



AGENDA
VILLAGE BOARD MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS WISCONSIN
January 28, 2016
7:00P.M.

1. Call to Order/ Roll Call
2. Verification of Compliance With Open Meeting Law
3. Pledge of Allegiance
4. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding ITEMS ON THE AGENDA ONLY. Public comments 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.)
5. CONSENT AGENDA
 - a. Vouchers for Payment
 - b. Treasurer's Report
 - c. Meeting Minutes:
 - i. December 17, 2015 – Regular Meeting
 - d. New Operator Licenses
6. PUBLIC HEARING
 - a. Discussion regarding Ordinance O2016-01-01, an Ordinance to amend the Village's adopted Comprehensive Plan – Agriculturally zoned properties, rezoning petitions and land divisions
7. DISCUSSION/ACTION ITEMS
 - a. Discussion/Action regarding Ordinance O2016-01-01, an Ordinance to amend the Village's adopted Comprehensive Plan – Agriculturally zoned properties, rezoning petitions and land divisions
 - b. Discussion/Action regarding an extraterritorial plat review in the Town of Lisbon for a Two-Lot Certified Survey Map (CSM), generally located at W230N9421 Colgate Road, Tax Key: LSBT0149995001, John W. Lietzau 1996 Convertible Trust
 - c. Discussion/Action regarding a One Lot CSM for vacant property on Bark Lake Road, identified by Tax Keys: V10_1017 and V10_1015
 - d. Discussion/Action regarding a proposed ordinance amendment relating to boundary line relocations for legal conforming and legal, non-conforming properties
 - e. Discussion regarding Referendum Questions for the April 5th, 2016 Election
8. PUBLIC COMMENTS (...Continued)
9. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 or www.richfieldwi.gov with as much advance notice as possible.

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AFFIDAVIT OF POSTING

Pursuant to Sec. 985.02(2), Wis Stats., I, Bradley Calder, being duly sworn, state as follows:

1. I am an adult resident of the State of Wisconsin, and I make this affidavit on personal knowledge.

2. I hereby certify that I posted a copy of the attached:

1) Village Board Agenda - 2016.1.28

on Jan 22, 2016 (date), 8:00 am (time), at the Village posting locations, namely: on the outside bulletin board of the Village Hall located at 4128 Hubertus Road, Hubertus; on the outside bulletin board at the Hubertus Post Office located at 3695 Hubertus Road, Hubertus; on the outside bulletin board at the Richfield Post Office located at 1925 Hwy 175, Richfield; and on the outside bulletin board at the Colgate Post Office located at 3392 Hwy Q, Colgate.

Bradley Calder
Signature

1/22/2016
Date

Personally came before me this 22nd day of January, 16.

Kathryn M. Schmitt
Notary Public, State of Wisconsin
My commission expires July 29, 2017

I also certify that notice of such meeting(s) were sent via email to the West Bend Daily News, the Germantown Express News, the Hartford Times Press, and the Milwaukee Journal Sentinel.

Signature

Date

I further certify that a copy has been posted to the Village website www.richfieldwi.gov.

Signature

Date

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VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

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MEETING DATE: January 28, 2016

SUBJECT: Consent Agenda

DATE SUBMITTED: January 20, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO APPROVE THE ATTACHED CONSENT AGENDA?

ISSUE SUMMARY:

Included for your review are the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from December 17th and New Operator Licenses.

FISCAL IMPACT:

- Initial Project Costs:
- Future Ongoing Costs:
- Physical Impact (on people/space):
- Residual or Support/Overhead/Fringe Costs:

REVIEWED BY: Kathryn M. Shutt
Village Deputy Treasurer

ATTACHMENTS:

1. Vouchers for Payment
2. Treasurer's Report
3. Meeting Minutes from December 17, 2015
4. New Operator License List, Copy of Applications, Background Investigation Report

STAFF RECOMMENDATION:

Motion to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from December 17, 2015 and New Operator Licenses.

APPROVED FOR SUBMITTAL BY:

[Signature]
Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____

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VILLAGE OF RICHFIELD
VOUCHERS FOR PAYMENT
JANUARY 2016

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BATCH #1					
CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		12/15/15	Village of Richfield	\$16,439.87	Bi-Weekly Payroll
9801		12/15/15	Village of Richfield	\$147.76	Bi-Weekly Payroll
9802		12/15/15	Village of Richfield	\$41.56	Bi-Weekly Payroll
9803		12/15/15	Village of Richfield	\$136.22	Bi-Weekly Payroll
9804		12/15/15	Village of Richfield	\$48.48	Bi-Weekly Payroll
9805		12/15/15	Village of Richfield	\$73.88	Bi-Weekly Payroll
EFTPS		12/15/15	Federal Income Tax	\$6,104.22	Federal Income Tax Payment
ACH		12/15/15	Wisconsin Dept. of Revenue	\$1,235.09	State Withholding Tax
ACH		12/15/15	Wisconsin Deferred Compensation	\$250.00	457 Plan
9806		12/17/15	Dennis Sprenger	\$262.91	Plow Damage Reimbursement
9807		12/17/15	Michelle Jermier	\$400.00	CUP Withdrawn Application Permit
9808	17218	12/17/15	Digital Edge Copy & Print	\$1,115.00	Tax Bills & Dog Licensing Brochures
9809		12/17/15	Washington County Clerk	\$195.89	Tax Bill Envelopes
9810	0113487681	12/17/15	US Cellular	\$583.61	Telephone Charges through December
9811		12/17/15	WE Energies	\$16.80	Heat and Electric
9812		12/17/15	Richfield Volunteer Fire Company	\$100.00	3117 State Hwy 167 Fire Inspection Reimbursement
9813	149-15-3B	12/17/15	Road Bond Refund	\$2,000.00	350 Preserve Way
9814-9839		12/18/15	December Vouchers Payable		Village Board Meeting Approved Batches #3 & #4
9840-9868		12/22/15	Tax Refund Batch #4		Tax Overpayment
9869-9881		12/22/15	Tax Refund Batch #1		Tax Overpayment
9882-9916		12/22/15	Tax Refund Batch #2		Tax Overpayment
9917-9934		12/22/15	Tax Refund Batch #3		Tax Overpayment
9935-9979		12/22/15	Tax Refund Batch #5		Tax Overpayment
9980-9985		12/23/15	Tax Refund Batch #6		Tax Overpayment
9986		12/23/15	Richfield Historical Society	\$12,500.00	Mill Foundation Contingency Fund
9987		12/23/15	Wisconsin Rural Water Association	\$222.35	Consolidated Safety Audit
9988		12/23/15	Office Copying Equipment LTD	\$435.33	Sharp Digital Imager Meter Reading
9989		12/23/15	WE Energies	\$2,768.95	Street Lighting/Heat & Electric
9990		12/23/15	Menards	\$63.86	Steel Racking & Shop Tools
9991		12/23/15	Employee Reimbursement	\$20.12	Mileage
ACH		12/23/15	Wisconsin Retirement System	\$6,278.40	November Wisconsin Retirement Payment
ACH, 9992, 9993		12/29/15	Village of Richfield	\$15,667.07	Bi-Weekly Payroll
EFTPS		12/29/15	Federal Income Tax	\$5,552.76	Federal Income Tax Payment
9994-10008		12/29/15	Village of Richfield	\$404.66	Election Payroll
10009		12/30/15	Charter Communications	\$158.80	Charter Business Cable Bill
10010		12/30/15	Aurora Medical Group	\$100.00	Employee Testing
10011		12/30/15	AT&T	\$215.94	November-December Phone Bill
ACH		12/30/15	Capital One Bank	\$346.55	Miscellaneous Supplies & Expenses for Office & DPW
			TOTAL BATCH #1	\$73,886.08	Checks Written End of December 2015

BATCH #2

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
100012	624944	1/1/16	Northshore Bank Leasing	\$718.04	Building Inspector Lease Agreement
100013		1/1/16	Delta Dental	\$206.80	Dental Insurance Employee Deduction
ACH		1/1/16	United Health Care	\$11,972.81	January Health Insurance
ACH, 100014		1/5/16	Village of Richfield	\$15,929.65	Bi-Weekly Payroll
EFTPS		1/5/16	Federal Income Tax	\$5,546.23	Federal Income Tax Payment
ACH		1/5/16	Wisconsin Dept. of Revenue	\$2,089.06	State Withholding Tax
ACH		1/5/16	Wisconsin Deferred Compensation	\$250.00	457 Plan
10015-10066		1/5/16	Tax Refunds Batch #7		Tax Overpayment
10067-10096		1/5/16	Tax Refunds Batch #8		Tax Overpayment
ACH		1/6/16	Village of Richfield	\$2,045.72	Monthly Payroll
EFTPS		1/6/16	Federal Income Tax	\$555.99	Federal Income Tax Payment
ACH, 10097-10100		1/6/16	Village of Richfield	\$969.66	Quarterly Payroll

VILLAGE OF RICHFIELD
VOUCHERS FOR PAYMENT
JANUARY 2016

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EFTPS		1/6/16	Federal Income Tax	\$160.68	Federal Income Tax Payment
10101-10139		1/6/16	Tax Refunds Batch #9		Tax Overpayment
10140		1/6/16	First Federated Savings Bank	\$24,173.84	Annual HSA Contribution
10141-10148		1/7/16	Voided Checks Accidental Printing		
10149-10159		1/7/16	Tax Refunds Batch #10		Tax Overpayment
10160-10198		1/7/16	Tax Refunds Batch #11		Tax Overpayment
10199		1/7/16	Voided Check Accidental Printing		
10200-10232		1/7/16	Tax Refunds Batch #12		Tax Overpayment
10233-10240		1/13/16	January Settlement		Settlement with Taxing Jurisdictions
10241-10296		1/13/16	Tax Refunds Batch #13		Tax Overpayment
10297-10374		1/13/16	Tax Refunds Batch #14		Tax Overpayment
10375		1/13/16	Wisconsin Dept. of Justice	\$21.00	December 2015 Criminal Background Checks
10376		1/13/16	Premium Waters Inc.	\$38.99	December Water
10377		1/13/16	Conley Classifieds	\$34.58	December Notice of Public Hearing
10378		1/13/16	Equal Rights Division	\$52.50	December Work Permits
10379		1/13/16	WE Energies	\$2,219.67	December Street Lighting
10380		1/13/16	Business Forms and Accounting	\$155.30	Check Reorder
10381		1/14/16	Mailbox Replacement	\$35.00	1043 Scenic Road
10382		1/14/16	Mailbox Replacement	\$35.00	4085 Elmwood Road
10383		1/14/16	Mailbox Replacement	\$35.00	3882 Hickory Hill Pkwy
10384		1/14/16	Tax Refund	\$117.20	To Rissue 2015 Tax Refund
ACH		1/15/16	Wisconsin Dept. of Revenue	\$10.00	Business Tax Registration
10385-10398		1/15/16	Tax Refunds Batch #15		Tax Overpayment
10399-10412		1/15/16	Tax Refunds Batch #16		Tax Overpayment
ACH		1/20/16	Village of Richfield	\$18,654.48	Bi-Weekly Payroll
10413		1/20/16	Village of Richfield	\$138.52	Bi-Weekly Payroll
EFTPS		1/20/16	Federal Income Tax	\$6,880.63	Federal Income Tax Payment
ACH		1/20/16	Wisconsin Dept. of Revenue	\$1,023.52	State Withholding Tax
ACH		1/20/16	Wisconsin Deferred Compensation	\$250.00	457 Plan
10414		1/18/16	US Cellular	\$65.73	January 2016 Phone Invoice
10415		1/18/16	Waste Management of Milwaukee	\$484.28	January Waste Management
10416		1/18/16	Wisc. Municipal Clerks Assoc.	\$65.00	2016 Membership Dues
10417		1/18/16	Digital Edge Copy & Print	\$210.32	Voter Pads for Elections
10418		1/18/16	Minuteman Press	\$154.50	Letterhead for Village Hall
10419		1/18/16	EIASEW	\$15.00	2016 Inspector Membership Dues
10420		1/18/16	Plumbing Inspectors Assoc.	\$100.00	2015 Greg and Joel Continuing Education
10421		1/18/16	BIASEW	\$50.00	Annual Membership Inspectors Dues
10422		1/18/16	Complete Office of Wisconsin	\$48.83	Index Binder Tabs
10423		1/18/16	Digital Edge Copy & Print	\$50.00	In Memory Sign
10424		1/18/16	Quill Corporation	117.85	W-2 Forms
10425		1/18/16	Fox Bros. Piggly Wiggly	14.78	Office Supplies
10426		1/18/16	EHLERS	220.00	Public Finance Seminar Registration
10427		1/18/16	Kunkel Engineering Group	3,302.50	Richfield Miscellaneous Engineering
10428		1/18/16	Associated Appraisal Consultants	3,958.37	Professional Services for 2016
10429		1/18/16	Menards	345.97	2015 Supplies and Expenses
10430		1/18/16	Stoney Island	2,300.00	Playground Chips
10431		1/18/16	Port A John	68.00	Handicap Restroom Service
10432		1/18/16	Ontech Systems	849.78	Quarterly Maintenance and Barracuda Update
10433		1/18/16	Neu's Supply Line, Inc.	708.50	DPW CIP Building
10434		1/18/16	Neu's Building Center	235.85	Neu's Supplies and Expenses
10435		1/18/16	Hopson Oil Co. LLC	3,656.23	December 2015 Fuel Invoice
10436		1/18/16	Falls Auto Parts & Supplies Inc.	294.82	December Supplies and Expenses
10437		1/18/16	Cintas Corporation	724.60	December Cleaning Invoice
10438		1/18/16	Baumhardt Sand & Gravel Inc.	12,000.00	Crushing Pile at Village Garage
10439		1/18/16	Arenz, Molter, Macy & Riffle, SC	6,326.10	December Attorney Fee's
10440		1/18/16	R&R Insurance Services Inc.	43,512.00	2016 Insurance
10441		1/18/16	MPIC	6,540.00	MPIC Insurance
10442		1/18/16	UBS Financial Services	13,760.00	Length of Service Award Program

