



AGENDA  
VILLAGE BOARD MEETING  
RICHFIELD VILLAGE HALL  
4128 HUBERTUS ROAD, HUBERTUS WISCONSIN  
October 20, 2016  
7:00P.M.

1. Call to Order/ Roll Call
2. Verification of Compliance with Open Meeting Law
3. Pledge of Allegiance
4. ANNUAL REPORT: Dean Peters, Associated Appraisal Consultants, Inc.
5. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding reports and discussion/action 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.)
6. CONSENT AGENDA
  - a. Vouchers for Payment
  - b. Treasurer's Report
  - c. Meeting Minutes:
    - i. September 15, 2016 – Regular Meeting
    - ii. September 20, 2016 – Special Meeting
  - d. New Operator Licenses
  - e. Application by William Yancey for a Class "B" Beer License for American Legion Post 522 & Don Borchardt for a Class "B" Beer License for Wicked Archery LLC per State Statute 125.26
  - f. R2016-10-01, A Resolution Updating the Village's Allowable Financial Institutions
7. PUBLIC HEARING
  - a. Discussion regarding Ordinance O2016-10-04, an Ordinance to amend the future land use map (Map 12) by changing the land use classification of a specified property from "Neighborhood Activity Center" to "Agricultural" and make corresponding changes in the text of the plan.
8. DISCUSSION/ACTION ITEMS
  - a. Discussion/Action regarding Ordinance O2016-10-04, an Ordinance to amend the future land use map (Map 12) by changing the land use classification of a specified property from "Neighborhood Activity Center" to "Agricultural" and make corresponding changes in the text of the plan.
  - b. Discussion/Action regarding Ordinance O2016-10-02, an Ordinance to rezone a property located at 4440 CTH Q (Tax Key: V10\_130900D) from A-1, Exclusive Agricultural District and NAC-1, Neighborhood Activity Center to A-1, Exclusive Agricultural District
  - c. Discussion/Action regarding Ordinance O2016-10-01, an Ordinance relating to a proposed Zoning Code amendment to Section 70.242(F) for legal, non-conforming structures
  - d. Discussion/Action regarding Ordinance O2016-10-03, an Ordinance to amend various sections of Section 70.190 related to "Permitted Principal Uses" and "Conditional Uses" in the A-2, General Agricultural District
  - e. Discussion/Action regarding Ordinance O2016-10-05, an Ordinance to amend various Sections of Chapter 167 related to storm water and erosion control
  - f. Discussion/Action regarding a one-lot CSM in Steeple View Estates involving Tax Keys: V10\_0106035 and V10\_0106040001
  - g. Discussion/Action regarding a potential intergovernmental agreement with the Richfield Joint School District No.1 for snow plowing services and related materials
  - h. Discussion/Action regarding an amendment to the 2016 Budget
  - i. Discussion/Action regarding the Village's DPW Garage located at 1345 Hillside Road
9. PUBLIC COMMENTS (...Continued)
10. CLOSED SESSION
  - a. Discussion/Action to enter into Closed Session pursuant to Section 19.85(1)(c) of the Wis Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. – Village Administrator
11. RECONVENE IN OPEN SESSION
  - a. Discussion/Action regarding matters addressed in Closed Session outlined above

12. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at [www.richfieldwi.gov](http://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](http://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, Jennifer Keller, 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) Architectural Review Board - 2016.10.19

2) Village Board Agenda - 2016.10.20

on 10/14/16 (date), 2:00 (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.

Jennifer Keller  
 Signature  
10/14/2016  
 Date

Personally came before me this 14<sup>th</sup> day of October, 2016.

Margaret Pennells  
 Notary Public, State of Wisconsin  
 My commission expires 10/11/2020

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](http://www.richfieldwi.gov).

\_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Date

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VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

SUBJECT: Consent Agenda
DATE SUBMITTED: October 13, 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 September 15th and 20th 2016, New Operator Licenses, Application by William Yancey for a Class "B" Beer License for American Legion Post 522 and an Application by Don Borchardt for a Class "B" Beer License for Wicked Archery LLC, per State Statute 125.26 and R2016-10-01, A Resolution Updating the Village's Allowable Financial Institutions,

FISCAL IMPACT:

REVIEWED BY: Village Deputy Treasurer

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

ATTACHMENTS:

- 1. Vouchers for Payment
2. Treasurer's Report
3. Meeting Minutes from September 15 and September 20, 2016
4. New Operator License List, Copy of Applications, Background Investigation Report
5. New Class "B" Beer License application for American Legion Post 522 and Memo dated October 13, 2016 from Deputy Michael Anderson
6. New Class "B" Beer License application for Wicked Archery LLC and Memo dated October 13, 2016 from Deputy Michael Anderson
7. R2016-10-01, A Resolution Updating the Village's Allowable Financial Institutions

STAFF RECOMMENDATION:

Motion to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from September 15 and 20th, New Operator Licenses, New Class "B" Beer License application for American Legion Post 522 and New Class "B" Beer License application for Wicked Archery LLC and R2016-10-01, A Resolution Updating the Village's Allowable Financial Institutions.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

#

MEETING DATE: October 20, 2016

SUBJECT: Consent Agenda

DATE SUBMITTED: October 13, 2016

SUBMITTED BY: Jim Healy, Village Administrator

  
\_\_\_\_\_  
Village Staff Member

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

  
\_\_\_\_\_  
Village Administrator

VILLAGE OF RICHFIELD  
VOUCHERS FOR PAYMENT  
OCTOBER 2016

BATCH #1					
CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		9/13/16	Village of Richfield	\$16,021.49	Bi-Weekly Payroll
ACH		9/13/16	Wisconsin Deferred Comp.	\$2,127.38	State Withholding Tax
ACH		9/13/16	Electronic Fed Tax Payment	\$5,935.93	FICA Tax
ACH		9/13/16	Wisconsin Deferred Comp.	\$290.00	457 Plan
11237-11271		9/16/16	September Vouchers for Payment		
11272		9/16/16	WE Energies	\$17.33	Gazebo Electric Invoice
11273		9/16/16	Transcendent Technologies	\$850.00	2016 Tax Collection Season
11274	0153407023	9/16/16	US Cellular	\$299.75	Charges for September Phone Bill
11275		9/16/16	Richfield Volunteer Fire Company	\$53,471.56	Fire Company 2% Dues
11276	C10001719597	9/16/16	Advanced Disposal Services	\$260.00	Temporary Trash 8/22/2016
11277		9/16/16	Premier Building Inspections	\$61.25	August Inspections done by Bryan
11278		9/20/16	Postmaster	\$915.07	September/October Newsletter
11279		9/20/16	Bonnie Quaegber	\$534.00	August Cleaning Invoice
11280		9/20/16	WE Energies	\$539.28	Heating and Electric
11281	C335944	9/20/16	Office Copying Equipment	\$582.17	Printer Contract
11282	19443&19432	9/20/16	Northshore Bank Leasing	\$711.26	October Building Inspector Lease
11283	561-15-8B	9/20/16	Road Bond Refund	\$2,000.00	3882 Timberstone Way
11284		9/21/16	WE Energies	\$15.23	Gas and Heating Charges
11285	469-15-7B	9/21/16	Road Bond Refund	\$2,000.00	4718 Autumn Trail
11286		9/21/16	WI Dept. of Financial Institute	\$20.00	Front Desk Notary Renewal Fee
ACH		9/26/16	Wisconsin Retirement System	\$8,713.80	August Wisconsin Retirement Payment
ACH		9/26/16	Capital One Bank	\$267.72	Various Office Supplies and Staff Expenses
ACH		9/26/16	United Health Care	\$10,587.66	October United Health Care Invoice
ACH		9/27/16	Village of Richfield	\$15,340.83	Bi-Weekly Payroll
EFTPS		9/27/16	Electronic Fed Tax Payment	\$5,527.26	FICA Tax
ACH		9/27/16	Wisconsin Dept. of Revenue	\$1,151.75	State Withholding Tax
ACH		9/27/16	Wisconsin Deferred Comp.	\$290.00	457 Plan
11287		9/28/16	Road Bond Refund	\$6,000.00	1040 Timberstone Way, 3918 Kairn Circle, 2949 Nostalgic Drive
11288	321-15-5B	9/28/16	Road Bond Refund	\$2,000.00	4255 Pleasant View Drive
11289	787-14-10B	9/28/16	Road Bond Refund	\$2,000.00	471 Preserve Way
11290		9/28/16	WE Energies	\$898.04	Street Lighting Invoice
11291	950339	9/28/16	Delta Dental	\$103.40	Dental Insurance through October
11292	262628750109	9/28/16	AT&T	\$231.56	August through September Phone Invoice
11293		9/28/16	Building Permit Refund	\$50.00	Electrical Permit Refund 654 Highland Drive
11294	19211	9/28/16	Digital Edge Copy & Print	\$112.50	Bark Lake/Wild Marsh Landing Envelopes
			<b>TOTAL BATCH #1</b>	<b>\$139,926.22</b>	<b>Checks Written End of September 2016</b>
BATCH #2					
CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
ACH		10/4/16	Village of Richfield	\$2,045.72	Monthly Payroll
EFTPS		10/4/16	Electronic Fed Tax Payment	\$555.99	FICA Tax
ACH		10/5/16	Village of Richfield	\$609.46	Quarterly Payroll
EFTPS		10/5/16	Electronic Fed Tax Payment	\$101.08	FICA Tax
11302	150-15-3B	10/5/16	Road Bond Refund	\$2,000.00	1080 Hickory Hill Pkwy W
11303	703-15-10B	10/5/16	Road Bond Refund	\$2,000.00	3938 Kairn Circle
11304	2016-00000018	10/5/16	Waukesha County Treasurer	\$138.84	Municipal Collection 2016
11305		10/5/16	Charter Communications	\$158.80	October Charter Business Payment
11306		10/5/16	Richfield Rockets	\$870.00	Fall Ball Deposit Reimbursement
11307	5965438-2275-	10/5/16	Waste Management of Milwaukee	\$510.20	October 2016 Waste Disposal Charges
11308		10/5/16	WE Energies	\$2,135.89	Street Lighting Invoice
11309		10/5/16	Washington County Treasurer	\$61.23	Managed Forest Law Payment to Washington County
11310	803-15-11B	10/12/16	Road Bond Refund	\$2,000.00	1512 Cambridge Drive
11311	132-16-3B	10/12/16	Road Bond Refund	\$2,000.00	2286 Elsie's Drive
11312		10/12/16	BIASEW	\$160.00	IBC Code Updates for Building Inspectors
11313		10/12/16	Menards-Germantown	\$183.13	Office and Park Supplies and Expenses
11314	C10001725707	10/12/16	Advanced Disposal Services	\$260.00	Waste Disposal Invoice
11315	510810-09-16	10/12/16	Premium Waters Inc.	\$31.74	September Waste Service Charges

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11316	12315	10/12/16	Wisconsin Legal Blank Co. Inc.	\$941.50	Absentee Certificate Envelope
11317	1540390916	10/12/16	Conley Classifieds	\$91.87	Notice of Public Hearings
11318	122409	10/12/16	Associated Appraisal Consultants	\$3,958.33	Professional Services September
11319	29-90	10/12/16	Civi Tek Consulting	\$224.00	Planning Consultant Fees
11320	651452	10/12/16	Complete Office of Wisconsin	\$68.26	Office Supplies and Expenses
11321	19212	10/12/16	Digital Edge Copy & Print	\$230.25	Voter Pads for New Election Equipment
11322	101816	10/12/16	E.H. Wolf & Sons, Inc.	\$142.00	1 Case of Grease Gun Cartridges
11323	364	10/12/16	Five Star Fireworks Co.	\$4,400.00	Richfield Days Firework Display
11324	49432	10/12/16	Montage Enterprises Inc.	\$211.31	Tiger Mower Cutter Shaft Bearing
11325	3526988	10/12/16	Neu's Building Center Inc.	\$173.98	Truck Air Valves and Cleaning Supplies
11326		10/12/16	Port A John	\$582.00	Service to Restrooms in the Parks
11327	9095639	10/12/16	Quill Corporation	\$56.97	Quill Labels and Batteries
11328	1160	10/12/16	Washington County Clerk	\$84.00	Memory Card Downloading and Election Supplies
11329	5622	10/12/16	Washington County Treasurer	\$14,490.14	Painting Centerlines
11330	136965	10/12/16	Northwoods Superior Chemical	\$146.82	Aerosol Cans
ACH		10/12/16	Village of Richfield	\$15,554.99	Bi-Weekly Payroll
ACH		10/12/16	Wisconsin Dept. of Revenue	\$1,005.00	State Withholding Tax
EFTPS		10/12/16	Electronic Fed Tax Payment	\$5,617.99	FICA Tax
ACH		10/12/16	Wisconsin Deferred Comp.	\$300.00	457 Plan
11331	0157876787	10/13/16	US Cellular	\$299.70	Charges through September 2016
11332		10/13/16	Equal Rights Division	\$30.00	September 2016 Work Permits
			<b>TOTAL BATCH #2</b>	<b>\$64,431.19</b>	<b>Checks Written Beginning of October 2016</b>

\*\*BATCH #3

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	1114		Arenz, Molter, Macy, Riffle & Larson	\$6,221.50	October through September Legal Bill
	154808		Banyon Data Systems, Inc.	\$485.00	For Fund Accounting, Payroll and POS Support
	23098		B&B Trailers	\$2,685.00	New Enclosed Trailer Purchase
	89860		Cedar Corporation	\$184.50	Zoning Map Updates
			Cintas Corporation	\$970.05	DPW Uniform Cleaning Invoice
			Douglas Cherkauer	\$2,428.76	Third Quarter Well Monitoring Invoice
			Hopson Oil Co. Inc.	\$2,574.42	September Fuel Invoice
	40728		Houseman & Feind, LLP	\$1,248.00	2016 Carla Whitcomb Matters
			<b>TOTAL BATCH #3</b>	<b>\$16,797.23</b>	<b>Checks Still Needing Approval***</b>

\*\*BATCH #4

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	C041009614		Interstate Power Systems, Inc.	\$200.04	Allison Transmission Parts Stock
	171600		Kunkel Engineering Group	\$10,825.00	CSM, Strep Map and MS4 Permitting
	178		Loggers Park LLC	\$138.00	16" Pizza for election day workers
	24333		Ontech Systems Inc.	\$232.68	September IT Needs
	CC2555		Professional Comm System	\$558.00	PCS Customer Care Warranty
	1006451251		Piggly Wiggly	\$26.74	Coffe, Forks and Spoons
	100027493		Preferred Doors, LLC	\$169.74	Liftmaster Button Remote Control
	WM834419		Richfield Volunteer Fire Company	\$39,365.87	October Fire Company Invoice
	9123		Road Equipment Parts Center	\$81.74	Spring Brake Truck #11
			Washington County Sheriff	\$26,024.04	Sheriff Contract Service for September 2016
			WI Dept. of Justice	\$70.00	September Backgorund Check Invoice
	3049		Wisconsin Rural Water Association	\$245.60	Safety Annual Refresher Training
			<b>TOTAL BATCH #4</b>	<b>\$77,937.45</b>	<b>Checks Still Needing Approval***</b>
			<b>TOTAL</b>	<b>\$299,092.09</b>	

\*\*FIRE COMPANY CONSTRUCTION

CHECK #	PO#	DATE	PAYEE	AMOUNT	COMMENTS
	2435		Paun Construction Inc.	\$128,250.00	Concrete Work Completed through September 2016
	14329		Badger Railing	\$31,701.50	Work Completed through September 2016
			Robert W. Nelson, Inc.	\$175,750.00	Work Completed through September 2016
	102818		H.I.S.	\$55,100.00	Roofing Furnished and Installed at New Fire Station
	0119395-IN		Omni Glass & Paint, Inc.	\$2,375.00	Work Completed through September 2016
	7282		Davco Development	\$19,000.00	Work Completed through September 2016

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		Total Mechanical	\$17,537.00	Work Completed through September 2016
22961		H&H Mechanical Contractors	\$28,500.00	Installation of duct work, venting and insulation

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	1084	Faith Technologies Inc.	\$77,828.75	Work Completed through September 2016
		MSI General	\$30,428.50	Work Completed through September 2016
		<b>TOTAL FIRE COMPANY CONST.</b>	<b>\$566,470.75</b>	<b>Checks Still Needing Approval***</b>



**VILLAGE OF RICHFIELD**  
**Treasurer's Report for September 30, 2016**

**BANK ACCOUNT BALANCES**

	Interest Rate	Beginning Balance August 31, 2016	Interest Earned	Ending Balance September 30, 2016
Landmark Checking Account	0.25%	\$ 1,248,437.66	\$ 213.97	\$ 1,033,683.50
LGIP General Fund	0.43%	\$ 742,115.17	\$ 259.22	\$ 742,374.39
LGIP Fire Impact Fees	0.43%	\$ 274,613.51	\$ 88.02	\$ 88.02
LGIP Park Impact Fees	0.43%	\$ 10,343.71	\$ 5.20	\$ 17,913.91
LGIP Tax Account	0.43%	\$ -	\$ -	\$ -
FNB Entrepreneur Plus Account	0.05%	\$ 127,583.01	\$ 5.24	\$ 127,588.25
FNB Platinum MMD Account	0.15%	\$ 257,911.10	\$ 31.80	\$ 257,942.90
FNB Public DDA Account	0.05%	\$ 1,644,372.99	\$ 67.17	\$ 1,497,604.47
Bank Mutual MM Account	0.67%	\$ 252,637.33	\$ 140.40	\$ 252,777.73

**CERTIFICATES OF DEPOSIT**

	Purchase Date	Expiration Date	Interest Rates	Amount
First National Bank	October 31, 2015	April 30, 2017	0.55%	\$ 252,354.26
Bank Mutual	March 3, 2015	October 3, 2016	1.05%	\$ 255,596.75

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

**LETTERS OF CREDIT/PERFORMANCE BONDS/DEVELOPER GUARANTEES**

	Purchase Date	Expiration Date	Amount
D&S Weyer No. II, LLC	CASH HELD BOND		\$ 59,800.00

**PERMIT PERFORMANCE BOND**

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

**1. Call to Order/ Roll Call**

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

Also present: Village Administrator Jim Healy 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: Update on Village DPW Garage – Village Administrator, Jim Healy**

Administrator Healy gave an update on a bid received from Graefe Engineering firm for an engineering analysis of the DPW Building. Administrator Healy stated that once he has received the report he will present it at the next available meeting.

**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, Colgate stated that she believes limiting public comments to items on the agenda is not appropriate. Ms. Zoulek also stated that she supports amendments to the comprehensive plan that benefit the community. Ms. Zoulek stated that the comprehensive plan should not be used as a tool to make decisions that are not beneficial for the community. Ms. Zoulek also stated that there was a grammatical error on the Resolution and that she hopes that gets corrected.

**6. CONSENT AGENDA**

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
  - i. August 18, 2016 – Regular Meeting
- d. New Operator Licenses
- e. American Legion Post #522 Fund Raiser Golf Outing Class "B" Picnic License
- f. Temporary Operator License Renewal Applications
- g. Resolution R2016-09-01, A Resolution Honoring Mr. David N. Radermacher

Administrator Healy made a comment that Attorney Macy would need to be added to the August 18<sup>th</sup> minutes before the Board entered into closed session in order to reflect he was in attendance to the meeting.

Motion by Trustee Collins to approve the Vouchers for Payment, Treasurer's Report, the Village Board Minutes from August 18<sup>th</sup>, New Operator Licenses, American Legion Post #522 Fund Raiser Golf Outing Class "B" Picnic License, Temporary Operator License Renewal Applications, and Resolution R2016-09-01, A Resolution Honoring Mr. David N. Radermacher; Seconded by Brandner; Motion carried unanimously.

**7. DISCUSSION/ACTION ITEMS**

- a. Discussion/Action regarding a one-lot CSM for Otzelberger Revocable Trust (Tax Keys: V10\_1293 & V10\_129300A)

Motion by Trustee Brandner to approve the proposed One-Lot CSM for Otzelberger Revocable Trust indicated by Tax Keys: V10\_1293 and V10\_129300A subject to the General and Specific Conditions of Approval listed below:

**Specific Conditions of Approval:**

1. The Village of Richfield Plan Commission "Signature Block" be removed
2. "John Jeffords, Village President" be inserted into the Village Board "Signature Block"
3. "Jim Healy, Village Administrator/Clerk" be inserted into the Village Board "Signature Block"

**General Conditions of Approval:**

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Attorney, 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 Voss; Motion carried unanimously.

- b. Discussion/Action regarding Ordinance O2016-08-01, an Ordinance to rezone by Mr. and Mrs. Calvin Schneider for properties identified by Tax Key: V10\_0382, V10\_0381, and V10\_0380, from A-1, Exclusive Agricultural District to A-2, General Agricultural District**

Administrator Healy introduced the topic.

Motion by Trustee Neu to adopt Ordinance O2016-09-01, an Ordinance to rezone Tax Keys: V10\_0382, V10\_0381, and V10\_0380 as indicated in the Ordinance Exhibit, from A-1, Exclusive Agricultural District to A-2, General Agricultural District; Seconded by Trustee Brandner; Motion carried unanimously.

- c. Discussion/Action regarding a petitioned Conditional Use Permit for Mr. Kurt Schwendimann to operate a "small batch dairy production" operation pursuant to Section 70.197(D)(2) at 106 STH 164 (Tax Key: V10\_131000Z)**

Administrator Healy gave an introduction regarding the "small batch dairy production" and the report of their water consumption they will be required to provide.

Motion by Trustee Voss to approve the proposed Conditional Use Permit for Lake Five Foods, located at 106 STH 164 (Tax Key: V10-1310-00Z) subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The Site, Building and Plan of Operation for Lake Five Foods, LLC also be similarly approved.

2. The vegetable stand currently operating on site be properly permitted with a Temporary Zoning Permit.
3. The vegetable stands temporary signs on the site be properly permitted by the Village's Building Inspection Department.

**General Conditions of Approval:**

1. The property owner 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 property owner 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

Seconded by Trustee Brandner;

Trustee Neu stated that the conditions were the ones as listed on the September 15<sup>th</sup> communication form.

Discussion was had about the amount of times they should require the water reports each year.

Trustee Brandner stated he felt quarterly, as outlined, was an appropriate time interval for reporting.

Motion carried unanimously.

