

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes
May 19, 2022
7:00 PM

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:02 PM. A quorum of the Village Board was present.

Present: Village President John Jeffords and Trustees Bill Collins, Dan Neu, and Tom Wolff

Excused Absence: None

Also Present: Village Administrator Jim Healy, Deputy Clerk Donna Cox, Administrative Services Coordinator Katherine Gehl, and Village Planner Tim Schwecke

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

Shelly Mayer – 4811 Pioneer Road

Ms. Mayer stated that her property has been in the family for eight (8) generations and understands and appreciates the work that the Village has done but believes that keeping agriculture lands zoned agriculturally is very important. Ms. Mayer wants to maintain the right to farm and is not certain that changing it to rural residential zoning will protect this right.

Ann Palmer – 1571 Lake Drive

Ms. Palmer, owner of Wall n' Bee's questioned whether this zoning could change on the property in the future from business to residential.

Danah Zoulek – 609 Scenic Road

Ms. Danah Zoulek stated she believes that she would be a valuable addition to the Board, if appointed.

Aylah Zoulek – 609 Scenic Road

Ms. Aylah Zoulek asked the Board to please consider appointing Ms. Danah Zoulek to the vacant seat of Village Trustee.

Paul Craig – 501 Scenic Road

Mr. Craig is opposed to the sewer and water and urges additional conversation.

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Jeff Gonyo – 2668 STH 164

Mr. Gonyo asked that the Board consider the appointment of Ms. Danah Zoulek. She is currently the only applicant that runs a business in Richfield and has been the only applicant to challenge this Board.

Trish Stern – 4813 Monches Road

Ms. Stern stated our food source is in danger and asked the Board to please consider our food supply and our farms. Ms. Stern asked the Board to consider the people and allow them to grow their own food, like farm fresh eggs, and consider the rural flavor of the Village.

5. PUBLIC HEARING

- a. **Discussion/Action regarding the annual adoption of “Weights and Measures” pursuant to Chapter 363**
- b. **Discussion/Action regarding Ordinance O2022-05-01, an Ordinance to Recodify the Chapter 70 Zoning Code and to contract with eCode 360 for Code Recodification**

Administrator Healy introduced Public Hearing items 5a and 5b.

Administrator Healy explained that the Village contracts with DATCP to administrate weights and measures in the Village to ensure that consumers are purchasing the amount of product for what they are paying for. DATCP informed the Village that amount they are charging the Village to do this work has reduced by nearly 50 percent and as a result, the Village is proposing to reduce the fees charged to our local business community. The fees that have been charged historically are proposed to be cut in half.

Administrator Healy gave a presentation regarding the Zoning Code Recodification process. Administrator Healy discussed the integration of technology. It is believed this updated version of the Code will create efficiencies with Staff, increase transparency with taxpayers, help meet market demands as needs evolve for resident and commercial properties, and bolster our eGovernment services.

The following are some of the major changes made to Agricultural Lands:

- Reduction in minimum size for Ag. Land to allow farmers flexibility to sell land, as needed (consistent with Comprehensive Plan)
- Commercial Livestock Raising v. Hobby Farm Limits of Animals (similar to Town of Polk/Town of Erin)
- Encourage repurposing of historic Ag. Buildings
- Allowances for farms with diverse revenue streams – U-Pick, U-Cut, General cultivation, Forestry, Commercial Stables, Farm Buildings for Non-Farm storage, “Artisan Shops”, Bed and Breakfast, Kennels, Roadside Stands, Seasonable Product Stands

The following are some of the major changes made to Commercial/Industrial Lands:

- 12 Zoning Districts (Commercial & Industrial) collapsed to 8
- Destination Venue Business B-6 created to support restaurants/taverns
- I-1 and I-2 versus M-1 through M-5
- Glossary of “Uses”

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- Many Conditional Uses have become Permitted Uses and highly objectionable Conditional Uses have been eliminated
- Processes and procedures clearly delineated as Code
- Adaptive Reuse for defunct schools & churches

The following are some of the major changes made to Residential Lands:

- Detached “Accessory Structures” allowed larger and higher in less dense residential developments and in some cases, established residential subdivisions
- RR-1, 20-acre minimum; RR-2, 5-acre minimum
- Notice of Rezoning Petitions sent to all property owners within 500’ versus 300’ – greater transparency
- Special Exceptions process for garage placement ahead of homes

Motion by Trustee Neu to open the Public Hearing; Seconded by Trustee Collins; Motion passed without objection.

