

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes September 25, 2018
7:00 pm

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:00 PM. A quorum of the Village Board was present. Present: Village Board of Trustees; Bill Collins, Tom Wolff, Dan Neu and Rock Brandner.

Also present: Village Administrator Jim Healy, Deputy Clerk Donna Cox and Adam Schmitt; Public Works Director

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

Gil Frank, 4156 Elmwood Road, Mr. Frank stated the Capital Improvement Plan is incorrect (Per pages 148-149 of the Packet). Mr. Frank stated his belief that the years of road maintenance are inaccurately reflected in the packet related to Elmwood Road. He further commented that the bankruptcy filed for the Reflections Village Subdivision should allow for additional money to repair some of the roads throughout the community.

President Jeffords stated aloud that the funds received as a result of the bankruptcy filed for Reflections Village is not allowed to be used for road improvements outside of this subdivision, the funds are designated for Reflections Village, only.

5. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
 - i. July 19, 2018 - Regular Meeting
 - ii. August 16, 2018 - Regular Meeting
 - iii. August 28, 2018 - Special Meeting
- d. New Operators License Applications
- e. New Alcohol Beverage Retail License Application for Pleasant Hill Bar & Grill, located at 2102 STH 164.
- f. Resolution R2018-09-01, a Resolution Authorizing Staff to Submit a Grant Application for the Wisconsin RPC and DNR Great Lakes Basin Tree Planting Grant Program

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, Minutes of the July 19th and August 16th, 2018 Regular Meetings, Minutes of the August 28, 2018 Special Meeting, New Operators License Applications per the attached list, Application for a new regular "Class B" Alcohol Beverage Retail License for business; Pleasant Hill Bar & Grill, located at 2102 STH 164 with the assigned Agent being Mr. John Loosen and contingent on the surrendering of the current license by the current business owner of the Hairy Lemon and Resolution No. R2018-09-01, A Resolution

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Authorizing Staff to Submit A Grant Application for the Wisconsin RPC and DNR Great Lakes Basin Tree Planting Grant Program.; Seconded by Trustee Neu; Motion carried without objection.

Motion by Trustee Collins to reorganize the agenda, to move item 6f up to item 6b; Seconded by Trustee Wolff; Motion carried unanimously by voice vote.

6. DISCUSSION/ACTION

- a. Discussion/Action regarding a petition to rezone properties identified by Tax Key: V10_1250 and V10_1255 from A-1, Exclusive Agriculture District, to RS-1B, Single Family Residential District – Ordinance 2018-09-01**

Motion by Trustee Wolff to approve Ordinance No. O2018-09-01, an ordinance to rezone Tax Keys V10-1250 from A-1, Exclusive Agricultural District to Rs-1b, Single-Family Cluster/Open Space Residential District and a portion of V10_1255 from A-1, Exclusive Agricultural District to RS-1B, Single Family Residential District subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

- The developer must submit a Preliminary Plat which is approved by the Plan Commission and Village Board.
- The plat must show all required features listed in the Village's land division regulations (Chapter 330), including but not limited to the following:
 - Signature blocks for surveyor, property owner, village clerk-treasurer, county treasurer, and village board.
 - Mortgagee certification block if the property owner has a mortgage on the property.
- The subdivider shall provide documentation from Washington County to the Village Administrator indicating that each residential lot has a suitable site for a septic system.
- The subdivider shall comply with the requirements in Section 70.193(J) of the municipal code with respect to "open space area ownership and maintenance requirements."
- Prior to any land-altering activity, the subdivider shall submit a stormwater management agreement to the Village Board and obtain approval of the same. Any necessary access easements shall be described with a legal description acceptable to the Village Engineer.
- Prior to any land-altering activity, the subdivider shall submit to the Village Board and receive approval for a Developer's Agreement.
- Prior to any land-altering activity, the subdivider shall submit to the Village and receive approval for Deed Restrictions.
- Prior to any land-altering activity, the subdivider shall submit approval from the Department of Administration for the Preliminary Plat approval.
- Prior to any land-altering activity, the subdivider shall submit all required plans (e.g., construction plans, stormwater management, and erosion control) to the Village Engineer and obtain approval of the same.
- Prior to any land-altering activity, the subdivider shall submit an application for a groundwater permit to the Village Administrator as set forth in Article III of Chapter 167 of the municipal code and obtain approval of the same.
- A note shall be added to the face of the plat indicating that all private driveways shall be designed and constructed in compliance with Village standards, including a maximum grade of 12 percent.

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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 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.
- 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.
- 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.

b. Discussion/Action regarding a Conditional Use Plan amendment for an exterior building modification for Golden Pearl LLC, located at 3018 Helsan Drive (Tax Key: V10_000200A003)

Administrator Healy discussed the proposal and the stated substantial evidence for the allowance of the proposed building modification.