**d. Discussion/Action regarding multiple amendments to Chapter 167 of the Village Code entitled "Erosion Control and Stormwater Management"**

Administrator Healy introduced the topic.

Motion by Trustee Voss to table agenda item 7d. the approval of Ordinance O2016-09-02, an Ordinance to make multiple amendments to Chapter 167 of the Village Code to the Village Board Meeting on October 20<sup>th</sup> at 7:00 pm; Seconded by Trustee Neu; Motion carried unanimously.

**e. Discussion/Action regarding reallocation of Election CIP Funds for the purchase of an election trailer**

Administrator Healy stated that the money to pay for the trailer would be a reallocation of Capital Improvement election machine money that is no longer be needed due to the amount the County has agreed to pay for the machines.

Motion by Trustee Brandner to approve the reallocation of election machine CIP funds in order to pay for the election trailer; Seconded by Trustee Voss; Motion carried unanimously.

**8. PUBLIC COMMENTS (...Continued)**

Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Village Board Meeting Minutes September 15, 2016  
7:00 pm

No one spoke.

**9. ADJOURNMENT**

Motion by Trustee Neu to adjourn the meeting at 7:45 pm; Seconded by Trustee Voss; Motion carried unanimously.

Respectfully Submitted,

Jim Healy  
Village Administrator

DRAFT

**1. Call to Order/ Roll Call**

The meeting was called to order by Village President John Jeffords at 6:05 pm. A quorum of the Village Board was present. Present: Village Board of Trustees; Dan Neu, Rock Brandner, Bill Collins and Sandy Voss.

Also present: Village Administrator Jim Healy, DPW Supervisor Adam Schmitt 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. DISCUSSION/ACTION ITEMS**

**a. Discussion/Action regarding a “Picnic License” for St. Gabriel’s Church**

Motion by Trustee Neu to approve the “Picnic License for St. Gabriel’s Church; Seconded by Trustee Brandner; Motion carried unanimously.

**b. Discussion/Action regarding a cooperative agreement with the Town of Polk for the Wisconsin DNR’s Recycling Consolidation Grant for 2017**

Administrator Healy introduced the topic.

Motion by Trustee Voss to approve the cooperative agreement with the Town of Polk for the Wisconsin DNR’s Recycling Consolidation Grant for 2017; Seconded by Trustee Collins; Motion carried unanimously.

**c. 2017 Budget Workshop**

Administrator Healy went through the proposed budget line by line.

**5. ADJOURNMENT**

Motion by Trustee Voss to adjourn the meeting at 9:50 pm; Seconded by Trustee Brandner; Motion carried unanimously.

Respectfully Submitted,

Jim Healy  
Village Administrator

October 20, 2016 Meeting

**New Operator Licenses**

<b>Name</b>	<b>Place of Employment</b>	<b>Course or valid license</b>	<b>Recommendation</b>
Katherine Aumann	Terrace 167	Course	Approved
Zina Baker	Alpine Retreat	License	Approved
Michele Cherney	Terrace 167	License	Approved
Ryan Chiantello	Uncle Johnny's	License	Approved
Julie Friess	Fat Charlies	License/Course	Approved
Anndelee Gregg	Terrace 167	Course	Approved
Amy Hansen	Terrace 167	Course	Approved
Stephanie Hein	Terrace 167	Course	Approved
Kourtney Lydon	Fox & Hounds	Course	Approved
Robert Prekop	Kettle Hills Golf Course	Course	Approved
Dawn Priddy	Terrace 167	License	Approved
Dawn Sericati	Terrace 167	Course	Approved
Elizabeth Steber	Bilda's	Course	Approved

**NOTICE  
VILLAGE OF RICHFIELD  
WASHINGTON COUNTY, WISCONSIN**

**PLEASE TAKE NOTICE** that the undersigned has applied for a Liquor License at the given premise in the Village of Richfield, Washington County, Wisconsin from November 4, 2016 to June 30, 2017, unless sooner revoked. Applicants agree to comply with all laws, state, federal and local affecting the sale of such liquors if a license is granted to the undersigned:

**CLASS "B" BEER LICENSE**

**Wicked Archery LLC, dba Wicked Archery**, Don Borchardt, Agent, 3010 Helsan Dr., Unit D, Richfield, WI 53076

**CLASS "B" BEER LICENSE**

**American Legion Post 522, dba American Legion Post 522**, William Yancey, Agent, 3590 North Shore Dr., Hubertus, WI 53033

Dated the 5th day of October, 2016

Jim Healy  
Village Clerk

# **2016-2017 Applications**

**Downloaded Separately**

**For Village Trustees Only**

**RESOLUTION R2016-10-1**

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**A RESOLUTION DESIGNATING DEPOSITORIES AND AUTHORIZING  
SIGNATURES FOR THE VILLAGE OF RICHFIELD**

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**WHEREAS**, the Village Board of the Village of Richfield is responsible for handling Village funds including the designation of public depositories per Wisconsin Statutes Section 34.05, and hereby intends to designate depositories and authorize signatories.

**NOW THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Richfield, Washington County, Wisconsin that the following banking institutions or their successors:

Landmark Credit Union, Hubertus & Hartford, Wisconsin  
Westbury Bank, Slinger, WI  
First National Bank of Hartford, Wisconsin  
Local Government Investment Pool, State of Wisconsin

qualified as depositories under Chapter 34 of the Wisconsin Statutes, shall be and are hereby designated until further action as public depositories for all monies coming into the hands of the Village Administrator of the Village of Richfield, State of Wisconsin, and all over Village officers included in the provision of Chapter 34 of the Wisconsin Statutes.

**BE IT FURTHER RESOLVED**, that Landmark Credit Union, Hubertus & Hartford, Wisconsin is designated as the working bank for July 1, 2016-July 1, 2018 and that the Village Board and the Village Administrator are authorized and directed to distribute the Village funds.

**BE IT FURTHER RESOLVED**, that the Village Administrator is hereby instructed to deposit Village funds only in such institutions as may be approved by the State of Wisconsin Investment Board and are eligible to receive public funds.

**BE IT FURTHER RESOLVED**, that the depositories shall furnish collateral for Village funds on deposit

**BE IT FURTHER RESOLVED**, that withdrawal or disbursement from any of the above named depositories shall be by check, written wire transfer, telephone wire transfer, or other money transfer techniques, and, in the case of savings accounts, by savings withdrawal forms, as provided in Section 66.0607 of the Wisconsin State Statutes. Written and telephone wire transfers shall be in accordance with the named depositories guidelines and shall only be made by authorized personnel. In accordance

therewith all check and savings withdrawal forms, effective October 21, 2016 must be signed by all of the following individuals:

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

Passed and adopted this 20<sup>th</sup> day of October, 2016

\_\_\_\_\_  
John Jeffords, President

ATTEST:

\_\_\_\_\_  
Jim Healy, Village Administrator

8 a-b



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM

# 8a38b.

MEETING DATE: October 20, 2016

SUBJECT: Comp. Plan Amendment and Rezoning – Tax Key: V10\_130900D from NAC-1/A-1 to A-1

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: 1) DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION FROM THE PLAN COMMISSION TO AMEND THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP AND MAKE RELATED TEXT AMENDMENTS?*

*2) DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION TO REZONE THE SUBJECT PROPERTY FROM NAC-1/A-1 TO A-1, EXCLUSIVE AGRICULTURAL DISTRICT?*

*ISSUE SUMMARY:*

In March of 2009, J.B.J. Development, acting as agent for LaVerne Hansen petitioned to amend the adopted Zoning Map for the Village of Richfield by rezoning the property previously identified by Tax Key: V10\_1309 from A-1, Exclusive Agricultural District to NAC-1, Neighborhood Activity Center. This petitioned rezoning was consistent with the Village's Comprehensive Plan. The Village's Zoning Map was never updated to reflect this change. Since that time, representations were made to the current property owner that the property was zoned A-1, Exclusive Agricultural District. The Village Board has directed Staff to petition the Plan Commission to amend the Village's Future Land Use Map to show this property as "Agricultural" and then to rezone the property back to A-1, Exclusive Agricultural District.

At the September 8<sup>th</sup> Plan Commission meeting the Plan Commission passed, by majority vote, a resolution directing Staff to hold a scheduled Public Hearing to amend the Comprehensive Plan on October 20<sup>th</sup>. A Class I Public Hearing notice was ran in the West Bend Daily News and all the legally required entities were notified via first-class USPO mail.

On October 6<sup>th</sup>, 2016, the Plan Commission held a scheduled Public Hearing via a Class II Notice which ran for two consecutive weeks in the West Bend Daily News to consider the conditional rezoning petition from NAC-1/A-1 to A-1. Every property owner within 300' of the subject property was contacted. Mailings were distributed to adjacent property owners on Tuesday, September 27<sup>th</sup>, which was 10 days prior to the hearing. Staff received no written comments from residents regarding this proposed change.

At the October 6<sup>th</sup>, 2016 Plan Commission meeting, at the conclusion of the scheduled Public Hearing, the Plan Commission voted to recommend approval of the rezoning of the subject property from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District with the following motion:

Motion by Commissioner Lalk to conditionally recommend approval to the Village Board of Ordinance O2016-10-02, an Ordinance to rezone the subject property, identified by Tax Key: V10\_130900D, from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District subject to the following Specific Condition of Approval:

- 1) That the Village Board adopt the proposed Future Land Use Map amendment and related text amendment to the 2014 Comprehensive Plan following the conclusion of the scheduled Public Hearing on October 20<sup>th</sup> at 7PM.

Motion seconded by Vice-Chairman Berghammer; Motion passed without objection.



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

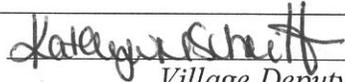
SUBJECT: Comp. Plan Amendment and Rezoning – Tax Key: V10\_130900D from NAC-1/A-1 to A-1

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

Tonight the Board has a singular Public Hearing to consider the amendment to the Village’s adopted Comprehensive Plan. If favorable action is taken to amend the Future Land Use Map and related text amendments by ordinance, the Board could take consecutive action with the actual rezoning of the physical property from NAC-1/A-1 to A-1.

FISCAL IMPACT:

REVIEWED BY:   
Village Deputy Treasurer

Initial Project Costs: Staff Time.  
Future Ongoing Costs: N/A  
Physical Impact (on people/space): N/A  
Residual or Support/Overhead/Fringe Costs: N/A

ATTACHMENTS:

1. Class I Public Hearing Notice
2. Class II Public Hearing Notice
3. Ordinance O2016-10-02, an Ordinance to Rezone a subject property from NAC-1/A-1 to A-1
4. March 3, 2009 Village Board meeting minutes
5. March 19, 2009 Village Board meeting minutes

STAFF RECOMMENDATION:

**Comprehensive Plan Motion:**

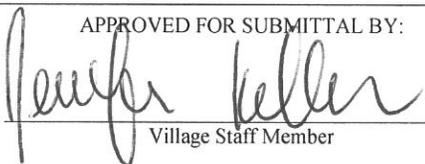
Motion to approve Ordinance O2016-10-04, an Ordinance to amend the Village’s Future Land Use Map and Comprehensive Plan text for the subject property identified by Tax Key V10\_130900D.

**Rezoning Motion:**

Motion to approve Ordinance O2016-10-2, an Ordinance to rezone the subject property identified by Tax Key: V10\_130900D, from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District subject to the following Specific Condition of Approval:

- 1) That the Village Board adopt the proposed Future Land Use Map amendment and related text amendment to the 2014 Comprehensive Plan following the conclusion of the scheduled Public Hearing on October 20<sup>th</sup> at 7PM.

APPROVED FOR SUBMITTAL BY:

  
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. \_\_\_\_\_

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, October 6, 2016**

**PLEASE TAKE NOTICE:**

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct three (3) public hearings on Thursday, October 6, 2016 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the following:

- 1) To amend various sections of 70.190 entitled A-2, General Agricultural District related to “permitted principal uses” and “conditional uses”
- 2) To amend section 70.242(F) related to legal non-conforming structures
- 3) To rezone the property identified by Tax Key: V10\_130900D from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property and the proposed zoning code changes for the Walkable Hamlet District are available from the Village Clerk during normal business hours. All interested parties will be heard. 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 (262)-628-2260 with as much advance notice as possible.

Dated this September 21, 2016

**Publication Dates:**

September 23, 2016

September 29, 2016

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

STATE OF WISCONSIN      VILLAGE OF RICHFIELD      WASHINGTON COUNTY  
ORDINANCE O2016-10-02

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**AN ORDINANCE TO REZONE A SUBJECT PARCEL OF LAND IN THE VILLAGE OF RICHFIELD AND TO AMEND THE ZONING MAP OF THE VILLAGE OF RICHFIELD PURSUANT TO SECTION 70.163 OF THE MUNICIPAL CODE**

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WHEREAS, the Village Board, acting on behalf of the petitioner, Lake Five Farms LLC, is petitioning to rezone the property located at 4440 CTH Q, also identified by Tax Key: V10\_130900D, from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District; and

WHEREAS, the subject property contains 66.66 acres; and

WHEREAS, the rezoning petition has been submitted to the Village of Richfield Plan Commission for report and recommendation; and

WHEREAS, the required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning regulations; and

WHEREAS, the Plan Commission conducted a public hearing on October 6, 2016; and

WHEREAS, the Plan Commission has recommended to the Village Board that the rezoning change be made; and of the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, having determined that the rezoning is substantially conforming to the Village's Comprehensive Plan, and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare for the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Village of Richfield Village Board, Washington County, Wisconsin ordains as follows:

**Section 1. Zoning Map Change**

The subject property is hereby rezoned as described above and depicted in Attachment 1, attached hereto, and the zoning map of the Village of Richfield is hereby amended to incorporate the zoning of the subject properties.

**Section 2. Effective Date**

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

Adopted this 20<sup>th</sup> day of October, 2016

Attest:

\_\_\_\_\_  
John Jeffords, Village President

\_\_\_\_\_  
Attest: Jim Healy, Village Administrator/Clerk

Village Board

Diane Pedersen  
Chuck Kugel  
Dan Neu  
Rock Brandner  
John Jeffords

Staff

Toby Cotter, Village Adm.  
Sarah Jankowski, Planning & Zoning Adm.

1. **Call to order/determination of quorum**  
President Pedersen called the meeting to order at 7:30 P.M. noting that a quorum of Village Board members was present.
2. **Pledge of Allegiance**
3. **Approval of 3/5/2009 Agenda**  
Motion by Jeff Klug, second by Don Berghammer to approve the agenda with the removal of item #5, Motion carried 7-0.
4. **Approval of 1/27/2009 Minutes**  
Motion by Tracey MacGregor, second by John Jeffords to approve the minutes of 1/27/2009. Motion carried 7-0.
5. **Video presentation- Protecting the Mid-Kettle Moraine (Kettle Moraine Partners Group)**  
This item was removed from the agenda.
6. **Discussion/Action review of certified survey map for Nancy Planasch, 2497 Slinger Road (Section 6)**  
Motion by Jeff Klug, second by Don Berghammer, to recommend approval of the certified survey map for tax key V10-0113 contingent on the rezoning of Lot 2 to RS-1 being approved, Motion carried 7-0.
7. **Joint Village Board and Plan Commission Public Hearing: Discussion/Action review of request by Nancy Planasch, 2497 Slinger Road (Section 6) for rezoning of Lot 2 from A-2 General Agricultural to RS-1 Country Estates**  
Motion by John Jeffords, second from Tim Robinson, to open the public hearing, Motion carried 7-0.  
No one from the public spoke.  
Motion by Tim Robinson, second by John Jeffords, to close the public hearing, Motion carried 7-0.  
Motion by Don Berghammer, second by Tim Robinson, to recommend approval of the rezoning of Lot 2 to RS-1 Country Estates, Motion carried 7-0.
8. **Discussion/Action request of J.B.J. Development to rezone tax key V10-1309, 4440 County Line Q, from A-1 Exclusive Agricultural to B-4 Highway Business District (Section 33)- Tabled from January 8, 2009 meeting (This request has been modified to Item #9)**  
The developer has submitted a modified zoning request (Item #9)

Motion by Tracey MacGregor, second by Tim Robinson, to recommend denial of the rezoning request of tax key V10-1309 from A-1 to B-4 Highway Business District because a new rezoning petition was submitted, Motion carried 7-0.

9. **Joint Village Board and Plan Commission Public Hearing: Discussion/Action request of J.B.J. Development to rezone tax key V10-1309, 4440 County Line Q, from A-1 Exclusive Agricultural to NAC-1 Neighborhood Activity Center District (Section 33)**  
Motion by Jeff Klug, second by Tim Robinson, to open the public hearing, Motion carried 7-0.

Jeff Gonyo, Highway J Citizen's Group, is opposed to the rezoning. The ordinance leaves the door open for gas stations and buildings over 15,000 square feet, which is inconsistent with the comprehensive plan.

Greg Galinsky, 4073 Hubertus Road, stated fuel stations shouldn't be allowed at this corner. The Village said they wanted to protect businesses along STH 175, but they should want to protect all businesses in Richfield.

Ron Steffak, 4374 County Line Q, stated that the Village doesn't need to rush into this development. This development will take away the country way of life.

Motion by Jeff Klug, second by Tim Robinson, to close the public hearing, Motion carried 7-0.

The Plan Commission discussed that they had previously addressed the issue of whether the ordinance complies with our comprehensive plan. Our Attorney was involved with drafting this ordinance as well.

Jim Otto stated that this has not been a quick decision. We have talked about this corner since 2003 and have been working on this ordinance since October.

Tim Robinson stated the developer has rights to develop that property as long as it's consistent with the ordinance and comprehensive plan.

John Jeffords stated that many of the controversial uses have to go through the conditional use process, which is a public process. They also have to go through the architectural review process and meet the formula business review.

Jim Otto stated this ordinance has been a compromise, not everyone got what they wanted. The only large store that has been discussed is a grocery store and a conditional use is not guaranteed.

John Jeffords stated the residents should stay involved during the conditional use processes and watch future Plan Commission agendas.

Jim Otto stated that the original request was for B-4 zoning. At the time most residents were okay with the B-1 and B-2 uses, but not B-4. Most of the uses from B-1 and B-2 are permitted in the NAC-1. Any of the more intensive uses are conditional uses. The NAC-1 ordinance has more architectural requirements, buffering requirements than the B-1 or B-2 districts.

Motion by Jeff Klug, second by Tim Robinson, to recommend approval of the rezoning request of tax key V10-1309 from A-1 to NAC-1 Neighborhood Activity Center District, Motion carried 7-0.

- 10. Public Hearing: Discussion/Action review of request from Shepherd of the Hills for a conditional use permit to have two principal structures on one lot per Section 70-134(2)**  
Sarah Jankowski explained the request. The church is requesting they be allowed to keep up the existing building for a period of time after the new building is complete. There may not be adequate funds to remove the structure right after the new structure is complete. The conditional use permit is written to require the structure be taken down within two years.

Pastor Jay Thorson, Shepherd of the Hills, stated there may be a period of a couple years where there are activities in both buildings. In the future the existing church area would be turned into a play area.

Motion by Tim Robinson, second by Tracy MacGregor to open the public hearing, Motion carried 7-0.

No one from the public spoke at the public hearing.

Motion by John Jeffords, second by Don Berghammer to close the public hearing, Motion carried 7-0.

The Plan Commission had some concerns with the precedence this may set. They prefer to have a final date when the structure will be taken down. The conditional use will be brought back in April. Staff will get confirmation to see if the conditional use permit can be restricted to allow no amendments.

Motion by John Jeffords, second by Tracey MacGregor, to table this request until the April Plan Commission meeting to clarify if the CU can be non-amendable, Motion carried 7-0.

- 11. Discussion/Action review of Section 70-206(f)(1) regarding height**  
Sarah Jankowski presented this item. The Architectural Review Board requested that the Plan Commission review the maximum height in the Institutional height. Churches tend to have higher rooflines and the ARB felt a higher height should be permitted. The ordinance was drafted to allow a maximum 50 feet for churches or places of worship.

Dan Neu brought up a concern that the ordinance should clarify the higher height is only for the pitch of the roof and isn't permitted for flat roofs.

The Plan Commission discussed how to modify the ordinance. Staff will revise the ordinance based on the motion.

Motion by Jim Otto, second by John Jeffords, to recommend approval of the revisions to 70-206(f)(1) with modifications to redraft the ordinance so that the ridge height can not exceed 50 feet but the redraft takes into account a sliding scale of working with the roof eave to the roof ridge of an average point, Motion carried 7-0.

**12. Discussion/Action review of a request from Reflections Richfield Investments LLC for a 2 lot certified survey map for tax key V10-0354 (Section 12)**

Don Berghammer recused himself from this item.

Sarah Jankowski presented this item. Tax Key V10-0354 has a small lot on the west side of STH 175. The certified survey map would clean up this and divide it as a separate lot. If this lot is divided out with a CSM, then it will not be required to follow the increased setbacks from Trans 233. Soil tests were completed on the lot and it will have an individual septic system. The DOT will grant a driveway permit for this lot.

Josh Pudelko, Losik Engineering, stated tests were done to confirm that a septic system is suitable.

Jim Otto read an e-mail from Toby Cotter that stated he had a conversation with the DOT and they will grant a driveway permit once an application is filled out.

Motion by John Jeffords, second by Tim Robinson, to recommend approval of the request from Reflections Village for a 2 lot certified survey map for tax key V10-0354 with the condition that the minimum setbacks are added to the certified survey map for Lot 1, Motion carried 6-0.

**13. Discussion/Action review of landscaping plan for Heritage Park concession stand (Section 16)**

Sarah Jankowski presented the landscaping plan that was prepared for the new concession stand.

Kurt Bartel stated he is concerned with the use of shrubs. They need to be maintained, fertilized, and watered. He recommends replacing the shrubs with trees.

Motion by Kurt Bartel, second by John Jeffords to approve the landscaping plan for Heritage Park as part of the landscaping plan approval for the new concession stand with the addition that the shrubs are replaced with deciduous and/or evergreen trees, Motion carried 7-0.

**14. Discussion regarding planning and zoning department**

Toby Cotter introduced Tim Schwenke from Civitek who will be assisting the Village with planning duties, along with Sarah Jankowski.

**15. Adjournment**

Motion by Dan Neu, second by Rock Brandner to adjourn, Motion carried 4-0. Meeting adjourned at 9:05 P.M.

