

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes November 16, 2017**  
**7:00 pm**

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

The meeting was called to order by President John Jeffords at 7:00 pm. A quorum of the Village Board was present.

Present: Village Board of Trustees; Bill Collins, Rock Brandner, Dan Neu and Tom Wolff.

Also present: Village Administrator Jim Healy and Deputy Clerk Cox

**2. Verification of Compliance with Open Meeting Law**

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

**3. Pledge of Allegiance**

**4. Public Hearing**

- a. 2018 Village Budget
- b. Discussion/Action regarding Resolution No. R2017-11-01, a Resolution adopting the 2018 Village Budget

Motion by Trustee Neu to open the Public Hearing at 7:15 pm; Seconded by Trustee Wolff ; Motion carried unanimously.

Administrator Healy provided a synopsis of the 2018 proposed budget.

President Jeffords spoke about road improvements.

Jeff Gonyo, 2668 STH 164, Highway J Citizens Group, Polk. Mr. Gonyo stated the Village was wastefully spending on legal fees regarding Scenic Pit, double billing with different law firms and insurance attorney. Mr. Gonyo expressed his dissatisfaction with the time it takes to turn-around open records requests.

Ms. Danah Zoulek, 609 Scenic Pit Rd., Ms. Zoulek stated that she was very frustrated with the process and high fees as it relates to Open Records requests. Ms. Zoulek questioned what she believed to be excessive spending on litigation for resident Patrick Whitcomb. Ms. Zoulek commented that if there wasn't enough money in the budget for road repairs then the Village should consider to stop spending it on litigation.

Motion by Collins to close the Public Hearing; Seconded by Trustee Brandner; Motion carried unanimously.

Motion by Trustee Wolff to adopt Resolution No. R2017-11-01, a Resolution adopting the 2018 Village Budget as published in the West Bend Daily News 'Notice of Public Hearing' for the Village of Richfield; Seconded by Trustee Neu; Motion carried unanimously by voice vote.

**5. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding reports and discussion/action items on the agenda, only. Public comments**

**Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Village Board Meeting Minutes November 16, 2017  
7:00 pm**

**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.)**

Jeff Gonyo, 2668 STH 164, Highway J Citizens Group, Polk. (related to items 9b & 9c on the agenda) Mr. Gonyo commented that the Village has lost twice against Scenic Pit, LLC. and advises them to give it up and quit spending taxpayer dollars. Mr. Gonyo stated that Administrator Healy should be fired and that if the Board didn't do that – then they should reconvene and fire themselves.

Ms. Danah Zoulek, 609 Scenic Rd. (related to item 9b on the agenda) Ms. Zoulek questioned the Board as to when the litigation would be over and asked that they use reasonable behavior.

Patrick Whitcomb, 1332 Scenic Rd. Mr. Whitcomb advised the Board that the \$129k dollars the Village is trying to recoup and garnish from his wages will not ever happen, that he will fight to make sure of it.

Paul Craig, 501 Scenic Rd. (related to items 9b & 9c on the agenda) Mr. Craig thanked the Board for all that they have done regarding Scenic Pit and thanked Mr. Healy and staff for always being so respectful and courteous.

## **6. CONSENT AGENDA**

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
  - i. October 19, 2017 – Regular Meeting; ii. October 18, 2017 – Special Meeting; iii. October 13, 2017 – Special Meeting
- d. Operator Licenses

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, Minutes of the October 13<sup>th</sup> and October 18<sup>th</sup> Special Village Board meetings, Minutes of the October 19<sup>th</sup>, 2017 Regular Village Board meeting and Operators Licenses per the attached list; Seconded by Trustee Neu; Motion carried unanimously.

## **7. DISCUSSION/ACTION ITEMS**

- a. **Discussion/Action regarding a petitioned Conditional Use Permit application for the property located at, 3660 County Line Road Q (Tax Key: V10\_1356) for the installation of a ground mounted solar panel array pursuant to Sect. 70.241(E)(2)**

Motion by Trustee Brandner to approve the proposed Conditional Use Permit for a ground-mounted solar panel array for Ms. Joy Zastrow-Mulcahy on behalf of the property owner Joy J Zastrow Mulcahy Family Trust for the property located at, 3660 CTH Q (Tax Key: V10\_1356) subject to the terms and conditions contained therein; Seconded by Trustee Collins; Motion carried unanimously.

Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Village Board Meeting Minutes November 16, 2017  
7:00 pm

- b. Discussion/Action regarding a Three-Lot CSM for properties at 4982 Lakeview Ave. (Tax Key: V10\_0546), 4978 Lakeview Ave. (Tax Key: V10\_0547), and 4974 Lakeview Ave. (Tax Key: V10\_0548)

Motion by Trustee Neu to accept the recommendation of the Plan Commission for the approval of the proposed (3) Three-Lot CSM, for properties identified by Tax Keys V10\_0546, V10\_0547, and V10\_0548, subject to the Specific Conditions and General Conditions of Approval listed below which must be satisfied before the CSM is released for recording by Washington County.

