		Lakeside International, LLC	\$307.18	Truck Supply Parts
			<b>TOTAL BATCH #3</b>	<b>\$23,363.86</b>	<b>Checks Still Needing Approval***</b>

**\*\*BATCH #4**

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	251480026		Machine Service, Inc.	\$161.44	Rhino Mower Parts
	1343096		Northeast Asphalt	\$504.83	Cold Mix for Roads
	C311751		Office Copying Equipment Ltd.	\$252.94	Office Supplies and Expenses
			Olsen Safety Equipment Corp.	\$347.42	Safety Equipment for DPW Crew
	18923		OnTech Systems, Inc.	\$109.00	Trend Patch Install and Email Archiving
			Port-A-John	\$466.00	Park Restroom Service Invoices
	31208649-00		Praxair	\$88.52	Wire welder gas
	8460		Professional ID Cards, Inc.	\$72.35	Office ID's for In-Field Staff
			Richfield Volunteer Fire Company	\$38,635.32	RVFC Contract
	8750		Schmitt Sanitation	\$270.00	Pump Concession Stand Holding Tank
			Slinger Welding Service	\$47.40	1" Steel Rod for Stock
	17269		Total Lawn Care	\$247.00	Spray for Weeds at Firemans Park
			Washington County Health Department	\$108.00	Bacteria/Nitrate Sample Collection
	8269		Washington County Sheriff's Contract	\$26,334.82	Sheriff Services for May 2015
	1348527		Waukesha Lime and Stone	\$52.80	Suerfine 100
			State of WI-Department of Justice	\$49.00	May Background Checks
	267201440-2015		WI DNR Environmental Fee	\$1,500.00	Stormwater Fees
	2027002		Wissota Sand and Gravel	\$411.65	May Gravel Invoice
			Wolf Brothers Fuel Inc.	\$262.41	Seed and Gas
	42313		Zarnoth Brush Works, Inc.	\$479.88	Truck #12 Broom Refill
			<b>TOTAL BATCH #4</b>	<b>\$70,400.78</b>	<b>Checks Still Needing Approval***</b>
			<b>TOTAL</b>	<b>\$184,905.10</b>	

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**VILLAGE OF RICHFIELD**  
 Treasurer's Report for May 31, 2015

**BANK ACCOUNT BALANCES**

	Interest Rate	Beginning Balance April 30, 2015	Interest Earned	Ending Balance May 31, 2015
Landmark Checking Account	0.25%	\$ 1,361,048.43	\$ 275.49	\$ 1,264,711.61
LGIP General Fund	0.13%	\$ 736,968.71	\$ 80.95	\$ 737,049.66
LGIP Fire Impact Fees	0.13%	\$ 185,206.63	\$ 21.85	\$ 207,616.48
LGIP Park Impact Fees	0.13%	\$ 66,014.29	\$ 8.40	\$ 83,146.69
LGIP Tax Account	0.13%	\$ 460.89	\$ 0.05	\$ 460.94
FNB Entrepreneur Plus Account	0.05%	\$ 2,711.40	\$ 0.11	\$ 2,711.51
FNB Platinum MMD Account	0.15%	\$ 257,393.36	\$ 30.68	\$ 257,424.04
Bank Mutual MM Account	0.33%	\$ 250,949.55	\$ 73.77	\$ 251,023.32

**CERTIFICATES OF DEPOSIT**

	Purchase Date	Expiration Date	Interest Rates	Amount
First National Bank	October 31, 2014	October 31, 2015	0.35%	\$ 250,878.55
Bank Mutual	March 3, 2015	October 3, 2016	1.05%	\$ 251,588.02

\*\* All CD's are fully FDIC insured\*\*

**LETTERS OF CREDIT/PERFORMANCE BONDS/DEVELOPER GUARANTEES**

	Purchase Date	Expiration Date	Amount
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 712,650.00
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 150,000.00
NMMR Investments, No. 1 LLC	July 24, 2014	October 24, 2015	\$ 70,000.00

**PERMIT PERFORMANCE BOND**

	Held Since	Expiration Date	Amount
T-Mobile Central LLC Wireless Communication Tower	March 11, 2014	N/A	\$ 25,000.00

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

The meeting was called to order by Village President John Jeffords at 7:30 pm. A quorum of the Village Board was present. Present: Village President John Jeffords; Village Board of Trustees; Rock Brandner, Bill Collins, Dan Neu, and Sandy Voss.

Also present: Village Administrator Jim Healy, Administrative Services Coordinator KateLynn Schmitt, Village Attorney John Macy, and Village Auditor Karen Rose.

**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. REPORTS/UPDATES**

**a. Results of 2014 Financial Audit- Kerber Rose**

Karen Rose from Kerber Rose presented the findings of the financial audit for 2014.

**b. Proposed landfill at 609 Scenic Road – Village Administrator**

Village Administrator Jim Healy read aloud the Village of Richfield's prepared press release statement regarding the Scenic Pit LLC and their current status.

**5. PUBLIC COMMENTS**

Bruce McInay, 1971 Washington Street, Grafton, WI stated that the Scenic Pit LLC is listed on the Village Board agenda as a closed session item. This was a missed opportunity to discuss the scenic pit since no one has reached out to Mr. McInay in regards to a compromise or the plans in general for the pit. Mr. McInay expressed his desire to avoid litigation, and conveyed that he is available for questions.

Norb Weyer, 4054 Maple Grove spoke in regards to the Capital Improvement Plan. Mr. Weyer believes that the Village should put in street lights along STH 175 from Beechwood Industrial Court to Fairway Fields when STH 175 will be under construction in 2016. Mr. Weyer believes that street lights will help improve business in the downtown area and help increase their identity in the Village of Richfield.

Jeff Gonyo, Highway J Citizens Group, 2668 STH 164, Slinger, WI spoke in regards to 4b. the Scenic Pit, 9b. and 9c. the closed session agenda items. Mr. Gonyo asked that the Village Board read case law that states clean fill cannot cause contamination, and these clean fill facility operators do not need local approvals. Mr. Gonyo stated agenda item 9b. should be Reflections Richfield Investments LLC not Richfield Investments LLC. Mr. Gonyo believed the Village Board to be in violation of open meetings laws since the average person would not be able to reasonably determine based on the inaccurate wording that this closed session agenda item had anything to do with Reflections Village.

Danah Zoulek, 623 Amy Belle Road, stated that the Village Board originally voted for the redevelopment of 609 Scenic Road in the Comprehensive Plan. Mrs. Zoulek has tried to reach out to Village Board members to discuss the pit and has been denied on several occasions.

Roger Kuehn, 546 Jordan Circle spoke in regards to 609 Scenic Road. Mr. Kuehn would like to know exactly where the fill is coming from, and the trucking route that would be utilized to the site. Germantown is a no trucking community and Mr. Kuehn asked how they are able to regulate that but the Village of Richfield cannot.

Greg Galinsky, 4073 Hubertus Road stated that Reflections Richfield LLC. is the third developer for the Reflections Village project. Mr. Galinsky believes there should be more thought by the board in approving or

denying projects based on economic viability. Mr. Galinsky expressed concern about the Village Board thought process on walkable hamlets, ingeneral.