Respectfully submitted,

Sarah Jankowski,  
Planning & Zoning Administrator

Richfield Village Board Special Meeting  
Village Hall, Village of Richfield  
March 5, 2009  
Immediately following Plan Commission Meeting

**1. CALL TO ORDER**

The meeting was called to order at 9:24 p.m. by Village President Diane Pedersen.

**2. ROLL CALL**

Present: President Diane Pedersen, Trustees John Jeffords, Chuck Kugel, Dan Neu and Rock Brandner. Also present Administrator Toby Cotter.

**3. Discussion/Action Items**

- a. Section 70-206 (f) (1) regarding height (follow up from Plan Commission meeting).

A motion by Dan Neu, second by John Jeffords to table until the March Village Board meeting. Motion carried, 5-0.

**7. CLOSED SESSION**

A motion by Dan Neu, second by John Jeffords to go into closed session. A voice vote was taken. Motion carried. (Went into Closed Session at 9:25 p.m.)

- a. Discussion/Action to enter into closed session pursuant to Section 19.85(1)(g) of the WI stats., -Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

**9. ADJOURNMENT**

Motion by Chuck Kugel, second by Dan Neu to adjourn. Motion carried, 5-0. (Meeting adjourned at 10:05 p.m.)

Respectfully submitted.

Beverly Laubenstein  
Administrative Assistant

Richfield Village Board Meeting  
Village Hall, Village of Richfield  
March 19, 2009  
7:30pm  
Meeting Minutes

1. Call to Order

The meeting was called to order at 7:32pm by Village President Diane Pedersen

2. Roll Call

Present were Village President Diane Pedersen; Village Trustees John Jeffords, Chuck Kugel, Dan Neu and Rock Brandner. Administrator Toby Cotter; Planner Sarah Jankowski; and Deputy Clerk Jeremiah Vangen were also present.

3. Pledge of Allegiance

4. Public Comments

Jeff Ganyo, representing the Highway J Citizens Group, spoke several issues:

- a. Perceived errors in previous minutes of Village Board Minutes
- b. Attaching an addendum of corrections to the Minutes up for approval
- c. A lack of notation regarding a handout he gave at a prior meeting
- d. His opposition to the rezoning of the JBJ property being considered at that night's meeting
- e. His desire for Village Board to have gone on record opposing the widening of Highway 164

President Pedersen spoke about the process of taking meeting minutes and noted that it was a summary and not verbatim.

Administrator Cotter advised the board to not allow citizenry to re-write the minutes.

Trustee Jeffords noted that the meetings are recorded and posted to the internet.

5. Consent Agenda

- a. Meeting Minutes - February 19, 2009 and two Special Village Board meetings of March 5. Administrator Cotter noted that the minutes submitted to the board included one revision.
- b. Operator Licenses
- c. Red Flag Resolution
- d. DNR Recycling Grants Resolution

**Motion by Trustee Kugel to approve the Consent Agenda, seconded by Trustee Neu. Motion passed unanimously.**

6. Discussion/Action Items

- a. Vouchers for Payment

**Motion to approve the vouchers by Trustee Brandner, second by Trustee Neu. Motion passed unanimously.**

- b. Treasurer's Report

Trustee Kugel questioned whether one of the dates noted was a typographical error.

Planner Sarah Jankowski noted that it most likely had to do with a changing of banks.

**Motion by Trustee Jeffords to accept the Treasurer's Report, seconded by Trustee Neu. Motion passed unanimously.**

c. Economic Development Washington County Video

Administrator Cotter presented a video in regards to economic development and job growth in Washington County which was created by the Economic Development Corporation.

Village President Pedersen noted her belief that the video was created locally. Administrator Cotter confirmed that the video was made by Epic in West Bend.

d. Employee Benefits for Private Business

Village President Pedersen reported that many communities have passed similar ordinances in response to the recent referendum passed in Milwaukee.

Administrator Cotter explained that this is an attempt to block potential referendums from interfering in the business sector and forcing compulsory wages and benefits on businesses. He also stated that he doubted such a referendum would gain enough signatures, nor would it pass in Richfield.

**Motion by Trustee Brandner, seconded by Trustee Neu to approve 2009-3-1 an ordinance to create Section 18-4 of the Richfield Municipal Code relating to employee benefits for private businesses. Motion passed unanimously.**

e. Washington County Landmark Commission -- Messer/Mayer Mill

Village President Pedersen spoke regarding the preparations of the Messer/Mayer Mill as a Washington County Landmark. Pedersen, as well as Lois Hessenhauer, President of the Richfield Historical Society had met with the county's landmark commission to review both the legal documents and historical documents pertaining to the property. On March 9th, 2009 the Landmark commission approved the designation, finalized the plaque, and set a date for the dedication ceremony. Village President Pedersen invited the public to the dedication which will take place at 9am on June 27, 2009.

Pedersen also provided the official notation to be placed on the plaque; the placement of the plaque will be decided by the Historical Society along with one member of the Park commission.

f. Planasch Rezoning

Pedersen stated that the Plan Commission had previously reviewed this request to rezone the Planasch property and had recommended approval.

**Motion by Trustee Chuck Kugel, seconded by Trustee Jeffords, to approve the rezoning of a portion of tax key V10-0113, which is described in the legal description, from A-2 to RS-1 contingent on the approval and recording of the certified survey map. Motion passed unanimously.**

g. Planasch Certified Survey Map

President Pedersen informed the Board that the Plan Commission had reviewed the certified survey map and had recommended approval. She added that soil tests were completed on Lot 2, and that Lot 1 has an existing home on it.

**Motion by Trustee Jeffords, seconded by Trustee Neu, to approve the certified survey map for the property located at 2497 Slinger Road, tax key V10-0113. Motion passed unanimously.**

g. JBJ Rezoning - B-4 Request

President Pedersen stated that the Plan Commission had originally reviewed the request in October 2008 and that it was tabled until the new Neighborhood Activity Center District was approved. The Plan Commission then recommended denial of the original request because a new request was submitted for NAC-1 zoning.

**Motion by Trustee Brandner, seconded by Trustee Kugel to deny the request to rezone tax key V10-1309 from A-1 to B-4 Highway Business District because a revised rezoning request was submitted. Motion passed unanimously.**

i. JBJ Rezoning - NAC-1 Request

President Pedersen stated that the Plan Commission had reviewed the request at the March 5th meeting and had recommended approval of the proposed rezoning.

**Motion by Trustee Jeffords, seconded by Trustee Neu, to approve the request to rezone tax key V10-1309 from A-1 to NAC-1 Neighborhood Activity Center District. Motion passed unanimously.**

j. Reflections Village Certified Survey Map

Village Planning Administrator Sarah Jankowski noted the certified survey map was reviewed by the Plan Commission at their last meeting. The owner of the land owns a small portion of a lot on the west side of Highway 175. It must follow Trans 233, which requires increased setbacks from the state highway. The Department of Transportation recommended a certified survey map be done. Soil tests were completed on Lot 1, and the DOT will issue a driveway permit for the property.

President Pedersen asked for clarification regarding the splitting of the property and its compliance. Jankowski confirmed compliance.

**Motion by Trustee Neu, seconded by Trustee Brandner, to approve the certified survey map for tax key V10-0345. Motion passed unanimously.**

k. I-1 Institutional District - Height

President Pedersen remarked that a new church had difficulties with reconciling the code and keeping the building's appearance consistent with aesthetics.

Village Planner Jankowski explained that the Architectural Review Board had recommended the Plan Commission consider modifications to institutional height requirements. The Planner went on to give specific reasons why the Planning Commission and Architectural Review Board supported modifications to Institutional code.

**Motion by Trustee Kugel, seconded by Trustee Jeffords to approve the revisions to Section 70-12 and 70-216(f)(1). Motion passed unanimously.**

l. 2008 Sealcoating Project

Pedersen relayed that she had received complaints from the community regarding the situation with Scott construction.

Cotter explained what had occurred with the roads, and noted that Scott construction has taken full responsibility. The company has agreed to redo the roads as well as clean up the surrounding areas with special attention given to residential and environmentally sensitive properties.

The Board and Cotter then discussed the three different choices the Village had in regards to the re-application process.

**Motion by Trustee Brandner, seconded by Trustee Neu to approve the agreement with Scott Construction to resolve any outstanding issues related to the 2008 sealcoating project consistent with Attorney Mike Herbrand's letter dated March 10, 2009 with the sealcoating product to be chip seal with boiler slag. Motion passed unanimously.**

m. 2009 Roadway Improvement Program

Administrator Toby Cotter discussed the bid from Stark Construction regarding the 2009 projects to be completed. He noted that federal stimulus money would be required for the Village to complete the projects listed, and that the bids have been proposed with the understanding that they can only be completed on the condition of receiving federal stimulus funds. He stated that the Skyline (Kettle Moraine) Subdivision was the top priority, followed by Surface Course asphalt for various subdivisions. Also discussed were Hillside Road, Monches Road, and Slinger Road.

The Board discussed various topics including base patching, ways of cutting down costs on the project, and proposed a workshop of residents who have experience with this industry so that the Board might learn more about the topic and the best way to proceed.

**Motion by Trustee Kugel, seconded by Trustee Jeffords to approve the 2009 Roadway Improvement program with Stark Asphalt per project No. R08-0862-104 specifications with the understanding that only Skyline Subdivision and surface course projects will be**

completed until the village receives notification regarding the local recovery funding and that a group of knowledgeable Village residents, who have time available, meet at the Village Hall, with appropriate staff, to discuss the better use of resources for future road repairs. Motion passed unanimously.

n. 2009-2010 Salt Purchase

Administrator Toby Cotter explained that Wisconsin is planning to bid the Salt Purchase contract early in hopes of getting a better price. He noted that last year the Village chose prudently to purchase the salt within the State's contract.

**Motion by Trustee Jeffords, seconded by Trustee Neu to authorize the Village Administrator to enter into an agreement with the State of Wisconsin to purchase salt for the 2009/2010 winter season. Motion passed unanimously.**

o. Regional Housing Strategy

President Pedersen presented information from the Metropolitan Builders Association regarding affordable housing. This presentation was for informational purposes only; a motion was not needed.

p. Park Utility Vehicle

Administrator Toby Cotter presented this item regarding the Park Utility Vehicle requested by Joe Klemm, Highway Superintendent.

**Motion by Trustee Brandner, seconded by Trustee Kugel, to authorize the Village Administrator to approve the purchase of the John Deere Gator XUV for a cost not to exceed \$10,988.84**

The Board continued discussion on the possible uses of the vehicle, as well as alternative strategies, and the timing and utility limitations under the status quo. It was explained that the current machinery creates divits in the parks.

**Motion passed 3-2. Dissenting were Trustee Jeffords and Trustee Neu.**

q. Park Lawnmower discussion

This item was not discussed by the Board. The potential lawnmower was no longer available.

r. COPS Hiring Recovery Program.

Presentation by Administrator Toby Cotter regarding the potential hiring of an additional officer through the COPS program, which may help fund an additional officer for a three year period.

The Board discussed funding, trigger points to hire a new officer, and questioned the activity level between Richfield's status change from town to village.

This Item was for informational purposes, and no motion was made.

s. Purchase three AED Units

Village President Pedersen presented the need to purchase new AED Units for Squad cars and at Village Hall.

The Board and Administrator Cotter discussed the possible re-use of older models, the current use of borrowed units, and the advantages of the newer equipment.

**Motion by Trustee Jeffords, second by Trustee Kugel to approve the purchase of three AED units at a cost not to exceed \$1,195 per unit and direct the administrator to have a conversation along with Lt. Scholteis and Fire Chief Kohl to see if we can use any existing Fire Department AED units. Motion passed unanimously.**

7. Adjournment

**Motion by Trustee Kugel, seconded by Trustee Jeffords to adjourn. Motion passed unanimously.**

The meeting adjourned at 9:27pm

Submitted, 4/16/2009

Jeremiah Vangen  
Deputy Clerk  
Village of Richfield

8 c



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

# 8c

MEETING DATE: October 20, 2016

SUBJECT: Legal, Non-conforming Structures ordinance

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION TO APPROVE THE PROPOSED ORDINANCE AMENDMENT RELATING TO LEGAL, NON-CONFORMING STRUCTURES?*

*ISSUE SUMMARY:*

The Plan Commission at their June and August meetings expressed an interest in having Staff research a mechanism that would allow property owners (residential, commercial, manufacturing, etc.) with legal, non-conforming structures the ability to seek building permits and expand. Our Code of Ordinances currently has a provision that deals, in part, with this situation but only for residential properties and in limited circumstances. It is governed by Section 70.242(F) and it is attached herein for your convenience. After speaking with Consultant Planner Schwecke regarding the potential 'goals' for this ordinance, he recommended that we repeal and recreate Subsection "F" entirely. The feedback the Village Staff received in August and September was two (2) fold. First, there had to be a mechanism to notify adjacent property owners of proposed building modifications. To satisfy that concern, we built in a provision that adjacent properties will be notified via the USPO. The second issue mentioned to Staff was dealing with the verbiage in a way to ensure the intent of the ordinance amendment was clear.

At the September Plan Commission meeting, both Attorney John Macy and Consultant Planner Tim Schwecke were on-hand to discuss the merits of this proposed ordinance. In several of the communities they represent, ordinances just like the one being proposed tonight have been successfully implemented to the benefit of property owners. Following the conclusion of the discussion, the following motion was made:

Motion by Commissioner Lalk to direct Staff to schedule a Public Hearing for October 6, 2016 at 7PM to consider an amendment to 70.242(F); Seconded by Trustee Collins; Motion passed without objection.

Pursuant to the direction of the Plan Commission, a Public Hearing was scheduled for the October 6<sup>th</sup>, 2016 meeting and a Class II Public Hearing notice was published in the West Bend Daily News for two (2) consecutive weeks with the last date of publication being seven (7) days before the date of the meeting.

At the October 6<sup>th</sup>, 2016 Plan Commission Meeting the Plan Commission voted to recommend the approval of the proposed ordinance amendment relating to legal, non-conforming structures to the Village Board with the following motion:

Motion by Vice-Chairman Berghammer to recommend to the Village Board the adoption of Village Ordinance O2016-10-01, an Ordinance relating to legal, non-conforming structures in Section 70.242(F). Motion seconded by Commissioner Bartel; Motion passed without objection.



VILLAGE OF RICHFIELD  
 VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

SUBJECT: Legal, Non-conforming Structures ordinance  
 DATE SUBMITTED: October 14, 2016  
 SUBMITTED BY: Jim Healy, Village Administrator

FISCAL IMPACT:

REVIEWED BY: Karey W. Schmitt  
 Village Deputy Treasurer

Initial Project Costs: Staff Time.  
 Future Ongoing Costs: N/A  
 Physical Impact (on people/space): N/A  
 Residual or Support/Overhead/Fringe Costs: N/A

ATTACHMENTS:

1. Class II Public Hearing Notice
2. Section 70.242 of the Village's Zoning Code
3. Section 70.161(A) of the Village's Zoning Code
4. Ordinance O2016-10-01, an Ordinance amending Chapter 70 of the Village Code of Ordinances relating to legal, non-conforming structures

STAFF RECOMMENDATION:

Motion to adopt Village Ordinance O2016-10-01, an Ordinance relating to legal, non-conforming structures in Section 70.242 (F).

APPROVED FOR SUBMITTAL BY:

[Signature]  
 Village Staff Member  
[Signature]  
 Village Administrator

VILLAGE CLERK USE ONLY  
 BOARD ACTION TAKEN

Resolution No. \_\_\_\_\_  
 Ordinance No. \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Denied \_\_\_\_\_  
 File No. \_\_\_\_\_

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, October 6, 2016**

**PLEASE TAKE NOTICE:**

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct three (3) public hearings on Thursday, October 6, 2016 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the following:

- 1) To amend various sections of 70.190 entitled A-2, General Agricultural District related to “permitted principal uses” and “conditional uses”
- 2) To amend section 70.242(F) related to legal non-conforming structures
- 3) To rezone the property identified by Tax Key: V10\_130900D from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property and the proposed zoning code changes for the Walkable Hamlet District are available from the Village Clerk during normal business hours. All interested parties will be heard. 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 (262)-628-2260 with as much advance notice as possible.

Dated this September 21, 2016

**Publication Dates:**

September 23, 2016

September 29, 2016

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

## Chapter 70. Zoning

### ARTICLE IV. Uses

#### 70.242. Nonconforming uses, structures, and lots.

- A. Existing nonconforming uses. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the use does not conform with the provisions of this chapter; however:
1. Only that portion of the structure, land or water in actual use may be so continued and the structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order so as to comply with the provisions of this chapter.
  2. Total lifetime structural repairs or alterations shall not exceed 50% of the Village assessed value of the structure unless it is permanently changed to conform to the use provisions of this chapter.
  3. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will not increase the incompatibility of the nonconforming use with the neighboring uses.
- B. Abolishment or replacement. If a nonconforming use of a structure, land or water is discontinued or terminated for a period of 12 consecutive months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or a structure containing a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than 50% of its most recent assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. A file of all nonconforming uses shall be maintained by the Planning and Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use as well as the most recent assessed value.
- C. Existing nonconforming structures. Lawful nonconforming structures existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the size or location does not conform with the area, yard, height, parking and loading, and access provisions of this chapter; however, such a structure shall not be added on to, expanded, replaced, or structurally altered in whole or in part, except when required to do so by law or court order, to comply with the provisions of section 70.242(F).
- D. Existing nonconforming land areas (see also section 70.161). Lots, parcels or tracts of land which do not conform to the minimum area, size and/or shape requirements of this chapter at the time of passage of the ordinance from which this chapter is derived may be allowed to be built upon so long as such parcels and the building to be built meet all other requirements of this chapter and no such land area is in the same ownership as adjacent lands which if combined would constitute a conforming lot, parcel or tract.
- E. Floodland nonconforming uses and structures. Floodland nonconforming uses or structures repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing of those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Planning and Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the established one-hundred-year recurrence interval flood.

- F. Nonconforming characteristics of residential structures. Residential dwellings (or other structures used for residential purposes where the residential use is the principal use of the structure) which encroach within required yard and/or setback requirements may be added on to, expanded, replaced, or structurally altered provided that such addition, expansion, replacement or structural alteration, either separately or cumulatively, does not:
1. Create a greater degree of encroachment;
  2. Encroach within the required yard or setback requirements abutting a state or county highway or Village collector or arterial road;
  3. Increase the total building area by more than 50% of that which existed on the date this section is adopted;
  4. Create or expand an attached garage greater than 720 square feet; or
  5. Constitute redevelopment of the dwelling or structure. Any addition, expansion, replacement or structural alteration, either separately or cumulatively, that exceeds or otherwise cannot meet one or more of these requirements shall meet all current yard, setback, height, etc., and other applicable zoning regulations.
- G. Changes and substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all conditions required by the Board of Appeals.

## Chapter 70. Zoning

### ARTICLE II. Administration and Enforcement Generally

#### Division 5. Modifications and Amendments

##### 70.161A. Special exception.

- A. Generally. Upon written petition, the Plan Commission may on a case-by-case basis grant a special exception permit for only those development standards specifically noted in this chapter.
- B. Application and review procedure. The review of a special exception application shall comply with the following steps and requirements:
  - 1. Submittal of application. The property owner shall submit a completed application to the Planning and Zoning Administrator along with the application fee as established by the Village Board.
  - 2. Notice. If the application is complete, the administrator shall place the matter on the agenda for the next meeting provided proper notice is given.
  - 3. Staff report. The administrator shall prepare a written staff report as described in this section and provide a copy of it to the Plan Commission members, the applicant, and the applicant's agent, if any, prior to the meeting at which the matter will be considered. He shall also provide a copy to interested people upon request.
  - 4. Decision. The Plan Commission shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.
  - 5. Applicant notification. Within a reasonable time following the Plan Commission's decision, the administrator shall mail the applicant the official decision notice. If one or more conditions are imposed, the property owner shall also sign the approval notice to acknowledge the imposition of such condition or conditions.
  - 6. Public record copy. A copy of the official decision notice shall be retained for the public record.
- C. Basis of decision. In making its decision to approve the application, approve it with conditions, or deny it, the Plan Commission shall consider the following factors:
  - 1. The size of the property in comparison to other properties in the area;
  - 2. The extent to which the issuance of the special exception permit would be in keeping with the overall intent of the zoning code;
  - 3. Whether there are any are unique circumstances and the nature of those circumstances that warrant the issuance of the special exception permit;
  - 4. The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception permit was granted;
  - 5. The nature and extent of anticipated positive and negative effects on properties in the area;

6. Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
  7. A factor specifically listed under the section authorizing the issuance of a special exception permit; and
  8. Any other factor not specifically or generally listed, but deemed appropriate given the particular circumstances.
- D. Imposition of conditions. In granting a special exception permit, the Plan Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, hours of operation, and submittal of building plans to the Architectural Review Committee for review and approval.
- E. Limitations on issuing a special exemption permit. A special exception permit shall only be granted in those instances where issuance is specifically authorized in this chapter.
- F. Staff report content. At a minimum, the staff report shall contain the following information:
1. A description of the requested special exception;
  2. Findings for each of the decision criteria listed in this section;
  3. A recommendation to approve the application, approve it with conditions, or deny the application; and
  4. A preliminary list of conditions whether the staff recommendation is for approval or denial.
- G. Expiration of approval. A special exception permit shall expire one year after the date of issuance unless substantial work has commenced under the approval and continues in good faith to completion.
- H. Violation of a condition. If a property owner accepts the terms of the approval and does not comply with one or more conditions of approval, such action shall be deemed a violation of this chapter.
- I. Application form. The planning and zoning administrator shall prepare an application form and may amend it from time to time.
- J. Application fee. The Village Board may by resolution establish an application fee for a special exception application and may amend such fee by resolution from time to time.
- K. Appeal. The applicant or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

STATE OF WISCONSIN      VILLAGE OF RICHFIELD      WASHINGTON COUNTY  
ORDINANCE 2016-10-01

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**AN ORDINANCE AMENDING CHAPTER 70 OF THE VILLAGE CODE OF  
ORDINANCES RELATING TO LEGAL, NON-CONFORMING STRUCTURES**

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WHEREAS, the Village of Richfield recognizes that it has a number of properties within its municipal borders that are considered legal, non-conforming; and

WHEREAS, having this type of a status per the existing code, severely limits property owners' rights with respect to potential building expansions; and

WHEREAS, the Village's Plan Commission has worked for several months on developing an ordinance which allows the property owners to petition for expansions of the legal, non-conforming structures which shall be reviewed on a case-by-case basis; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Richfield, Washington County, Wisconsin, do ordain the following changes to Section 70.242(F) of the Village of Richfield municipal code entitled "Zoning" by repealing the section and recreating it as follows:

**Section 1:**

(F) Building addition(s) within setback/street-yard, side-yard, and/or rear-yard.

