

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes May 17, 2018
7:00 pm

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:01 PM. A quorum of the Village Board was present. Present: Village Board of Trustees; Bill Collins, Tom Wolff, Dan Neu and Rock Brandner.

Also present: Village Administrator Jim Healy and Deputy Clerk Donna Cox

2. Verification of Compliance with Open Meeting Law

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

3. Pledge of Allegiance

4. PUBLIC COMMENTS: None

5. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer's Report
- c. New Operator License Application
- d. Change of Agent Application for Fat Charlies
- e. Picnic License – Richfield Historical Society
- f. Change Order – Richfield Historical Society, Messer/Mayer Mill
- g. Meeting Minutes
 - i. April 19, 2018 – Regular Meeting

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, Operator License Applications per the attached list, Application for Change of Agent for business; Fat Charlies, Application for Picnic License for Richfield Historical Society Art at the Mill Event being held on July 28, 2018, Change Order for Richfield Historical Society Messer / Mayer Mill and Minutes of the April 19, 2018 regular meeting; Seconded by Trustee Neu; Motion carried without objection.

6. DISCUSSION/ACTION

a. Discussion/Action regarding Appointments to Boards and Commissions:

- | | |
|--------------------------------------|--|
| 1. Architectural Review Board | 3. Park Commission |
| 2. Board of Zoning Appeals | 4. Plan Commission |
| | 5. CIP Administrative Committee |

1. Motion by Trustee Collins to appoint Mr. Bruce Gibb to a three (3) year term on the Village's Architectural Review Board with the term ending in 2021. Seconded by Trustee Wolff; Motion carried without objection.

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2. Motion by Trustee Neu to appoint Mr. Brian Gallitz and Mr. Gerald Wold each to a three (3) year term on the Village's Board of Zoning Appeals with the terms ending in 2021. Seconded by Trustee Brandner; Motion carried without objection.
3. Motion by Trustee Wolff to appoint Mr. Don Filiplak and Mr. Richard Becker each to a three (3) year term on the Village's Park Commission with the terms ending in 2021. Seconded by Trustee Collins; Motion carried without objection.
4. Motion by Trustee Brandner to appoint Mr. James Otto as Chair to a one (1) year term as Plan Commission Chairman and to appoint Village Trustee Bill Collins to a one (1) year term as Village Board Representative, with both terms ending in 2019. In addition to appoint Mr. Kurt Bartel and Mr. Dick Melzer to a three (3) year term on the Village's Plan Commission with these terms ending in 2021. Seconded by Trustee Neu; Motion passed 4-0-1, Trustee Collins abstained.
5. Motion by Trustee Wolff to appoint President John Jeffords, Trustee Neu and Committee Members Bob Lalk and Tom Lechner each to a one (1) year term on the Capital Improvement Program Administrative Committee, with these terms ending in 2019. Seconded by Trustee Brandner; Motion passed 4-0-1, Trustee Neu abstained.

b. Discussion/Action regarding KT Kayak Rentals at Wild Marsh Landing

Motion by Trustee Collins to accept the recommendation of the Park Commission to form a public/private partnership with KT Kayak Rentals to operate business activities from the Wild Marsh Landing, subject to the review and approval of a proposed contractual agreement by the Village President and Village Attorney and the requirement to add Village of Richfield as an insured and for the applicant to complete a Home Occupancy Application for permit. Seconded by Trustee Wolff; Motion carried without objection.

- c. **Discussion/Action regarding a petition to rezone a portion of property identified by Tax Key: V10_008800D from A-1, Exclusive Agricultural District to Rs-1, Country Estates District Ordinance 2018-05-01.**

Item 6 C was withdrawn from the Agenda. No Action.

- d. **Discussion/Action regarding a petition to rezone property identified by Tax Key: V10_091800C, as Rs-2, Single Family Residential District, property identified by Tax Key: V10_0918 as A-1, Exclusive Agricultural District and property identified by Tax Key: V10_091900B as Rs-1, Country Estates District, property identified by Tax Key: V10_091900A as Rs-1, Country Estates District – Ordinance 2018-05-02.**

Motion by Trustee Collins to approve the proposed Rezoning for properties identified in Ordinance 2018-05-02 by Tax Keys V10_091800C, V10_0918, V10_091900B, and V10_091900A, subject to the General Conditions of Approval listed below:

General Conditions of Approval:

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

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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.