Gil Frank, 4156 Elmwood Road asked why the Village needs a new lawn mower. Mr. Frank stated that he believes the Village should subcontract lawn maintenance out to other companies because they could likely do it cheaper. Mr. Frank asked that more effort be made by the Village to publicize the design and placement of the new Richfield Volunteer Fire Company station.

**6. CONSENT AGENDA**

- a. **Vouchers for Payment**
- b. **Treasurer's Report**
- c. **Meeting Minutes:**
  - a. **April 16, 2015 – Regular Meeting**
- d. **New Operator Licenses**
- e. **Resolutions Honoring Eagle Scouts, R2015-5-1 thru R2015-5-4**

Motion by Trustee Voss to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from April 16th, New Operator Licenses and Resolutions honoring Eagle Scouts, R2015-5-1, R2015-5-2, R2015-5-3, R2015-5-4. Seconded by Trustee Neu; Motion carried unanimously.

**7. DISCUSSION/ACTION ITEMS**

- a. **Discussion/Action regarding the adoption of the 2016-2020 Capital Improvement Program**

Village Administrator Jim Healy gave an overview of the Capital Improvement Plan explaining the new proposed lighting the Village Board asked Staff to look into and bring back for their consideration.

President Jeffords stated that long term the Village would like to see lighting on both sides of the roads to improve safety along STH 175.

Motion by Trustee Brandner to approve the 2016-2020 Capital Improvement Plan; Seconded by Trustee Voss; Motion carried 3-1; Trustee Collins was opposed.

- b. **Discussion/Action regarding the recommendation of the Richfield Volunteer Fire Company to hire MSI General for the development of architectural plans – Fire Station No. 1, Heritage Park**

Village Administrator Jim Healy introduced Craig Coursin from MSI General.

Trustee Neu recused himself.

Craig Coursin from MSI General spoke about previous projects completed by MSI General Corporation and the scope of the work they would be completing for the Richfield Volunteer Fire Company.

Motion by Trustee Brandner to direct the Village Administrator to execute a contract with MSI General subject to the final authorization by the Village Attorney; Seconded by Trustee Voss; Motion carried unanimously.

Trustee Neu came back.

- c. **Discussion/Action regarding appointments to Boards and Commissions:**

President Jeffords made the following recommendations to the Village Board: to appoint Rob McDonald and Dan Neu to a two (2) year term on the Administrative Review Appeals Board. To appoint Del Schmechel to a three (3) year term on the Village's Architectural Review Board. To appoint Brian Gallitz and Rob McDonald as an alternate to three (3) year terms on the Village's Board of Zoning Appeals. To appoint Don Filipiak and Richard Becker to three (3) year terms on the Village's Park Commission. To appoint James Otto to a one (1) year term and Trustee

Bill Collins to a one (1) year term and Kurt Bartel and Dick Melzer to three (3) year terms on the Village's Plan Commission. To appoint Trustee Dan Neu, Bob Lalk and Tom Lechner to a one (1) year term on the Village's Capital Improvement Plan Administrative Committee.

Motion by Trustee Collins to approve the appointments as presented by Village President John Jeffords; Seconded by Trustee Neu; Motion carried unanimously.

**d. Discussion/Action regarding a one-lot/outlot extraterritorial Certified Survey Map review in the Town of Polk, Tax Key: T9\_106100D**

Motion by Trustee Brandner to approve the extraterritorial certified survey map for Walter and Karen Baehr and John R. Bernhoft Revocable Trust subject to the General Conditions of Approval listed below:

General Conditions of Approval:

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village 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. 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, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. 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 this approval.

Seconded by Trustee Voss; Motion carried unanimously.

**e. Discussion/Action regarding a two-lot extraterritorial Certified Survey Map review in the Town of Polk, Tax Key: T9\_1061 and T9\_106100C**

Motion by Trustee Collins to approve the extraterritorial certified survey map for Andrew Williams and Christen Schweitzer and Brian and Debra Wojcik, subject to the General Conditions of Approval listed below:

General Conditions of Approval:

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village 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. 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; of

for real property taxes; or for licenses, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. 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 this approval.

Seconded by Trustee Brandner; Motion carried unanimously.

**f. Discussion/Action regarding the creation of a one-lot Certified Survey Map, Tax Key: V10\_1050 and V10\_1051**

Motion by Trustee Voss to approve the certified survey map for Robert and Laura Hodgins, subject to the General Conditions of Approval listed below:

General Conditions of Approval:

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village 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. 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, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. 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 this approval.

Seconded by Trustee Neu; Motion carried unanimously.

**g. Discussion/Action regarding the creation of a one-lot Certified Survey Map, Tax Key: V10\_0486 and V10\_048700A**

Motion by Trustee Neu to deny the petition by Badger Home Builders Inc. to create a one-lot CSM with properties containing the Tax Keys: V10\_0486 and V10\_048700A; Seconded by Trustee Brandner; Motion carried unanimously.

**h. Discussion/Action regarding a potential time change for future Village Board meetings**

Motion by Trustee Collins to change future Village Board meeting times to 7:00 p.m. on the third Thursday of the month, starting August 20<sup>th</sup>, 2015; Seconded by Trustee Neu; Motion carried unanimously.

**8. PUBLIC COMMENTS (...Continued)**

No one spoke.

**9. CLOSED SESSION**

- a. **Discussion/Action to enter into closed session pursuant to Section 19.85(1)(c) of the WI Stats.,- Considering employment, promotion, compensation or performance evaluation data of any**

public employee over which the governmental body has jurisdiction or exercises responsibility –  
*Personnel, Village Public Works Laborer*

- b. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- *Richfield Investments, LLC*
- c. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- *Scenic Pit LLC*

President Jeffords read 9a. and 9c. aloud.

The Village Board was advised to not go into closed session regarding 9b. because it was improperly noticed.

Motion by Trustee Voss to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- Specifically regarding *Personnel, Village Public Works Laborer* and regarding *Scenic Pit LLC*.

#### 10. RECONVENE IN OPEN SESSION

- a. Discussion/Action regarding matters address in Closed Session as outlined above
- c. Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- *Scenic Pit LLC*

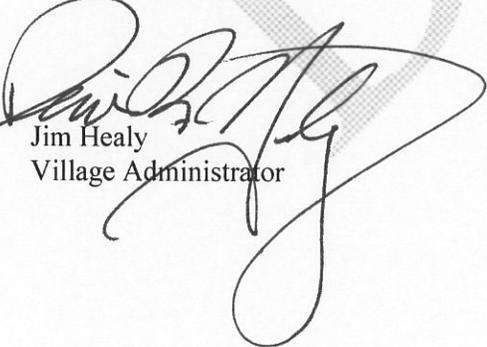
Motion by Trustee Bill Collins to reconvene in open session; Seconded by Trustee Rock Brandner; Motion carried unanimously by roll call vote.

Motion by Village President Jeffords that the Village Board authorizes the Village Attorney to take any and all action necessary including the commencement of litigation to protect the Village of Richfield if any activities are commenced at the property generally referred to as 609 Scenic Road without the issuance of all required approvals; Seconded by Trustee Brandner; Motion carried unanimously.