VILLAGE OF RICHFIELD
VOUCHERS FOR PAYMENT
JANUARY 2016

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10443		1/18/16	Penflex Inc.	1,000.00	Length of Service Award Program
10444		1/20/16	Joyce Schmitt (Mailbox Replacement)	35.00	4340 Elmwood Road
10445		1/20/16	We Energies	18.42	Electric for Richfield Gazebo
ACH		1/20/16	Postmaster	440.00	Postage Machine
			TOTAL BATCH #2	\$195,992.30	Checks Written Beginning of January 2016

**BATCH #3

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	543-320148		Batteries Plus	\$177.88	Truck Batteries
			Capital One Bank	\$3,041.01	December Payments
	29-82		Civi Tek Consulting	\$588.00	Planning Consultant Work for December
			Douglas Cherkauer	\$3,285.35	Quarter 4 2015 Contract Work
	39704		Houseman & Feind, LLP	\$462.47	Legal Correspondence
	144361		JFTCO, Inc.	\$53.45	Cat Loader Parts and Supplies
			Jmauel & Associates	\$600.00	Tax, Bank and Pets Program Fee
	8437		Lakeside International Truck	\$91,797.00	New Plow Truck
			League of WI Municipalities	\$4,368.70	Annual Contract Fee's
			TOTAL BATCH #3	\$104,373.86	Checks Still Needing Approval***

**BATCH #4

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
			Menards	\$62.06	DPW Window Project and Ice Melt for Front Office
			Port-A-John	\$204.00	January Liquid Waste Disposal Invoices
	WM816919		Road Equipment Parts Center	\$36.74	Front Wheel Grease Cap Stock
			Schmitt Sanitation	\$180.00	Pump Holding Tank
	10316		Von Briesen & Roper, SC	\$86.00	Payroll Period Resolution and Issues
	32		Washington County Humane Society	\$859.00	First Payment for Cat Contract
	8571		Washington County Sheriff	\$27,909.61	December Sheriff's Contract Invoice
	2853		Wisconsin Rural Water Assoc.	\$528.35	Consolidated Safety and Health Procedures Update
			TOTAL BATCH #4	\$29,865.76	Checks Still Needing Approval***
			TOTAL	\$404,118.00	

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VILLAGE OF RICHFIELD
 Treasurer's Report for November 30, 2015

BANK ACCOUNT BALANCES

	Interest Rate	Beginning Balance November 30, 2015	Interest Earned	Ending Balance December 31, 2015
Landmark Checking Account	0.25%	\$ 541,150.58	\$ 309.63	\$ 2,091,403.58
LGIP General Fund	0.14%	\$ 738,013.55	\$ 121.47	\$ 738,135.02
LGIP Fire Impact Fees	0.14%	\$ 242,569.66	\$ 40.17	\$ 246,785.83
LGIP Park Impact Fees	0.14%	\$ 96,662.60	\$ 16.09	\$ 99,783.69
LGIP Tax Account	0.14%	\$ 0.05	\$ 321.22	\$ 11,000,321.27
FNB Entrepreneur Plus Account	0.05%	\$ 2,712.21	\$ 0.12	\$ 2,712.33
FNB Platinum MMD Account	0.15%	\$ 257,619.81	\$ 32.82	\$ 257,652.63
Bank Mutual MM Account	0.33%	\$ 251,512.69	\$ 83.31	\$ 251,596.00

CERTIFICATES OF DEPOSIT

	Purchase Date	Expiration Date	Interest Rates	Amount
First National Bank	October 31, 2015	April 30, 2017	0.55%	\$ 251,318.99
Bank Mutual	March 3, 2015	October 3, 2016	1.05%	\$ 253,583.55

** All CD's are fully FDIC insured**

LETTERS OF CREDIT/PERFORMANCE BONDS/DEVELOPER GUARANTEES

	Purchase Date	Expiration Date	Amount
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 712,650.00
Reflections Richfield Investments LLC	March 11, 2014	March 16, 2016	\$ 150,000.00
D&S Weyer No. II, LLC	June 23, 2015	August 31, 2016	\$ 59,800.00
NMMR Investments #1 LLC	October 1, 2015	October 1, 2016	\$ 11,765.00

PERMIT PERFORMANCE BOND

	Held Since	Expiration Date	Amount
T-Mobile Central LLC Wireless Communication Tower	March 11, 2014	N/A	\$ 25,000.00

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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; Rock Brandner, Bill Collins, Dan Neu, and Sandy Voss.

Also present: Village Administrator Jim Healy, Village Attorney John Macy and Administrative Services Coordinator KateLynn Schmitt

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. Report on Village of Richfield's "Groundwater Monitoring Program" by Dr. D.S. Cherkauer

Dr. Cherkauer gave a report on the status of the Village of Richfield groundwater in 2015. Dr. Cherkauer presented his idea to purchase well monitoring units so that more information could be gathered in a more cost effective way. Dr. Cherkauer proposed purchasing between four (4) and six (6) units a year until all of the wells were affixed with monitoring units. The estimated timeline was five (5) to (8) years depending on how many units were purchased each year.

5. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding ITEMS ON THE AGENDA ONLY. Public comments 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.)

Danah Zoulek, 609 Scenic Road, stated that the DNR does not approve of the groundwater monitoring program. Ms. Zoulek stated that Administrator Healy denied numerous open records requests which ultimately created additional and unnecessary new costs. Ms. Zoulek also stated that Administrator Healy is excessively using the attorney because he has a lack of understanding of Village ordinances.

Gil Frank, 4156 Elmwood Road, Colgate expressed concern about groundwater quality. Mr. Frank stated that he is concerned about the Village approving the Richfield Volunteer Fire Company contract without a clear understanding of how the proposed headquarters will be financed and will appear in the amended 2016 budget.

6. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
 - i. November 19, 2015 – Regular Meeting
- d. New Operator Licenses

Motion by Trustee Neu to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from November 19, 2015, and New Operator Licenses; Seconded by Trustee Brandner; Motion carried unanimously.

7. DISCUSSION/ACTION ITEMS

a. Discussion/Action regarding Resolution, R2015-12-01, a resolution to withdraw from the Local Government Property Insurance Fund and to contract for insurance services with the Municipal Property Insurance Company (MPIC)

Administrative Services Coordinator, KateLynn Schmitt gave a brief update on why the resolution is before the Village Board.

Blair Rogacki, President of the MPIC gave an update about the newly created insurance company to the Village Board.

Motion by Trustee Brandner to approve R2015-12-01, a Resolution to withdraw from the Local Government Property Insurance Fund and obtain insurance through the Municipal Property Insurance Company; Seconded by Trustee Voss; Motion carried unanimously.

b. Discussion/Action regarding 2015 groundwater monitoring agreement with Dr. D.S. Cherkauer

Trustee Collins asked Dr. Cherkauer about the company that produces the monitoring devices.

Dr. Cherkauer gave a brief description of the company that produces the monitoring devices and several projects the company is a part of.

John Jeffords inquired about usable life of the device and related warranties.

Dr. Cherkauer explained the warranty covers any issue in the first year and that he has not had any major problems with any of his devices purchased to date. Dr. Cherkauer stated that the device itself should last for decades, but that the part that goes into the well has a lifetime of 5 years and the cost to replace it is \$25.00.

Motion by Trustee Voss to direct the Village Administrator to execute an agreement with Dr. Douglas Cherkauer to continue the Groundwater Monitoring Program and groundwater permit review for 2016 per the proposed 2016 agreement; Seconded by Trustee Collins; Motion carried unanimously.

c. Discussion/Action regarding a proposed Three-Lot Certified Survey Map (CSM) for property located at 3791 Pioneer Road (Tax Key: V10_004500A) for Mr. and Mrs. Michael McRae

Motion by Trustee Brandner to approve of the proposed certified survey map with the revision date of October 27, 2015 for Mr. Michael McRae for his property located at 3971 Pioneer Road (Tax Key: V10_004500A), subject to the General Conditions of Approval 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; 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

d. Discussion/Action regarding the 2015 Richfield Volunteer Fire Company contract for Fire and Emergency Medical Services

Trustee Neu recused himself.

Motion by Trustee Brandner to approve a contract for fire and emergency medical services with the Richfield Volunteer Fire Company covering the period January 1, 2016 through December 31, 2016; Seconded by Trustee Voss; Motion carried unanimously.

Trustee Collins thanked the Fire Company for all of the work they've done in being fiscally responsible and keeping costs low for residents.

Trustee Neu came back.

e. Discussion/Action regarding the reduction of an established Letter of Credit – Lakeview Ridge

Motion by Trustee Collins to authorize the Village's Deputy Treasurer, upon receipt of lien waivers, to work with the Developer to reduce the Letter of Credit to an amount of \$59,800 for a period of no more than one year; Seconded by Trustee Neu; Motion carried unanimously.

f. Discussion/Action regarding approval of poll workers for 2016-2017 calendar years.

Trustee Neu recused himself.

Motion by Trustee Brandner to approve the attached list of election inspectors from January 1, 2016 –December 31, 2017; Seconded by Trustee Voss; Motion carried unanimously.