The Plan Commission may, pursuant to s. 70.161A, grant a special exception authorizing the construction of a building addition within a setback/street-yard, side-yard, and/or rear-yard area but no such building addition may be authorized in an existing or proposed street or highway provided:

- (1) property owners directly adjacent to the subject property are mailed notice of the hearing via USPO 1<sup>st</sup> Class Mail five days before the hearing at their last known address;
- (2) the existing building to which the addition will be attached is currently located within a setback/street-yard, side-yard, and/or rear-yard area;
- (3) the existing building was legally established;
- (4) the use of the existing building is legal conforming;
- (5) the building addition is in compliance with the height limitations of the zoning district in which it is located, and is not greater in height than the contiguous portion of the existing building;
- (6) the building addition does not extend closer to the lot line that is the lot line that is creating the non-conforming situation than the existing building [(i.e. the non-

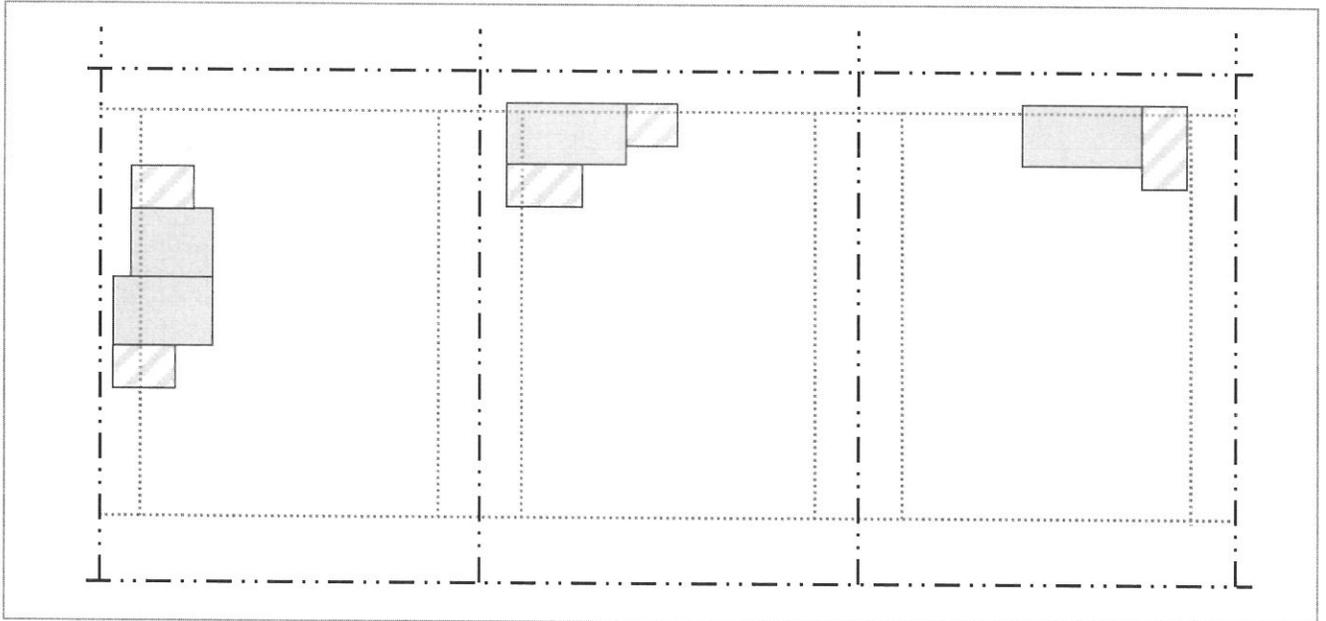
conforming aspect(s) of the building addition is/are not made worse by the proposed expansion];

- (7) the building addition does not extend into a setback/street-yard, side-yard, and/or rear-yard area the existing building does not currently encroach upon rendering the proposed building non-conforming in a manner it was not previously, prior to the proposed expansion; and
- (8) the building addition complies with all other requirements that may apply.

See Figure 1 for examples of permissible additions. In making its decision, the plan commission should consider the following factors, in addition to those factors listed in s. 70.161A:

- (1) The size and location of the existing legal nonconforming building.
- (2) The size and location of any other building(s) on the subject property.
- (3) The size and location of the proposed expansion.
- (4) The necessity of constructing the building addition within the setback/street-yard, side-yard, and/or rear-yard.
- (5) The proximity of buildings and other structures on adjoining properties.

Figure 1. Examples of permissible expansions within a setback/street-yard, side-yard, and/or rear-yard area



**Section 2. Effective Date**

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 20<sup>th</sup> day of October 2016.

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John Jeffords, Village President

ATTEST:

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Jim Healy, Administrator/Clerk/Treasurer

8 d



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

#

Ed.

MEETING DATE: October 20, 2016

SUBJECT: A-2, General Agricultural District – Ordinance Amendment

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION TO APPROVE THE ADOPTION OF THE PROPOSED ORDINANCE AMENDMENT?*

*ISSUE SUMMARY:*

At the August Plan Commission Meeting some of the “permitted uses” in the A-2, General Agricultural District were discussed in a less than positive light due to the small size of the potential parcels (10ac) and the perceived negative impacts those uses might have on surrounding properties. While at one time a policy decision was made that these types of uses were appropriate, it seems as though the Plan Commission was debating for the second time in 2016 the merits of those uses in light of the Village’s development pattern. For example, it would likely be highly objectionable from surrounding property owners in a residential subdivision if one day a 10-acre farm located adjacent to the property decided it wanted to open a large-scale agricultural warehousing operation with semi-trucks frequently driving on local roads throughout the day to drop-off or deliver grains and other agricultural goods to surrounding farms. As a reminder, “Permitted Uses” are those types of uses which a property owner may exercise as a right of owning the subject land.

The Village currently has 306 parcels that are zoned A-2. This District makes up approximately 8% of the Village’s overall land mass at 1,662 acres. Right now, any one of those 306 property owners zoned A-2 could propose to do any one of those operations which the Plan Commission did not feel were compatible with surrounding land uses and there would be little opportunity for review by the Village. For example, if a property owner wanted to open a “Poultry Hatchery Service” business operation, the only points of discussion the Village would have to interject from an administrative perspective would pertain to 1) water consumption, 2) location of buildings, 3) height of buildings, 4) percent of lot coverage, and 5) parking.

Therefore, in order to address the more globalized issue of whether or not these uses are appropriate and in order for the Plan Commission to continue to protect the health, safety, and welfare of the Village at-large, those uses which were deemed to be no longer compatible with surrounding land uses due to the Village’s considerable residential growth could either be removed entirely or as the Plan Commission recommended, they could be made “conditional uses” so that the Village would have the opportunity to review potential operations, area property owners would have notice of activities taking place on adjacent land and have the opportunity to comment, and there would be greater transparency in overall operations.

At the September Plan Commission meeting, following discussion amongst the members the following motion was made:

Motion by Commissioner Lalk to recommend to Village Staff the scheduling of a Class II Public Hearing Notice to make the aforementioned amendments to A-2, General Agricultural District found in Section 70.190(B); Seconded by Trustee Collins; Motion passed 4-2.

At the October 6<sup>th</sup> Plan Commission meeting the Plan Commission considered and recommended approval to the Village Board for an Ordinance amendment that would remove the following uses as being “Permitted Principal Uses” in the A-2 District and have them moved into the “Conditional Uses” subsection of the same:



VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

#

MEETING DATE: October 20, 2016

SUBJECT: A-2, General Agricultural District – Ordinance Amendment

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

- Agricultural warehousing
- Animal hospital services and veterinarian services.
- Contract sorting, grading, and packaging of fruits and vegetables.
- Poultry hatchery services.

Again, these uses have not been deleted, but instead, have been proposed as a Conditional Use in the A-2 District. Therefore, the right of the property owner still exists but there is an opportunity for public involvement should any one of the 306 parcels ever want to turn their operations into a form of “agribusiness”. In the opinion of Staff, there may be instances where these types of operations may be entirely appropriate. However, that will need to be a value-based decision that the Plan Commission and Village Board will determine and by moving the uses from “Permitted” to “Conditional” these instances can be reviewed on a case-by-case basis.

At the October 6<sup>th</sup> Plan Commission Meeting a Public Hearing was scheduled and a Class II Public Hearing notice was published in the West Bend Daily News for two (2) consecutive weeks with the last date of publication being seven (7) days before the date of the actual meeting.

At the October 6<sup>th</sup>, 2016 Plan Commission Meeting the Plan Commission voted to recommend the approval of the proposed ordinance amendment to the Village Board with the following motion:

Motion by Vice-Chairman Berghammer to recommend to the Village Board the adoption of Village Ordinance O2016-10-03, an Ordinance amending Sections 70.190(B) and 70.190(D). Motion seconded by Commissioner Lalk; Motion passed without objection.

FISCAL IMPACT:

REVIEWED BY: Katelynn Schmitt  
Village Deputy Treasurer

Initial Project Costs: Staff Time.  
 Future Ongoing Costs: N/A  
 Physical Impact (on people/space): N/A  
 Residual or Support/Overhead/Fringe Costs: N/A

ATTACHMENTS:

1. Class II Public Hearing Notice
2. Section 70.190, A-2, General Agricultural District
3. Ordinance O2016-10-03, an Ordinance amending Sections 70.190(B) and 70.190(D)

STAFF RECOMMENDATION:

Motion to adopt Village Ordinance O2016-10-03, an Ordinance amending Sections 70.190(B) and 70.190(D).

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN



VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM #

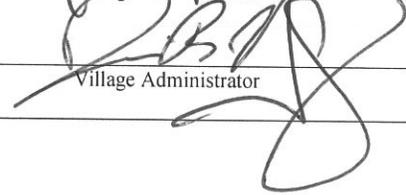
MEETING DATE: October 20, 2016

SUBJECT: A-2, General Agricultural District – Ordinance Amendment

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

  
\_\_\_\_\_  
Village Staff Member

  
\_\_\_\_\_  
Village Administrator

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, October 6, 2016**

**PLEASE TAKE NOTICE:**

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct three (3) public hearings on Thursday, October 6, 2016 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the following:

- 1) To amend various sections of 70.190 entitled A-2, General Agricultural District related to “permitted principal uses” and “conditional uses”
- 2) To amend section 70.242(F) related to legal non-conforming structures
- 3) To rezone the property identified by Tax Key: V10\_130900D from NAC-1, Neighborhood Activity Center and A-1, Exclusive Agricultural District to A-1, Exclusive Agricultural District.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property and the proposed zoning code changes for the Walkable Hamlet District are available from the Village Clerk during normal business hours. All interested parties will be heard. 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 (262)-628-2260 with as much advance notice as possible.

Dated this September 21, 2016

**Publication Dates:**

September 23, 2016

September 29, 2016

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

## Chapter 70. Zoning

### ARTICLE III. Districts

#### 70.190. A-2 General Agricultural District.

[Ord. No. 99-06-01, § 3, 7-15-1999]

- A. Intent. The A-2 general agricultural district is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 exclusive agricultural district and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agriculture related farming activity.
- B. Permitted principal uses. Permitted principal uses in the A-2 district are as follows:
1. Those principal agricultural uses permitted in the A-1 exclusive agricultural district.
  2. Agricultural warehousing.
  3. Animal hospital services and veterinarian services.
  4. Contract sorting, grading, and packaging of fruits and vegetables.
  5. Corn shelling, hay baling, and threshing services.
  6. Horticultural services.
  7. Poultry hatchery services.
  8. Stables.
- C. Permitted accessory uses. Permitted accessory uses in the A-2 district are as follows:
1. Accessory uses permitted in the A-1 exclusive agricultural district.
  2. Nonrental living quarters within permitted uses for watchmen or caretakers.
  3. Off-street parking and loading areas.
  4. One nonilluminated sign not larger than 10 square feet in area for use in advertising of products produced on the farm.
- D. Conditional uses (see section 70.241) Conditional uses in the A-2 district are as follows:
1. Bird seed and grain processing.
  2. Drying and dehydrating of fruits and vegetables.
  3. Livestock sales facilities.
  4. Poultry and small game dressing and packing incidental to farm operations providing that all operations are conducted within an enclosed building.

5. Production of cheese or sausages incidental to farm operations providing that all operations are conducted within an enclosed building.
  6. Recreational vehicle and boat storage if completely enclosed within a building.
  7. Sportsmen's club.
  8. Major home occupations as provided for in section 70.303.
  9. Seasonal establishments or operations for the retail sale of vegetables, fruits, flowers, nursery stock, other selected farm or agricultural products, antiques, crafts, and similar items when both farm and nonfarm products are available for sale from roadside stands or similar accessory structures greater than 150 gross square feet.
- E. Lot area and width. Lot area and width in the A-2 district are as follows:
1. No agriculture related activity and/or structure shall be erected, moved, enlarged or structurally altered after the effective date of the ordinance from which this chapter is derived on a parcel of land less than 10 acres in area, and no such activity shall be conducted on a parcel that is less than 500 feet in width.
  2. When lands in the C-1 and/or F-1 district lie adjacent to lands in the A-2 general agricultural district and under the same ownership, such lands may be used to meet 70% of the lot area requirements of the A-2 general agricultural district.
- F. Building height and size. Building height and size in the A-2 district shall be as follows:
1. No residential building or parts of a residential building shall exceed 40 feet in height.
  2. Accessory buildings shall not exceed 15 feet in height except barns, elevators, grain dryers and silos which shall not exceed in height the distance of the base to the nearest property boundary.
  3. Farm dwellings or other residential units shall not exceed 40 feet in height and shall have not less than 1,000 square feet in total floor area per unit.
  4. The total first floor area of all buildings shall not exceed 5% of the entire parcel. Upon written petition, the Plan Commission may authorize a building coverage up to 10% of the entire parcel as a special exception on lots of five acres or greater pursuant to Section 70.161A of this chapter.
- G. Setback and yards. Setback and yards in the A-2 district are as follows:
1. There shall be a minimum building setback of 65 feet from the established street, road, or highway right-of-way.
  2. There shall be a yard of not less than 50 feet in width on each side of all detached structures.
  3. There shall be a minimum rear yard of 50 feet on detached farm buildings.
  4. There shall be yards of not less than 25 feet in width on each side of other detached principal use structures.
- H. Off-street parking space. Off-street parking space in the A-2 district shall be as follows: No on-street parking will be allowed in an A-2 agricultural zoning district.
- I. Minimum utility service. The minimum utility service in the A-2 district shall be electricity and approved water supply and wastewater treatment and disposal systems.

## ORDINANCE 2016-10-03

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**AN ORDINANCE AMENDING CHAPTER 70 ZONING OF THE VILLAGE OF RICHFIELD MUNICIPAL CODE**

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WHEREAS, the Village of Richfield has 306 parcels currently zoned A-2, General Agricultural District; and

WHEREAS, those parcels comprise approximately 1,662 acres in the Village of Richfield or 8% of its total land mass; and

WHEREAS, it is the belief that in the cases of “agricultural warehousing”, “animal hospital services” and “veterinary services”, “contract sorting, grading, and packaging of fruits and vegetables”, and “poultry hatchery service” activities each of these operations must be evaluated on a case by case basis due to the proximity of A-2 properties to residential subdivisions- to avoid land use conflicts; and

WHEREAS, in the interests of transparency, those uses which have been deemed to be more intensive, industrial or commercial, have been moved within the section of code from “Permitted Principal Use” to “Condition Uses” so that surrounding properties will be give appropriate legal notice should one of those uses be petitioned to the Village; and

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Richfield, Washington County, Wisconsin, do ordain the following changes to sections of 70.190 A-2 General Agricultural District of the Village of Richfield municipal code be recreated as follows:

**Section 1.****§70.190(B), General Agricultural District – Permitted Principal Uses**

- B. Permitted principal uses. Permitted principal uses in the A-2 district are as follows:
1. Those principal agricultural uses permitted in the A-1 exclusive agricultural district.
  2. Corn shelling, hay baling, and threshing services.
  3. Horticultural services.
  4. Stables.

**Section 2.****§70.190(D), General Agricultural District – Conditional Uses**

- D. Conditional uses (see section 70.241) Conditional uses in the A-2 district are as follows:

1. Bird seed and grain processing.
2. Drying and dehydrating of fruits and vegetables.
3. Livestock sales facilities.
4. Poultry and small game dressing and packing incidental to farm operations providing that all operations are conducted within an enclosed building.
5. Production of cheese or sausages incidental to farm operations providing that all operations are conducted within an enclosed building.
6. Recreational vehicle and boat storage if completely enclosed within a building.
7. Sportsmen's club.
8. Major home occupations as provided for in section 70.303.
9. Seasonal establishments or operations for the retail sale of vegetables, fruits, flowers, nursery stock, other selected farm or agricultural products, antiques, crafts, and similar items when both farm and nonfarm products are available for sale from roadside stands or similar accessory structures greater than 150 gross square feet.
10. Agricultural warehousing.
11. Animal hospital services and veterinary services.
12. Contract sorting, grading, and packaging of fruits and vegetables.
13. Poultry hatchery services.

**Section 3. Effective Date**

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 20th day of October 2016.

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John Jeffords, Village President

ATTEST:

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Jim Healy, Administrator/Clerk/Treasurer

8 e



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

# 8e.

MEETING DATE: October 20, 2016

SUBJECT: Amendments to Ch. 167 – Erosion Control and Stormwater Mgmt
DATE SUBMITTED: October 14, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE PROPOSED AMENDMENTS REQUIRED BY THE WISCONSIN DNR?

ISSUE SUMMARY:

As a part of the Village being enrolled in the MS4 Permit Program by the Wisconsin DNR, the Village has certain deliverables that we must abide by. One of which is the updating of our municipal code to a "Model Ordinance" that has been prepared by Washington County Conservationist Paul Sebo in conjunction with the Wisconsin DNR.

The purpose of this model ordinance is to provide local governments with guidelines for construction site erosion and sediment control and post-construction storm water management. The amendments relate to the Department establishing uniform statewide standards for construction site erosion control and storm water management requiring ordinances regulating these activities enacted by a local government to strictly conform with these uniform statewide standards.

FISCAL IMPACT: REVIEWED BY: Village Deputy Treasurer

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

ATTACHMENTS:
1. Ordinance O2016-10-05, an Ordinance to make multiple amendments to Chapter 167 of the Village Code

STAFF RECOMMENDATION:
Motion to approve Ordinance O2016-10-05, an Ordinance to make multiple amendments to Chapter 167 of the Village Code.

APPROVED FOR SUBMITTAL BY:
[Signature] Village Staff Member
[Signature] Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN
Resolution No.
Ordinance No.
Approved
Other
Continued To:
Referred To:
Denied
File No.

**Chapter 167**  
**Erosion Control and Stormwater Management**

**167.01 Authority.**

- A. This chapter is adopted by the Village board of the Village of Richfield under the authority granted by §§ 61.354 and 281.33, Wis. Stats. This chapter supersedes all provision of any ordinance previously enacted by the Village of Richfield under §§ 61.354 and 281.33, Wis. Stats., that relate to construction site erosion control and stormwater management.
- B. This ordinance shall not pre-empt or supersede the more stringent erosion and sediment control requirements that may be imposed by (1) Wisconsin Department of Natural Resources administrative rules, including those authorized or promulgated pursuant to §§ 281.16 and 283.33, Wis. Stats., or (2) targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Adm. Code.

**167.02 Findings of fact.**

The Village Board of the Village of Richfield finds that construction site erosion and uncontrolled stormwater runoff from land disturbing construction activities have significant adverse impacts upon local water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, soil erosion and stormwater runoff can:

- (1) Carry a significant amount of sediment, nutrients, bacteria/other pathogens, organic matter, toxins and other pollutants to local lakes, streams and wetlands;
- (2) Diminish the capacity of water resources such as lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- (3) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures;
- (4) Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows causing bank and channel erosion, and increasing downstream flooding and property damage, overburdening storm sewers, drainage ways and other storm drainage systems;
- (5) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (6) Reduce groundwater recharge, which may diminish stream base flows and/or lower water levels in local lakes, ponds and wetlands;
- (7) Diminish groundwater quality by reducing the quality of groundwater by increasing pollutant loading; and
- (8) Generate airborne particulate concentrations that are health threatening or may cause other off-site damage to property or the environment.

### **167.03 Purpose.**

The purpose of this chapter is to establish regulatory requirements for land development and land disturbing construction activities that will diminish the threats to public health, safety, welfare, and the natural resources of the Village of Richfield. Specific purposes are to (1) further the maintenance of safe and healthful conditions; (2) prevent and control the adverse effects of stormwater runoff; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve ground cover and scenic beauty; and promote sound economic growth; (3) control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter; and (4) minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

### **167.04 Intent.**

This chapter is intended to regulate construction site erosion and stormwater management under the authority granted in §61.354, Wis. Stats., and by the current construction site erosion control and post-construction stormwater management regulatory requirements of Subchapter III of both NR 151 and NR 216, Wis. Adm. Code. This chapter is not intended to limit activity or land divisions permitted under the applicable zoning and land division ordinances.

### **167.05 Jurisdiction.**

- A. **Generally.** The provisions of this chapter shall apply to all lands within the jurisdictional boundaries of the Village of Richfield, except those lands that are specifically exempted in this section.
- B. **Exemptions.** This chapter does not apply to county-owned land, including highway right-of-way, regardless of the municipality in which the land is located, or what entity is assigned land management duties.

### **167.06 Regional stormwater management.**

The Village of Richfield recognizes that the preferred method of permanently managing stormwater runoff from land development activities is through the preparation and implementation of regional stormwater management plans by watershed areas which are designed to meet the requirements of this chapter. Accordingly, provisions have been incorporated into this chapter to allow for the implementation of this type of plan in lieu of complying with certain on-site stormwater management requirements.