#### 11. ADJOURNMENT

Motion by Trustee Neu to adjourn the meeting at 10:48 pm; Seconded by Trustee Voss; Motion carried unanimously.

Respectfully Submitted,



Jim Healy  
Village Administrator

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

The meeting was called to order by Village President John Jeffords at 7:30 pm. A quorum of the Village Board was present. Present: Village President John Jeffords; Village Board of Trustees; Rock Brandner, Bill Collins, Dan Neu, and Sandy Voss.

Also present: Village Administrator Jim Healy, Administrative Services Coordinator KateLynn Schmitt and Village Attorney John Macy.

**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. CLOSED SESSION**

- a. **Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- Reflections Richfield Investments, LLC.**

President Jeffords read 4a. aloud.

Motion by Trustee Voss to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- Specifically regarding Reflection Richfield Investments, LLC.; Seconded by Trustee Neu; Motion carried unanimously by roll call vote.

**5. RECONVENE IN OPEN SESSION**

- a. **Discussion /Action to enter into closed session under Wis. Stats. 19.85(1)(g) update from 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.- Reflections Richfield Investments, LLC.**

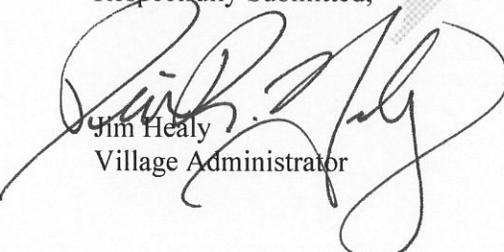
Motion by Trustee Collins to reconvene in open session; Seconded by Trustee Brandner; Motion carried unanimously by roll call vote.

Motion by Trustee Collins to support the creation of a two lot CSM proposed by Reflections Richfield Investments, LLC Development; Seconded by Trustee Brandner; Motion carried unanimously.

**6. ADJOURNMENT**

Motion by Trustee Neu to adjourn the meeting at 9:05 pm; Seconded by Trustee Voss; Motion carried unanimously.

Respectfully Submitted,

  
Jim Healy  
Village Administrator

7 d

June 18, 2015

Meeting

**New Operator Licenses**

<b>Name</b>	<b>Place of Employment</b>	<b>Course or valid license</b>	<b>Recommendation</b>
Autumn Ehlinger	Kettle Hills Golf Course	Course	Approved
Alexis Gibbon	Kettle Hills Golf Course	Course	Approved
Matthew Krueger	Pioneer Bowl/Arrowhead Golf Course	Course	Approved
Kimberly Lyskawa	Kettle Hills Golf Course	Course	Approved
Amy Elizabeth Rahlf	Sloppy Joe's	Course	Approved
Samanma Schinner	Kettle Hills Golf Course	Course	Approved
Sarah Sorensen	Fat Charlies	Course	Approved

7 e

RESOLUTION R2015-6-1

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A RESOLUTION HONORING DON WEILAND  
FOR HIS SERVICE AS A BOARD OF ZONING APPEALS MEMBER

---

WHEREAS, Don Weiland has dutifully served on the Village of Richfield's Board of Zoning Appeals for over a decade; and

WHEREAS, Don Weiland has embodied the spirit of service, hard work, and dedication to his craft during his term on the Board of Zoning Appeals; and

WHEREAS, Don Weiland has served as a representative and embodied 'judge' overseeing, preserving and protecting the Village of Richfield's Code of Ordinances; and

WHEREAS, Don Weiland has worked diligently to serve as an unbiased third party hearing cases and arguments for and against the criteria required for variance approval; and

WHEREAS, Village Board and Staff alike recognize that a Board of Zoning Appeals Member is a fundamental position to hold as it helps the Village enforce its rules and regulations therefore preserving the 'Country Way of Life' atmosphere; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Richfield, Wisconsin, that the Village Board in recognition of the significance of this meritorious achievement in public service, do formally congratulate and honor Don Weiland for his public service to the Village of Richfield.

Approved and adopted June 18, 2015.

\_\_\_\_\_  
John Jeffords, Village President

\_\_\_\_\_  
Rock Brandner, Village Trustee

\_\_\_\_\_  
Daniel Neu, Village Trustee

\_\_\_\_\_  
Sandy Voss, Village Trustee

\_\_\_\_\_  
Bill Collins, Village Trustee

ATTEST:

\_\_\_\_\_  
Jim Healy, Village Administrator

STATE OF WISCONSIN      VILLAGE OF RICHFIELD      WASHINGTON COUNTY

RESOLUTION R2015-6-2

---

A RESOLUTION HONORING VIRGIL DAWSON  
FOR HIS SERVICE AS A PARK BOARD MEMBER

---

WHEREAS, Virgil Dawson has dutifully served on the Village of Richfield's Park Board since 2013; and

WHEREAS, Virgil Dawson has embodied the spirit of service, hard work, and dedication to his craft during his term on the Park Commission; and

WHEREAS, Virgil Dawson is a resident, business owner and Park Board Member in the Village of Richfield; and

WHEREAS, Virgil Dawson has offered pertinent input regarding the development of the Village Park and trail system and the management of such; and

WHEREAS, During his time on the Park Board Virgil Dawson assisted in the development of the 2013-2018 Park Master Plan which will serve as a guide for future Park Board Members to come; and

WHEREAS, Virgil Dawson is a valued member of the community through his selfless service and contributions to the Village of Richfield as a whole; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Richfield, Wisconsin, that the Village Board in recognition of the significance of this meritorious achievement in public service, do formally congratulate and honor Virgil Dawson for his public service to the Village of Richfield.

Approved and adopted June 18, 2015.

\_\_\_\_\_  
John Jeffords, Village President

\_\_\_\_\_  
Rock Brandner, Village Trustee

\_\_\_\_\_  
Daniel Neu, Village Trustee

\_\_\_\_\_  
Sandy Voss, Village Trustee

\_\_\_\_\_  
Bill Collins, Village Trustee

ATTEST:

\_\_\_\_\_  
Jim Healy, Village Administrator

8 a



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

#8a

MEETING DATE: June 18, 2015

SUBJECT: Public Works Laborer Position  
DATE SUBMITTED: June 11, 2015  
SUBMITTED BY: KateLynn Schmitt, Administrative Services Coordinator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO AUTHORIZE STAFF TO PROCEED WITH THE ADVERTISING FOR A FULL-TIME PUBLIC WORKS LABORER POSITION?*

*ISSUE SUMMARY:*

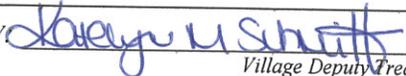
Late last month the Village was notified by Public Works Employee Dave Janzer of his intent to retire from full-time employment with the Village effective July 2016. Mr. Janzer has been employed by the Village of Richfield for the last twenty-three years, having started in 1992. It is without question that the loss of Mr. Janzer as a full-time employee will result in a major shift for the Village of Richfield. The Village has a DPW Hwy crew of two (2) that maintain approximately 156 lane miles of road. While Mr. Janzer has been with the Village twenty plus years the second full-time DPW Hwy crew employee has been with the Village only two (2). Mr. Janzer's institutional knowledge of our vast 156 miles of road and other knowledge, skills and abilities will be pertinent to retain, and it is the Village Administrator, DPW Supervisor and my hope that the transition of that knowledge might occur through succession planning practices previously used here at Village Hall with Administrative Staff.