Trustee Neu came back.

g. Discussion/Action regarding the scheduling of the January Village Board meeting

Motion by Trustee Voss to direct Staff to advertise the regular Village Board meeting in January for the 28th at 7PM; Seconded by Trustee Neu; Motion carried unanimously.

8. PUBLIC COMMENTS (...Continued)

9. CLOSED SESSION

- a. **Discussion/Action to enter into closed session pursuant to Section 19.85(1)(c) of the WI Stats.,- Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – Personnel; Village Administrator**
- b. **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.- Reflections Richfield Investments, LLC**

President Jeffords read 9a. and 9b. aloud.

Motion by Trustee Neu to enter into closed session under Wis. Stats. 19.85(1)(c) of the WI Stats.,- Considering employment, promotion, compensation or performance evaluation data of any public employee over which the

governmental body has jurisdiction or exercises responsibility – Personnel; Village Administrator and 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.- Reflections Richfield Investments, LLC; Seconded by Trustee Brandner; Motion carried unanimously by roll call vote.

10. RECONVENE IN OPEN SESSION

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

Motion by Trustee Collins to direct the Village Administrator to work with the receiver and bank to collect professional fees subject to final approval by the Village President; Seconded by Trustee Neu; Motion carried unanimously.

Motion by Trustee Voss to direct the Village's Deputy Treasurer to pay Village Administrator Healy the sum of \$3,000 in recognition of the accomplishments achieved in 2015; Seconded by Trustee Brandner; Motion carried unanimously.

11. ADJOURNMENT

Motion by Trustee Collins to adjourn the meeting at 9:40 pm; Seconded by Trustee Neu; Motion carried unanimously.

Respectfully Submitted,

Jim Healy
Village Administrator

5 d

January 28, 2016 Meeting

New Operator Licenses

Name	Place of Employment	Course or valid license	Recommendation
Krystal Bertrand	Fat Charlie's	License	Denied
Sandra Koeberl	Uncle Johnny's	Course	Approved
Amanda Schoenbach	EJ's	Course	Approved

7 a



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7a

MEETING DATE: January 28, 2016

SUBJECT: Petition to Amend the Village's Comprehensive Plan – Divisions of Agricultural Land
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ADOPT, BY ORDINANCE, SEVERAL AMENDMENTS TO THE VILLAGE'S COMPREHENSIVE PLAN TO ALLOW THE DIVISION AND REZONING OF AGRICULTURAL LAND?

ISSUE SUMMARY:

In 2014, when the Village adopted its Future Land Use Map, a major policy decision was made to remove "Agricultural" land uses in favor of labeling those previously designated parcels as "Single Family". The intent of the Village Board and Plan Commission in making this policy decision was not an attempt to remove farming operations from the Village, quite the contrary, actually. The logic and reasoning for this change was done in large part to provide farmers the flexibility to sell their land or subdivide portions of larger tracts as they saw fit.

Previously, when the Village had 10 and 20 Year Future Land Use Maps, the ability for a farmer to sell and develop their land as they saw fit was hampered by the staggering of development throughout the Village. By the Plan Commission and the Village Board removing that restriction in favor of adopting a single Future Land Use Map, the belief was that a 'roadmap' for what the landscape of the Village will ultimately look like in the distant future would be created, thereby giving property owners the increased land development flexibility that they did not previously have.

However, removing the 'Agricultural' land use from the Village's Future Land Use Map, unintentionally placed greater restrictions on those parcels in the Village where agricultural operations currently exist by not permitting them to rezone or subdivide to anything but single family residential land. This issue was brought to our attention prior to our last Plan Commission meeting in October by local resident, Mr. Gil Frank. On the agenda for that evening were two proposals relating to a 47 ac. parcel of land. The proposals, to subdivide off approximately 12 ac. for farming purposes and to rezone the same A-2, General Agricultural District were proposals that on their face made sense and was compliant with our zoning regulations. Unfortunately, because any rezoning of a property must be consistent with the Village's adopted Future Land Use Map and the map showed this property as 'single family', the rezoning would have been in conflict.

Currently, about 5% of all the Village's properties are zoned A-1, Exclusive Agricultural District (35 ac minimum). This district encompasses 421 parcels comprising ~4,412 acres. But while only ~5% of all the properties in the Village are zoned A-1, surprisingly, it equates to ~20% of the Village's total land. Much of this land is located in the western third of the Village. For the Village's A-2, General Agricultural District (10 ac minimum), those properties make up approximately ~4% of the Village's total land area and with almost ~1,700 acres or 8% of the Village's total land with 306 parcels. Ergo, using rough numbers, approximately one-third of the Village's land is currently held in agricultural zoning. These "back of the envelope calculations" do not take into consideration those properties zoned Rs-1, Country Estates District or any of the Rs-1R, Remnant Districts where iterations of farming operations are allowed in varying degrees.

So where does that leave us tonight? If the Village Board believes that this petition does have merit, it would be the recommendation of the Village's Plan Commission that it adopt the proposed ordinance amendment to the Comprehensive Plan. A copy of the proposed amendment, in ordinance form, is attached to this Communication Form.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7a

MEETING DATE: January 28, 2016

SUBJECT: Petition to Amend the Village's Comprehensive Plan – Divisions of Agricultural Land
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

FISCAL IMPACT:

REVIEWED BY: Katey W. Smith
Village Deputy Treasurer

Initial Project Costs: N/A
Future Ongoing Costs: N/A
Physical Impact (on people/space): Allow divisions of Ag. Land and Rezoning Consistent with Code
Residual or Support/Overhead/Fringe Costs: N/A

ATTACHMENTS:

- 1. O2016-01-01, an Ordinance Amending the Village's Comprehensive Plan

STAFF RECOMMENDATION:

Motion to approve Ordinance O2016-01-01, an Ordinance to amend multiple sections of the Village's Comprehensive Plan.

APPROVED FOR SUBMITTAL BY:

[Signature]
Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

ORDINANCE 2016-01-01

AN ORDINANCE AMENDING THE VILLAGE'S COMPREHENSIVE PLAN

WHEREAS, the Village Board is authorized by state law to adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes and to amend it from time to time;

WHEREAS, the Village Board adopted an update to the original comprehensive plan adopted on November 18, 2004 during the summer of 2014; and

WHEREAS, the Village's Plan Commission submitted a petition to the Village Board consistent with the application procedures and requirements established by the Village; and

WHEREAS, that petition seeks to allow people who own land that is zoned agriculturally the ability to subdivide or rezone portions of their property provided it is consistent with the Village's Zoning Code; and

WHEREAS, the Richfield Plan Commission, by majority vote of the entire commission, has adopted a resolution (R2015-12-01) recommending to the Village Board the amendment of Chapter 11, Section 4, Table Exhibit 11-4 be amended; and

WHEREAS, the Village Board has conducted a public hearing regarding the recommended revisions to the comprehensive plan on January 28, 2016, upon due notice in compliance with the requirements of sections 66.1001(4)(d), 66.1001(4)(e), and 66.1001(4)(f) of the Wisconsin Statutes;

WHEREAS, the Village Board finds that the comprehensive plan, with the recommended revisions, contains all of the required elements specified in section 66.1001(2) of the Wisconsin Statutes; the comprehensive plan, with the recommended revisions, is internally consistent; and that all procedural requirements and notice requirements have been satisfied;

WHEREAS, the Village Board has carefully reviewed the recommendation of the Richfield Plan Commission and has given the matter due consideration, including consideration of the plan components relating to issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use, and implementation; and

WHEREAS, the Village Board now determines that the comprehensive plan, with the recommended revisions, will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village of Richfield which will, in accordance with existing and future needs, best promote public health, safety, morals, order,

convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW THEREFORE, the Village Board of the Village of Richfield ordain as follows:

Section 1: Exhibit 11-4, entitled, “Land Use Categories and Relationship to the Village’s Existing Zoning Regulations” and recreate it as follows:

Exhibit 11-4. Land-Use Categories and Relationship to the Village’s Existing Zoning Regulations

Land Use District	General Description	Section of Zoning Code and Zoning District
Single-Family Residential	These areas are likely to accommodate additional single-family residential subdivisions. Cluster/open space designs (permitted in the RS-1B Zoning District) are encouraged in these areas. Continued farm uses are also <u>allowed and encouraged in Rs-1 and Rs-1R.</u>	<p><u>For single-family residential uses:</u></p> <p>70.191 Country estate district (RS-1)</p> <p>70.191A Country estate/remnant parcel district (Rs-1R)</p> <p>70.192 Single-family residential and rural preservation district (Rs-1A)</p> <p>70.193 Single-family cluster/open space residential district (Rs-1B)</p> <p>70.194 Single-family residential district (Rs-2)</p> <p>70.195 Single-family residential district (Rs-3)</p> <p>70.195A Single-family residential district (Rs-4)</p> <p><u>For agricultural uses:</u></p> <p><u>70.188 Exclusive agricultural district (A-1)</u></p> <p><u>70.189 Transitional agricultural district (A-1A)</u></p> <p><u>70.190 General agricultural district (A-2)</u></p>
No change to the remainder of this Exhibit		

Section 2. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

Section 3. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Passed and adopted this 28th day of January 2016

John Jeffords, Village President

ATTEST:

Jim Healy, Administrator/Clerk/Treasurer

7 b



76

VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM
MEETING DATE: January 28, 2016

SUBJECT: Extraterritorial CSM Review, Town of Lisbon (Tax Key: LSBT 0149-995-001)

DATE SUBMITTED: January 20, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION FOR THE PROPOSED TWO LOT CSM IN THE TOWN OF LISBON?

ISSUE SUMMARY:

This application is being submitted by Mr. John Lietzau, for property generally located at W230N9421 Colgate Road in the Town of Lisbon. This property, located on the opposite side of CTH Q, slighting west of Basse's Taste of Country, in the southeast quadrant of the Village. This property is within the Village's extraterritorial review territory. Mr. Lietzau owns approximately 2.48 acres, which is commercially operated as "Colgate Storage". This development is an existing commercial storage enterprise in the Town of Lisbon. There are two (2) structures on Lot 1, an office space and a monopole cell tower. On Lot 2 there are four (4) existing multi-tenant storage facilities. Access to the properties is through two (2) points, on Lot 1, which has a newly created access easement for the benefit of Lot 2, and Lot 2 which has its own point of entry.

On December 23rd Staff received verbal confirmation from the Town of Lisbon's Plan Commission Secretary, Ms. Donna Cox, that the petition was referred from the Town Plan Commission to the Town Board of Zoning Appeals where a "variance" was granted to allow for the existing parcel configuration. Richfield's Comprehensive Plan currently does not address development beyond its current borders. Based on this fact, there would be little basis to deny the proposed land division.

However, as a matter of practice, we did have the CSM reviewed by the Village's Engineer. Two (2) comments are shown on the face of the CSM and signature block page for your consideration. It is the recommendation of our Engineer to approve the survey, provided the Village of Richfield's signature block is shown rather than Menomonee Falls, who would not have review authority in this situation.

On January 7th the Plan Commission made the following recommendation to the Village Board:

Motion by Trustee Collins to approve the proposed Two-Lot CSM for Mr. John Lietzau for his property in the Town of Lisbon, indicated by Tax Key: LSBT 0149-995-001, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. The signature block for the Village of Menomonee Falls be removed and replaced with one for the Village President, John Jeffords and Village Administrator/Clerk, Jim Healy.