Robert Stuesser – 3290 Pleasant Hill Road

Mr. Stuesser strongly disagrees with the notion that farming is almost done in Richfield. Mr. Stuesser asked the Village Board to consider zoning changes as he could lose his rights. He encouraged the Board to consider allowing more than one (1) livestock and he asked the Village Board to pump the breaks on this zoning change and to table the item until there can be more conversations held with the agricultural community.

Danah Zoulek – 609 Scenic Road

Ms. Danah Zoulek stated that a lot of issues happen because the Village Board does not fix the issues as they occur. Ms. Danah Zoulek stated that irresponsible behavior makes you lose trust from constituents.

Jeff Gonyo – 2668 STH 164

Mr. Gonyo stated that Richfield is developing too fast. A development went bankrupt three (3) times in Reflections Village. The Town of Polk and Erin have done a great job preserving the farmland.

Mary Anne Urlakis & John Urlakis – 631 Violet Court, Colgate, WI 53017

Mr. and Mrs. Urlakis urged the Board to entertain the views of the people. They stated that once a piece of farmland is built up and developed, it can never go back to farmland.

Motion by Trustee Wolff to close the Public Hearing; Seconded by Trustee Neu; Motion passed without objection.

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6. CONSENT AGENDA

- a. **Vouchers for Payment**
- b. **Treasurer's Report**
- c. **Applications for New Operator's Licenses**
- d. **Resolution R2022-05-01, A Resolution Honoring the Public Service of Joel Jaster**
- e. **Memorandum of Agreement with Department of Agriculture, Trade, and Consumer Protection (DATCP) for "Weights and Measures"**
- f. **Letter of Intent for a Village 2022 Chevrolet Silverado 3500HD CC Work Truck to be delivered in 2023 from Ewald Automotive Group**

Motion by Trustee Collins to approve the Vouchers for Payment, Treasurer's Report, Applications for New Operator's Licenses, Resolution R2022-05-01 – A Resolution Honoring the Public Service of Joel Jaster, Memorandum of Understanding with Department, of Agriculture, Trade, and Consumer Protection, and to direct Staff to prepare a "Letter of Intent" for the budgeted purchase of a 2022 Chevrolet Silverado 3500HD CC Work Truck to be delivered in 2023 from Ewald Automotive Group; Seconded by Trustee Neu; Motion passed without objection.

7. DISCUSSION/ACTION ITEMS

- a. **Discussion/Action regarding the annual adoption of "Weights and Measures" pursuant to Chapter 363**

Village President Jeffords introduced the item based on Administrator Healy's remarks.

Motion by Trustee Wolff to approve the assessed weights and measures fees per the proposed schedule and direct Staff to administer the licensing process per Chapter 363 of the Village Code; Seconded by Trustee Neu; Motion passed without objection.

- b. **Discussion/Action regarding Ordinance O2022-05-01, an Ordinance to Recodify the Chapter 70 Zoning Code and to contract with eCode 360 for Code Recodification**

Village President Jeffords introduced the item.

Trustee Collins stated that the Village was careful in drafting the proposed Code as a way to protect the "Country Way of Life" but noted that the Village is different sort of community that mixes farming with other business and development. Trustee Collins proposed passing the proposed Code now with the condition of approval that the Plan Commission and individuals with agricultural knowledge revisit the RR-1 and RR-2 Zoning Districts.

Trustee Wolff stated his agreement with Trustee Collins that proposed Code should be adopted and that the issues regarding agricultural land should be studied further.

Trustee Neu stated that he believes the Board is close to adopting the proposed Code but believes that the time should be taken by holding a meeting with a representative from the farming community to address the concerns related to agriculture and the RR-1 and RR-2 Zoning Districts as well as other dimensional standards.

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Motion by Trustee Neu to table until June 16th at 7:00 PM at the Village Board Meeting; Seconded by Trustee Collins; Motion failed 1-3.

Administrator Healy stated if the Village Board was of mind to table the discussion and hold conversations with interested parties from the farming community and other members of the community to address current concerns, the Board could reconvene at the next Village Board meeting and make any needed changes and then reconsider the motion to adopt the proposed Code.

Motion by Trustee Wolff to table until June 16th at 7:00 PM at the Village Board Meeting; Seconded by Trustee Neu; Motion carried unanimously.

c. Discussion/Action regarding an Extraterritorial Final Plat Review for Bark River Preserve Subdivision in the Town of Lisbon for property identified by Tax Key: LSBT0150997 – Mike Kaerek, Petitioner

Village President Jeffords introduced the item and stated that although the Village has typically not exercised its jurisdictional authority to object and the Board has rather approved these types of Extraterritorial Reviews as these other communities see fit.

