

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

1. Call to Order/ Roll Call

The meeting was called to order by Village President John Jeffords at 7:33 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. REPORT

a. "Maker's Lab" Presentation- Friess Lake School District Administrator John Engstrom

John Engstrom gave an overview of the new techniques being used in the makers mark lab to promote growth and development at Friess Lake School. Engstrom indicated that the continued success of the program would largely be dependent on the school board and community members buy in to the potential of the program.

b. "Status of Richfield's Groundwater Monitoring Program" Presentation - Dr. Douglas Cherkauer

Dr. Douglas Cherkauer gave a power point presentation regarding the changes in the groundwater levels throughout the Village and potential reasons for those changes. Dr. Cherkauer also commended the Village Board for adhering to their land use plan. Copies of the presentation were requested to be placed online for the general public.

President Jeffords proposed to move agenda item number 8 b. to follow the public comments section of the meeting.

Motion by Trustee Neu to move agenda item 8b. Discussion/Action Ordinance O2015-03-01, an ordinance to amend multiple parcels on the Village's Official Zoning Map from M-5, Mineral Extraction District to Rs-1, Country Estate District and Rs-1R, Country Estate/Remnant Parcel District; Seconded by Trustee Voss; Motion carried unanimously.

5. PUBLIC COMMENTS

Rodger Kuehn, 546 Jordan Circle stated he would like to see a sheet spelling out the potential impact of a landfill. A plan of action outlining how many trucks would drive through a day and how many days a week the landfill would be operating are just two of the questions that still remain unanswered. Kuehn expressed concern about the potential truck noise, odor and pollution that would be generated from the dumping activities.

James Bloor, 3204 Willow Creek Road expressed concern about well water and also raised the question of how often well water would be tested for contamination at Amy Belle School. Bloor stated his concern about the potential for students to drink contaminated water for any extended period of time.

Danah Zoulek, 623 Amy Belle Road stated that water contamination at Amy Belle School would not be an issue. The Zoulek's have been coordinating with the Department of Natural Resources (DNR) to propose a potential clean fill collection site. This site would not be a landfill or hazardous waste facility. Zoulek then read a portion of a letter from the Holz family indicating their dissent against the zoning change.

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

Gil Frank, 4156 Willow Creek Road did not believe the zoning should be changed. Frank believed that now would be a good time for the Village to do something useful with the land.

Anna Conkey, 234 Scenic Ridge Court stated that she is new to the community and is concerned about the safety of her children due to the potential increased traffic flow. Conkey recently discovered that the groundwater at her home is terrible. Conkey asked who would be monitoring the groundwater for the surrounding residents and community members closest in proximity to the landfill. Conkey believes that the development of the land as a landfill would be putting one family's financial gain in front of other residents' health and well-being.

Paul Craig, 501 Scenic Road asked Trustee Brandner and Voss to state their position on the proposed landfill because they were up for re-election. Craig also stated he would like the Village to fight the potential landfill action at the state level.

8. DISCUSSION/ACTION ITEMS

- b. Discussion/Action regarding Ordinance O2015-03-01, an ordinance to amend multiple parcels on the Village's Official Zoning Map from M-5, Mineral Extraction District to Rs-1, Country Estate District and Rs-1R, Country Estate/Remnant Parcel District**

Motion by Trustee Voss to approve Ordinance O2015-03-01, an Ordinance to rezone certain parcels of land in the Village of Richfield and to amend the Zoning Map of the Village of Richfield pursuant to Sect. 70.163 of the Municipal Code

Trustee Neu stated that if the Scenic Road pit was still an active mining operation today he could see where filling it in made sense. Since the site hasn't been active for 40+ years and since the beginning of its inactivity numerous residential subdivisions have moved into the immediate surrounding area, he no longer sees filling the pit as a decision made in the best interest for all of the residents in the Village of Richfield.

Trustee Collins thanked everyone in the audience for taking an interest and coming to these meetings. The Village Board and Staff continue to make decisions that benefit the entire Village at-large. Trustee Collins stated he would be more than willing to 'take this issue to the mat' to protect the groundwater.

President Jeffords echoed Trustee Collins' comments and discussed the importance of our groundwater to the sustainability of our community for generations to come.

President Jeffords called the issue to question; the motion was seconded by Trustee Brandner; Motion carried unanimously.

President Jeffords proposed a five (5) minute break to allow those residents wishing to leave the ability to do so.

President Jeffords called the meeting back to order.

6. CONSENT AGENDA

- a. Vouchers for Payment**
- b. Treasurer's Report**
- c. Meeting Minutes:**
 - i. February 19, 2015 – Regular Meeting**
- d. New Operator Licenses**
- e. CTP-200, Cigarette license – Citgo Gas Station**

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from February 19th, new Operator Licenses, and new cigarette license for Citgo at 1306 State Road 175; Seconded by Trustee Voss; Motion carried unanimously.

7. PUBLIC HEARING

a. Discussion regarding Ordinance O2015-03-02, an ordinance to update impact fees for the Village of Richfield for both fire and parks

Administrator Healy introduced Jon Cameron from Ehlers and Associates.

Mr. Cameron gave a presentation about the findings of the impact fee study, and the proposed changes.