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



76

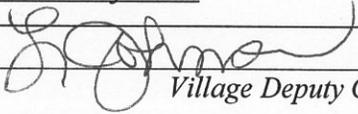
VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM
 MEETING DATE: January 28, 2016

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 Commissioner Melzer; Commissioner Lalk abstained; Motion carried without objection.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY:


 Village Deputy Clerk

Forward to Village Board: Yes
 Additional Approvals Needed: Yes
 Signatures Required: Yes

ATTACHMENTS:

1. Proposed CSM for Mr. John Lietzau prepared by Mr. Rick Hillman, RLS
2. Waukesha County GIS aerial overview of subject property
3. Town of Lisbon Board of Zoning Appeals Meeting

STAFF RECOMMENDATION:

Motion to approve the proposed Two-Lot CSM for Mr. John Lietzau for his property in the Town of Lisbon, indicated by Tax Key: LSBT 0149-995-001, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. The signature block for the Village of Menomonee Falls be removed and replaced with one for the Village President, John Jeffords and Village Administrator/Clerk, Jim Healy.

General Conditions of Approval:

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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.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN


 Village Staff Member

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____

 Village Administrator

Certified Survey Map

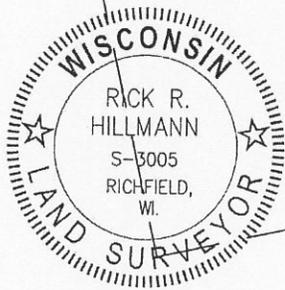
A Re-Division of Lot 1, of Certified Survey Map No. 3847, being a part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin.

LEGEND

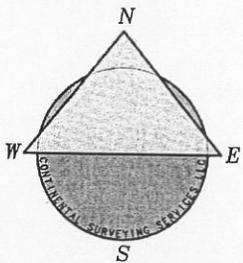
- 1" Iron Pipe Found
- ⊙ 20"x 1" Iron Rod Set (1.13 lb/foot)

LEGEND

- (M) - Denotes Measured
- (R) - Denotes Recorded
- (P) - Denotes Platted
- (C) - Denotes Computed



Lot 2
CSM No.: 3847



SCALE: 1"=100'

CONTINENTAL SURVEYING SERVICES LLC



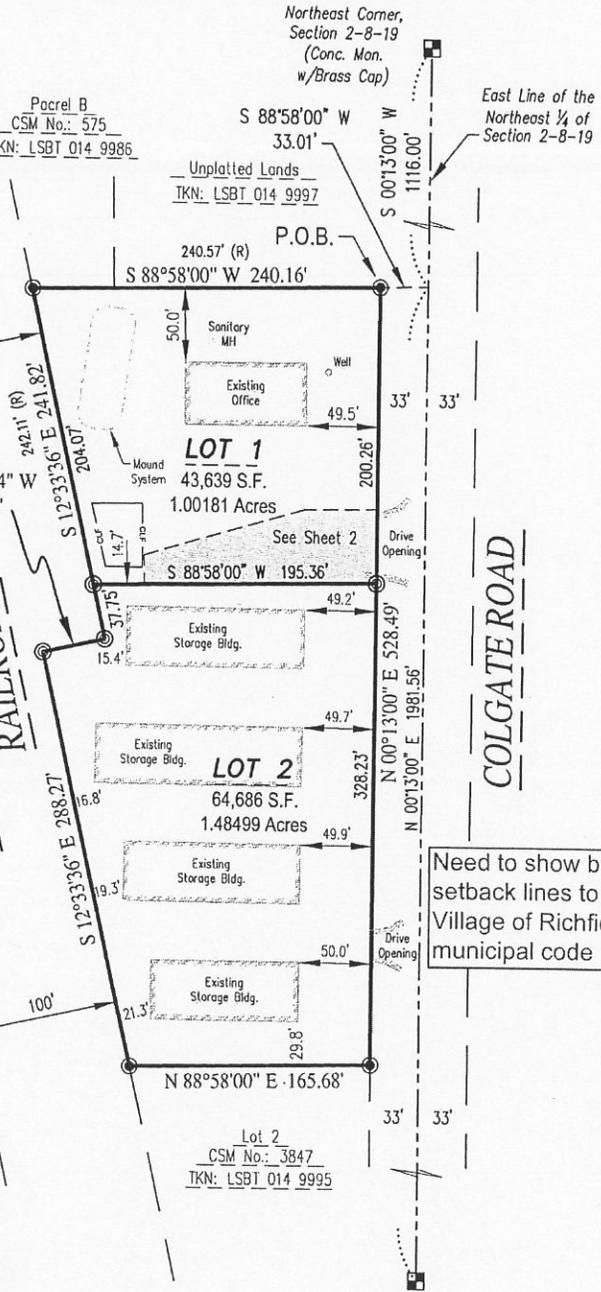
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Richfield, WI. 53076
Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

Parcel B
CSM No.: 575
TKN: LSBT 014 9986

Unplatted Lands
TKN: LSBT 014 9997



Need to show building setback lines to meet Village of Richfield municipal code

OWNER
John Lietzau 1996
Convertible Trust
Colgate, WI. 53017
(262) 993-0152

East 1/4 Corner,
Section 2-8-19
(Conc. Mon.
w/Brass Cap)

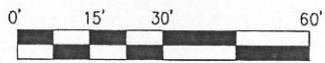
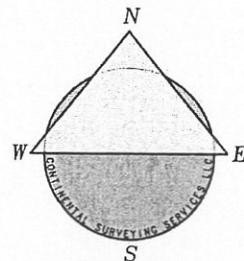
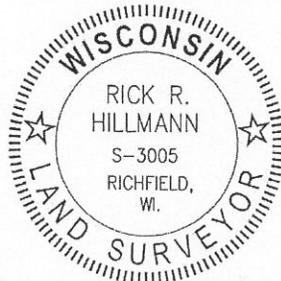
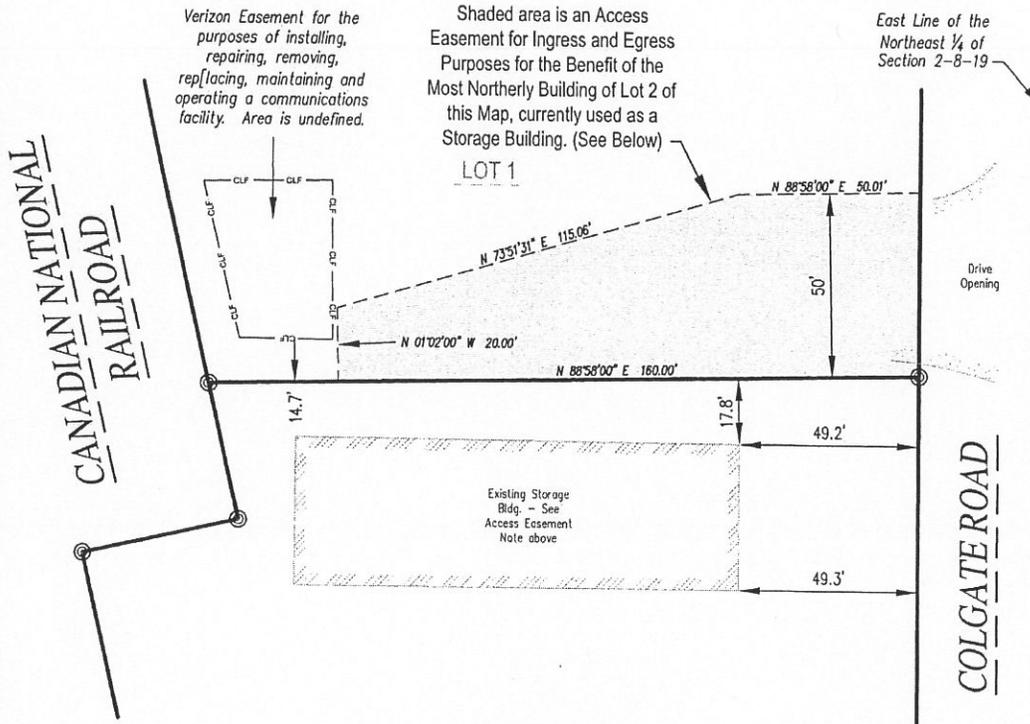
NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the NE 1/4 of Section 2, Township 8 North, Range 19 East bears S 00°13'00" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this XXXX day of MONTH, 2015
Sheet X of X



Certified Survey Map

A Re-Division of Lot 1, of Certified Survey Map No. 3847, being a part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin.



SCALE:
1"=30'

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2059 Hwy 175, Suite "A"
Richfield, WI. 53076
Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

OWNER

John Lietzau 1996
Convertible Trust
Colgate, WI. 53017
(262) 993-0152

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the NE $\frac{1}{4}$ of Section 2, Township 8 North, Range 19 East bears S 00°13'00" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this XXxx day of MONTH, 2015
Sheet X of X



Certified Survey Map _____

A Re-Division of Lot 1, of Certified Survey Map No. 3847, being a part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a Re-Division of Lot 1 of Certified Survey Map No.: 3847 being a part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the Northeast Corner of said $\frac{1}{4}$ Section; thence South $00^{\circ}13'00''$ West on and along the East line of said $\frac{1}{4}$ Section 1116.00 feet to a point; thence South $88^{\circ}58'00''$ West 33.01 feet to a point on the West Line of Colgate Road and to the Point of Beginning of lands hereinafter described;

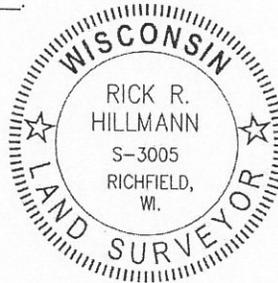
Thence continuing South $88^{\circ}58'00''$ West, 240.16 feet to a point; thence South $12^{\circ}33'36''$ East, 241.82 feet to a point; thence South $77^{\circ}26'24''$ West, 43.50 feet to a point; thence South $12^{\circ}33'36''$ East; 288.27 feet to a point; thence North $88^{\circ}58'00''$ East 165.68 feet to a point on said West line; thence North $00^{\circ}13'00''$ East on and along said West Line, 528.49 feet to the place of beginning of this description.

The gross area of said parcel contains 108,325 Square feet or 2.48680 Acres of land more or less.

That I have made such survey, land division and map by the direction of John Lietzau 1996 Convertible Trust, owner of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the Town of Lisbon in surveying, dividing and mapping same.

Dated this _____ day of _____, 20_____.

Rick R. Hillmann PLS
Professional Land Surveyor S-3005



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SERVICES LLC**



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Richfield Wl. 53076
Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the NE $\frac{1}{4}$ of Section 2, Township 8 North, Range 19 East bears S $00^{\circ}13'00''$ W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this XXxx day of MONTH, 2015
Sheet X of X



Certified Survey Map _____

A Re-Division of Lot 1, of Certified Survey Map No. 3847, being a part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin.

TOWN OF LISBON BOARD APPROVAL:

A Re-Division of Lot 1, of Certified Survey Map No. 3847, being a part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 2, Township 8 North, Range 19 East, located in the Town of Lisbon, Waukesha County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and accepted by by the Town Board of Trustees of the Town of Lisbon on this _____ day of _____, 20_____.

Joseph Osterman - Town Chairman

Matthew Janecke - Administrator / Clerk

TOWN OF LISBON PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the Town of Lisbon on this _____ day of _____, 20_____.

Joseph Osterman - Plan Commission Chairman

Secretary - Jane Stadler

Replace with Village of Richfield

EXTRATERRITORIAL REVIEW - VILLAGE OF MENOMONEE FALLS:

Approved by the Plan Commission of the Village of Menomonee Falls on this _____ day of _____, 20_____.