Thankfully, Mr. Janzer has given the Village the professional courtesy of knowing his plans to retire almost a full year ahead of time. Being that is the case, from an organizational standpoint I believe it is in the best interests of the Village to immediately start our search for his replacement so that we can begin training this individual and the knowledge transfer can begin to occur.

One of the most neglected steps when it comes to succession planning is preparing for what happens *after the successor is named*. As I found out last year during my term as Administrative Services Coordinator, there is a sharp learning curve for new employees in the Village. Having the ability for this new employee to have several wise and accessible mentors, coaching from management, and be on-board trained in a feedback rich environment not only allows us to judge if the candidate is a good fit for "us" but also if we are a good fit for them.

Enclosed for your consideration is a proposed job description prepared by Public Works Supervisor Adam Schmitt. He will also be on-hand to present the needs of his department and address how the hiring of this individual will help improve service delivery to our residents and make his department more efficient and effective. The potential salary and benefit earnings for this individual would be reallocated in the 2015 Budget from the position of our former Deputy Treasurer who had a salary of approximately \$53,000 annually.

*FISCAL IMPACT:*

REVIEWED BY:   
Village Deputy Treasurer

Initial Project Costs: Variable.  
Future Ongoing Costs: Variable.  
Physical Impact (on people/space): Variable.  
Residual or Support/Overhead/Fringe Costs: Variable.

*ATTACHMENTS:*

1. DRAFT Job Announcement as prepared by Public Works Supervisor Schmitt



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

#

MEETING DATE: June 18, 2015

SUBJECT: Public Works Laborer Position

DATE SUBMITTED: June 11, 2015

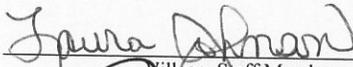
SUBMITTED BY: KateLynn Schmitt, Administrative Services Coordinator

STAFF RECOMMENDATION:

Motion to direct Staff to proceed with the hiring process for a Public Works Laborer/Operator position at a rate of no more than \$20.91/hr.

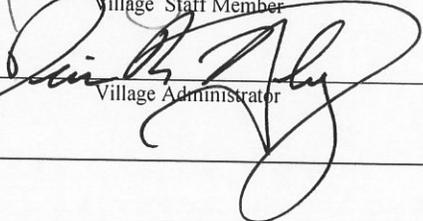
APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN

  
Village Staff Member

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

  
Village Administrator

**Position:** Public Works Operator/Laborer  
**Department:** Public Works & Parks Department  
**Date Posted:** Wednesday, July 1<sup>st</sup>, 2015  
**Application Deadline:** Friday, July 31<sup>st</sup>, 2015

**Opportunity** - Looking for an opportunity to work in a Team environment? The Public Works and Parks Department under the general direction of, and in cooperation with, the Public Works Supervisor performs a full range of responsible duties supporting the efficient operation of the municipal Parks and Public Works Systems. This is a full time position (40 hours a week). The qualified applicant must be able to perform a variety of routine and complex laborious activities year-round. Additional hours may be required during snow and ice control operations and other times of need.

This individual works closely with the Village's Public Works Supervisor to ensure that outstanding citizen service is provided throughout our community. There is frequent interaction with a variety of people, including co-workers, elected officials, other professionals and the general public.

**Minimum requirements** - This individual must have a minimum of five (5) years extensive experience operating heavy equipment; have the ability to work safely and help perpetuate a safe work environment; knowledge and experience in general construction; perform light maintenance on equipment within the department; effectively use hand and small power tools; perform concrete masonry and flat work; operate equipment utilized in parks maintenance work; identify and execute proper methods of landscaping to include pruning and trimming of trees; effectively communicate in both oral and written forms; understand and carry out oral and written direction in an independent manner or team setting; perform physical tasks involving frequent bending, lifting, carrying, pushing and pulling of weights up to and exceeding 50lbs; operate an automobile, truck, tractor, excavator, backhoe, front-end loader, skid steer, snowplow with side mounted wing and aerial lift; able to back up trucks with trailers; climb ladders; hear and distinguish various sounds, such as voices of co-workers in noisy environments; work outdoors in adverse weather conditions; hold a Commercial Driver's License (CDL) with class A and B endorsements. Must have strong desire to be an important contributor in a team environment aimed at providing Village services in the most efficient, effective and economical manner possible.

**Compensation & Benefits** - The position is an exempt, non-represented position. The starting hourly rate is \$18.50 to \$20.91 per hour depending on qualifications. Eligibility for further increases are determined on merit and budgetary approval. Besides a competitive salary, people choosing the Village of Richfield will find a very comprehensive benefit package awaiting them, including Wisconsin Retirement System, Social Security, a personal day each month, vacation and health insurance.

**How to Apply** –General application and resumes with cover letter may be submitted to:

Mr. Adam Schmitt, Public Works Supervisor  
4128 Hubertus Road  
Hubertus, WI 53033

Applications are available online at [www.richfieldwi.gov](http://www.richfieldwi.gov), or at Village Hall

Questions regarding the above listed knowledge, skills, and abilities may be directed to Mr. Adam Schmitt at (262)-628-2260 Ext. 118 or at [DPW@richfieldwi.gov](mailto:DPW@richfieldwi.gov).

**Deadline** – Applications and resumes must be submitted to Village Hall by 4PM, Friday, July 31<sup>st</sup> 2015 in order to be considered.

As a condition of employment, the intended candidate will be subject to a police background investigation, physical examination, and drug screen. Pre-employment evaluations will be conducted at the expense of the Village of Richfield. The Village of Richfield values the unique perspectives of all of our employees and encourages individuals who reflect the diversity of our community to apply. The Village of Richfield is an Equal Opportunity Employer.

8 b



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

#86

MEETING DATE: June 18, 2015

SUBJECT: Annual license and permit renewals  
DATE SUBMITTED: June 11, 2015  
SUBMITTED BY: Laura Johnson, Deputy Clerk

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO RENEW AND/OR PERMIT THE ANNUAL BUSINESS LICENSES IN THE VILLAGE?*

*ISSUE SUMMARY:*

Each year liquor, cigarette, coin operated machines, target and trapshooting licenses, and unenclosed premise permits expire on June 30. All applicants included in this packet have filled out the proper forms and paid all applicable fees.

Deputy Michael Anderson has reviewed all of the beer, wine, liquor and operator renewals, and has no reservations in granting these permits. We have one available regular license, and two reserve \$10,000 licenses still available in the Village should a new business be interested. Amici's, TCS Holding, Inc. has renewed the liquor license for the 2015-16 year. The owner would like to "hold" the license as he is in the process of selling the business. The future owner would have to apply for that particular license, once they have taken occupancy of the premise.