Motion by Trustee Wolff to approve the building alteration for Golden Pearl, LLC, located at 3018 Helsan Drive (Tax Key: V10_000200A003), subject to the following Specific Condition of Approval:

Specific Conditions of Approval:

- The applicant seeks all necessary building and electrical permits from the Building Inspection Department.

Seconded by Trustee Neu; Motion carried without objection.

c. Discussion/Action regarding the adoption of the 2019-2023 Capital Improvement Plan

Administrator Healy discussed the 5-year CIP and walked through the recommended expenditures as prepared and presented by the Capital Improvement Plan subcommittee.

Motion by Trustee Wolff to approve the 2019-2023 Capital Improvement Plan Document; Seconded by Trustee Brandner; Motion carried without objection.

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Trustee Collins and President Jeffords thanked staff for the CIP packet and complimented how well it was organized.

d. Discussion/Action regarding remaining balance from Messer-Mayer Mill Foundation Restoration project

Administrator Healy stated that the project had been completed and the remaining amount of money, per our established donation agreement with the Richfield Historical Society should be returned to the organization.

President Jeffords commended the Richfield Historical Society for their efforts restoring the Mill.

Trustee Collins stated that if the returning of funds was in the donation agreement that he would have been satisfied without this matter being brought before the Board.

Administrator Healy stated that the matter was brought before the Board because the return of money will require the closure of the bank account which required the Village President's signature and for transparency purposes.

Motion by Trustee Neu to direct the Village's Deputy Treasurer to refund to the Richfield Historical Society the remaining balance from the Phase III construction of the Messer-Mayer Mill in the amount of \$13,277, pursuant to the terms and conditions of the established Donation Agreement.; Seconded by Trustee Wolff; Motion carried without objection.

e. Discussion/Action regarding a Cooperative Agreement with Town of Polk for 2019 DNR Consolidation Grant

Motion by Trustee Neu to direct the Village Staff to execute the 2018-2019 Cooperative Agreement with the Town of Polk to satisfy eligibility requirements for the 2019 DNR Recycling Consolidation Grant; Seconded by Trustee Collins; Motion carried without objection.

f. Discussion/Action regarding hiring for a Full-Time General Laborer Position

Public Works Supervisor Schmitt discussed the organizational challenges his Department has faced with retirements and other employees seeking employment within the private sector. Since May, Village Staff has advertised for a 32 hour per week employee without success and sought the wisdom of the Board for the allowance to turn the position into a full-time benefited position.

Motion by Trustee Collins to authorize DPW Director Adam Schmitt to hire a full-time employee at an hourly rate of \$17.50 per hour; Seconded by Trustee Brandner; Motion carried without objection.

g. Discussion/Action regarding a Letter of Credit Reduction for Bridlewood Estates

Motion by Trustee Neu to authorize the Deputy Treasurer to reduce the Letter of Credit, per the Developer's Agreement, to 15% of the originally established financial guarantee to the amount of \$84,011.25; Seconded by Trustee Wolff; Motion carried without objection.

h. Discussion/Action regarding Deed Restrictions for Bark Lake Estates Subdivision

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Motion by Trustee Wolff to approve the proposed Deed Restrictions for Bark Lake Estates subject to the following Specific Conditions of Approval:

Specific Conditions of Approval:

- Developer shall legally establish the Bark Lake Estates HOA and ACC in the State of Wisconsin

Seconded by Trustee Brandner; Motion carried without objection.

i. Discussion/Action regarding 2019 date for Halloween Trick-or-Treat on the Village Community Calendar

Discussion included safety factors, not knocking on the doors after dark, our community not having sidewalks, having higher posted speed limits in the Village of Richfield as oppose to other communities with lower speed limits. Subdivision roads being cited to be safer. A suggestion to place a survey in the next newsletter asking parents what time they feel would be a good time to hold Trick-or-Treating in the Village of Richfield in 2019.

j. Discussion /Action regarding the rescinding of an established non-conforming use conversion order at 5241 STH 167 (Tax Key: V10_0651)

Motion by Trustee Wolff to rescind the order; Seconded by Trustee Brandner; Motion carried without objection.

7. PUBLIC COMMENTS: No additional comments

8. CLOSED SESSION

- a. 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***

Motion by Trustee Wolff to enter into Closed Session at 8:40PM pursuant to Wisconsin State Statutes, Section 19.85(1)(g); Seconded by Trustee Neu; Motion carried unanimously by voice vote.

9. RECONVENE IN OPEN SESSION

Motion by Trustee Wolff to Reconvene in Open Session at 9:25PM; Seconded by Trustee Collins; Motion carried unanimously by voice vote.

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

No Action

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10. ADJOURNMENT

Motion by Trustee Brandner to adjourn the meeting at 9:27 PM; Seconded by Trustee Collins; Motion carried unanimously by voice vote.

Respectfully Submitted,

Jim Healy
Village Administrator