Matthew A. Carran - Plan Commission Secretary



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2059 Hwy 175, Suite "A"
Richfield WI. 53076
Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the East line of the NE 1/4 of Section 2, Township 8 North, Range 19 East bears S 00°13'00" W.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this XXxx day of MONTH, 2015 Sheet X of X





Legend

- Plats**
-  Assessor Plat
 -  CSM
 -  Condo Plat
 -  Subdivision Plat

0 333.33 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes:

Printed: 12/23/2015



TOWN OF LISBON
ZONING BOARD OF APPEALS MINUTES
NOVEMBER 3, 2015 MEETING

Call To Order:

Chairman John Gehrke called the meeting to order at 6:02 P.M.

Verification of Open Meetings Law Compliance:

Chairman John Gehrke advised the meeting notice had been posted at all three posting locations throughout the Town and was properly noticed and published as a Class II Public Notice in the Sussex Sun newspaper.

Roll Call:

Present: Chairman John Gehrke, Board Members; Dennis Plotecher, Charles Koch, and second alternate Joseph Mentzer.

Excused Absence: Board Member; Prosper Pfannerstill.

Also Present: Town Building Inspector; Bryan Oelhafen, Deputy Clerk; Donna Cox, and Administrator Clerk; Matthew Janecke.

Pledge of Allegiance

Approval of Minutes:

Motion by Board Member; Dennis Plotecher to approve the minutes of the April 29, 2015 and June 16, 2015 meetings as drafted.

Seconded by Board Member; Charles Koch. Motion passed without objection.

Discussion and necessary action on request for variance to the front yard setback for applicant; John Lietzau, for the property located at, W230 N9421 Colgate Rd. Tax Key No. LSBT 0149-995-001.

This item was previously before the Plan Commission. The Plan Commission at its August 6, 2015 meeting, recommended conditional approval subject to Engineer / Planners comments and Board of Appeals approval of building setbacks.

Engineer/Planner Comments noted below.

1. The property is located on the west side of Colgate Road and approximately 1,000 feet north of Canadian National Railroad Crossing.
2. The property is presently used for a self-storage facility on Lot 2. Lot 1 is occupied by a metal building functioning as office to Lietzau's business along with a cell tower.
3. Property is Presently Zoned M-1, Limited Industrial District. The self-service storage operation is a Permitted Use by cross reference to the B-3, General Business District Permitted Use. The M-1 District requires lot size of one acre and a minimum average width

- of 150 feet both lots meet or exceed these minimum requirements. Also building setback requirement is 50 feet from the road right-of-way and 10 feet offset for the sides and rear.
4. It is noted that the storage unit buildings located on Lot 2 do not comply with the required 50 feet setback requirement. They range from 50 feet to 49.2 feet. It is recommended that this item be forwarded to the Board of Appeals for approval of the deficient setback.
 5. Per Section 31(F)(2)(A)ii buildings or uses not permitted in the more restrictive zoning district shall provide a 50 feet offset (side or rear yard). The proposed Lot 1 buildings comply with this regulation.
 6. The following items from the Town's Land Division Ordinance should be addressed prior to the Town signing the final Certified Survey Map:
 - A. Payment of Town fees for creation of one (1) new non-residential lot.
 - B. Providing a reproducible mylar for the Town's permanent file.
 - C. Extra-territorial approval by the Village of Richfield.
 - D. In legal description, 3rd paragraph, reference to "west line" does not state what west line is. This should be clarified that reference is to Colgate Road right-of-way
 - E. Per State Statutes 236 a vicinity map is required to be shown on the CSM.
 - F. CSM to include date Map was signed and sealed.
 - G. Sheet numbers in lower right corner need to be updated.
 - H. Depict adjoining CSM No. 9583 located on the east side of Colgate Road.
 - I. Recommend conditional approval subject to the above comments and Board of Appeals approval of building setbacks.

Mr. Lietzau explained that these buildings have existed this way for a very long time and only became aware recently of the deficient setback.

Building location setback of the Town of Lisbon Zoning Ordinance requires a minimum of fifty (50) feet. Petitioner requests a variance to allow for two existing buildings to be less than the minimum setback. Building one (1) is at 49.7 feet and building two (2) is at 49.2 feet.

Motion by Board Member; Joseph Mentzer to approve the variance to allow the setbacks as presented on the CSM.

Seconded by Board Member; Dennis Plotecher. Motion passed without objection.

Adjournment:

Motion by Chairman Gehrke to adjourn the meeting at 6:09 P.M.

Seconded by Board Member; Dennis Plotecher. Motion passed without objection.

Respectfully Submitted,

Deputy Clerk; Donna Cox

7 c



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM
MEETING DATE: January 28, 2016

7c

SUBJECT: Proposed One-Lot CSM (Tax Keys: V10_1017 and V10_1015), Ms. Jane Matter

DATE SUBMITTED: January 20, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION FOR THE APPROVAL FOR THE PROPOSED ONE-LOT CSM?

ISSUE SUMMARY:

Ms. Jane Matter has submitted a proposed certified survey map (CSM) that would create a One-Lot CSM consisting of a total of approximately 0.465 acres (20,261 sqft) on Bark Lake Drive, generally located due south of North Shore Drive with direct lake access to Bark Lake. Unbeknownst to the petitioners, this is the second time Village Staff has reviewed this proposed CSM. The first time, was proposed by Mr. and Mrs. Mark and Linda Veiwig, the previous owners of the parcel. As a part of that process, the previous owners determined that by combining their properties in a single lot, while it may make it more salable, they would be losing some marketability of lot size due to the right-of-way dedication the Village would require. Enter the new property owners, who along with seeking to combine the platted Lots 25 and 26 of Newburg's Bark Lake Park, have negotiated a boundary line relocation with the adjoining property owner to the north to help allow for the construction of a new single family residence. Consistent with the Village's "Lot Design Standards", they opted to "square off" the parcels. This process was reviewed and approved by the Village Staff per our ordinances.

Contrary to the face of the CSM, this subject property is zoned F-1, Floodplain District. In terms of a FEMA Floodplain Classification, they have portions of their property which are in the Flood Way, Flood Fringe, and Flood Storage District. As a part of any development of a single family home, they will need to apply for and receive approval for a Floodplain Permit. The property is essentially a flat piece of land, so while the requirements of building a new single family home require certain flood proofing elements, it must be shown that the flow of water will not negatively affect the adjacent parcels.

The Village Engineer has reviewed the proposed CSM and has approved it provided his comments are addressed. On Wednesday, December 23, 2015, the Village Engineer's comments were forwarded to the petitioner for her consideration. Following the discussion by the Plan Commission, the below motion was made:

Motion by Trustee Collins to recommend to the Village Board the approval of the certified survey map for Ms. Jane Matter for her property indicated by Tax Key: V10_1017 and V10_1015, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. The Zoning on the property be indicated as F-1, Floodplain Districts and the related setbacks be listed.
2. The signature block for the Plan Commission be removed

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



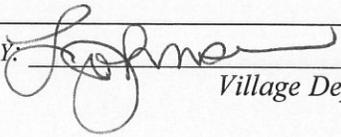
7c

VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM
 MEETING DATE: January 28, 2016

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 Commissioner Melzer; Motion carried without objection.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
 Village Deputy Clerk

Forward to Village Board: Yes
 Additional Approvals Needed: Yes
 Signatures Required: Yes

ATTACHMENTS:

- Proposed CSM prepared by Richard L. Simon with Village Engineer's comments noted in RED

STAFF RECOMMENDATION:

Motion to approve the certified survey map for Ms. Jane Matter for her property indicated by Tax Key: V10_1017 and V10_1015, subject to the Specific and General Conditions of Approval listed below:

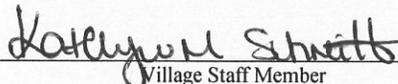
Specific Conditions of Approval:

- The Zoning on the property be indicated as F-1, Floodplain Districts and the related setbacks be listed.
- The signature block for the Plan Commission be removed.

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.

APPROVED FOR SUBMITTAL BY:


 Village Staff Member

 Village Administrator

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____

Certified Survey Map # _____

That part of Lots 25 and 26 of Neuburg's Bark Lake Park Subdivision, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

Surveyor:
Richard Simon
5080 Fairy Chasm
West Bend, WI 53095
(262) 424-5630

Owner:
Jane M. Matter
4051 North 110th Street
Wauwatosa, WI 53222

- Legend:**
- Iron Pipe, Found
 - 1" OD X 18" Iron Pipe 1.13 Lbs./Lin. Ft., Set
 - ⊕ Concrete Monument with Brass Cap, Found



Underscore with a dotted or dashed line in accordance with 236.20(3)(d)

Zoning: Rs-4
20' - Street Setback
15' - Side Setback
75' - Lake Setback

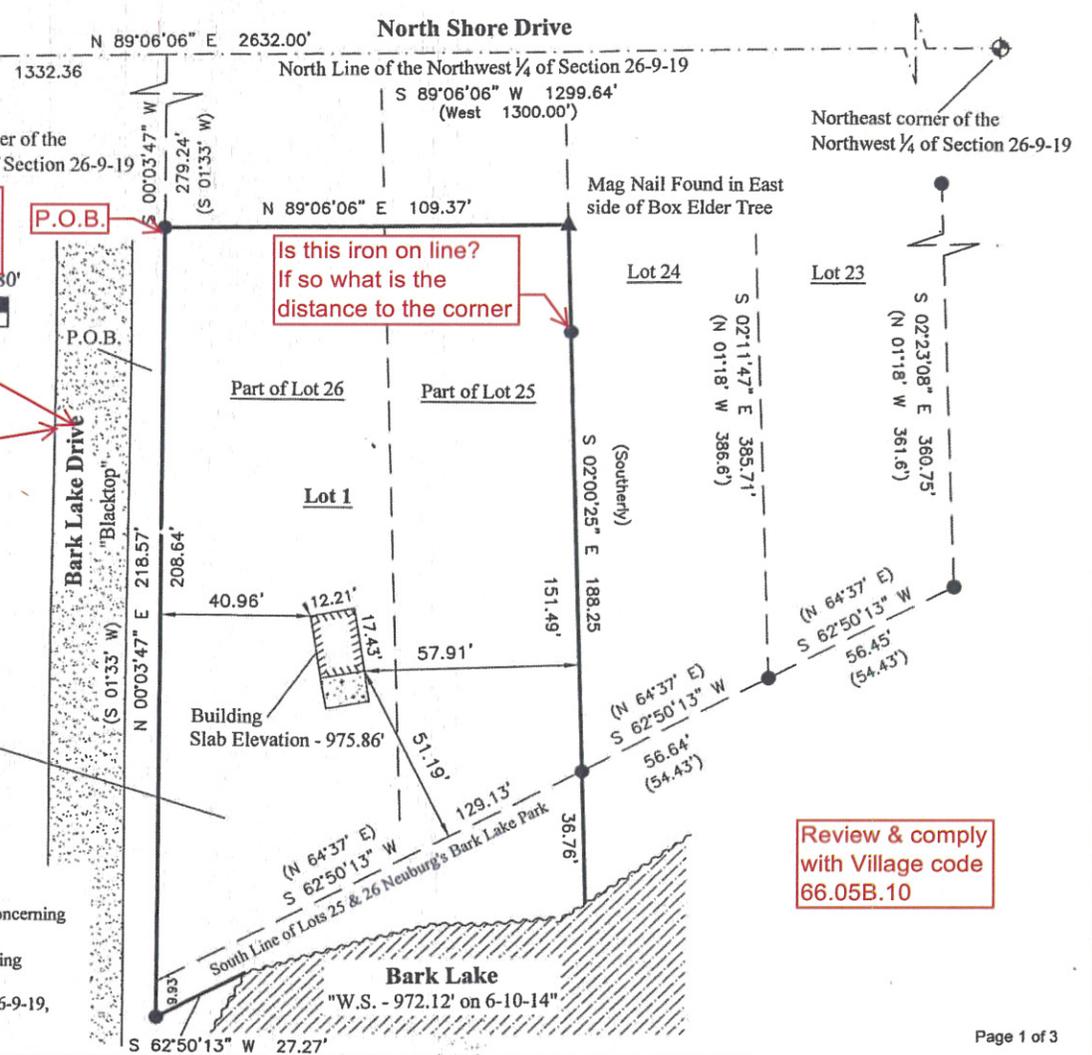
What is the street width? per 236.20(2)(f)
Centerline of street? per 236.20(2)(h)