The unenclosed premise permits have been reviewed by the Building Inspector Joel Jaster, Lieutenant Burgard of the Richfield Volunteer Fire Company and Deputy Michael Anderson per Village ordinance. There were no reservations in granting these permits.

*FISCAL IMPACT:*

REVIEWED BY:   
Village Deputy Treasurer

Initial Project Costs: None  
Future Ongoing Costs: None  
Physical Impact (on people/space): None  
Residual or Support/Overhead/Fringe Costs: None

*ATTACHMENTS:*

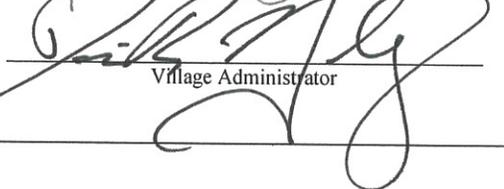
1. List of beer, wine, liquor, cigarette, coin operated, target and trapshooting licenses, and list of unenclosed premise permits
2. Applications for renewals of each
3. Letter dated June 1, 2015 from Deputy Anderson
4. Letter dated June 4, 2015 from Lieutenant Burgard
5. Email dated June 3, 2015 from Building Inspector Joel Jaster

*STAFF RECOMMENDATION:*

Motion to approve the 2015-2016 beer, wine, liquor, cigarette, coin operated, target and trapshooting licenses, and unenclosed premise permits per the attached lists.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN

  
Village Staff Member  
  
Village Administrator

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

Liquor Licenses July 1, 2015-June 30, 2016

L15-

Name	Full name of Corp, LLC, or Business	Name of Owner/Agent	Owner/Agent	Address	City	Zipcode	Type of license
1 Alpine Retreat	C&S Corporation	Stephen Petrie	Agent	1380 Friess Lake Road	Hubertus	53033	Combination "Class B"
2 Amicis Italian Ristorante	TCS Holding Inc.	Thomas Carter Schmitt	Agent	1872 Hwy 175	Richfield	53076	Combination "Class B"
3 Arrowhead Golf Course	Arrowhead Golf Course LLC	Patricia Krueger	Agent	3468 State Road 167	Richfield	53076	Combination "Class B"
4 Bilda's Friess Lake Pub	Bilda's Friess Lake Pub & Market LLC	Robert Bilda	Agent	4493 Hwy 167	Hubertus	53033	Combination "Class B"
5 Copper Dock, The	Lefflers LLC	Timothy Patrick Leffler	Agent	1474 E. Friess Lake Drive	Hubertus	53033	Combination "Class B"
6 Donna's Tap-Loew's Tavern	Donna's Tap-Loew's Tavern	Donna Loew	Owner	640 Plat Road	Colgate	53017	Combination "Class B"
7 EJ's on Bark Lake	EJ's on Bark Lake LLC	Shelly Serchen	Agent	3535 S. Shore Drive	Hubertus	53033	Combination "Class B"
8 Fat Charlie's	Fat Charlie's LLC	Sandra Burkhardt	Agent	1907 Hwy 175	Richfield	53076	Combination "Class B"
9 Fox & Hounds, The	Masters Constantineau, Inc.	Thomas J. Masters	Agent	1298 Friess Lake Road	Hubertus	53033	Combination "Class B"
10 Hairy Lemon, The	The Hairy Lemon Inc.	Hayley Shaw	Agent	2102 State Road 164	Richfield	53076	Combination "Class B"
11 Johnny Manhattan's	Cars & Bars of Wisconsin, Inc.	Nancy M. Manhattan	Agent	3718 Hubertus Road	Hubertus	53033	Combination "Class B"
12 Kettle Hills Golf Course	Zimmermann's Kettle Hills Golf Course, Ltd.	Dwight Zimmermann	Agent	3375 Hwy 167 W	Richfield	53076	Combination "Class B"
13 Logger's Park	Logger's Park LLC	John Bogues	Agent	1751 Hwy 175	Richfield	53076	Combination "Class B"
14 Olde Mill Inn	Olde Mill Inn of Richfield LLC	Robert D. Lawien	Agent	1953 Hwy 175	Richfield	53076	Combination "Class B"
15 Pioneer Bowl	Pioneer Bowl Inc.	Daniel Goetz	Agent	1801 State Road 175	Richfield	53076	Combination "Class B"
16 Sawmill Inn	GSB Management LLC	George Boggs	Agent	1729 Wolf Road	Richfield	53076	Combination "Class B"
17 Sloppy Joe's Saloon & Spoon	Integrity Investments, SJSS, LLC	Joe Hennes	Agent	3723 Hubertus Road	Hubertus	53033	Combination "Class B"
18 Sterling Chalet	At Last, LLC	Heidi Mc Kenna	Agent	2402 Hwy 175	Hubertus	53033	Combination "Class B"
19 Uncle Johnny's	Uncle Johnny's Inc.	John Bernard Gorecki	Agent	4600 Hwy Q	Colgate	53017	Combination "Class B"
20 Wally & Bees Last Stop Resort	Wally & Bee's Last Stop Resort	Ann Palmer	Agent	1571 Lake Drive	Hubertus	53033	Combination "Class B"
LA15-1 Fox Bros. Piggy Wiggly, Inc.	Fox Bros. Piggy Wiggly, Inc.	Lori M. Byom Fox	Agent	1234 Hwy 175	Hubertus	53033	Combination "Class A"
LA15-2 Richfield Liquor	Brothers Davis LLC	James Davis	Agent	1296 Hwy 175	Hubertus	53033	Combination "Class A"
LB15-1 Carol Ann's Pizza	CMB3 & L, Inc.	Debra A. Baumgartner	Agent	2935 Hubertus Road	Hubertus	53033	Class "B" Beer
LB15-2 Crossroads Restaurant	Seib Companies, Inc.	Donald Seib	Agent	3052 Hubertus Road	Hubertus	53033	Class "B" Beer
LB15-3 Daniel Boone Conservation League, Inc.	Daniel Boone Conservation League	Alan Richter	Agent	4694 Hwy 167	Hubertus	53033	Class "B" Beer
LC15-1 Crossroads Restaurant	Seib Companies, Inc.	Donald Seib	Agent	3052 Hubertus Road	Hubertus	53033	"Class C" Wine
LC15-2 Daniel Boone Conservation League, Inc.	Daniel Boone Conservation League	Alan Richter	Agent	4694 Hwy 167	Hubertus	53033	"Class C" Wine