### **167.07 Applicability and exemptions.**

- A. **Construction site erosion control.** Unless otherwise exempted under this section, or waived under s. 167.08, an erosion and runoff control permit shall be obtained before any person commences a land disturbing construction activity. The construction site erosion control provisions of this chapter shall apply to all land disturbing construction activity that meet any of the following:
  - (1) Disturbs 4,000 square feet or more of total land surface area; or
  - (2) Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material; or

- (3) Disturbs 300 lineal feet of roadway ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel at flow capacity; or
  - (4) Involves the maintenance of an existing stormwater BMP; or
  - (5) Other land disturbing construction activities, including the installation of access drives, that the Administering Authority determines to have a high risk of soil erosion or water pollution, or that may significantly impact an environmentally sensitive area. All determinations made by the Administering Authority under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.
- B. **Stormwater management.** Unless otherwise exempted under this section, or waived under s. 167.08, **an erosion and runoff control permit (verify if this is correct in the model)** shall be obtained before any person commences a land disturbing construction activity. The stormwater management provisions of this chapter shall apply to all land disturbing construction activity that meet any of the following:
- (1) Is a subdivision plat that meets the subdivision definition criteria under §236.02(12), Wis. Stats; or
  - (2) Involves the construction of any new public or private roadway; or
  - (3) Is a land development activity that ultimately results in the addition of impervious surfaces of 20,000 square feet or greater in total area that did not exist prior to January 1, 1998, including smaller individual sites that are part of a common plan of development; or
  - (4) Ultimately results in one acre or more in total land disturbing construction activity; or
  - (5) Other land disturbing construction activities, including access drives, that the Administering Authority determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area. All determinations made by the Administering Authority under this subsection shall be made in written or electronic form, unless otherwise waived by the requesting entity.
- C. **General exemptions.** The following sites shall be exempt from all of the requirements of this chapter:
- (1) Land disturbing activities from agricultural activity areas that directly relate to the planting, growing, and harvesting of agricultural crops, including silviculture.
  - (2) Land development or land disturbing construction activity exempted by state or federal law, as defined under §227.01(1), Wis. Stats., or under a memorandum of understanding entered into under §281.33(2), Wis. Stat.; including but not limited to roadway construction projects administered by the Wisconsin Department of

Transportation. To recognize an exemption under this paragraph, the Administering Authority may require documentation of the person(s) and regulatory agency charged with enforcing erosion control and stormwater management for the project, and verification of compliance with applicable stormwater regulations, including the MS4 permit.

D. **Exemptions relating to subsection A.** The following sites shall be exempt from sub. (A), which includes the construction site erosion control provisions of this chapter only:

- (1) The construction of 1- and 2-family residential buildings under ch. SPS 321, Wis. Adm. Code, unless requested by the town building inspector or town board, unless the proposed or actual land disturbance is one (1) acre or greater.
- (2) Any land disturbing construction activity within the shoreland/wetland/floodplain zone established by the Village of Richfield that disturbs less than one acre of total land surface. These activities must meet the erosion control requirements of the Village's shoreland/floodplain/wetland zoning ordinance(s).
- (3) Nonmetallic mining activities that are covered under a nonmetallic mining reclamation permit under ch. NR 135, Wis. Adm. Code, or the Village's municipal code.
- (4) Placement of underground pipe or other utility that is plowed or bored into the ground outside areas of channelized runoff.

E. **Exemptions relating to subsection B.** The following sites shall be exempt from sub. (B), which includes the stormwater management provisions of this chapter only:

- (1) A redevelopment site with no increase in exposed parking lots or roadways.
- (2) A land development site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all impervious surfaces is less than one acre.
- (3) Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (4) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

F. **Miscellaneous exemptions.** The following sites shall comply with all of the erosion control and stormwater management requirements of this chapter, but shall be exempted from obtaining a permit, providing a financial guarantee or paying a fee under s. 167.11:

- (1) Any proposal that is designed and/or certified by the Washington County Land and Water Conservation Division of the Planning and Parks Department as part of a soil conservation or water pollution control project; and

- (2) Any roadway construction or other land disturbing or land development activity conducted by Washington county or the Village of Richfield.
- (3) Land disturbing activity directly involved in the installation and maintenance of private on-site waste disposal systems, as regulated under ch. 25, Washington County Code.

**167.08 Technical waiver.**

A. **Waiver criteria.** Upon petition, the Administering Authority may waive a site or a portion of a site from meeting certain technical requirements of this section if the Administering Authority determines that one or more of the following applies:

- (1) Off-Site BMP(s). The requirement has been satisfied through the use of off-site BMP(s). Off-site BMPs could be installed beyond the boundaries of the property covered by the application as part of a regional stormwater management plan or through other legal agreements. However, to be eligible for this waiver, the off-site BMPs must treat runoff from the site covered by the application; or
- (2) No significant off-site impacts. A proposed land disturbing or land development activity that is less than one acre in size and the Administering Authority has determined the activity will have no significant impact on another property or an environmentally sensitive area due to internal drainage or other site conditions that limit the potential impacts of runoff from the proposed activity; or
- (3) Site conditions. It is impracticable to meet the requirement due to site conditions such as: slopes; soils; proximity to existing or proposed structures or desirable trees; limited site dimensions; existing or proposed land uses on site or on surrounding sites; the potential for groundwater contamination; potential subsurface flow paths to existing or proposed buildings, structures, or public infrastructure; public health or safety problems; or other factors beyond the control of the applicant. No site shall be entitled to a waiver under this paragraph due solely to the size of the proposed land disturbing construction activity in relation to the parcel size; or
- (4) Conflicts. Compliance would be in direct conflict with other regulations or related objectives of this chapter which would take precedent.

B. **Application.** The petitioner shall submit a written application with the following information:

- (1) A written request describing the provisions of this subsection for which a waiver is being requested and an explanation of why;
- (2) A site plan in accordance with s. 167.07, including the delineation of the area and size (in acres) to which the waiver would apply and any other stormwater BMPs required to meet this chapter or as recommended in a regional stormwater management plan;
- (3) The necessary technical documentation to demonstrate that the site meets one or more of the criteria for which a waiver is being applied, including documentation of the

applicable provisions of any regional stormwater management plan that may be involved;

- (4) For off-site BMPs under sub. (A)(1) above:
    - (a) Documentation that the necessary BMPs have been properly installed, including as-built plans, construction certification, and design summaries in accordance with s. 167.15;
    - (b) A copy of the recorded maintenance agreement in accordance with s. 167.18 and any other easements or legal instrument that may be involved to ensure the long-term maintenance of the off-site BMP(s).
    - (c) Documentation of payment of any applicable fees that may be required by a unit of government charged with implementing a regional stormwater management plan. Fees may be through a stormwater utility district or other unit of government and would usually be based on an equitable distribution of costs for land acquisition, engineering design, construction, certification and maintenance of stormwater BMPs implemented through the regional stormwater management plan.
  - (5) Other materials that the Administering Authority determines to be necessary to make a determination under this subsection or to comply with this chapter.
- C. **Review procedure.** The Administering Authority shall review the application materials to determine if they are complete and compliance with this section and notify the applicant of a decision within 20 working days of the submittal date, in accordance with the procedures under s. 167.12. In consideration of all waiver requests, the Administering Authority shall ensure that the applicant meets the requirements of this section to the maximum extent practicable.
- D. **Appeal.** If the applicant does not agree with any written determination of the Administering Authority under this subsection, the applicant may appeal the decision pursuant to the procedures in s. 167.22.

#### **167.09 Erosion control plan requirements and performance standards.**

- A. **General requirements.** An erosion control plan shall ensure that soil erosion, siltation, sedimentation and other off-site impacts from land disturbing construction activities are minimized. Measures shall be taken, using approved best management practices, to minimize sediment from being carried off-site by water or wind during the construction phase, such as: diversions, silt fence, straw bales, downspout extenders, soil treatment, temporary mulch, sediment traps, sediment basins, etc. To meet this requirement the following performance standards shall apply:
- (1) All erosion control plans and associated best management practices shall comply with the planning, design, implementation and maintenance requirements of this chapter.
  - (2) For sites that disturb one (1) acre or more of total land surface area, an erosion control plan shall by design achieve a runoff discharge of no more than 5 tons of sediment per

acre per year from sheet and rill erosion during land disturbing activities as compared with no sediment or erosion controls, until the site is stabilized in accordance with approved models and BMP design standards identified in s. 167.14.

- (3) Erosion and sediment control best management practices may be used alone or in any combination to meet this performance standard.
- (4) Notwithstanding par. (A)(2), if BMPs cannot be designed and implemented to meet this performance standard, the plan shall include a written and site-specific explanation as to why the performance standard is not attainable and the sediment load shall be reduced to the maximum extent practicable.

All temporary best management practices shall be maintained until the site is stabilized. Certain best management practices, such as sediment basins, that are designed to also serve as a permanent stormwater best management practice shall remain after stabilization.

**B. Guiding principles.** To satisfy the requirements of this section, all proposed land disturbing construction activities shall, to the extent practical:

- (1) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas and any applicable regulatory setbacks from these areas;
- (2) Minimize soil compaction, the loss of trees and other natural vegetation and the size of the disturbed area;
- (3) Minimize, through project phasing and proper construction sequencing, the time the disturbed soil surface is exposed to erosive forces; and
- (4) Emphasize the use of erosion control measures that prevent soil detachment and erosion rather than trying to intercept its transport or repair damage done.

**C. Specific erosion control requirements and performance standards.** Unless otherwise technically waived under s. 167.07, the following minimum requirements shall be addressed in the erosion control plan submitted by the applicant, if applicable. The Administering Authority may establish more stringent erosion and sediment control requirements than the minimums set forth in this section if the Administering Authority determines that an added level of protection is needed to protect an environmentally sensitive area or other property, comply with a total maximum daily load (TMDL) standard for a watershed, or to address a change made during plan implementation.

- (1) Access drives and tracking. Each site shall provide an access drive(s) and parking area, of sufficient dimensions and design, surfaced with a material that will prevent erosion and minimize tracking or washing of soil onto public or private roadways. All non-paved access drives shall be designed so that stormwater runoff from adjacent areas does not flow down the drive surface. Culverts shall be sized for calculated peak flows produced by the 10-year, 24-hour design storm or shall meet all other state and local regulations and requirements relating to roadway access design.

- (2) Diversion of upslope runoff. Any significant amount of runoff from upslope land area, rooftops or other surfaces that drains across the proposed land disturbance shall be diverted around the disturbed area, if practical. Any diversion of upslope runoff shall be done in a manner that prevents erosion of the flow path and the outlet.
- (3) Cut and fill slopes. Any cuts and fills shall be planned and constructed to minimize the length and steepness of slope, and stabilized in accordance with the approved erosion control plan timelines and technical standards of this chapter.
- (4) Open channels. Any open channels shall be designed and constructed to carry the calculated peak flows for a 10-year 24-hour design storm, and stabilized in accordance with the approved technical standards identified in s. 167.14.
- (5) Inlet protection. All inlets to storm drains, culverts and other stormwater conveyance systems shall be protected from siltation until final site stabilization.
- (6) Outlet protection. All outlets for site dewatering and stormwater conveyance systems, including pipe or open channels entering a stormwater management facility, shall be protected from erosion through channel lining or other stabilization measures.
- (7) Dust control. Prevent excessive dust from leaving the construction site through construction phasing and timely stabilization or the use of best management practices such as site watering and mulch – especially with very dry or fine sandy soils.
- (8) Site dewatering. Water pumped from the site shall be treated by sediment basins or other approved measures to prevent soil erosion and water pollution.
- (9) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried off-site by runoff or wind.
- (10) Topsoil. Enough topsoil from the disturbed area must be saved to ensure that a minimum of 4 to 6 inches is reapplied for all areas to be seeded or sodded. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported. If the disturbed area is to be used for the growing of agricultural crops in the future, the original depth of topsoil shall be restored.
- (11) Overland flow. Trap sediment in overland flow before discharge from the site using best management practices such as silt fence and vegetation filter strips.
- (12) Soil stockpiles. Soil stockpiles shall be located no closer than 25 feet from lakes, streams, wetlands, ditches, drainage ways, curbs/gutters or other stormwater conveyance system, unless otherwise approved by the Administering Authority. Measures shall be taken to minimize erosion and runoff from any soil stockpiles that will likely remain for more than 5 working days. Any soil stockpile that remains for more than 30 days shall be covered or treated with stabilization practices such as temporary or permanent seeding and mulching.

- (13) Sediment cleanup. All off-site sediment deposits occurring as a result of construction work or a storm event shall be cleaned up by the end of each day. Flushing shall not be allowed.
- (14) Final site stabilization. All previous cropland areas where land disturbing construction activities will not be occurring under the proposed grading plan, shall be stabilized within 30 days of permit issuance. All disturbed areas shall be treated with stabilization measures such as seeding, mulching, soil treatment, erosion netting, matting, and sodding within 7 working days of final grading. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading and/or the application of stabilization measures must be repaired and the stabilization work redone.
- (15) Temporary site stabilization. For any disturbed area that remains inactive for greater than 10 working days, or where grading work extends beyond the permanent seeding deadlines established by the Land Conservation Committee, the Administering Authority may require the site to be treated with temporary stabilization measures such as soil treatment, temporary seeding and/or mulching in addition to other erosion control measures as part of an approved erosion control plan. Frozen soils do not exclude the site from this requirement.
- (16) Removal of practices. When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as silt fences, straw bales and sediment traps shall be removed and these areas stabilized.

**D. Final erosion control plans for sites of less than one acre of total land disturbance.** The following shall be the minimum requirements for items to be included in a final erosion control plan for sites of less than one (1) acre of total land disturbance:

- (1) A scaled drawing of the site with a north arrow, delineation of the proposed land disturbance, existing and proposed buildings, roadways, access drives, property boundaries, drainage ways, water bodies, trees, culverts, and other structures within 50 feet of the proposed land disturbance;
- (2) The direction and steepness of slopes before and after the proposed land disturbance, direction of flow for runoff entering and leaving the disturbed area, including the watershed size any upslope drainage area;
- (3) A narrative describing the proposed land disturbing activity, construction timeline and sequencing, location of all temporary best management practices proposed to be used to minimize off-site impacts during the construction phase;
- (4) A description and location of all permanent best management practices proposed to be used to stabilize the site within 3 working days following construction;

- (5) The name(s), address and day time phone number(s) of the person(s) charged with installing and maintaining all best management practices and thus subject to the enforcement provisions of s. 167.21; and
- (6) Other information determined to be necessary by the Administering Authority to ensure compliance with the requirements of this chapter.

**E. Final erosion control plans for sites of one acre or greater in total land disturbance.** The following shall be the minimum requirements for items to be included in a final erosion control plan for sites of one (1) acre or greater of total land disturbance:

- (1) Existing site map and data. A map and supporting data of existing site conditions at a scale of one inch equals no more than 100 feet showing the following items on the site and within 50 feet in each direction of the site boundaries:
  - (a) Ownership boundaries and other references that will accurately identify site location;
  - (b) Name, address and daytime telephone number of the applicant;
  - (c) Site topography at a contour interval not to exceed 2 feet;
  - (d) Location and name, if applicable, of all lakes streams and other water bodies as defined on a 7.5 minute topographic map published by the U.S. Geological Survey;
  - (e) Location and name, if applicable, of all other channels, ditches, and other water courses or areas of channelized flow;
  - (f) Location and name, if applicable, of all wetlands and identification of source of delineation. Wetland boundaries delineations shall be made in accordance with ch. NR 103, Wisconsin Administrative Code prior to approval of final land divisions, erosion control plans, or stormwater management plans;
  - (g) Boundaries of shoreland zones, 100-year floodplains, flood fringes and floodways, as defined on the official shoreland and floodplain zoning maps adopted by the Village;
  - (h) Boundaries and soil symbol for each soil mapping unit;
  - (i) Location and description of trees and other vegetation cover types;
  - (j) Location, dimensions and contributing watershed area delineations and flow calculations for all existing stormwater drainage systems and natural flow paths or channels entering and/or leaving the site;
  - (k) Locations and dimensions of any buildings, roadways, parking areas, fence lines, access lanes, rock outcrops, tile drains, utilities and other physical features or structures;
  - (l) Location and support documentation for any well currently located on the site and/or delineation of any regulatory setback distances of other wells, as stated in chs. NR 811 and 812, Wis. Admin. Code;
  - (m) Locations and dimensions of any easements, right-of-ways, building setbacks or other restrictions;
  - (n) Location of primary environmental corridor boundaries, as defined by the Southeastern Wisconsin Regional Planning Commission;

- (o) Any other existing site information that the Administering Authority determines to be necessary to ensure compliance with the requirements of this chapter.
- (2) Site development plan. A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:
- (a) Locations and dimensions of all proposed land disturbing construction activities, including proposed cuts, fills and 2-foot contours of final grade;
  - (b) Locations and dimensions of all temporary soil stockpiles, the estimated length of time they will exist and any applicable erosion control method;
  - (c) Locations, dimensions and detailed drawings including profiles and cross-sections along with applicable design documentation for all temporary and permanent best management practices necessary to meet the requirements of this chapter;
  - (d) Location, dimensions, supporting flow calculations and stabilization plans for the proposed construction or modification of any open channels;
  - (e) A construction schedule, including the sequence and anticipated starting and completion date for each construction step and the installation of best management practices needed to meet the requirements of this chapter;
  - (f) Description of maintenance responsibilities for all temporary best management practices, including but not limited to the applicable erosion control requirements identified in s. 167.09;
  - (g) The name(s), address and daytime phone number(s) of the person(s) charged with the responsibility of installing and maintaining all best management practices until the completion of a satisfactory final inspection by the Administering Authority under s. 167.15;
  - (h) Location and description of individual trees greater than 8 inches in diameter at 4 feet above existing mean ground level, that are proposed to be lost and plans for replacement, if practical;
  - (i) Description of site re-vegetation and stabilization plans, including topsoil and subsoil reapplication, seeding mixtures, fertilizer, rates of application, time schedule and maintenance responsibilities until the grass and/or other plants are well established;
  - (j) Documentation verifying that the site is meeting the performance standard of not discharging more than 5 tons of sediment per acre per year;
  - (k) Certification, from a professional engineer registered in the State of Wisconsin, that all computations and designs included in the final erosion control plan have been reviewed and approved as being in accordance with the requirements of this chapter. The name, address, daytime phone, email address, and FAX number of the engineer must also be included for contact during the plan review process;
  - (l) Development of spill prevention and response procedures; and
  - (m) Other information determined to be necessary by the Administering Authority to ensure compliance with the requirements of this chapter.
- F. **Preliminary erosion control plan.** Preliminary erosion control plans shall contain the same information listed under sub. (E), with the exception of sub. (E)(2)b, f, and g; the supporting documentation in sub. (E)(2)d; and the starting and completion dates in sub. (E)(2)e.

**167.10 Stormwater management plan requirements and performance standards.**

- A. **General requirements.** A stormwater management plan shall prevent or minimize the pollution of surface waters and groundwater resources, damage to downstream property and local flooding as a result of permanent stormwater discharges from the proposed land development. All requirements apply to each subwatershed or stormwater discharge point independently and cannot be averaged for the site. Runoff draining to a stormwater BMP from off-site must be accounted for hydraulically in any BMP design. To meet this requirement the following performance standards shall apply:
- (1) All stormwater management plans and associated best management practices shall comply with the planning, design, implementation, and maintenance requirements of this chapter.
  - (2) Peak discharge. To minimize streambank erosion and the failure of downstream conveyance systems, the calculated post-development peak stormwater discharge rates shall not exceed the calculated pre-development discharge rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour design storms in accordance with the modeling requirements in s. 167.14.
  - (3) Total suspended solids. A stormwater management plan, by design, shall meet the following post-development total suspended solids reduction targets, based on average annual rainfalls, as compared to no runoff management controls.
    - (a) For new land development and in-fill development, 80% reduction in total suspended solids load;
    - (b) For redevelopment, 40% reduction of total suspended solids load from parking areas and roads;
    - (c) Agricultural production areas are exempt from meeting this requirement.
  - (4) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the performance standards in Table 1, except as provided in sub. b. Infiltration areas shall be designed to minimize impacts on: roadways; public infrastructure or private laterals; existing or proposed building sites, foundations or basements.

**Table 1. Post-development Infiltration Performance Standards**

Percent Connected Impervious Surface	Description/Example Land Uses	Post-development Infiltration Volume <sup>a</sup>	Maximum Effective Infiltration Area
Up to 40%	Description: Low imperviousness  Example land uses: low density residential, parks, cemeteries	90% of pre-development <sup>b</sup>	1% of site
>40% up to 80%	Description: Medium imperviousness  Example land uses: medium and high density residential, multi-family residential, industrial, institutional, office park	75% of pre-development	2% of site
>80%	Description: High imperviousness  Example land uses: commercial strip malls, shopping centers, commercial downtowns	60% of pre-development	2% of site

**Notes:**

<sup>a</sup> All percentages are based on average annual rainfall.

<sup>b</sup> To avoid downstream flooding and chronic wetness issues from stormwater discharges, the post-development infiltration volume for low density residential developments shall not be less than 25% of the 2-year, 24-hour storm, in accordance with sub. 8. below.

- (a) Pretreatment. Pretreatment shall be required before infiltrating parking lot and roadway runoff from commercial, industrial and institutional areas. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with par. (4)(f) below. Pretreatment options may include, but are not limited to, oil/grease separators, sedimentation or bioretention basins, filtration swales, or filter strips. All designs shall comply with the technical standards in s. 167.14.
- (b) Infiltration prohibitions. Due to potential groundwater contamination, runoff shall not be infiltrated and will not be credited towards meeting the requirements of this subsection for the following:
  - i. Areas associated with Tier 1 industrial facilities identified in s. NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftops and parking.
  - ii. Storage and loading areas of Tier 2 industrial facilities identified in s. NR 216.21(2)(b), Wis. Adm. Code. Runoff from Tier 2 parking and rooftops may be infiltrated but may require pretreatment.
  - iii. Runoff from fueling and vehicle maintenance areas, not including rooftops and canopies.
  - iv. Runoff from agricultural production areas that contain animal waste, leachate from feed storage areas, milking center wastewater, or runoff containing excess nutrient concentrations or contaminants, unless treated to comply with sub. f.
  - v. Infiltration of runoff within 1,000 feet upgradient or within 100 feet downgradient of Karst features.