**Specific Conditions of Approval:**

1. ADD the following language to the CSM:
  - “Various buildings and other improvements existed on the subject property on the date of the survey which may or may not comply with the Village’s Zoning regulations in effect on the date the Village Board approved this CSM. Approval of this CSM does not waive any zoning requirement. Therefore, all building, improvements, and uses are subject to applicable zoning regulations that are in effect.”
  - “Any land below the ordinary high-water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1, of the State Constitution”.
  - “Lot 1, Lot 2, and Lot 3 are substandard lots and were approved by the Village of Richfield under authority of 330-11-1 of the Village of Richfield Code of Ordinances. Such parcel shall comply with all applicable regulations relating to legal nonconforming lots which may now exist or which may be established by the Village of Richfield.”
  - “Lot 1, Lot 2, and Lot 3 contain structures that do not comply with the setback requirements in the Village’s zoning regulations in effect on the date this certified survey map was approved by the Village of Richfield. Such structures shall comply with all applicable regulations relating to legal nonconforming structures which may now exist or which may be established by the Village of Richfield”.
2. DELETE existing lot lines from the CSM.
3. ADD the measurement between any structure and lot line which does not meet the Village’s Code of Ordinances.

**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.

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes November 16, 2017**  
**7:00 pm**

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 Brandner; Motion carried 4-0-1.

Trustee Wolff Recused himself because he was related to a property owner.

**c. Discussion/Action regarding Ordinance 2017-11-01, An Ordinance relating to the collection and payment of State and County taxes**

Village Attorney John Macy advised the Board that this Ordinance meets the State requirement.

Motion by Trustee Brandner to adopt Ordinance No. O2017-11-01, An Ordinance relating to the Collection of State and County Taxes by the Village Treasurer; Seconded by Trustee Neu; Motion carried unanimously.

**d. Discussion/Action regarding a reduction in the Letter of Credit for Bark Lake Estates**

Motion by Trustee Wolff to direct the Village Staff to authorize a reduction in the established Letter of Credit from \$248,138 to \$185,738 subject to the final review and approval by the Village Engineer and Village Attorney; Seconded by Trustee Neu; Motion carried unanimously.

**EDITORS NOTE:** Administrator Healy read an email requesting the Developer pay all outstanding Engineering/Planner fees before reduction.

**e. Discussion/Action regarding a reduction in the Letter of Credit for Bridlewood Estates**

Motion by Trustee Neu to direct the Village Staff to authorize a reduction in the established Letter of Credit from \$560,075 to \$135,487.50 subject to the final review and approval by the Village Engineer and Village Attorney; Seconded by Trustee Collins; Motion carried unanimously.

8. **PUBLIC COMMENTS** - No additional Comments

**9. CLOSED SESSION**

- a. **Discussion/Action to enter into Closed Session under Wis. Stats. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whether competitive or bargaining reasons require a Closed Session – Specifically: *Transfer of two (2) miles of***

*CTH CC to the Village & 0.5 miles of Pioneer Road from STH 175 east to Washington County*

- b. **Discussion /Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategies to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically: *Scenic Pit, LLC. v. Village of Richfield and Jim Healy Circuit Court No. 2015CV374***
- c. **Discussion/Action to enter into Closed Session pursuant to Section 19.85(1)(c) of the Wis Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. – Specifically: *Village Administrator***

Motion by Trustee Collins to enter into Closed Session at 8:20 PM; Seconded by Trustee Brandner; Motion carried unanimously by voice vote.

**10. RECONVENE IN OPEN SESSION**

Motion by Trustee Wolff to Reconvene in Open Session at 10:50 PM; Seconded by Trustee Neu; Motion passed by voice vote.

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

In consideration of the transfer of additional roadway of approximately 2.0 miles of County Trunk Highway "CC" from the Northwest corner of the Village of Richfield (Approximately 1 mile south of County Trunk Highway "E") south to State Highway "167" from the County Trunk Highway System to the Village System the Village will receive 1) a lump-sum cash amount of \$250,000, 2) Traffic-bond shoulder improvements along the 2.0 miles of County Trunk Highway "CC" on the designated right-of-way in the north-south travel lanes, 3) Crack-filling along the 2.0 miles of County Trunk Highway "CC", 4) Pea-gravel seal coating along the 2.0 miles of County Trunk Highway "CC", and 5) Traffic line painting along the 2.0 miles of County Trunk Highway "CC". In turn, the Village will transfer approximately 0.50 miles of Pioneer Road from STH 175 to Mayfield Road, unimproved.

Motion by Trustee Wolff to approve Resolution No R2017-11-02, A Resolution regarding a jurisdictional transfer of road between Washington County and the Village of Richfield; Seconded by Trustee Collins; Motion carries 3-1-1.

Trustee Brandner Recused himself due to his position of County Supervisor.

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

No Action Taken.

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes November 16, 2017**  
**7:00 pm**

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

Motion by Trustee Collins to approve the performance evaluation and contract for Village Administrator Jim Healy for a term of three (3) years; Seconded by Trustee Wolff; motion carried unanimously.

**11. ADJOURNMENT**

Motion by Trustee Wolff to adjourn the meeting at 10:53 PM; Seconded by Trustee Brandner; Motion carried unanimously.

Respectfully Submitted,

Jim Healy  
Village Administrator