\*Combination "Class B" is liquor and beer served

\*Combination "Class A" is liquor and beer sold in original packaging

Cigarette Licenses July 1, 2015-June 30, 2016

C15	DBA	Full name of Corp, LLC, or Business	Name of Owner/Agent	Owner/Agent	Address	City	State	Zip	OTC or Vend
	1 Country Mart	Country Mart	John Kruepkie	Agent	3051 State Road 167	Richfield	WI	53076	OTC
	2 EJ's	EJ's	Shelly Serchen	Owner	3535 S. Shore Drive	Hubertus	WI	53033	OTC
	3 Kettle Hills Golf Course	Kettle Hills Golf Course	Dwight Zimmermann	Agent	3375 Hwy 167 W	Richfield	WI	53076	OTC
	4 Lake Five Mobil LLC	Lake Five Mobil LLC	Jeff Ertl	Agent	4522 Hwy Q	Colgate	WI	53017	OTC
	5 Piggly Wiggly Supermarket	Fox Bros. Piggly Wiggly, Inc.	Lori M. Byom Fox	Agent	1234 Hwy 175	Hubertus	WI	53033	OTC
	6 Pioneer Bowl	Pioneer Bowl	Daniel Goetz	Agent	1801 State Road 175	Hubertus	WI	53033	OTC
	7 Richfield Liquor	Brothers Davis LLC	James Davis	Agent	1296 Hwy 175	Richfield	WI	53076	OTC
	8 Truckers & Travelors	Truckers & Travelors, Ltd	Mike McLean	Agent	2900 State Hwy 167	Richfield	WI	53076	OTC
	9 Wally & Bees Last Stop Resort	Wally & Bees Last Stop Resort	Ann Palmer	Agent	1571 Lake Drive	Hubertus	WI	53033	OTC
	10 Citgo	1306 Highway 175 Enterprises Hubertus, Inc.	David Schwartz	Agent	1306 State Road 175	Hubertus	WI	53033	OTC

Unenclosed Premise Permit July 1, 2015 - June 30, 2016  
U15

DBA	Full name of Corp, LLC, or Business	Name of Owner/Agent	Address	City	State	Zip
1 Arrowhead Golf Course	Arrowhead Golf Course, LLC	Patricia Krueger	3468 State Road 167	Richfield	WI	53076
2 Bilda's Friess Lake Pub	Bilda's Friess Lake Pub & Market LLC	Robert Bilda	4493 Hwy 167	Hubertus	WI	53033
3 Copper Dock, The	Lefflers, LLC	Timothy Patrick Leffler	1474 E. Friess Lake Drive	Hubertus	WI	53076
4 Daniel Boone Conservation League, Inc.	Daniel Boone Conservation League, Inc.	Mary Susan Diedrich	4694 Hwy 167	Hubertus	WI	53076
5 EJ's	EJ's	Shelly Serchen	3535 S. Shore Drive	Hubertus	WI	53076
6 Fox & Hounds, The	Masters Constantineau, LLC	Thomas J. Masters	1298 Friess Lake Road	Hubertus	WI	53033
7 Hairy Lemon	The Hairy Lemon Inc.	Hayley Shaw	2102 Hwy 164	Richfield	WI	53076
8 Johnny Manhattan's	Cars & Bars of Wisconsin, Inc.	Nancy M. Manhattan	3718 Hubertus Road	Hubertus	WI	53033
9 Kettle Hills Golf Course	Kettle Hills Golf Course	Dwight Zimmermann	3375 Hwy 167 W	Richfield	WI	53033
10 Logger's Park	Logger's Park	John Bogues	1751 Hwy 175	Richfield	WI	53033
11 Olde Mill Inn	Olde Mill Inn of Richfield, LLC	Robert D. Lawien	1953 Hwy 175	Richfield	WI	53033
12 Pioneer Bowl	Pioneer Bowl	Daniel Goetz	1801 State Road 175	Richfield	WI	53033
13 Sawmill Inn	GSB Management, LLC	George Boggs	1729 Wolf Road	Richfield	WI	53076
14 Sloppy Joe's Saloon & Spoon	Integrity Investments, SJSS, LLC	Joe Hennes	3723 Hubertus Road	Hubertus	WI	53076
15 Sterling Chalet	At Last, LLC	Heidi Mc Kenna	1271 Hwy 175	Hubertus	WI	53033
16 Uncle Johnnys	Uncle Johnnys	John Gorecki	4600 Hwy Q	Colgate	WI	53017

Coin Operated Machine Licenses July 1, 2015-June 30, 2016

V15

	<b>DBA</b>	<b>Full name of Corp, LLC, or Business</b>	<b>Name of Owner/Agent</b>	<b>Address</b>	<b>City</b>	<b># of Machines</b>
1	Alpine Retreat	C&S Corporation	Stephen Petrie	1380 Friess Lake Road	Hubertus	3
2	Arrowhead Golf Course	Arrowhead Golf Course, LLC	Patricia Krueger	3468 State Road 167	Richfield	3
3	Donna's Tap-Loew's Tavern	Donna's Tap-Loew's Tavern	Donna Loew	640 Plat Road	Colgate	5
4	EJ's	EJ's	Shelly Serchen	3535 S. Shore Drive	Hubertus	8
5	Fat Charlie's	Fat Charlie's, LLC	Sandra Burkhardt	1907 Hwy 175	Richfield	9
6	Hairy Lemon, The	The Hairy Lemon Inc.	Hayley Shaw	2102 State Road 164	Richfield	7
7	Logger's Park	Logger's Park, LLC	John Bogues	1751 Hwy 175	Hubertus	3
8	Olde Mill Inn	Olde Mill Inn of Richfield, LLC	Robert D. Lawien	1953 Hwy 175	Richfield	9
9	Piggly Wiggly Supermarket	Fox Bros. Piggly Wiggly, Inc.	Lori M. Byom Fox	1234 Hwy 175	Hubertus	1
10	Pioneer Bowl	Pioneer Bowl	Daniel Goetz	1801 State Road 175	Richfield	19
11	Sloppy Joe's Saloon & Spoon	Integrity Investments, SJSS,LLC	Joe Hennes	3723 Hubertus Road	Hubertus	2
12	Truckers & Travelors	Truckers & Travelors	Mike McLean	2900 Hwy 167 W	Richfield	3
13	Truckers & Travelers Plaza	Truckers Oasis	Georgios Dalamaugas	2900 State Road	Richfield	7
14	Uncle Johnny's	Uncle Johnny's	John Bernard Gorecki	4600 Hwy Q	Colgate	11
15	Wally & Bees Last Stop Resort	Wally & Bees Last Stop Resort	Ann Palmer	1571 Lake Drive	Hubertus	7
16	Cabela's	Cabela's	Dacia Donaldson	One Cabela Way	Richfield	4

Target and Trapshooting Licenses July 1, 2015-June 30, 2016

T15-

<b>DBA</b>	<b>Full name of Corp, LLC, or Business</b>	<b>Name of Owner/Agent</b>	<b>Owner/Agent</b>	<b>Address</b>	<b>City</b>
1 Daniel Boone Conservation Leaugue	Daniel Boone Conservation Leaugue	Alan Richter	Applicant	4694 State Hwy 167	Hubertus
2 YMCA Camp Minikani	YMCA Metropolitan Milwaukee	Tom Cramer	Applicant	875 Amy Belle Road	Hubertus
3 The Range of Richfield	The Range of Richfield	James Babiasz	Applicant	3026 Helsan Drive	Richfield

8 c



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

# 8c

MEETING DATE: June 18, 2015

SUBJECT: Picnic Licensing  
DATE SUBMITTED: June 11, 2015  
SUBMITTED BY: Jim Healy, Village Administrator

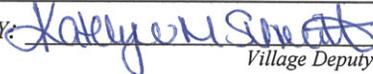
*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE PICNIC LICENSES FOR THE VARIOUS COMMUNITY GATHERINGS IN 2015?*