Area to Water Surface
22588 Sq. Feet 0.519 Acres
Area to Meander Line
20261 Sq. Feet 0.465 Acres

Identify the meander line

Notes:

- 1) Bearings or Distances in () are Recorded Measurements
- 2) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
- 3) Bearings are referenced to the North line of the Northwest 1/4 of Section 26-9-19, bearing N89°06'06"E, Wisconsin State Plane Coordinate System, South Zone (NAD-27)
- 4) Elevations are referenced to the the Northeast corner of the Northwest 1/4 of Section 26-9-19, Elevation 975.55' NGVD - 1929



Review & comply with Village code 66.05B.10

Certified Survey Map # _____

That part of Lots 25 and 26 of Neuburgs Bark Lake Park Subdivision, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

Surveyor's Certificate

I, Richard L. Simon, Registered Land Surveyor, hereby certify:

That I have surveyed and mapped That part of Lots 25 and 26 of Neuburgs Bark Lake Park Subdivision, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

Described as follows:

That part of Lots 25 and 26 of Neuburgs Bark Lake Park Subdivision, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin, described as follows; Commencing at the Northeast corner of said Northwest 1/4; thence S89°06'06"W along the North line of said Northwest 1/4, 1299.64 feet; thence S00°03'47"W along the west line of Lot 26 said Neuburgs Bark Lake Park Subdivision, 279.24 feet to the point of beginning of this description; thence N89°06'06"E, 109.37 feet to a point on the East line of Lot 25 said Neuburg's Bark Lake Park Subdivision; thence S02°00'25"E along said East line, 188.25 feet to a point on the Northerly shore of Bark Lake; thence Southwesterly along the North shore of Bark lake to a point that is N62°50'13"E, 27.27 feet and S00°03'47"W, 218.57 feet from the point of beginning of this description; thence S62°50'13"W, 27.27 feet to a point on the Easterly R/W of Bark Lake Drive and the Westerly line of Lot 26 Neuburgs Bark Lake Park Subdivision; thence N00°03'47"E along said Easterly R/W and Westerly line of Lot 26, 218.57 feet to the point of beginning of this description.

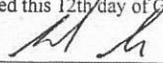
Said parcel contains 22588 Sq. Ft. or 0.519 Acres to the Northerly shore of Bark Lake

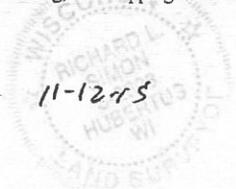
That I have made such survey and map by the direction of Jane M. Matter, owner of said land.

That this map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with provisions of s. 236.34 of the Wisconsin Statutes and the subdivision regulations of the Village of Richfield in surveying, dedicating, and mapping the same.

Dated this 12th day of October, 2015


Richard L. Simon, P.L.S. #2698
Cornerstone Land Surveying
5080 Fairy Chasm Road
West Bend, WI 53095
262-424-5630



Village of Richfield Plan Commission Approval

This Certified Survey Map is hereby approved by the Plan Commission of the Village of Richfield, on

this _____ day of _____, 20__

James Otto, Chairman Jim Healy, Secretary

Village of Richfield Board Approval

this _____ day of _____, 20__

John Jeffords, Village President Jim Healy, Village Administrator / Clerk

Certified Survey Map # _____

That part of Lots 25 and 26 of Neuburgs Bark Lake Park
Subdivision, being a part of the Northeast 1/4 of the
Northwest 1/4 of Section 26, Township 9 North, Range 19
East, Village of Richfield, Washington County, Wisconsin.

Owner's Certificate

I, Jane M. Matter, owner of said land, as owner, do hereby certify that we caused the land described in the foregoing affidavit of
Richard L. Simon, Surveyor, to be surveyed, dedicated, and mapped as represented on this Certified Survey Map.

WITNESS the hand and seal of said owner's, this _____ day of _____, _____

Jane M. Matter

State of Wisconsin) SS
Washington County)

Personally came before me this _____ day of _____, _____, the above named,
Jane M. Matter, to me, known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public
_____ County, State of Wisconsin

My commission expires: _____

Consent of Mortgagee

I, _____ of _____, mortgagee of the above described land, do hereby consent to the surveying,
dividing, dedicating, and mapping of the described land on this Certified Survey Map, and I do hereby consent to the certificate of Jane M. Matter, as owner
of said land.

Witness the hand and seal of said mortgagee this _____ day of _____, _____.

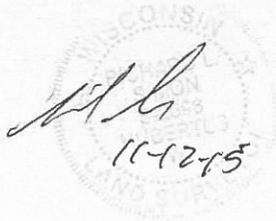
Bank Officer

State of Wisconsin) SS
_____ County)

Personally came before me this _____ day of _____, _____, the above named,
Jane M. Matter to me, known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public
_____ County, State of Wisconsin

My commission expires: _____



7 d



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7d

MEETING DATE: January 28, 2016

SUBJECT: Amendments to Section 330 of the Village Code, Subdivisions of Land Regulations
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO DIRECT STAFF TO RESEARCH ADDITIONAL VARIATIONS OF BOUNDARY LINE RELOCATIONS AND WORK WITH THE VILLAGE'S CONSULTANT PLANNER TO PREPARE AN ORDINANCE FOR THE PLAN COMMISSION TO CONSIDER?

ISSUE SUMMARY:

In 2014 the Wisconsin Attorney General opined that municipalities could adopt an ordinance to require prior review of sales or exchanges of parcels between adjoining landowners. This is a significant issue throughout the State and one that as a Planning and Zoning Administrator I have come across numerous times.

To give background, land division ordinances in the Village typically require plats and CSMs to be reviewed and approved by the Village's Plan Commission and Village Board before they can be recorded and the land can be divided. The authority for these municipal ordinances comes from Chapter 236 of the Wisconsin Statutes. This State Statute, however, imposes a limitation on local municipal authorities to adopt land division ordinances, which reads as follows:

"Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to: the sale or exchange of parcels of land between owner of adjoining property if additional lots are not thereby created and the lots results are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances."

At a Staff level, we've encountered numerous problems over the years within this statutory framework. Whether intentionally or unintentionally, property owners have abused this statutory power from time-to-time. We have seen situations where property owners have conveyed abutting land and thereby rendered an existing building nonconforming, because it is now too close to the new lot line; or have rendered the lot noncompliant because the new lot dimensions do not meet the dimensional requirements of the ordinance; or even worse, created a parcel that has no public road access. Tonight I am going to provide you with examples of each for your consideration. When we find conditions that were illegally created, years after the fact, these can be very difficult if not impossible issues to resolve. That is the situation Village Staff currently finds itself in with these two different properties in particular.

At the Plan Commission meeting in June of 2014 there was concern expressed by several Plan Commissioners about 'costly fees' and 'red tape' for what is (generally speaking) typically a simple review. Staff's original proposal was to treat each boundary line relocation proposal as if it was a CSM with both Plan Commission and Village Board approval before it could occur. However, in light of those comments from the Plan Commission, Staff modified the ordinance (adopted in August of 2014) to make the procedure handled administratively by Village Staff, with the potential for objections and appeals to be taken to the Plan Commission level. By handling these reviews administratively we were able to keep costs low and allow residents a quicker response time than the 30-45 days required for a CSM. To date the Village Staff has reviewed four (4) boundary line relocation proposals and approved three (3).

The issue before the Village Board tonight is whether or not the Village Board wants Staff to invest time and effort into researching how other communities handle situations where "Parcel A" is a legal conforming lot and "Parcel B" is a legal non-conforming lot or when both "Parcel A" and "Parcel B" are legal, non-conforming. Originally, Staff proposed an ordinance that would allow each of these permutations to be considered. However, it was the advice of the Village Attorney that they not be administratively reviewed by Staff, but a more formalized process with a Plan Commission approval or Plan Commission recommendation and Village Board approval.



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7d

MEETING DATE: January 28, 2016

SUBJECT: Amendments to Section 330 of the Village Code, Subdivisions of Land Regulations
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

Tonight Staff is providing you with an ordinance drafted by Village Attorney John Macy for the Village of Oconomowoc Lake. Consultant Planner Schwecke prior to our meeting will also be providing us with the newly adopted ordinances from the Town of Mukwonago and the Village of Summit for your review.

FISCAL IMPACT:

REVIEWED BY: [Signature] Village Deputy Treasurer

Initial Project Costs: Administrative.
Future Ongoing Costs: Administrative.
Physical Impact (on people/space): Variable.
Residual or Support/Overhead/Fringe Costs: Variable.

ATTACHMENTS:

- 1. Ordinance 2014-08-02, an Ordinance regarding boundary line relocation agreements between residents
2. Ordinance No. 267, Village of Oconomowoc Lake
3. Town of Summit Chapter 109 §109-4 (C)(1)
4. Property Boundary Issue No. 1
5. Property Boundary Issue No. 2

STAFF RECOMMENDATION:

In favor of change:

Motion to direct Staff to work with the Village's Consultant Planner to draft and prepare an ordinance for the Plan Commission's consideration for March.

Not in favor of change:

No motion necessary.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

[Signature]
Village Staff Member

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

Village Administrator

ORDINANCE 2014- [REDACTED]

- Draft of June 16, 2014 -

AN ORDINANCE TO CREATE SECTION 330-21A AND TO AMEND SECTION 330-7 OF CHAPTER 330 OF THE VILLAGE OF RICHFIELD MUNICIPAL CODE REGARDING PRIOR REVIEW OF SALES OR EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS

WHEREAS, the Village Board for the Village of Richfield adopted land division regulations for the Village of Richfield and has amended such regulations from time to time; and

WHEREAS, the land division regulations, as amended, are codified as Chapter 330 of the Village of Richfield code of ordinances, which is titled "Subdivision of Land;" and

WHEREAS, Wisconsin Statutes Section 236.45(2) allows the sale or exchange of parcels of land between owners of adjoining property under certain circumstances if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 Wisconsin Statutes or other applicable laws or ordinances; and

WHEREAS, many times when land is transferred pursuant to this statute, the Village of Richfield only learns of the matter long after the transaction occurred, and only then can determine whether the transfer was in compliance with applicable laws; and

WHEREAS, when violations are found after the fact, the time and expense to pursue enforcement is substantial; and

WHEREAS, the property owner can suffer substantially if land is transferred improperly pursuant to the statute, because it could render the property illegal, and prevent land being used for any number of purposes, including possible cause to deny the issuance of building permits for such land; and

WHEREAS, on or about January 24, 2014, the State of Wisconsin Attorney General issued an opinion which concluded that municipalities (a county in that case, but equally applicable to the Village of Richfield) have the authority to require prior review of sales or exchanges of parcels between adjoining landowners in order to determine whether the division would comply with applicable laws; and

WHEREAS, the Wisconsin Attorney General further concluded that the municipalities would have the power to impose a fee to offset all or part of the cost of such limited review; and

WHEREAS, upon the recommendation of the Village of Richfield zoning administrator this matter was submitted to the Village of Richfield Plan Commission for its consideration at the July __, 2014, commission meeting, pursuant to Wisconsin Statutes Section 236.45(4); and

WHEREAS, following publication of a Class 2 notice as required by Wisconsin Statute Section 236.45(4), a public hearing was held on _____, 2014 before the Village of Richfield Village Board; and

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin does hereby ordain as follows:

Section 1. ~~Subsection 330-7(C) of Chapter 330 of the Village of Richfield municipal code entitled "Subdivision of land," Section 330-7 entitled "Jurisdiction," Subsection (C) is hereby repealed and recreated as follows:~~

- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimize sizes and meet all specifications required by this chapter, the Village Zoning Ordinance, or other applicable laws and ordinances, subject to the procedures and requirements set forth in Section 330-21A of this chapter.