- vi. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development, not including rooftop runoff.
  - vii. Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
- (c) Separation distances. Infiltration BMPs shall be located so the characteristics of the soil and the separation distance between the bottom of the infiltration BMP and the elevation of the highest groundwater table or the top of bedrock are in accordance with Table 2.

**Table 2. Infiltration BMP Separation Distances and Soil Characteristics**

Source Area	Groundwater or Bedrock Separation Distance	Soil Characteristics
Industrial, commercial, and institutional parking lots and roads	5 feet or more	Filtering layer
Residential arterial roads	5 feet or more	Filtering layer
Roofs draining to subsurface infiltration practices	1 foot or more	Native or engineered soil with particles finer than coarse sand
Roofs draining to surface infiltration practices	Not applicable	Not applicable
All other impervious source areas	3 feet or more	Filtering layer

- (d) Infiltration exemption. The following sites shall be exempt from meeting the infiltration requirements of this chapter.
- i. Agricultural production areas. However, agricultural production areas are encouraged to infiltrate runoff water from rooftops or other areas that are typically referred to as clean water as a means to reduce peak flows, or
  - ii. Where the infiltration rate of all available soils is less than 0.6 inches/hour or where the infiltration rate at the proposed bottom of an infiltration system is less than 0.6 inches/hour. A scientifically credible field testing method shall be required when making this determination, and
  - iii. The Administering Authority determines it would be impracticable to modify existing soil conditions based on soil profile evaluations extending 5 feet below the proposed bottom of the infiltration system.
- (e) Alternate runoff uses. Where storage and reuse of runoff are employed, such as landscape watering, toilet flushing, laundry or irrigation, or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate uses shall be given equal credit toward the infiltration volume required by this section.
- (f) Groundwater protection.

- i. Infiltration systems designed in accordance with this subsection shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140 Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
  - ii. Notwithstanding par. 1 above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
  - iii. All stormwater BMP shall comply with the applicable provisions of ch. NR 815, Wis. Adm. Code relating to injection wells.
  - iv. All stormwater BMPs shall comply with the provisions of any applicable wellhead protection plan for a community water supply under ch. NR 811, Wis. Adm. Code.
  
- (5) Protective areas. Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location. The following restrictions and setbacks shall apply:
  - (a) For outstanding resource waters and exceptional resource waters, 75 feet.
  - (b) For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or the Washington County GIS system, 50 feet.
  - (c) For lakes, 50 feet.
  - (d) For highly susceptible wetlands, as determined by the Administering Authority, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, bogs, low prairies, conifer swamps, lowland hardwood swamps and ephemeral ponds.
  - (e) For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet, unless otherwise required by another applicable regulation. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
  - (f) For wetlands not subject to par. d. or e., 50 feet.
  - (g) Wetland boundary delineations shall be made in accordance with ch. NR 103, Wis. Adm. Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
  - (h) In par. a., d. and f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in ch. NR 103, Wis. Adm. Code.

- (i) For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
  - (j) Requirements within protective areas. The following requirements shall be met for all land development construction activity located within a protective area:
    - i. Impervious surfaces shall be kept out of the protective area, except for structures, as authorized and defined under shoreland and floodplain zoning. The erosion control plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction. In such case a technical waiver in accordance with s. 167.08 must be obtained.
    - ii. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining non-invasive, flood and drought tolerant vegetation cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetation cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetation materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
    - iii. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area, but shall not encroach into wetlands, floodplains, primary environmental corridors.
    - iv. Protective area exemptions. The following sites are exempted from meeting this subsection:
      - 1. Structures that cross or access surface waters such as boat landings, bridges and culverts;
      - 2. Sites where runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the peak discharge requirements under s. 167.10(A)(2) and total suspended solids requirement under s. 167.10(A)(3), except to the extent that vegetation ground cover is necessary to maintain bank stability.
- (6) Fueling and vehicle maintenance areas. Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.
  - (7) Site drainage. Measures shall be implemented to ensure proper site drainage, prevent property damage and protect public health and safety, including the following minimum requirements:
    - (a) Drainage easement. Perpetual drainage easements or other deed restrictions shall be recorded on the property to preserve major stormwater flow paths and permanent stormwater BMP locations. Covenants in these areas shall not allow buildings, other structures, prevent any grading, filling or other activities that

interrupt or obstruct flows in any way. Covenants shall also specify maintenance responsibilities and authorities in accordance with s. 167.18.

- (b) Site grading. Site grading shall ensure, to the maximum extent practicable, positive flows away from all buildings, roadways, driveways and septic systems, be coordinated with the general stormwater drainage patterns for the area, and minimize adverse impacts on adjacent properties.
  - (c) Subsurface drainage. No discharge of groundwater from tile lines, sump pumps or other means shall be allowed onto another person's land or any public space without the written approval of the owner or unit of government. The Administering Authority shall be notified of any drain tiles that are uncovered during construction, which the Administering Authority may require to be restored or connected to other drainage systems.
  - (d) Open channels. All open channel drainage systems shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed area. Side slopes shall be no steeper than 3h:1v unless otherwise approved by the Administering Authority for unique site conditions. Open channels that carry runoff from more than 130 acres shall at a minimum be designed to carry the peak flows from a 25-year, 24-hour design storm.
  - (e) Structure protection and safety. For buildings designed for human occupation on a regular basis, the following additional requirements shall apply:
    - i. The lowest elevation of the structure that is exposed to the ground surface that is hydrological connected to any stormwater BMP shall be a minimum of 2 feet above the maximum water surface elevation produced by the 100-year, 24-hour design storm, including flows through any stormwater BMP that may temporarily or permanently store water at a depth of greater than one (1) foot not including conveyance systems; and
    - ii. For internally drained areas the maximum water elevation shall be determined using the volume produced by the 100-year 24-hour design storm with a NRCS runoff curve number of 98 for the entire watershed, to reflect frozen ground conditions.
    - iii. The structure shall be setback at least 20 feet from any stormwater BMP that may temporarily or permanently store water at a depth of greater than one (1) foot not including conveyance systems. Setback distance shall be measured from the closest edge of water at the elevation produced by the 100-year, 24-hour design storm.
- (8) Additional requirements. The Administering Authority may establish more stringent requirements than the minimums set forth in this section, such as addressing thermal impacts of stormwater, chronic wetness conditions, downstream flooding, a total maximum daily load (TMDL) standard for a watershed, or other applicable state or federal laws, if the Administering Authority determines that an added level of protection is needed to protect: cold water streams, outstanding water resources, exceptional water resources, environmentally sensitive areas, downstream property, or public health or safety.
- (9) Modeling. Refer to s. 167.14 for details on calculating runoff volumes and pre-development conditions.

- (10) Notwithstanding sub. 2. – 7., if the design cannot achieve the applicable performance standards specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained, the design shall achieve a reduction to the maximum extent practicable for the identified performance standard. In such case a technical waiver in accordance with s. 167.08 must be obtained for areas not meeting the above noted performance standards.

**B. Guiding principles.** To satisfy the requirements of this section, unless otherwise waived under s. 167.08, all proposed land development activities shall, to the extent practical:

- (1) Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;
- (2) Preserve natural watershed boundaries and drainage patterns;
- (3) Maintain groundwater recharge areas and the infiltration capacity of native soils by avoiding the unnecessary filling of large natural depressions or compaction of upper soil horizons by construction equipment;
- (4) Utilize natural or constructed vegetated swales or reinforced permeable open channels for stormwater conveyance and attenuation;
- (5) Minimize impervious surfaces and have them drain to vegetated areas for flow attenuation, pollutant filtering and groundwater recharge; and
- (6) Reserve adequately sized areas to allow for detention of flows and treatment of pollutants from stormwater before being discharged from the site.

**C. Final stormwater management plan contents.** The following shall be the minimum requirements for items to be included in a final stormwater management plan:

- (1) Existing site map and data. The requirements for the existing site map and data are the same as those listed under s. 167.09.
- (2) Site development plan. A site development plan, using the same map scale as the existing site map, shall include all of the following map items and supporting documentation:
  - (a) Locations and dimensions of all proposed land disturbing construction activities, including proposed cuts, fills and 2-foot contours;
  - (b) Delineation and labeling of all proposed impervious areas and accompanying area computations;
  - (c) Location of all proposed stormwater conveyance systems and grade stabilization structures, including grade lines, cross-sections, flow/velocity computations based on a 10-year 24-hour design storm, and the delineation of proposed subwatersheds for each reach;

- (d) Location of all proposed stormwater best management practices and facilities, including plan views, cross-sections, profiles, inlet/outlet and other detail drawings and supporting flow computations;
- (e) Summary of hydrologic and hydraulic computations prepared to meet the requirements of sub. (1) above, and for the design of all stormwater management facilities. All major assumptions used in developing input parameters shall be clearly stated, and all geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s);
- (f) Results of investigations of soils and groundwater required under s. 167.14, including location and elevation of each investigation site, for the placement and design of stormwater management facilities;
- (g) Location(s) and dimensions of all proposed easements or other methods used to ensure the preservation of flow paths and adequate access for maintenance purposes, in accordance with s. 167.18;
- (h) A detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer, the Administering Authority or the municipality, and the timing and notification requirements involved. Examples of critical elements for a construction inspection plan include, but are not limited to: checking subgrade elevations or the placement of footings, pipes or other structures prior to covering, soil testing, material inspections and final grade checks before seeding. Inspections conducted by the Administering Authority or the municipality do not waive the permit holder's responsibility for construction oversight and verification.
- (i) Certification, from a professional engineer registered in the State of Wisconsin, that all calculations and designs included in the final stormwater management plan have been reviewed and approved as being in accordance with the requirements of this chapter.
- (j) The name(s), address, daytime phone, email address, and FAX number of the contact person during the plan review process, the construction supervisor, and the engineer that will certify construction of all stormwater management facilities under s. 167.15;
- (k) For sites where changes are proposed in stormwater flow paths, or where proposed stormwater discharges may otherwise have a significant negative impact on downstream property owner(s), the Administering Authority may require the applicant to obtain written authorization or complete other legal arrangements with the affected property owner(s); and
- (l) Other items deemed necessary by the Administering Authority to ensure compliance with the requirements of this chapter.

D. **Preliminary stormwater management plan contents.** Preliminary stormwater management plans shall contain the same information listed under sub. (C) above, with the following exceptions:

- (1) No computations will be required for stormwater conveyance systems, water control structures or other individual system components; and

- (2) No detail drawings, cross-sections or profiles will be required unless the Administering Authority determines they are necessary to assess the general feasibility of the preliminary stormwater management plan.

**167.11 Application for erosion and runoff control permit or preliminary approval letter.**

- A. **Application.** The applicant shall submit a completed application on a form provided by the Administering Authority for that purpose, and indicate whether applying for a preliminary approval letter or an erosion and runoff control permit. By submitting an application, the applicant is authorizing the Administering Authority to enter upon the site to obtain information needed to administer this chapter.
- B. **Preliminary approval letter.** A preliminary approval letter is an optional step in the permit process that is strongly encouraged for subdivisions and other large or complex land disturbing construction activities. It is designed to assist the applicant in preparing general site plans and obtaining other applicable permits or zoning approvals prior to finalizing detailed construction plans for a proposed project. It will also act to notify other review authorities that the applicant has agreed to meet the requirements of an erosion and runoff control permit and provides a preliminary plan of what will likely be required. An erosion and runoff control permit is still required prior to the start of any proposed land disturbing construction activity. The Administering Authority shall issue an erosion and runoff control permit after determining that the final erosion control and stormwater management plans are in substantial compliance with the preliminary plans and after the applicant has met all other requirements of sub. (C).

To request a preliminary approval letter, the following information shall be submitted to the Administering Authority:

- (1) A completed application, on a form provided by the Administering Authority for that purpose;
  - (2) The applicable fee(s);
  - (3) A preliminary erosion control plan in accordance with s. 167.10; for those land disturbing construction sites that meet any of the applicability criteria under s. 167.07; and
  - (4) A preliminary stormwater management plan in accordance with s. 167.10, for those land development sites that meet any of the applicability criteria of s. 167.07.
- C. **Erosion and runoff control permit.** An erosion and runoff control permit is required for all sites that meet the applicability provisions of ss. 167.07(A) or 167.07(B) and are not exempt under s. 167.07(C) or waived under s. 167.08. To request an erosion and runoff control permit under this chapter, the following information shall be submitted to the Administering Authority:
    - (1) A completed application on a form provided by the Administering Authority for that purpose;

- (2) The applicable fee(s);
  - (3) A site map in accordance with s. 167.09 and/or 167.10;
  - (4) A final erosion control plan in accordance with s. 167.07;
  - (5) A final stormwater management plan in accordance with s. 167.10; or the documentation required under s. 167.07 related to off-site BMPs and a regional stormwater management plan;
  - (6) A draft maintenance agreement in accordance with s. 167.18; and
  - (7) A financial guarantee, in accordance with s. 167.16.
- D. **Fees.** All application and review fees for this chapter shall be established and approved by the Village Board of the Village of Richfield through the annual budget process. A schedule of the fees shall be on file, available for review and distribution through the village clerk. Fee amounts shall be designed to offset the costs to the Village of Richfield for the administration of this chapter and may be modified from time to time based on the records and recommendation of the Administering Authority. No fee shall exceed the actual and direct costs of administering this chapter.

**167.12 Plan review procedures for applications that only involve erosion control plans for less than one (1) acre of disturbed area.**

- A. The procedures under this section shall only apply to applications which meet all of the following criteria:
  - (1) Meet one of the applicability criteria under s. 167.06(1) relating to construction site erosion control;
  - (2) Disturb less than one (1) acre in total land surface area; and
  - (3) Do not meet any of the applicability criteria under s. 167.07(B) relating to stormwater management.
- B. Within 10 working days of receipt of a completed application form, fee and final erosion control plan, the Administering Authority shall:
  - (1) Determine if the requirements of this chapter have been met, including s. 167.07(4)(a) relating to the requirements of a final erosion control plan; and
  - (2) Determine if more information or additional review is needed; and
  - (3) Notify the applicant of the results of pars. 1. and 2. above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.
- C. The Administering Authority may request comments from other agencies or units of government within the 10-day review period. The Administering Authority shall notify the

applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.

- D. If all of the applicable requirements of this chapter have been met, the Administering Authority shall issue an erosion and runoff control permit. If the requirements of this chapter have not been met, the Administering Authority shall notify the applicant in writing what changes would be necessary to meet the requirements.
- E. For any resubmittal of plans and supporting information by the applicant, the Administering Authority shall have an additional 10 working days from the date of receipt to review the resubmitted information in accordance with pars.(B) through (D) above.
- F. If the Administering Authority fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved, and the Administering Authority shall issue an erosion and runoff control permit.

**167.13 Plan review procedures for all other applications for an erosion and runoff control permit or preliminary approval letter.**

- A. The procedures under this subsection shall apply to all other applications that meet at least one of the applicability criteria under s. 167.07, but do not meet all of the criteria under s. 167.15, for erosion control plans for less than one acre.
- B. Within 20 working days of receipt of a completed application form, fee and applicable erosion control and/or stormwater management plan(s) in accordance with s. 167.11, the Administering Authority shall:
  - (1) Determine if the requirements of this chapter have been met, including s. 167.09(D) and/or s. 167.10(E) relating to the required contents of final erosion control and stormwater management plans; and
  - (2) Determine if more information or additional review is needed; and
  - (3) Notify the applicant of the results of pars. (1) and (2) above. Notification shall be in written or electronic form, unless otherwise waived by the applicant.
- C. The Administering Authority may request comments from other agencies or units of government within this 20-day review period. The Administering Authority shall notify the applicant if additional comments are being requested and shall have 10 working days from the receipt of those comments to notify the applicant of the results of the review.
- D. If all of the applicable requirements of this chapter have been met, the Administering Authority shall provide a preliminary plan approval letter or an erosion and runoff control permit. If the requirements of this chapter have not been met, the Administering Authority shall notify the applicant in writing what changes would be necessary to meet the requirements.

- E. For any resubmittal of plans and supporting information by the applicant, the administrating authority shall have an additional 20 working days from the date of receipt to review the resubmitted information in accordance with pars. (B) through (D) above.
- F. If the Administering Authority fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved, and the Administering Authority shall issue a preliminary approval letter or erosion and runoff control permit.

**167.14 Technical standards and specifications.**

- A. **Hydrologic and hydraulic computations, models.** All computations of soil loss or sediment loss, runoff volumes, and peak flow rates used in the development of erosion control and stormwater management plans in accordance with this chapter shall be based on the principles of United States Department of Agriculture – Natural Resources Conservation Service (NRCS) methodology. Models such as the Universal Soil Loss Equation (USLE) or other models approved by the Administering Authority may be used for predicting soil loss or sediment discharge leaving the construction site under varying land and management conditions and the application of erosion control BMPs. Models such as SLAMM, P8, or other modules approved by the Administering Authority may be used to evaluate the efficiency of the design in reducing total suspended solids to meet this chapter. Models such as SLAMM, RECARGA, or other models approved by the Administering Authority may be used to evaluate the efficiency of the design in meeting the infiltration requirements of this chapter.
- B. **Hydrologic and hydraulic computations, rainfall depths.** To determine compliance with this chapter, the following design storm rainfall depths shall be used:

**Table 3  
Rainfall Depths per Design Storm: Washington County**

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall Depth	2.35 inches	2.65 inches	3.82 inches	6.41 inches

- C. **Hydrologic and hydraulic computations, runoff curve numbers.** All computations of pre-development conditions as specified in this chapter shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was woodland, grassland/meadow, or cropland, the following NRCS curve number values shall be used as maximums:

**Table 4**  
**Maximum Runoff Curve Numbers for Certain Predevelopment Land Uses**

Predevelopment Land Use	Hydrologic Soil Group (letter) / Maximum Runoff Curve Number (#)			
	A	B	C	D
Woodland	30	55	70	77
Grassland/meadow	39	61	71	78
Cropland	55	69	78	83

- D. **Hydrologic and hydraulic computations, average annual rainfalls.** All modeling involving average annual rainfall or runoff volumes shall use rainfall data from the Milwaukee area between March 28 and December 6, 1969 as the typical annual rainfall pattern for Washington County, unless otherwise described in the BMP design standards.
- E. **Hydrologic and hydraulic computations, rainfall distribution.** All peak flow calculations shall use MSE3 rainfall distribution patterns, as defined in NRCS methodologies.
- F. **Hydrologic and hydraulic computations, other methods.** All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Manning's Formula. Flow routing, culvert design, weir and orifice flow and other related hydraulic computations used to design stormwater management facilities shall be based on standard applicable engineering formulas. Any design data or methodology proposed to be used for hydrologic or hydraulic computations other than those prescribed in this chapter shall be approved by the Administering Authority.
- G. **Best management practice design standards.** The design, installation and maintenance of all BMPs used to meet the requirements of this chapter shall comply with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of ch. NR 151, Wis. Adm. Code. Where BMP standards have not been identified or developed, the Administering Authority may approve the use of other available standards, such as those from other states or the USDA-Natural Resources Conservation Service.
- H. **Technical guidelines.** The Administering Authority may adopt technical guidelines to assist with the consistent administration of certain portions of this chapter where more specific standards currently do not exist, are insufficient or are subject to rapid change. The Administering Authority shall seek the expertise of other agencies and organizations in the development and maintenance of technical guidelines under this subsection.
- I. **Construction specifications.** The construction or installation of all BMPs and BMP components shall comply with all applicable manufacturers and industry standards and specifications, including but not limited to those published by American Society for Testing and Materials (ASTM) and the USDA – Natural Resources Conservation Service (NRCS).
- J. **Soil evaluations.** All soil profile evaluations and forms submitted for review to the Administering Authority under the provisions of this chapter shall be conducted by a

qualified professional in accordance with § SPS 385, Wis. Adm. Code and any applicable state standards, or guidance documents prepared by the Administering Authority. Evaluation report forms submitted for review to the Administering Authority shall be completed in accordance with § SPS 385.40, Wis. Adm. Code or on forms supplied by the Administering Authority. Determination of soil saturation with groundwater monitoring wells shall be done in accordance with § SPS 385.60 or ch. NR 141, Wis. Adm. Code. The number, location or depth of a soil profile evaluation shall be based on the applicable standards under sub. (2) above. In the event that the standard does not indicate the soil profile evaluation requirements the Administering Authority shall make the determination based on the design of the BMP and the likely variability of the on-site soils.

- K. **Availability.** Copies of all technical references in this section shall be available for review and distribution through the Land and Water Conservation Division of the Planning and Parks Department. Fees may be charged for hard copies of these items in accordance with established fee schedule.
- L. **Future revisions or updates.** The technical references, including the Wisconsin Administrative Code, in this section are made a part of the chapter as if fully set forth herein and shall be updated periodically in order to keep current with field experiences, research, technological advances, regulatory changes and the development of related technical standards by other agencies and units of government. Any future revision of the documents incorporated herein are also made part of this chapter unless otherwise acted upon by the Administering Authority.

#### **167.15 Permit requirements.**

- A. **General conditions.** For all permits issued under this chapter, the permit holder shall be deemed to accept the following requirements:

- (1) Obtain all other applicable Federal, State, County, or local permits and comply with all other applicable regulations. The Administering Authority may require the applicant to obtain other permits or plan approvals prior to issuing an erosion and runoff control permit.
- (2) Complete all activities in accordance with the plan(s) and construction schedule approved by the Administering Authority. A copy of the approved plans shall be kept at the construction site at all times during normal business hours. Any significant changes made during implementation without prior approval by the Administering Authority shall be subject to enforcement action under s. 167.21.
- (3) Notify the Administering Authority at least 2 working days in advance of commencing any work associated with the permit. The Administering Authority may require further notification of work on various stages of construction or upon completion of individual components for inspection purposes.
- (4) Authorize the Administering Authority access to the property for the purposes of inspecting the property for compliance with the approved plans and other permit requirements.