*ISSUE SUMMARY:*

Pursuant to Section 110-3, Class "B" picnic licenses are required to be approved by the Village Board. This year we received applications for the following events:

- Richfield Volunteer Fire Company – Richfield Days
- Richfield Days Parade – Richfield Day Parade Fish Fry
- Richfield Historical Society – Richfield Art at the Mill
- Richfield Historical Society – Vintage Baseball and Car Show
- Friess Lake Advancement Association – Fall County Flea Market

*FISCAL IMPACT:*

REVIEWED BY:   
Village Deputy Treasurer

Initial Project Costs: None  
Future Ongoing Costs: None  
Physical Impact (on people/space): Community events  
Residual or Support/Overhead/Fringe Costs: None

*ATTACHMENTS:*

1. Class "B" Picnic License Applications (5)
2. Village Code, Section 110-3(C) – Licenses

*STAFF RECOMMENDATION:*

Motion to approve the petitioned Class "B" picnic licenses for the Richfield Volunteer Fire Company, Richfield Days Parade Committee, Richfield Historical Society and Friess Lake Advancement Association as outlined in their respective applications.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN

  
Village Staff Member  
  
Village Administrator

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

Village of Richfield, WI  
Friday, June 5, 2015

## Chapter 110. Alcohol Provisions and Licensing

### § 110-3. Licenses.

[Amended 7-21-2011 by Ord. No. 2011-7-2<sup>[1]</sup>]

- A. Required. Licenses and permits may be issued by the Village Clerk or designee under the authority of the governing body after payment of the appropriate fees and satisfaction of all conditions, which when so issued shall permit the holder to sell, deal or traffic in alcoholic beverages as provided in Ch. 125, Wis. Stats.
- B. Fees. The license fees shall be set by the Village fee schedule.
- C. Types of licenses.
  - (1) There shall be the following classes and denominations of licenses which, when issued by the Village Clerk or designee under the authority of the Village Board after payment of the fee specified in the Village fee schedule, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in §§ 125.17, 125.25, 125.26, 125.28 (1) and (2) and 125.51(2), (3) and (3m), Wis. Stats.:
    - (a) Class "A" fermented malt beverages license: fee for less than 12 months shall be prorated.
    - (b) Class "B" fermented malt beverages license: fee for less than 12 months shall be prorated.
    - (c) Class "B" picnic license under § 125.26(6), Wis. Stats.
    - (d) "Class A" intoxicating liquor license: fee for less than 12 months shall be prorated.
    - (e) "Class B" intoxicating liquor license: fee for less than 12 months shall be prorated.
    - (f) Reserve "Class B" liquor license.
    - (g) "Class C" wine license: fee for less than 12 months shall be prorated.
    - (h) Provisional retail license.
    - (i) Operator's license. The license shall be nonrefundable if the license is not issued.
    - (j) Provisional operator's license.
    - (k) Temporary operator's license.
  - (2) A license may be issued on or after July 1 in any license year. The license shall expire on the following June 30. Licenses valid for six months may be issued at any time. The fee for the license shall be 50% of the annual license fee. The license may not be renewed during the calendar year in which it is issued.
  - (3)

License fees shall be established by resolution by the Village Board from time to time and added to the comprehensive fee schedule.

- D. Conditions and restrictions. In addition to the requirements imposed by the statutes adopted by reference in § 110-1, the following conditions and restrictions shall apply to the issuance of licenses or permits pursuant to this chapter:
- (1) Review prior to approval. No license or permit shall be issued to any person, officer, or director of a corporation unless the application therefor shall first have been reviewed.
  - (2) Tax delinquencies. No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the Village are unpaid.
  - (3) No license or permit provided for in this chapter shall be issued without the approval of the Village Board.
  - (4) Health and sanitation. No license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the Department of Safety and Professional Services, State Department of Health Services, and all such ordinances and regulations adopted by the Village.
  - (5) Safety and sanitation requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
  - (6) Posting required. Licenses or permits issued under this chapter shall be posted and displayed as provided in § 125.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.
  - (7) Search of licensed premises. It shall be a condition of any license issued under this chapter that the licensed premises may be entered and inspected at any reasonable hour by any law enforcement officer or other authorized officer of the Village without any warrant, and the application for a license under this chapter shall be deemed a consent to this subsection. Any refusal to permit such inspection shall be deemed a violation of this chapter.
  - (8) Disorderly conduct. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
  - (9) Wearing apparel. All persons involved in the operation of any licensed premises under this chapter, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:
    - (a) The costume, uniform, or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform, or attire must be of nontransparent material and completely cover the mons pubis, genitals and the buttocks at all times.
    - (b) The costume, uniform, or attire of any male shall be of nontransparent material and must completely cover the pubic area, genitals, and buttocks at all times.
  - (10) Effect of revocation of license. No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this chapter revoked within 12 months prior to application.

- (11) Violation by agents or employees. A violation of this chapter by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.
  - (12) Transfer of license. No license shall be transferable from person to person, except as provided by § 125.04(12)(b), Wis. Stats., or from place to place, except as provided in § 125.04(12)(a), Wis. Stats.
  - (13) Revocation for failure to pay fee. If a license or permit is approved under this chapter and the required fee is not paid within 60 days after the date of approval, such failure to pay shall be grounds for denial, suspension, revocation, or nonrenewal of the approval of the license or permit in accordance with the provisions of this chapter and the laws of Wisconsin.
  - (14) After-hours consumption prohibited. Consumption of alcohol beverages by any person, including any employee, on a licensed premises during hours when the premises are not open for business is prohibited.
  - (15) Nonuse of license. If a license or permit issued under this chapter is not used within 60 days after its issuance, or its usage is discontinued for a period of 60 days or more, such nonuse shall be grounds for denial, suspension, revocation or nonrenewal of the license or permit in accordance with the provisions of this chapter and the laws of Wisconsin.
- E. Retail "Class B" liquor license quota. The number of persons and places that may be granted a retail "Class B" liquor license under this chapter is limited as provided in § 125.51(4), Wis. Stats.
- F. Revocation, suspension, and refusal to renew.
- (1) Procedure. The provisions of § 125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this chapter. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
  - (2) Repossession. Whenever any license under this chapter shall be revoked or suspended pursuant to this section, it shall be the duty of the Village Clerk or designee to notify the licensee of such suspension or revocation and to notify the Washington County Sheriff's Department, who shall take physical possession of the license wherever it may be found and file it in the Village Clerk's office.
  - (3) Effect of revocation. Whenever any license shall be revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.
- G. Operator's license.
- (1) Procedure upon application.
    - (a) The Village Board may issue an operator's license, which license shall be granted only upon application, in writing, on forms to be obtained from the Village Clerk's office only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the Village.
    - (b) All applications are subject to a background check by a licensing committee, comprised of the Village Clerk or designee, the Village President or his or her designee and the Washington County Sheriff's Deputy, to determine whether the applicant complies with all regulations, ordinances and laws applicable thereto. These authorities may conduct an investigation of the applicant, including but not limited to requesting information from the state, surrounding municipalities and/or any community where the applicant has

previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the authorities may recommend denial.