1. 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.
2. 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 without objection.

e. Discussion/Action regarding a proposed Four-Lot CSM for properties identified by Tax Keys: V10_091800C, V10_0918, V10_091900B and V10_091900A.

Motion by Trustee Wolff to approve the proposed four-lot CSM, for properties identified by Tax Keys V10_091800C, V10_0918, V10_091900B, and V10_091900A, subject to the General Conditions of Approval listed below which must be satisfied before the CSM is released for recording by Washington County.

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

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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 without objection.

f. Discussion/Action regarding a petitioned Ordinance amendment to Section 70.196(G)(5) and Section 70.196(G)(6), entitled Rd-2, Two-Family Residential District – Ordinance 2018-05-03.

Motion by Trustee Neu to approve Ordinance 2018-05-03, an Ordinance amending Sections 70.196(G)(5) and 70.196(G)(6) of the Village Code related to percent of lot coverage and lot disturbance requirements in the Rd-2, Two-Family District. Seconded by Trustee Brandner; Motion carried without objection.

g. Discussion/Action regarding a proposed Declaration of Condominium for Fairway Fields Subdivision.

Motion by Trustee Brandner to approve the proposed Declaration of Condominium subject to the following General Conditions of Approval:

General Conditions of Approval:

1. On page 4, Section 4.02(d), typo in the last line should be “by” and not “b”.
2. Article XIII be amended to require the developer to receive approval from the Village Board any time an amendment is sought.
3. Section 7.11 be added to stated that “No fees or assessments in the event of tax forfeiture. The Village of Richfield shall not be liable for any fees or special assessment or general assessment in the event Washington County or the Village of Richfield become the owner of one or more unity in the condominium by reason of tax delinquency”.
4. A signature block be added for the Village President and Village Administrator to be witnessed by Notary.
5. The Village Board shall also approve the proposed amendment to the Amended and Restated Declaration of Restriction and Covenants for Fairway Fields Subdivision.
6. The document be filed at the Washington County Register of Deeds once deemed acceptable by the Village.
7. All professional fees related to the development review be paid by the petitioner or the original developer.

Seconded by Trustee Neu; Motion carried without objection.

h. Discussion/Action regarding a proposed amendment to the Deed Restrictions for Fairway Fields Subdivision.

Motion by Trustee Neu to approve the proposed Amended and Restate Declarations of Restriction and Covenants for Fairway Fields Subdivision subject to the following General Conditions of Approval:

General Conditions of Approval:

1. The Village Attorney approve of the proposed changes to the document, in writing.
2. The Village Board shall also have approved the Declaration of Condominium.

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3. The document be filed at the Washington County Register of Deeds once deemed acceptable by the Village.
4. All professional fees related to the development review be paid by the petitioner or the original developer.

Seconded by Trustee Collins; Motion carried without objection.

7. PUBLIC COMMENTS (...Continued) None

8. 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. Village of Richfield v. C&P Rentals Limited, et al. Case No. 10 CX 2; Village of Richfield v. Patrick C. Whitcomb, et al. Case No. 15 CV 176; Village of Richfield v. Carla M. Whitcomb Case No. 16 CX 2.**

Motion by Trustee Wolff to enter into Closed Session at 7:55 PM; Seconded by Trustee Brandner; Motion carried unanimously by voice vote.

9. RECONVENE IN OPEN SESSION

Motion by Trustee Neu to Reconvene in Open Session at 8:32 PM; Seconded by Trustee Collins; Motion carried unanimously by voice vote.

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

Motion by Trustee Wolff to authorize Attorney Val Anderson to sign the stipulation to dismiss the lawsuit without prejudice. Seconded by Trustee Neu; Motion carried without objection.

10. ADJOURNMENT

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

Respectfully Submitted,

Jim Healy
Village Administrator