- (5) Inspect all best management practices within 24 hours after each rain event of 0.5 inch or more, or at least once each week. The permit holder shall maintain and repair all best management practices within 24 hours of inspection until the financial guarantee under s. 167.16 is released by the Administering Authority. The permit holder shall provide a qualified representative to conduct inspections and maintain an inspection log for the site. The inspection log shall include the name of the inspector, the date and time of inspection, a description of the present phase of construction, the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of stormwater management BMP(s), and an action needed or taken to comply with this chapter. The inspection log shall also include a record of BMP maintenance and repairs conducted.
  - (6) Where the land disturbing activity is one (1) acre or greater, or approved plans involve the installation of a stormwater BMP, the permit holder shall maintain a copy of the inspection log at the construction site or via the internet, and shall notify the Administering Authority of the method of availability upon permit issuance. If the inspection log is maintained on site, the Administering Authority may view or obtain a copy at any time during normal business hours until permit termination. If the inspection log is made available via the internet, the permit holder shall notify the Administering Authority of the appropriate internet address and any applicable access codes, and shall maintain the availability of the log until permit termination.
  - (7) Clean up all off-site sediment deposits and repair any erosion or other damage occurring as a result of construction work or a storm event at the end of each work day, or within a specified time period determined by the Administering Authority. Flushing of sediment is not allowed.
- B. **Permit issuance and duration.** The Administering Authority shall establish an expiration date for all permits issued under this chapter. The expiration date shall be based on the construction schedules submitted by the applicant under s. 167.07(4)(a)3., 167.07(4)(b)2.e., and 167.07(4)(b)2.i. and shall not exceed 18 months. The Administering Authority may grant longer permit periods or grant extensions to existing permits if deemed necessary to ensure compliance with this chapter. The Administering Authority may require additional erosion and runoff control measures as a condition of granting longer permit periods or permit extensions.
- C. In accordance with the technical standards and specifications in s. 167.14, the Administering Authority may withhold issuance, suspend, or revoke an erosion and runoff control permit, or require a change in the proposed construction schedule as a condition of a permit under sub. (A) above, if the Administering Authority determines that all of the following apply:
- (1) The proposed or actual land disturbing construction activity will exceed standard deadlines for seeding and sodding;
  - (2) Runoff or erosion from the site may significantly impact an environmentally sensitive area or cause other off-site environmental or property damage; and

- (3) The applicant or permit holder is unable or unwilling to provide other approved measures to minimize off-site impacts.
- D. **Final inspection.** After completion of construction, the Administering Authority shall conduct a final inspection of all sites regulated by this chapter to assist in determining compliance with the approved plan(s) and other applicable requirements, the permit and this chapter. If upon inspection, the Administering Authority determines that any of the applicable requirements have not been met, the Administering Authority shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the Administering Authority shall provide notification of noncompliance or a report of final inspection in written or electronic form.

**167.16 Financial guarantee.**

- A. **Purpose and type.** A financial guarantee in the form of cash, bond, escrow account, or irrevocable letter of credit shall be required for all erosion and runoff control permits issued to ensure compliance with this chapter.
- B. **Amount.** The amount of the financial guarantee shall be determined by the Administering Authority and shall be based on the estimated costs of construction of the best management practices in the approved erosion control and/or stormwater management plan(s) plus any costs for best management practice maintenance that may be needed during the construction phase or immediately after the site is stabilized, such as sediment removal.
- C. **Security.** Each financial guarantee shall be accompanied by a written agreement outlining its purpose, applicable amounts and all of the conditions for release.
- D. **Conditions for release.** The Administering Authority shall release the financial guarantee only after determining full compliance with the requirements of the permit and this chapter, including the following:
  - (1) Certification of construction by a professional engineer, in accordance with s. 167.17;
  - (2) Completion of a satisfactory final inspection by the Administering Authority in accordance with s. 167.15,
  - (3) Submittal of a copy of the recorded maintenance agreement, consistent with s. 167.18.

The permit holder may apply for a prorated release of the financial guarantee based on the completion or partial completion of various construction components or satisfaction of individual requirements.

The Administering Authority shall withhold from the financial guarantee amount released to the permit holder, any costs incurred by the Village of Richfield to complete installation or maintenance of best management practices through enforcement action, as described in s. 167.21, or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the Village of Richfield associated with the administration of this section.

- E. **Other financial guarantees.** The financial guarantee provisions of this chapter shall be in addition to any other financial guarantee requirements of the Village for other site improvements. Any arrangements made to combine the financial guarantee provisions of this chapter with other related requirements shall be made at the discretion of the Administering Authority.

**167.17 Construction certification.**

- A. **Generally.** A professional engineer, licensed in the State of Wisconsin, shall verify that the engineer or qualified representative has successfully completed all site inspections outlined in the construction inspection report that the stormwater management BMPs were constructed and comply with the approved plans and applicable technical standards and specification of s. 167.14, or otherwise satisfy all the requirements of this chapter. If warm season or wetland plantings are involved, a landscape architect or other qualified professional shall verify the planting process and its successful establishment.
- B. **As-built plans and survey.** An as-built survey shall be certified as accurate by a registered land surveyor or an engineer licensed in the State of Wisconsin. As-built plans shall be submitted for all stormwater management facilities and other permanent best management practices or practice components as deemed necessary by the Administering Authority to ensure compliance with this chapter. As-built plans shall document, on maps and drawings of the same scale and quality as the site development plan, actual location, elevations, materials, construction specifications and other items and be certified by the project engineer.
- C. **Design summaries.** Any changes noted in the as-built survey or final design data compared to the design summaries approved with the final stormwater management plans shall be documented and resubmitted to the Administering Authority for approval.

**167.18 Maintenance of stormwater management facilities.**

- A. **Maintenance agreement required.** A maintenance agreement between the local municipality or other approved unit of government and the proposed property owner(s) shall be required for all permanent stormwater management facilities installed to comply with the requirements of this chapter. The agreement shall be independent of all other restrictions or covenants and shall be prepared in accordance with this section.
- B. **Agreement provisions.** The maintenance agreement shall, at a minimum, contain all of the following information and provisions:
  - (1) Identification of the owner(s) of the land parcel where the stormwater management facility is located. Ownership shall be the same as those assigned maintenance responsibilities under sub. (5) below, and approved by the applicable unit(s) of government, unless otherwise designated in a regional stormwater management plan. For new land divisions, plats and certified survey maps subdivisions, all stormwater BMPs that collect runoff from more than one lot shall be located on outlots or within a designated drainage easement. For all privately owned outlots, ownership shall be by proportional undividable interest for all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine ownership of more than one BMP within the site;

- (2) Identification of each type of stormwater management facility and a general description of its purpose and design, including but not limited to facility dimensions, inlet and outlet design and dimensions and the drainage area served by the facility;
- (3) A description of all long term maintenance activities that may or will be required for each stormwater management facility, and an estimated time interval between each activity;
- (4) Granting of an access easement for access to all stormwater management facilities that is a minimum of 15 feet wide, not including drainage easements, right-of-ways or other restricted areas, and a minimum 12 foot wide travel lane within this area that is capable of withstanding construction equipment loads for future maintenance work;
- (5) Identification of the landowner(s), organization, municipality or other entity responsible for long term maintenance of the stormwater management facility. The assignment of maintenance responsibilities for a privately owned stormwater BMP shall, at a minimum, include all properties that are within the control of the applicant and drain to the BMP. However, the applicant may combine the maintenance responsibilities of more than one BMP within the site;
- (6) Authorization to access to the property by representatives of the local unit of government, the Administering Authority, assigns or designees to conduct regular inspections of the facility, monitor its performance and maintenance, and notify the designated entity when maintenance or repair activities are necessary;
- (7) Recognition that, upon written notification, the designated entity shall, within a reasonable time period, complete any needed maintenance or repair work recommended as a result of an inspection of the facility;
- (8) Authorization for the Village of Richfield and/or other designated authority to carry out any maintenance activities if the designated entity does not perform the required maintenance or repair work within the time period specified in par. (7) above;
- (9) Recognition that the applicable local government may exercise their statutory authority to levy and collect special assessments and charges under §66.0627, Wis. Stats., for any services carried out relating to par. (8) above;
- (10) Language confirming that the entire agreement shall remain binding among all parties to and within the agreement, until changes are mutually agreed to in writing by all parties. Any changes made to the agreement must maintain the minimum items listed in this subsection and the long term maintenance of the stormwater management facility; and
- (11) Other information as determined to be necessary by the Administering Authority to ensure compliance with this chapter.

C. **Review of draft agreements approval and recording.** (a) The Administering Authority shall ensure that all submitted maintenance agreements comply with sub. (B) above. If the

agreement does not comply, the Administering Authority shall notify the applicant or permit holder what changes are needed in order to comply.

- D. **Recording of approved agreements.** After the Administering Authority determines a proposed agreement complies with this section, the maintenance agreement shall be recorded at the Washington County Register of Deeds referencing any plat, certified survey, or other ownership transfer device pertaining to land which contains a stormwater management facility or is subject to maintenance responsibility in the approved agreement. The agreement as recorded shall ensure that the maintenance requirements are binding on all subsequent owners of the property upon which the stormwater management facility is located and that the restrictions run with the land and on any other property which is subject to maintenance responsibility in the agreement. The permit holder shall provide a copy of the recorded agreement, including evidence of the actual recording(s), to the Administering Authority.
- E. **Agreement form.** The maintenance agreement requirements of this section may, at the discretion of the Administering Authority, be a separate document or may be incorporated into a developers agreement. The form of the document proposed for recording shall be reviewed and approved by the Administering Authority. Any method used shall comply with all of the requirements of this section.
- F. **Maintenance responsibilities prior to a maintenance agreement.** The permit holder shall be responsible for the maintenance of all stormwater management facilities prior to a satisfactory final inspection under s. 167.15 and the release of a financial guarantee under s. 167.16.

#### **167.19 Illicit discharges.**

- A. **Prohibited discharges.** Except for stormwater and other discharges specifically exempted under sub. (b) below, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.
- B. **Prohibited connections.** The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this chapter, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.
- C. **Exemptions.** The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:
  - (1) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
  - (2) Discharges resulting from official firefighting activities, excluding training and practice activities.

- (3) Discharges from uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

D. **Notice of violation.** Whenever the Administering Authority finds a violation of this section, the Administering Authority may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property;
- (4) Any responsible party that fails to comply with a notice of violation under this section shall be subject to further enforcement action under s. 167.21.

#### **167.20 Administering authority.**

The Administering Authority is authorized to administer and enforce compliance with this chapter and shall have the following powers and duties:

- (1) Inform applicants as to the requirements of this chapter and assist them in filling out forms and other related administrative procedures.
- (2) Review applications, issue permits, and make all determinations stated in this chapter.
- (3) Conduct on-site inspections and investigate complaints in a timely manner to ensure compliance with this chapter.
- (4) Maintain records of all permits issued, inspections and determinations made, work approved, enforcement action and other official action.
- (5) Carry out duties relating to ensuring the long term maintenance of stormwater management facilities, such as site inspections and making recommendations for needed repairs or maintenance, in accordance with approved working agreements.

#### **167.21 Enforcement.**

A. **Prohibited practices.** It shall be deemed a violation, and be subject to enforcement action, for any person, firm, association, corporation or other entity subject to the requirements of this chapter to do in any of the following:

- (1) Commence any land disturbing construction activity prior to (i) obtaining a runoff control permit; (ii) notifying the Administering Authority a minimum of 2 working days in advance for sites that have obtained a runoff control permit; or (iii) installing those best management practices identified in the approved plan(s) to be installed prior to any land disturbing construction activity.

- (2) Fail to follow the approved plan(s), or other permit conditions, including but not limited to the required construction sequence, practice installation and technical standards or specifications.
- (3) Fail to maintain, repair, or replace any best management practice deemed ineffective prior to the release of a financial guarantee.
- (4) Fail to comply with the notice of violation under s. 167.21 of this chapter.

B. **Methods of enforcement.** The Administering Authority is authorized to use any and all of the following methods of enforcement against any person, firm, association, corporation or other entity that is found to be in violation of any provision of this chapter:

- (1) Forfeiture. Any violator shall be subject to a forfeiture of not less than \$50 or more than \$500 plus the cost of prosecution for each violation. Each day that a violation exists shall constitute a separate offense.
- (2) Stop work order. Any violator is subject to an order to stop all work except that which is needed as a corrective action to bring the site into compliance, or the village attorney may be requested to obtain a temporary restraining order and such other remedial court orders as shall be necessary to ensure compliance.
- (3) Permit revocation. The Administering Authority may revoke a permit issued under this chapter if the Administering Authority determines that the permit holder is not making a good faith effort to comply with the conditions of the permit. Upon loss of the permit, all construction shall cease and the site shall be stabilized, with any costs incurred by the Village of Richfield to be charged against the financial guarantee.
- (4) Emergency action. The Village of Richfield may enter upon the property and take any necessary emergency action if the Administering Authority determines that the site in violation is an immediate threat to public health, safety, welfare, the environment or downstream property, or if the permit holder or other violator refuses to take the corrective action as ordered by the Administering Authority. Any cost incurred by the Village of Richfield as a result of this action shall be billed to the permit holder or subtracted from the financial guarantee provided by the permit holder. Failure to pay said costs on a timely basis shall constitute a violation of this chapter.

Any enforcement measures shall continue until compliance is achieved or as ordered by the court.

C. **Notice.** The Administering Authority shall notify the permit holder, in writing, of any violation. The written notice shall be hand delivered to the permit holder or sent by certified mail and shall describe the violation, remedial action(s) needed, a schedule for all remedial action to be completed, and additional enforcement action which may be taken. The schedule established by the Administering Authority for required remedial action shall be based on a reasonable amount of time required to carry out the remedial action.

- D. **Responsible party.** For purposes of determining the responsible party or parties for any enforcement action under this chapter, the phrase "person, firm, association, corporation or other entity" as used in this chapter shall include, as the context requires, any owner, lessee, tenant, mortgagee, trustee, land contract vendor or vendee, or other holder of any legal or equitable interest in the particular land subject to this chapter and shall also include any contractor, subcontractor, engineer, consultant, agent or employee retained or acting on behalf of any of the preceding and having any material responsibility or having undertaken any activity with respect to the particular land subject to this chapter.

#### 167.22 Appeals.

- A. **Authority.** The Board of Adjustment shall act as the review and appeal authority for any order, requirement, decision or determination by the Administering Authority under this chapter.
- B. **Procedure.** The rules, procedures, duties and powers of the Board of Adjustment shall be as provided in the Village of Richfield municipal code shall apply to any review or appeal under this chapter.
- C. **Who may appeal.** Appeals to the Board of Adjustment may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Richfield affected by any decision of the Administering Authority.

#### 167.23 Variances.

Upon petition, the Board of Adjustment may authorize variances from the provisions of this chapter which are not contrary to the public interest or the purpose of this chapter, and where owing to special conditions beyond the control of the applicant, a literal enforcement of this chapter will result in unnecessary hardship.

#### 167.24 Definitions.

The terms used in this chapter shall have the following meaning:

**Administering Authority** An employee of the Village of Richfield or a person or firm hired by the Village that is designated by the governing body to administer this chapter.

**Affected** As used in s. 167.15(3)(e), means that a regulated activity has significantly (1) caused negative impacts on water quality or the use or maintenance of one's property or business; or (2) endangered one's health, safety or general welfare. (Verify citation in model)

**Agricultural activity area** The part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

**Agricultural crops** Any plant grown for the purpose of harvest to support a business.

**Agricultural production area** The part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways,

parking areas, livestock feedlots, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

**Average annual rainfall** A typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

**Best management practice (BMP)** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff, or to reduce runoff volumes or peak flows.

**BMP** An abbreviation for best management practice

**Common plan of development** All lands included within the boundary of a certified survey map or subdivision plat created for the purpose of development or sale of property where integrated, multiple, separate and distinct land developing activity may take place at different times by future owners.

**Connected impervious** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flowpath, or a minimally pervious flow path.

**Construction site** An area where one or more land disturbing activities occur, including areas that may be part of a larger common plan of development.

**Construction site erosion control** Preventing or reducing soil erosion and sedimentation from land disturbing construction activity.

**Conveyance system** A device or practice such as a swale, pipe, or ditch that is designed specifically to pass the stormwater from one place to another. A conveyance system does not include a practice designed for post-construction stormwater management, i.e. infiltration basin, infiltration trench, infiltration swale, bioretention basin, rain garden, or wet detention basin.

**Design storm** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

**Dewatering** The removal of trapped water from a construction site to allow land development or utility installation activities to occur.

**Effective infiltration area** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

**Environmentally sensitive area** Any area that, due to the natural resources present or the lack of filtering capacity, is significantly more susceptible to the negative impacts of sedimentation and other pollutants associated with erosion and urban runoff. Examples include direct hydrologic connections to lakes, stream, wetlands or other water resources, very coarse or shallow soils to groundwater or bedrock, or areas inhabited by endangered resources and environmental corridors.

**Erosion** The process by which the land's surface is worn away by the action of water, wind, ice or gravity.

**Erosion and runoff control permit** A written authorization made by the Administering Authority to the applicant to conduct land disturbing or land development activities in accordance with the requirements of this chapter. An erosion and runoff control permit regulates both construction site erosion and post-construction stormwater runoff from a site.

**Filtering layer** Soil that has at least a 3-foot deep layer with at least 20% that passes through a #200 sieve (fines); or at least a 5-foot deep layer with at least 10% that passes through a #200 sieve (fines); or another medium exists with an equivalent level of protection, as determined by the Administering Authority.

**Final grading** The placement of topsoil over disturbed areas in accordance with the requirements of s. 167.07(3).

**Final site stabilization** or (stabilization) All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures or otherwise determined acceptable by the Administering Authority where the risk of further soil erosion is minimal. (See also definition of “Stabilized”)

**Groundwater recharge areas** Lands identified in a document published by the Southeastern Wisconsin Regional Planning Commission as groundwater recharge areas; or where, prior to any land disturbing construction activity, precipitation or runoff could only leave the area by infiltrating the ground, thereby recharging the groundwater.

**Illicit connection** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal non-stormwater discharge to enter the storm drain system, including but not limited to: sewage, process wastewater and wash water, any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this chapter.

**Impervious surface** (or “imperviousness”) An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of surfaces that typically are impervious. For purposes of this chapter, all existing and proposed driveways, parking lots, streets and roofs shall be considered impervious at the time of application. If these surfaces are specifically designed, built and maintained to encourage infiltration or storage of runoff, and the Administering Authority determines they meet the general requirements of s. 167.10, they shall subsequently be designated by the Administering Authority as a pervious surface.

**Impracticable** Complying with a specific requirement would cause undue economic hardship and that special conditions exist which are beyond the control of the applicant and would prevent compliance.

**In-fill development** Land development that occurs where there was no previous land development and is surrounded by other existing land development.

**Infiltration** The entry and movement of precipitation or runoff into or through soil.

**Infiltration system(s)** A device or practice such as a basin, trench, rain garden, pervious pavement, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadway side channels designed for conveyance and pollutant removal only.

**Karst features** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

**Land development activity** or (land development) Any construction related activity that may ultimately result in the addition of impervious surfaces, such as the construction of buildings, roads, parking lots and other structures.

**Land disturbing construction activity or (disturbance)** Any man-made alteration of the land surface resulting in a change in the topography or existing vegetation or non-vegetation soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavation, pit trench dewatering, filling and grading activity.

**Manning's Formula** An empirical formula for open channel flow, or flow driven by gravity developed by Robert Manning. The formula in English units is  $V = (1.49/n) * (R^{2/3} * S^{1/2})$  where  $V$  = Velocity (ft/s),  $n$  = Manning's roughness coefficient,  $R$  = hydraulic radius in feet ( $R = A/P$ ,  $A$  = cross sectional area of flow (ft<sup>2</sup>),  $P$  = wetted perimeter of flow (ft))  $S$  = bed slope (ft/ft).

**Maximum extent practicable (MEP)** A level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

**MEP** An abbreviation for maximum extent practicable

**No appreciable off-site impact** The impact of any land disturbing construction activity on off-site property or natural resources would be negligible due to site conditions, such as internal drainage or a very large vegetation buffer area surrounding a small building project.

**NRCS** An abbreviation for U.S. Natural Resources Conservation Service

**Off-site BMP** Best management practice(s) that are located outside of the boundaries of the site covered by a permit application. Off-site BMPs are usually installed as part of a regional stormwater management plan approved by a local government.

**P8** A pollutant loading model approved by the Wisconsin Department of Natural Resources for predicting the generation and transport of stormwater runoff pollutants and run-off volume in urban watersheds, and evaluation of the efficiency of the design in reducing total suspended solids. (Program for Predicting Polluting Particle Passage thru Pits, Puddles, & Ponds)

**Peak flow** The highest flow rate of runoff, measured in cubic feet per second, that would normally result from a given design storm.

**Permanent best management practice** Any best management practice that is designed to remain in place after the development is complete. They are designed to stabilize the site or to permanently manage stormwater runoff.

**Pervious surface** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests and similar vegetated areas are examples of surfaces that typically are pervious.

**Pollutant** As set forth in s. 283.01(13), Wis. Stats., any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**Pollution** As set forth in s. 283.01(14), Wis. Stat., any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

**Post-construction site** A construction site following the completion of land disturbing construction activity and final site stabilization.

**Pre-development condition** The conditions of the land surface, including vegetation cover and natural drainage patterns, prior to the proposed land disturbing construction activity. For purposes of this chapter, all pre-development conditions shall assume good land management and good “hydrologic condition”, as stated in TR-55.

**Preventive action limit** This term has the meaning given in s. NR 140.05(17), Wis. Adm. Code.

**RECARGA** A computer model developed by the University of Wisconsin-Madison (Atchison and Severson 2004) that is used as a design tool for evaluating the performance of bioretention facilities, rain garden facilities, and infiltration basins.

**Redevelopment** Areas where development is replacing older development of similar impervious conditions.

**Regional stormwater management plan** A published document that establishes a planned course of action for managing stormwater runoff from an entire drainage area or watershed, including future land disturbing construction activities within the watershed. A regional stormwater management plan will recommend the use of best management practices for individual development sites and for selected points within the watershed to meet the goals and objectives of the plan.

**Regulatory agency** A public agency that the Administering Authority recognizes as having the legal authority to review and approve erosion control and stormwater management plans and enforce their implementation, with requirements at least as restrictive as this ordinance.

**Responsible party** Any person or entity holding fee title to the property or acting as the owners representative, including any person, firm, corporation or other entity performing services, contracted, subcontracted or obligated by other agreement to design, implement, inspect, verify or maintain the BMPs and other approved elements of erosion control and stormwater plans and permits under this chapter.

**Roadway** or (“road”) Any private or public access drive that serves more than 2 residences or businesses.

**Routine maintenance** That portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower ½ of the impervious surface’s granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower ½ of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed.