Motion by Trustee Brander to open the public hearing; Seconded by Trustee Voss; Motion carried unanimously.

Gil Frank, 4156 Elmwood Road questioned whether or not impact fees were even needed and stated that additional studies should be done by the Fire Company about the location of a potential new station.

Kristine Schaffel, 3545 N. Shore Drive spoke about an incident that happened when she lived at 1919 Railroad Street. A fire truck was unable to get to the scene of an accident because of a railroad crossing blocking its path. She asked that the Richfield Volunteer Fire Company and Village Board take those types of potential road blocks into consideration when deciding on the location for their fire stations.

Motion by Trustee Voss to close the public hearing; Seconded by Trustee Brandner; Motion carried unanimously.

8. DISCUSSION/ACTION ITEMS

a. Discussion/Action regarding Ordinance O2015-03-02, an ordinance to update impact fees for the Village of Richfield for both fire and parks.

Trustee Neu asked attorney Macy whether or not he should recuse himself from this issue as the impact fees are linked to the Richfield Volunteer Fire Company (RVFC).

Attorney Macy stated there was technically no reason for Trustee Neu to do so, although he may choose to do so in order to avoid misinterpretations.

Jon Cameron also stated the Board would be voting to approve the fees, not to approve any specific projects by either the Village or RVFC.

Trustee Neu elected to recuse himself and left the room.

Trustee Collins stated that impact fees affect only those new residents moving into the Village of Richfield and in no way affect current residents.

Trustee Voss stated that the park impact fee were first initiated in 2006 and the fire impact fees were initiated in 2009. Trustee Voss asked if there were any best practices in regards to updating impact fees?

Jon Cameron stated that best practices are usually updates to fee's every five (5) years.

Motion by Trustee Collins to approve Ordinance O2015-03-02, an Ordinance to update the impact fee rates for both fire and parks as prepared by Ehlers, Inc.; Seconded by Trustee Brandner; Motion carried unanimously.

Trustee Neu returned.

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

**c. Discussion/Action regarding the creation of a one lot Certified Survey Map, Tax Keys:
V10_1302011 and V10_1302012**

Motion by Trustee Brandner to approve the certified survey map for Jungkuntz Trust, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. That the comments from Village's Engineer dated February 10, 2015 be addressed to his satisfaction.

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 Neu; Motion carried unanimously.

**d. Discussion/Action regarding the approval of a two-lot Certified Survey Map, Tax Key:
V10_0754**

Motion by Trustee Voss to approve the certified survey map for Elizabeth Jennaro, subject to the conditions 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

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

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.

e. Discussion/Action regarding the creation of a one-lot Certified Survey Map, Tax Key: V10_088300C

Motion by Trustee Neu to approve the certified survey map for Moraine Development, LLC, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. That the comments from Village's Engineer dated February 12, 2015 be addressed to his satisfaction.

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 Collins; Motion carried unanimously.

f. Discussion and possible recommendation to the Village Board regarding a Preliminary Plat for Bridlewoods Estate

Motion by Trustee Brandner to approve the preliminary plat for Bridlewood Estates subdivision, subject to the general and specific conditions of approval listed below.

Specific Conditions of Approval:

1. Redesign Lot 14 so there is a 50-foot separation to the wetland located in Outlot 2.
2. The plat must show all required features listed in the Village's land division regulations (Chapter 330), including but not limited to the following:
 - a. signature blocks for surveyor, property owner, village clerk-treasurer, county treasurer, and village board.
 - b. mortgagee certification block if the property owner has a mortgage on the property.
3. 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.
4. 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."

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

5. 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.
6. 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.
7. 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.
8. The subdivider shall install all improvements prior to submitting the final plat as required by Chapter 330 of the municipal code, in particular Sections 330-60 and 330-60A.
9. The subdivider shall provide all financial guarantees for any improvements as may be required by Chapter 330 of the municipal code.
10. 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.
11. A notation shall be added to the wetland in Outlot 2 stating who made the delineation and when, and that such delineation was approved by the US Army Corps of Engineers with a reference to the letter dated February 17, 2015.
12. Include a copy of the Wetland Delineation Report dated October 29, 2014 with the final plat application.

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 contract renewal for Liturgical Publications, Inc. to publish the “*Richfield Happenings*” newsletter.

Motion by Trustee Collins to authorize the Village Administrator to execute an agreement with Liturgical Publications, Inc to provide publishing services for the Village of Richfield newsletter, *Richfield Happenings*;
Seconded by Trustee Voss; Motion carried unanimously.

9. PUBLIC COMMENTS (...Continued)

No spoke

10. CLOSED SESSION

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 19, 2015
7:30 pm

- 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 3090 Polk Street.**

President Jeffords read 10a. aloud.

Motion by Trustee Neu 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 3090 Polk Street. Seconded by Trustee Voss; Motion carried unanimously by roll call vote.

11. RECONVENE IN OPEN SESSION

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

Motion by Trustee Brandner to reconvene in open session; Seconded by Trustee Collins; Motion carried unanimously by roll call vote.

12. ADJOURNMENT

Motion by Trustee Collins to adjourn the meeting at 9:37 pm; Seconded by Trustee Brandner; Motion carried unanimously.

Respectfully Submitted,

Jim Healy
Village Administrator