- (2) Duration. Operators' licenses issued under the provisions of § 110-1 shall be valid for a period of one year and shall expire on June 30 each year.
  - (3) Issuance or denial of operator's license.
    - (a) After the Village licensing committee has recommended approval of the granting of an operator's license and the Village Board has approved the granting of an operator's license at a regular or special Village Board meeting, the Village Clerk or designee shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
    - (b) If the application is recommended for denial by the Village licensing committee, and the Village Board denies the license at a regular or special Village Board meeting, the Village Clerk or designee shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request a reconsideration of the application by the Village Board. A request for reconsideration must be made, in writing, to the Village Clerk or designee within 30 days, or the opportunity for reconsideration and appeal shall be waived. Upon receipt of a timely request, the Village Clerk or designee shall provide notice of the reconsideration hearing by registered mail to, or served upon, the applicant at least 10 days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
    - (c) If, upon reconsideration, the Board denies the application, the Village Clerk or designee shall notify the applicant, in writing, of the reasons therefor.
    - (d) Consideration for the granting or denial of a license will be based on:
      - [1] Arrest and conviction record of the applicant, subject to the limitations imposed by §§ 111.321, 111.322 and 111.335, Wis. Stats.
      - [2] The appropriateness of the location and the premises where the licensed business is to be conducted.
    - (e) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
  - (4) Display of license. Each license issued under the provisions of this subsection shall be posted on the premises whenever the operator dispenses beverages.
  - (5) Revocation of operator's license. Violation of any of the terms or provisions of the state law or of this chapter relating to operators' licenses by any person holding such operator's license shall be cause for revocation of the license.
- H. Provisional license. A provisional operator's license may be issued by the Village Clerk or designee in accordance with § 125.17(5), Wis. Stats.<sup>[2]</sup>
- [2]: *Editor's Note: Original § 6.03A, Closing hours, as amended 1-19-2012 by Ord. No. 2012-1-2, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 6.04, Nonintoxicating beverages, was repealed 4-18-2013 by Ord. No. 2013-4-3.*
- [1]: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

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VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

# 8d.

MEETING DATE: June 18, 2015

SUBJECT: Annual Operator License renewals  
DATE SUBMITTED: June 11, 2015  
SUBMITTED BY: Laura Johnson, Deputy Clerk

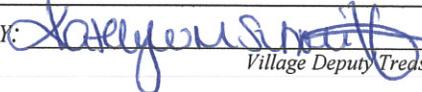
*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE 2015-2016 OPERATOR LICENSES RENEWALS?*

*ISSUE SUMMARY:*

Each year operator licenses expire on June 30. All applicants included in this packet have filled out the proper forms and paid all applicable fees.

Deputy Michael Anderson has reviewed the renewals, and has no reservations in granting any of these licenses.

*FISCAL IMPACT:*

REVIEWED BY:   
Village Deputy Treasurer

Initial Project Costs: None  
Future Ongoing Costs: None  
Physical Impact (on people/space): None  
Residual or Support/Overhead/Fringe Costs: None

*ATTACHMENTS:*

- 1. List of operator licenses to be renewed
- 2. Applications of renewals

*STAFF RECOMMENDATION:*

Motion to approve the 2015-2016 operator licenses renewals per the attached list.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN

  
Village Staff Member

  
Village Administrator

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

R2015	Last Name	First Name	R2015	Last Name	First Name	R2015	Last Name	First Name	R2015	Last Name	First Name
1	Edelblute	John	36	Fait	Richard	71	Goetz	Jean	106	Hartfield	Thomas
2	Menos	Tammy	37	Mueller	Mallory	72	Graff	Meghan	107	Waldhart	Rachel
3	Baier	Linda	38	Scherger	Kathryn	73	Zimpelman	David	108	Behrens	Sydney
4	Acheson	Lindsay	39	Kennard	Michael	74	Martin	Debra	109	Barth	Robert
5	Krueger	Joel	40	Shimetz	Lynn	75	Wolff	Kim	110	Buehler	Scott
6	Schneiter	Daniel	41	Elder	Richard	76	Marino	Judy	111	Scheibe, Jr.	Robert
7	Koch	Sally	42	Reinsvold	Elizabeth	77	Thomson	Jane	112	Seibert	Steven
8	Staub	Cara	43	Pongratic	Fred	78	Cramer	Linda	113	Schopp	Hallie
9	Vigo	Ronald	44	Bahr	Kraig	79	McLees	Randy	114	Maynard	Cortney
10	Liebrecht	Nancy	45	Becker	Andrea	80	Goetz	Richard	115	Johnson	Daryl
11	Peters	Hannah	46	Kulas	Katherine	81	Hewitt	Jamie			
12	Nehs	Patricia	47	Golner	Henry	82	Juarez	Samantha			
13	Gramling	Anna	48	Kazmierski	Mark	83	Schmidt	Derek			
14	Settje	Julia	49	Lay	Christopher	84	Rose	Lori			
15	Mick	Peter	50	Turkal	Jeffery	85	Moegenburg	Kathryn			
16	Schroeder	Peter	51	Diedrich	Mary Susan	86	Wanta	Melissa			
17	Biswell	Rosemary	52	Sommerfelt	Richard	87	Poppy	Jeremiah			
18	Newman	Laurie	53	Kubichek	John	88	Sandoval	Steven			
19	Lawien	Joel	54	Lache	Thomas	89	Rofritz	Bonnie			
20	Garvey	Amy	55	Pharris	Jeffrey	90	Hallett	Kelly			
21	Masters	Shane	56	Weyer	Dawn	91	Nelson	Teresa			
22	Palmer	Andrew	57	Selig	Timothy	92	Atkielski	Jennifer			
23	Suminski	Eric	58	Sweeney	Steven	93	O'Rourke	Richelle			
24	Olson	Robert	59	Richter	Alan	94	Cole	Christine			
25	Fecteau	Marissa	60	Sweet	Ann	95	Davis	Geoff			
26	Schultz	Brenda	61	Hacker	Alicia	96	Nemacheck	Lynn			
27	**Wick**	Rachael	62	LaPine	Lisa	97	Perales	Patricia			
28	Burdick	Cindy	63	Gorecki	Harry	98	Meese	Wendy			
29	Rosploch	Susan	64	Hauke-Friday	Kim	99	Muth	Charlotte			
30	Dorn	Lois	65	Wiegand	Cheryl	100	Wiesner	Charlene			
31	Dubey	Hannah	66	DeCaluwe	Margo	101	Nytes	Patricia			
32	Kohler	Katherine	67	Rossi	Andrea	102	Brehmer	Rebecca			
33	Mueller	Jacob	68	Roark	Shannon	103	Schmitt	Darryl			
34	Mack	Garrett	69	Justman	Jaimi	104	Peretto-Knaul	Deborah			
35	Courtemanche	Laura	70	Jones	Charles	105	Kucharski	Dana			

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# July Village Board Meeting

July 23, 2015

At 7:30 P.M.

10

CLOSED SESSION