Section 2. ~~Section 330-21A of Chapter 330 of the Village of Richfield municipal code entitled "Subdivision of land," Section 330-21A is hereby created to read as follows:~~

Section 330-21A. Prior review of sales or exchanges of parcels between adjoining landowners.

- A. **Generally.** In every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this chapter, and where an adjacent property owner intends to acquire such interest in land, the proposed conveyance shall be submitted to the zoning administrator for review before the conveyance documents are signed and before the conveyance is recorded in the office of the Washington County register of deeds.
- B. **Review procedure.** The general steps outlined below shall be used to review an application for a sale or exchange between adjoining landowners.
 - (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposed transfer.
 - (2) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee set forth in the fee schedule adopted from time to time by the Village Board.
 - (3) **Staff review.** Within 10 days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of

any deficiencies or make a decision based on the decision criteria contained in this section to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

- (4) Applicant notification. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision notice to the applicant by regular mail.
- (5) Public record copy. A duplicate copy of the decision notice shall be retained as a public record.

C. **Review criteria.** The review by the zoning administrator and by the Plan Commission on appeal, shall be limited to considering whether the conveyance is in compliance with Wisconsin Statutes Section 236.45(2)(am)(3) and the applicable laws cited therein, including these regulations, the Village's zoning regulations, and other applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exist prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance creates new lots which do not predate the ordinance and therefore have no legal nonconforming rights. Such conveyance must not be approved if the conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming, or would increase the extent of any preexisting legal nonconformity of an existing structure.

D. **Expiration of an approval.** An approval granted under this section shall automatically expire 12 months after the date of issuance if the transaction has not been recorded in the Washington County register of deeds office.

E. **Appeal.** An aggrieved person may appeal the zoning administrator's final decision by filing an appeal with the Plan Commission within 30 days of such decision. Following the final decision of the Plan Commission, an aggrieved person may appeal such decision by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

Section 3. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or

unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this [] day of [] 2014

John Jeffords, President

Rock Brandner, Trustee

Bill Collins, Trustee

Daniel Neu, Trustee

Sandy Voss, Trustee

ATTEST:

James Healy, Interim Village Administrator

ORDINANCE NO. 267

**AN ORDINANCE TO REPEAL AND RE-CREATE
SECTION 18.05 ENTITLED CERTIFIED SURVEY MAP AND
SECTION 18.14 ENTITLED ALL LAND DIVISIONS REGULATED
WITHIN THE VILLAGE OF OCONOMOWOC LAKE
SUBDIVISION AND PLATTING CODE**

WHEREAS, the Village Board originally requested that the Village Plan Commission investigate whether or not Chapter 18 of the Village of Oconomowoc Lake Subdivision and Platting Code should be amended to allow for the transfer of lands to or from a legal non-conforming lot of record in limited situations; and

WHEREAS, the Village Plan Commission initiated a petition and the Village Board adopted an ordinance, after holding a public hearing, amending section 18.14 on August 20, 2012; and

WHEREAS, the Village Plan Commission has come to realize that additional amendments need be made to section 18.14 as well as section 18.05 in order to fully accomplish the goals originally contemplated and therefore the Village Plan Commission initiated this new amendment to the Village of Oconomowoc Lake Village Subdivision and Platting Code and recommended the same to the Village Board; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on December 17, 2012 after providing all required notice, as set forth in Section 236.45(4), Wis. Stats.; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good platting practice requires the Village Board to amend, change or supplement the regulations established by the Village of Oconomowoc Lake Subdivision and Platting Code as described herein.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 18 entitled Subdivision and Platting, subsection 18.05 entitled Certified Survey Map, subsection (5) is hereby repealed and recreated to read as follows:

18.05 CERTIFIED SURVEY MAP

....

- (5) The Plan Commission and the Village Board of Trustees may not approve any certified survey map creating a lot unless the land in question complies with:
 - (a) All applicable zoning ordinance requirements contained in Chapter 17, or

the land in question is determined to be a legal nonconforming lot of record under the provisions of Chapter 17, or

the land in question has been modified pursuant to the procedure set forth in section 18,14(2), or

the land in question is subject to a legal non-conforming conditional use for the land, or

a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance, and

(b) All Subdivision and Platting Ordinance requirements contained in Chapter 18, or a variance has been approved by the Plan Commission and Village Board of Trustees pursuant to Subsection 18.08 of the Subdivision and Platting Ordinance.

SECTION 2: Chapter 18 entitled Subdivision and Platting, subsection 18.14 entitled All Land Divisions and Land Transfers Regulated is hereby repealed and recreated to read as follows:

18.14 ALL LAND DIVISIONS AND LAND TRANSFERS REGULATED.

(1) ALL LAND DIVISIONS REGULATED.

No person, firm or corporation shall divide any land located within the corporate limits of the Village of Oconomowoc Lake or within the Extraterritorial Plat Approval Jurisdiction thereof which shall result in a Subdivision or Certified Survey Map as defined herein without complying with the provisions of this Chapter 18 of the Village of Oconomowoc Lake Code.

(2) ATTACHMENT OF LANDS TO AND/OR DETACHMENT OF LANDS FROM A LEGAL NON-CONFORMING LOT OF RECORD.

(A) **Conveyance. In the case of a lot of record**

which does not conform to the zoning regulations of the Village of Oconomowoc Lake (legal non-conforming lot)
and

which adjoins:

a legal lot of record which does conform to the zoning regulations of the Village of Oconomowoc Lake (legal conforming lot) or

another legal non-conforming lot,

no lands may be attached to a legal non-conforming lot
(unless all of the resulting lots are in compliance with the Village of Oconomowoc Lake Zoning Code either as:

- a legal lot, or
- a lot modified by this procedure, or
- a lot under a legal non-conforming conditional use, or
- a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance

and

a certified survey map of all of the lots is approved by the Village of Oconomowoc Lake)

and/or

no lands may be detached from a legal non-conforming lot

(unless all of the resulting lots are in compliance with the Village of Oconomowoc Lake Zoning Code either as:

- a legal lot, or
- a lot modified by this procedure, or
- a lot under a legal non-conforming conditional use, or
- a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance

except in conformity with the following:

- 1) Petition for Determination. The owner of any legal lot of record or legal non-conforming lot, as set forth above may, at any time prior to the proposed conveyance of all or portion of said lot, file an application.
- 2) Refer to Village Administrator. Such petition shall be submitted to the Village Administrator who shall prepare a report for the Village Plan Commission for use in making a recommendation to the Village Board. The Village Administrator shall determine whether the proposed conveyance is in compliance with this section and shall comment on the following objective and subjective criteria.
- 3) Refer to Village Plan Commission. Such petition shall be submitted to the Village Plan Commission and the Village Plan Commission shall make a

recommendation to the Village Board upon consideration of the following objective and subjective criteria as to whether approval of the proposed conveyance should be granted.

- 4) Village Board Action. The Village Board shall make a final determination after careful consideration of the Village Plan Commissions' recommendation as well as the following objective and subjective criteria as to whether approval of the proposed conveyance should be granted.
 - a. Compatibility. The size, quality, and character of the existing lots and building development in the immediate area with a view toward maintaining compatibility and protecting existing property values as determined in the sole discretion of the Village Board.
 - b. Practicality. The economic and engineering practicality of any possible re-division or combination of the lots as determined in the sole discretion of the Village Board.
 - c. Building Location. All newly created parcels shall have a building site location, which complies with locational requirements of Village of Oconomowoc Zoning Code.
 - d. Public Improvements. All newly created lots must meet the minimum standards for right-of-way access. In making its decision, the Village Board shall look to whether or not the transfer of lands:
 1. enhances ingress and egress to a public or private road or drive; or
 2. eliminates easements,

as determined in the sole discretion of the Village Board.

- e. Compliance with Zoning District Regulations. All newly created lots must comply with the zoning district regulations for the district in which the lots are located pursuant to the Village of Oconomowoc Zoning Code to the extent determined necessary by the Village Board.
- f. Value to Village. The proposed conveyance will create a value to the Village as determined in sole discretion of the Village Board.
- g. Conformity. The proposed conveyance will bring the legal non-conforming lot more into compliance with the Village of Oconomowoc codes as determined in the sole discretion of the Village Board.
- h. Impact. The impact on the lot from which the lands are proposed to be detached will be de minimis as determined in the sole discretion of the Village Board.
- i. Additional Lots. No additional lots may be created under this procedure.
- j. Adjoining Properties. There can be no material negative impact on the subject lots or adjoining properties as determined in the sole discretion of the Village Board. Additional, in making its decision, the Village Board shall look to whether or not the transfer of lands will eliminate or minimize potential conflicts between neighbors as determined in the sole discretion of the Village Board.
- k. Principal Structures. There can be no material negative impact on the principal structures on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming principal structure.

- l. Accessory Structures. There can be no material negative impact on the accessory structures on the subject lots or on any adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming accessory structure.
 - m. Use of the Property. The transfer of lands will not result in the increase use of the subject lots as determined in the sole discretion of the Village Board. The Village Board may require the elimination of any or all legal non-conforming use on either of the subject lots as a condition of approval.
 - n. Additional Structures on the Subject Lots. The transfer of the lands will not result an increase in the number and/or size of structures, which will result in a negative effect on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board.
 - o. Intent of Zoning Code. The transfer of lands will meet the spirit of the Village of Oconomowoc Zoning Code and in particular the purpose and intent of the same as set forth in sections 17. 02 and 17.03 as determined in the sole discretion of the Village Board.
- 5) The Village Plan Commission shall make its recommendation to the Village Board within a reasonable time after receiving all necessary information and the Village Board shall act within a reasonable time to receipt of the Village Plan Commission's recommendation. The Village Board may impose reasonable conditions upon any approval.
- (B) Certified Survey Map Required. Any approval by the Village Board under this section must be accomplished by a Certified Survey Map for the subject lots, which is subject to the approval of the Village Board.
- (C) At no time can an existing legal conforming lot be made non-conforming by the transfer of lands between adjoining property owners.

- (D) For purposes of this ordinance, for properties to be considered adjoining, the properties must connect at more than a point and may not be separated in any way by right-of-way or navigable water.

SECTION 3: SEVERABILITY.

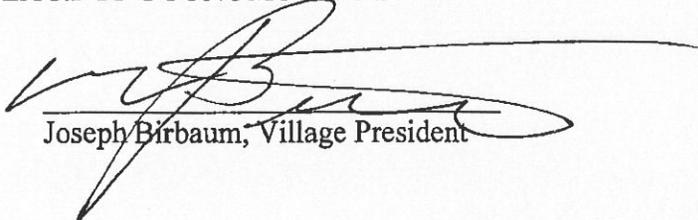
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

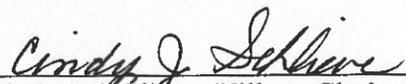
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 17th day of December, 2012.