Motion by Trustee Wolff to recommend to the Village Board the approval of the proposed Final Plat for the Bark River Preserve subdivision for Mr. Mike Kaerek (b/d/a Kaerek Homes) for property identified by Tax Key: LSBT015 0997, in the Town of Lisbon, subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

- 1) The petitioner receives all necessary approvals that may be required from the Town of Lisbon, Waukesha County, and the Department of Administration Plat Review Team.

General Conditions of Approval:

- 1) Staff and Governmental Approval: Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but are not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, Federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.
- 2) Professional Fees: Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

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- 3) Payment of Charges: Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.

Seconded by Trustee Neu; Motion passed without objection.

d. Discussion/Action regarding annual appointments to the Village's various Boards and Commissions

Village President Jeffords introduced this item.

Motion by Trustee Wolff to appoint Tim Einwalter and Jason Duehring to three (3) term until 2025 and to appoint Brett Witeck to a term until 2024, replacing Bruce Gibb, on the Village's Architectural Review Board; Seconded by Trustee Neu; Motion passed without objection.

Motion by Trustee Wolff to appoint Bruce Gibb to a three (3) year term until 2023, replacing Trustee Rock Brandner, on the Village's Board of Review; Seconded by Trustee Neu; Motion passed without objection.

Motion by Trustee Wolff to appoint Richard Schlei and Gerald Wold to a three (3) year term until 2025 on the Village's Board of Zoning Appeals; Seconded by Trustee Neu; Motion passed without objection.

Motion by Trustee Wolff to appoint Village President John Jeffords, Village Trustee Dan Neu, Ray Cote, and Don Schmitt to a one (1) year term until 2023 on the Village's Capital Improvement Plan Administrative Subcommittee; Seconded by Trustee Collins; Motioned passed without objection.

Motion by Trustee Wolff to appoint to appoint Adam Ludovic, Patrick Murray, and Diane Sommers to a three (3) year term until 2025 on the Village's Park Commission; Seconded by Trustee Neu; Motion passed without objection.

Motion by Trustee Neu to appoint James Otto to a one (1) year term until 2023 as Plan Commission Chairman, to appoint Trustee Wolff to a one (1) year term until 2023 as Village Board Representative for the Plan Commission, and to appoint Dan Naze and Ray Cote to a three (3) year term until 2025 on the Village's Plan Commission; Seconded by Trustee Collins; Motion carried 3-0-1; Trustee Wolff recused.

Motion by Trustee Neu to appoint Mike Bagin to a five (5) year term until 2027 on the Village's Residency Board; Seconded by Trustee Wolff; Motion passed without objection.

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e. Discussion/Action regarding the vacant Village Board of Trustees seat

Administrator Healy introduced the item and explained that this agenda item is the continuation of a tabled discussion from the previous Village Board meeting on April 21st, 2022. Administrator Healy explained that if a motion is made to appoint an individual to fill the vacant seat and the motion fails, additional motions will have to be made until there is a motion that passes.

Motion by Trustee Wolff to appoint Don Kriefall to fill the vacant seat on the Village Board for the remainder of the current term of former Trustee Rock Brandner; Seconded by Trustee Collins; Motion passed without objection.

f. Discussion/Action regarding the Village's contract for assessment services with Associated Appraisals

Administrator Healy introduced this item. Administrator Healy explained that the Village's current contract with Associated Appraisals is set to expire at the end of the current fiscal year. Pursuant to the current contract, the Village has until July 1st to notify Associated Appraisals if the Village would like to renew. Associated Appraisals shared with the Village that they would hold the current contract cost at \$45,086.07/year for the next four (4) years.

Motion by Trustee Wolff to authorize the Village Administrator to execute a four (4) year agreement at the amount of \$45,086.07 annually with Associated Appraisal for assessment services in the Village per the proposed agreement with Administrator's oversight; Seconded by Trustee Neu; Motion passed without objection.

8. PUBLIC COMMENTS (...Continued)

None.

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, whenever competitive or bargaining reasons require a closed session. - Intergovernmental agreement with the Village of Germantown for the purchase of water and sewer infrastructure to service Northeast Corridor**

The Village President read aloud the Closed Session Agenda Item.

Motion by Trustee Wolff to enter into Closed Session per Wisconsin Stats.; Seconded by Trustee Neu; Motion carried unanimously by voice vote.

10. RECONVENE IN OPEN SESSION

Motion by Trustee Wolff to reconvene in Open Session; Seconded by Trustee Neu; Motion carried unanimously.

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

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ADJOURNMENT

Motion by Trustee Collins to adjourn the meeting at 10:30 PM; Seconded by Trustee Wolff; Motion carried without objection.

Respectfully Submitted,

Jim Healy
Village Administrator