VILLAGE OF OCONOMOWOC LAKE


Joseph Birbaum, Village President

ATTEST:


Cindy J. Schlieve, Village Clerk

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

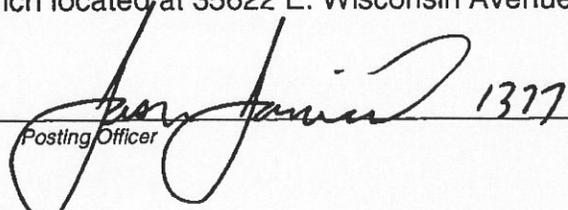
AFFIDAVIT OF POSTING

Ordinance No. 267 Regarding
Revisions to Section 18.05 and 18.14
of the Subdivision and Platting Code
Approved by the Village Board of
Trustees on 12/17/2012

The undersigned, being first duly sworn, on oath deposes and states that on January 14, 2013, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

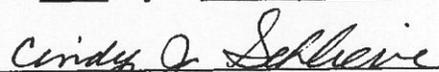
to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.


Posting Officer 1377

Subscribed and sworn to before me

This 14th day of January, 2013


Notary Public, Waukesha County, Wisconsin
My Commission expires: June 7, 2015



Chapter 213109

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Summit 4-6-1959. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 7, Art. I.
Numbering of buildings — See Ch. 89.
Comprehensive Master Plan — See Ch. 104.
Fees — See Ch. 125.
Sewers — See Ch. 192.
Street excavations and driveways — See Ch. 209.
Zoning — See Ch. 235.
Street construction specifications — See Ch. A240.

ARTICLE I

Legislative Intent

§ 213109-1. Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the TownVillage of Summit, and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, school, parks playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcel. These regulations are made with a reasonable consideration, among other things, of the character of the TownVillage with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the TownVillage.

ARTICLE II

General Requirements

§ 213109-2. Platting of subdivision required.

Any division of land within the TownVillage which results in a subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this chapter and Ch. 236, Wis. Stats.

§ 213109-3. Platting of other divisions required.

Any division of land other than a subdivision within the TownVillage, of which a plat has not been approved and recorded, pursuant to § 213109-2 above, shall be surveyed and a certified survey map of such division approved and recorded as required by § 213109-7 of this chapter.

§ 243109-4. Exceptions.

The provisions of this chapter shall not apply to:

- A. Transfers of interest in land by will or pursuant to court order;
- B. Leases for a term not to exceed 10 years, mortgages, or easements;
- C. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
 - (1) Provided, however, that in order to insure compliance with the stated conditions and to prevent possible confusion or conflict with regard to assessment records or zoning, and building codes, no such sale or exchange shall be made without first submitting a description thereof to the Plan Commission for its approval. The Plan Commission shall approve such sale or exchange unless it finds valid objection on the basis of conflict with existing codes or development standards.

**ARTICLE III
Terminology**

§ 243109-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PLAT — The map prepared, as required by either § 243109-2 or 243109-3 of this chapter, for the purpose of recording "subdivisions" or "other subdivisions" of land as provided herein.

STREET — A way for vehicular traffic other than an alley.

- A. **MAJOR STREETS AND HIGHWAYS** — Those which serve as the principal arteries of through traffic movement.
- B. **COLLECTOR STREETS** — Those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. **MINOR STREETS** — Those which are used primarily for access to the abutting properties.
- D. **MARGINAL ACCESS STREETS or FRONTAGE STREETS** — Minor streets which are parallel to and adjacent to major streets and highways, and which provide access to abutting properties and protection from through traffic.

SUBDIVIDER — The owner or owners of land, which is being divided pursuant to § 243109-2A or B of this chapter.

SUBDIVISION — The division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

- A. The act of division created five or more parcels or building sites of 1 1/2 acres each or less in area; or
- B. Five or more parcels or building sites of 1 1/2 acres each or less in area are created by

successive divisions within a period of five years.

ARTICLE IV
Procedures

§ 213109-6. Subdivisions.

A. Prefiling conference.¹

(1) Prior to submitting a plat for official filing or being placed on a Plan Commission agenda for approval of a land division or development, the owner shall consult with the ~~Town~~Village Engineer in order to obtain his advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the Comprehensive Master Plan or plan components, neighborhood plans, and duly adopted plan implementation devices of the Municipality and to otherwise assist the owner in planning the development. The owner is required to provide the ~~Town~~Village Engineer with the information requested on the preliminary land division checklist. Prior to being placed on the agenda for preliminary consultation with the Plan Commission for the municipality, the owner must obtain a finding from the ~~Town~~Village Engineer that he has reviewed the proposed land division or development and finds that all items have been properly submitted and the matter is ready to be placed on an upcoming Municipal Plan Commission agenda.

(2) Prior to submitting a plat for official filing or filing for approval of a land division or development, the owner shall consult with the Plan Commission in order to obtain its advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the Comprehensive Master Plan or plan components, neighborhood plans, and duly adopted plan implementation devices of the municipality and to otherwise assist the owner in planning the development. In so doing, both the owner and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The owner will gain a better understanding of the subsequent required procedures.

B. Preliminary plat filing. Before submitting a final plat for approval, the owner shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared and filed in accordance with this chapter and Ch. 236, Wis. Stats.

C. Preliminary plat review.

(1) The Plan Commission shall review the preliminary plat for conformance with:

(a) The provisions of Ch. 236, Wis. Stats.

(b) This chapter.²

(c) Any official map adopted under state statutes.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Original Subsection 3, which listed "Any local Master Plan adopted under State Statutes" and which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Subsection C(1)(e) below.



N. Shore Dr.

CSM 3851
PARCEL 2
096000M
2.03AC

096000A

Property No. 7

Bark Lake



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

7 e



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

7e

MEETING DATE: January 28, 2016

SUBJECT: Referendum Questions for the April 5th, 2016 Election
DATE SUBMITTED: January 21, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: NONE.

ISSUE SUMMARY:

Two (2) referendum questions will be included on the Village of Richfield's April 5th, 2016 election ballot. These referendum questions were submitted by Ms. Danah Zoulek via procedures in Wisconsin State Statutes to amend the Village's Charter Ordinances.

Included in your attachments are the referendum questions. The referendum questions have been drafted by the Village Attorney and were submitted to the Washington County Clerk before Tuesday, January 26th, 2016. State statute requires the filing no later than January 27th, 2016.

In an effort to notify the public regarding the upcoming referendum questions, we will be including information in the Richfield Happenings Newsletter up until the election. This item is on the agenda for advisory purposes only.

FISCAL IMPACT:

REVIEWED BY: Katelynn Smith, Village Deputy Treasurer

Initial Project Costs: Administrative.
Future Ongoing Costs: Administrative.
Physical Impact (on people/space): None.
Residual or Support/Overhead/Fringe Costs: None.

ATTACHMENTS:

- 1. GAB-228 2016/Paper Referendum Ballot - Village of Richfield Official Referendum Ballot
2. Notice of Referendum for Question 1 - to increase the size of the Richfield Village Board
3. Notice of Referendum for Question 2 - to enact term limits on the Richfield Village Board

STAFF RECOMMENDATION:

None.

APPROVED FOR SUBMITTAL BY:

[Signature]
Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

Official Referendum Ballot

April 5, 2016

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials.)

Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help.
(Absentee Voters: Contact your municipal clerk.)

To vote in favor of a question, make an "X" or other mark in the square next to "Yes," like this:

To vote against a question, make an "X" or other mark in the square next to "No," like this:

Referendum
Question 1: Shall the petitioned Charter Ordinance be adopted which would expand the size of the Village Board from five (5) members to seven (7) members and freeze the total Village Board compensation to exactly the compensation cost of the previous five (5) person Village Board?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

Referendum
Question 2: Shall the petitioned Charter Ordinance be adopted which would state that no person shall be elected to the Office of Village Trustee or Village President for more than three (3) terms [two (2) years each] and serve no more than six (6) years for these respective positions?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

**NOTICE OF REFERENDUM
VILLAGE OF RICHFIELD
April 5, 2016**

NOTICE IS HEREBY GIVEN, that at an election to be held in the Village of Richfield on April 5, 2016, the following proposed ordinance, will be submitted to a vote of the people:

SECTION 1. Section 7-1 A. (Membership Constituted). Subparagraph A of Section 7-1 in Chapter 7, Part I, Article I is amended to add the following sentence to the end of said Subparagraph A:

Beginning with the first Village of Richfield spring election following this amendment's adoption, the Village Board shall consist of the Village President and six Trustees, all of whom shall be elected from the Village at large.

SECTION 2. Section 7-1 C. (Compensation of Enlarged Village Board). Subparagraph C of Section 7-1 in Chapter 7, Part I, Article I shall be amended to add the following language as third paragraph number Subparagraph C:

- (3) The compensation for all Village Trustees and Village President shall be appropriately adjusted so that the total compensation cost of the Village of Richfield's new seven-person Village Board is exactly the same as the compensation cost of the previous five-person Village Board.

The question will appear on the ballot as follows:

Question 1: Shall the petitioned Charter Ordinance be adopted which would expand the size of the Village Board from five (5) members to seven (7) members and freeze the total Village Board compensation to exactly the compensation cost of the previous five (5) person Village Board?

YES

NO

EXPLANATION

A "Yes" vote on the question is in favor of the adoption of the petitioned charter ordinance, which will expand the size of the Village Board from five (5) members to seven (7) members, while keeping the total compensation exactly the same.

A "No" vote on the question is opposed to the adoption of the petitioned charter ordinance, which will maintain the current size of the Village Board, at five (5) members.

If a majority of the voters voting on the petitioned charter ordinance vote "Yes", the petitioned charter ordinance will be adopted and will take effect upon publication, which shall be made within 10 days after the election.

Done in the Village of Richfield on _____.

James Healy, Village Administrator/Clerk

**NOTICE OF REFERENDUM
VILLAGE OF RICHFIELD
April 5, 2016**

NOTICE IS HEREBY GIVEN, that at an election to be held in the Village of Richfield on April 5, 2016, the following proposed ordinance, will be submitted to a vote of the people:

SECTION 1. Subparagraph B of Section 7-1 in Chapter 7, Part I, Article I is amended to add the following additional subparagraphs to the end thereof:

(3) No person shall be elected to the office of Village Trustee for more than three terms (two years each) and shall serve no more than six years in this office, AND

(4) No person shall be elected to the office of Village President for more than three terms (two years each) and shall serve no more than six years in this office, AND

(5) Any person who already has been elected for three or more terms either as Village Trustee or Village President on the date of this ordinance's adoption shall be ineligible for re-election to these respective positions (Village Trustee or Village President) in the Village of Richfield.

The question will appear on the ballot as follows:

Question 2: Shall the petitioned Charter Ordinance be adopted which would state that no person shall be elected to the Office of Village Trustee or Village President for more than three (3) terms [two (2) years each] and serve no more than six (6) years for these respective positions?

YES

NO

EXPLANATION

A "Yes" vote on the question is in favor of the adoption of the petitioned charter ordinance, which will restrict eligibility for the Office of Village Trustee by prohibiting a person from running for the Office if it would result in their service for more than three (3) terms or for more than six (6) years; the same limitation would apply to the Office of Village President, by restricting eligibility if it would result in service more than three (3) terms or more than six (6) years in the Office of Village President.

A "No" vote on the question is opposed to the adoption of the petitioned charter ordinance, which will maintain the existing laws, which do not impose such term limits.

If a majority of the voters voting on the petitioned charter ordinance vote "Yes", the petitioned charter ordinance will be adopted and will take effect upon publication, which shall be made within 10 days after the election.

Done in the Village of Richfield on _____.

James Healy, Village Administrator/Clerk