**Runoff** Stormwater or precipitation including rain, snow, ice melt, or similar water that moves on the land surface via sheet or channelized flow. Also referred to as stormwater runoff.

**Sediment** Settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original source.

**Shoreland, wetland and floodplain zones** Those areas defined in ch. 70 of the municipal code. Shoreland, wetland and floodplain zoning. The shoreland zone generally includes all lands within 300 feet of a navigable stream or 1,000 feet from a lake shore. The wetland and floodplain zoning districts may extend beyond the shoreland zone.

**Site** The entire area included in the legal description of which the land disturbing construction activity will occur.

**SLAMM** A pollutant loading model approved by the Wisconsin Department of Natural Resources for predicting the generation and transport of stormwater runoff pollutants and run-off volume in urban watersheds, and evaluation of the efficiency of the design in reducing total suspended solids. (Source Loading and Management Model)

**Soil detachment** The first step in the soil erosion process, or the dislodging of the soil particle from raindrop impact, water flow or wind. After detachment, the soil particle can be suspended and carried in runoff or wind to another site. Soil detachment is reduced by providing a vegetation or synthetic cover over the soil surface or through the application of soil treatment measures designed for this purpose.

**Stabilized** That all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established on at least 70% of the soil surface or other surfacing material is in place and the risk of further soil erosion is minimal, as determined by the Administering Authority.

**Stop work order** An order issued by the Administering Authority which requires that all construction activity on the site be stopped – except best management repair/installation as required by the Administering Authority.

**Storm drainage system** A publicly-owned facility by which stormwater is collected and/or conveyed, including but not limited to any roadways with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Stormwater** has the meaning as the term "runoff."

**Stormwater management** Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality from urban areas after land disturbing construction activities or land development activity.

**Stormwater management facility** Any structural best management practice, such as a retention pond, infiltration basin or other physical structure, that is designed to collect and permanently manage the quantity and/or quality of stormwater runoff.

**Subsoil** The "B" horizon in any natural soil profile. Natural soil profiles are described in detail in the Soil Survey of Washington County.

**Technical standard** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

**Temporary best management practice** Any best management practice that is intended to reduce soil erosion and/or sediment in runoff during the construction phase only, and is intended to be removed after the site is stabilized.

**TMDL** An abbreviation for total maximum daily load

**Top of channel** An edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

**Topsoil** The "A" horizon found in any natural soil profile not formed from organic material. Natural soil profiles are described in detail in the Soil Survey of Washington County.

**Total suspended solids load** The total weight of material, including sediment and other solids, that is assumed to be carried in the runoff water and discharged from the site based on runoff models for urban lands. For best management practice design purposes, a 5 micron particle size is

usually selected as a target to achieve 80% total suspended solids removal rate, as required in s. 167.08(1)(a)3.

**Watershed** The total area of land where runoff drains to a specific point on the landscape. It is also referred to as the drainage area.

**Waters of the state** This term has the meaning given in s. 281.01 (18), Wis. Stats.

**Working day** Any day except Saturday and Sunday and holidays observed by the Village of Richfield. When used in s. 167.09, relating to specific erosion control requirements, this term shall not include any days that site stabilization activities could not reasonably be carried out due to inclement weather conditions.

**167.25 Severability.**

If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall remain in force and not be affected by such judgment.

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# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

#

89

MEETING DATE: October 20, 2016

SUBJECT: Certified survey map (CSM) merging two adjoining properties in Section 5, T9N, R19E; Scott and Natalie Rousseau, applicant  
 DATE SUBMITTED: October 14, 2016  
 SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION TO APPROVE THE CSM FOR SCOTT AND NATALIE ROUSSEAU?*

*ISSUE SUMMARY:*

The petitioners own the subject property identified by Tax Key: V10\_0106035. The purpose of this CSM is to incorporate an additional one-half acre of property from the land labeled as "Outlot 4" (Tax Key: V10\_0106040001) to the land where their existing house is located. Once obtained, their intent is still to leave the acquired land as "open space", but give them the opportunity to build a detached garage that they wouldn't otherwise be able to build without this boundary line relocation due to the side yard setback regulations. The parcel size will be increased to a total of 1.813 acres and in effect, eliminate the existing side yard setback on the northerly side of Lot 35 which is their intent. It should be noted that "Outlot 4" was designated as "privately owned open space" within the Final Plat of Steeple View Estates and as such, is transferable to the adjoining property owner provided that it yet remains as open space. It is not a part of the land that is owned "equal and undivided" by the property owners in the subdivision. In fact, the property directly to the south acquired land at some point in time that was also previously listed as "Outlot 4". The Village Engineer has reviewed the CSM and recommended approval in their letter dated August 25, 2016, with a number of caveats (attached).

At the October 6<sup>th</sup>, 2016 Plan Commission Meeting the Plan Commission voted to recommend the approval of the CSM for Scott and Natalie Rousseau to the Village Board with the following motion:

Motion by Trustee Collins to recommend to the Village Board the approval of the CSM, subject to the General and Specific Conditions of Approval listed below which must be satisfied before the CSM is released for recording by Washington County.

**Specific Conditions of Approval:**

1. The Village Engineer shall review the final CSM and approve the same.
2. The signature block for the Village Board indicates that land is being dedicated for public road purposes. This is not the case. To avoid any potential confusion, the following words should be removed "and road dedication hereby accepted."
3. The road name for Steeple Drive on sheet 1 of 3 should be underscored.
4. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

**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



VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

SUBJECT: Certified survey map (CSM) merging two adjoining properties in Section 5, T9N, R19E; Scott and Natalie Rousseau, applicant
DATE SUBMITTED: October 14, 2016
SUBMITTED BY: Jim Healy, Village Administrator

- documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; of for real property taxes; or for licenses, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of this approval.

Motion seconded by Commissioner Lalk; Motion passed without objection.

FISCAL IMPACT:

REVIEWED BY: [Signature] Village Deputy Treasurer

Initial Project Costs: Staff Time.
Future Ongoing Costs: N/A
Physical Impact (on people/space): N/A
Residual or Support/Overhead/Fringe Costs: N/A

ATTACHMENTS:

- 1. CSM, dated 08-05-2016
2. Village Engineer's review letter dated 08-25-2016
3. Washington County GIS aerial overview



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

SUBJECT: Certified survey map (CSM) merging two adjoining properties in Section 5, T9N, R19E; Scott and Natalie Rousseau, applicant

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

**STAFF RECOMMENDATION:**

Motion to approve the CSM, subject to the General and Specific Conditions of Approval listed below which must be satisfied before the CSM is released for recording by Washington County.

**Specific Conditions of Approval:**

5. The Village Engineer shall review the final CSM and approve the same.
6. The signature block for the Village Board indicates that land is being dedicated for public road purposes. This is not the case. To avoid any potential confusion, the following words should be removed "and road dedication hereby accepted."
7. The road name for Steeple Drive on sheet 1 of 3 should be underscored.
8. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

**General Conditions of Approval:**

4. 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.
5. 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.
6. 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 CLERK USE ONLY  
BOARD ACTION TAKEN

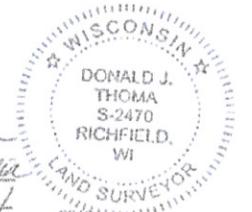
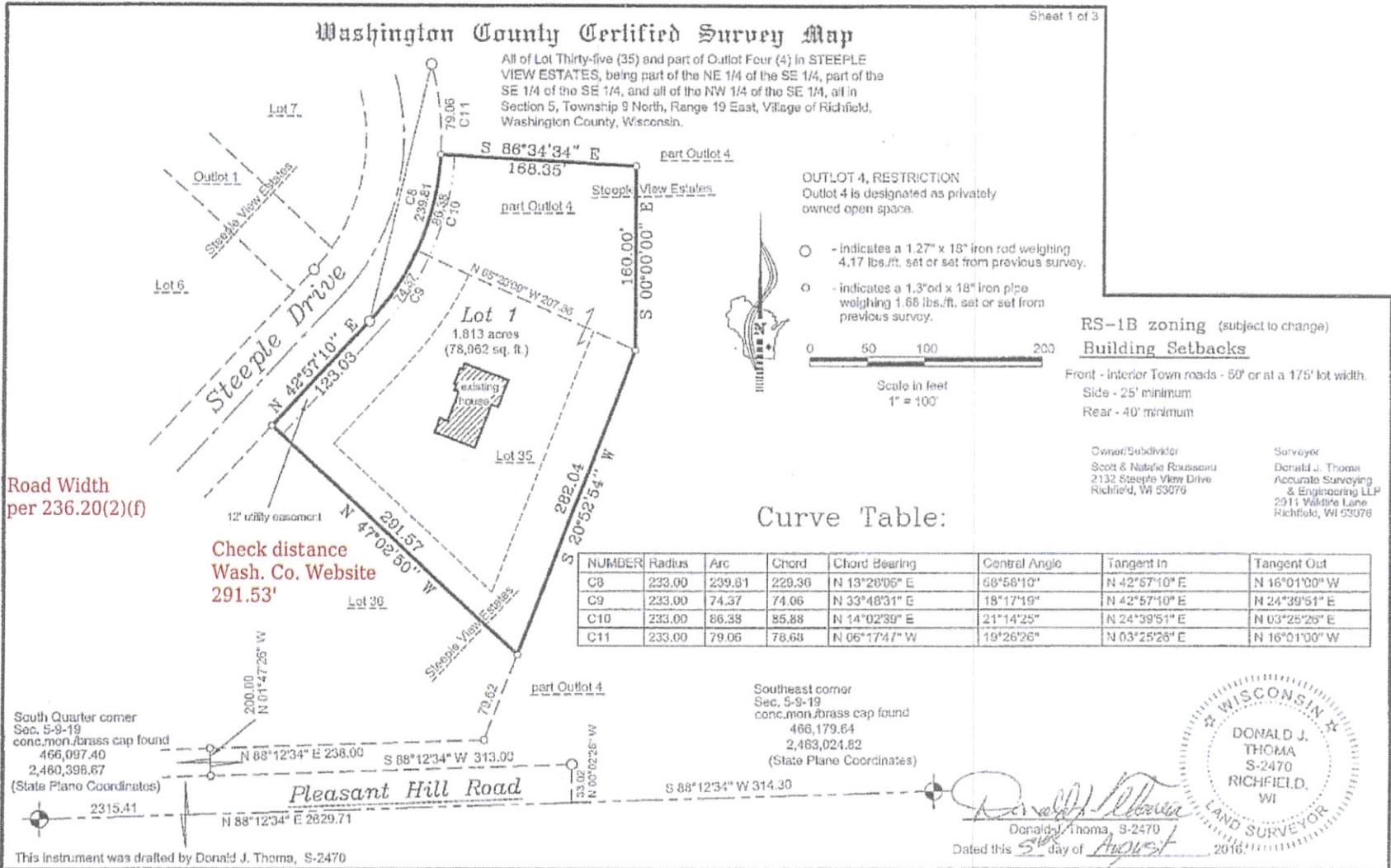
Resolution No. \_\_\_\_\_  
 Ordinance No. \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Denied \_\_\_\_\_  
 File No. \_\_\_\_\_

# Washington County Certified Survey Map

Sheet 1 of 3

All of Lot Thirty-five (35) and part of Outlet Four (4) in STEEPLE VIEW ESTATES, being part of the NE 1/4 of the SE 1/4, part of the SE 1/4 of the SE 1/4, and all of the NW 1/4 of the SE 1/4, all in Section 5, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.



Donald J. Thoma, S-2470  
 Dated this 5<sup>th</sup> day of August, 2016

This instrument was drafted by Donald J. Thoma, S-2470

# Washington County Certified Survey Map

Sheet 2 of 3

All of Lot Thirty-five (35) and part of Outlot Four (4) in STEEPLE VIEW ESTATES, being part of the NE 1/4 of the SE 1/4, part of the SE 1/4 of the SE 1/4, and all of the NW 1/4 of the SE 1/4, all in Section 5, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

## Surveyor's Certificate:

I, Donald J. Thoma, Professional Land Surveyor, hereby certify that by the direction of Scott Rousseau, I have surveyed, divided, and mapped the land shown and described hereon, all of Lot Thirty-five (35) and part of Outlot Four (4) in STEEPLE VIEW ESTATES, being part of the NE 1/4 of the SE 1/4, part of the SE 1/4 of the SE 1/4, and all of the NW 1/4 of the SE 1/4, all in Section 5, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin, which is bounded and described as follows:

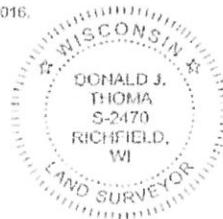
Commencing at the Southeast corner of said Section 5; thence S 88°12'34" W, along the south line of said SE 1/4, 314.30 feet; thence N 00°02'20" W, 33.02 feet, to a point in the north right-of-way line of Pleasant Hill Road; thence S 85°12'34" W, along said north right-of-way line, 313.00 feet; thence N 01°47'26" W, 200.00 feet, to a point in the south line of Lot 36, in said Steeple View Estates; thence N 86°12'34" E, along said south line, 238.00 feet; thence N 20°52'54" E, along the easterly line of said Lot 36, 79.62 feet, to the point of beginning of lands herein described; thence N 47°02'53" W, along the common line of said Lot 36 and 35, 291.57 feet, to a point in the southeasterly right-of-way line of Steeple Drive; thence N 42°57'10" E, along said southeasterly right-of-way line, 123.03 feet; thence northeasterly, continuing along said right-of-way line, and along the arc of a curve to the left, 74.37 feet, radius 233.00 feet, delta 18°17'19", chord N 33°48'31" E 74.06 feet; thence northeasterly, continuing along said right-of-way line, and along the arc of a curve to the left, 86.56 feet, radius 233.00 feet, delta 21°14'25", chord N 14°02'39" E 85.88 feet; thence S 80°34'34" E, 168.35; thence S 00°00'00" E, 160.00 feet, to the northeast corner of said Lot 35; thence S 20°52'54" W, along the easterly line of said Lot 35, 282.04 feet to the point of beginning.

Containing 1.813 acres (78,962 square feet) more or less.

I further certify that I have fully complied with the provisions of sec. 236.34 of Wisconsin Statutes and the Village of Richfield Land Division Ordinance per Chapter 300 of the Village Code (subdivision regulations) in surveying, dividing, and mapping said land, and that this map is a correct representation of the exterior boundaries of the land surveyed and the division of said lands.

Dated this 5<sup>th</sup> day of August, 2016.

  
Donald J. Thoma, S-2470



This instrument was drafted by Donald J. Thoma, S-2470

### Washington County Certified Survey Map

All of Lot Thirty-five (35) and part of Outlot Four (4) in STEEPLE VIEW ESTATES, being part of the NE 1/4 of the SE 1/4, part of the SE 1/4 of the SE 1/4, and all of the NW 1/4 of the SE 1/4, all in Section 5, Township 8 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

#### Owner's Certificate:

As owners, we hereby certify that we caused the land shown and described herein to be surveyed, divided and mapped as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval:

Village of Richfield Plan Commission      Village of Richfield Village Board

\_\_\_\_\_  
Scott A. Rousseau - Owner

\_\_\_\_\_  
Natalie A. Rousseau - Owner

STATE OF WISCONSIN)  
WASHINGTON COUNTY) s.s.

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, the above named owners are to me known to be the same persons who executed the foregoing instrument and acknowledge the same.

(Notary Seal) \_\_\_\_\_, Notary Public, \_\_\_\_\_, Wisconsin.

My commission expires \_\_\_\_\_

#### Village of Richfield Village Board Approval:

This land division is hereby approved and road dedication hereby accepted by the Village of Richfield

Village Board this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

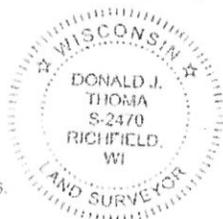
\_\_\_\_\_  
John Jeffords - Village President

\_\_\_\_\_  
Jim Healy - Village Administrator/Clerk

  
Donald J. Thoma, S-2470

Dated this 5<sup>th</sup> day of August, 2016.

This instrument was drafted by Donald J. Thoma, S-2470



#### Consent of Corporate Mortgage:

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map, and does hereby consent to the above certificate of Scott & Natalie Rousseau, owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_ has caused these presents to be signed

by \_\_\_\_\_, its President, and countersigned by \_\_\_\_\_

its Secretary(cashier), at \_\_\_\_\_, \_\_\_\_\_ (State) and its corporate seal to be hereunto

affixed this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, in the presence of.

\_\_\_\_\_  
(Corporate Seal)

Corporate Name \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary of Cashier

\_\_\_\_\_  
Date

STATE OF WISCONSIN)  
WASHINGTON COUNTY) s.s.

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_, President, and \_\_\_\_\_, Secretary(cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary(cashier) of said corporation, and acknowledge that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) \_\_\_\_\_, Notary Public, \_\_\_\_\_, Wisconsin.

My commission expires \_\_\_\_\_



1115 S. Main Street  
West Bend, WI 53095  
262-384-4406  
kunkelengineering.com

August 25, 2016

Mr. James Healy, Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033

**Re:** Certified Survey Map-Review (Rousseau)

Dear Jim:

Please be advised that our office has reviewed a proposed certified survey map (CSM) presented by Donald J Thoma, RLS, of Accurate Surveying and Engineering, LLP. The survey is intended to expand the lot under ownership of Scott and Natalie Rousseau within the Steeple View Estates development.

The purpose of the CSM is to incorporate an additional one-half acre of property currently within Outlot 4. The parcel size will be increased to a total of 1.813 acres and in effect, eliminate the existing side yard setback on the northerly side of Lot 35. It should be noted that Outlot 4 was designated as "privately owned open space" within the final plat of Steeple View Estates and as such, is transferable to the adjoining property owner provided that it yet remain as open space. Furthermore, unless the parcels were combined into a single lot, the 25-foot side yard setback would remain a restriction upon the existing Lot Number 35. By combining the lots into a single parcel, this restriction is removed.

Based upon our review of the proposed CSM, we recommend that the Village Plan Commission and ultimately the Richfield Village Board, consider approval contingent upon the following conditions:

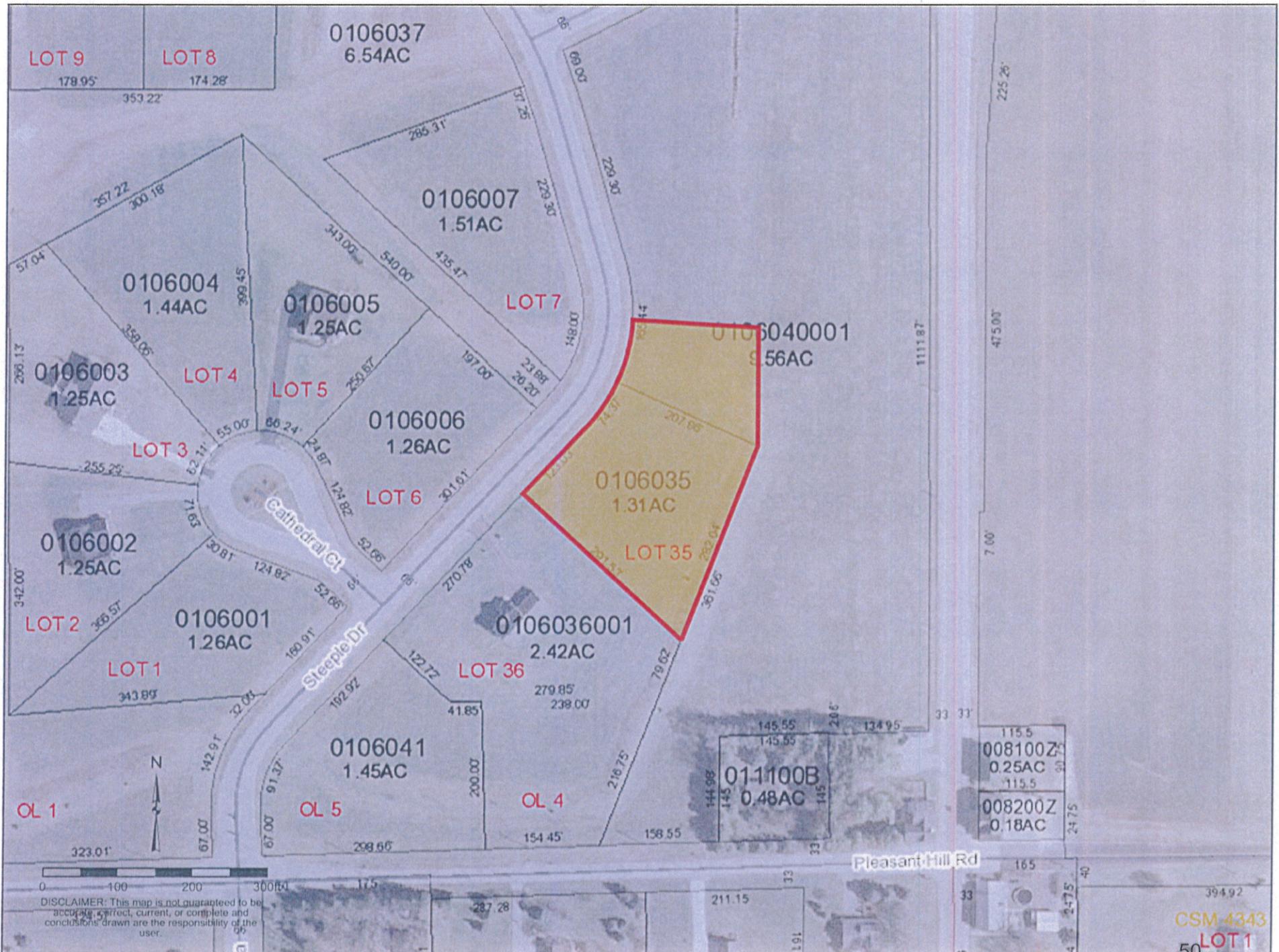
- 1) That the road width Steeple Drive be reflected upon the CSM. As a note, I have talked with Donald Thoma and he has agreed to revise his map accordingly and provide same to the Village once approved.
- 2) Any other conditions as set forth by either the Village Plan Commission or Village Board.

Jim, the above concludes our comments relative to the proposed Certified Survey Map. The CSM is in general conformance with Village of Richfield ordinance requirements. Should you have any further questions in this regard, please do not hesitate to contact me.

Sincerely,

KUNKEL ENGINEERING GROUP

Craig J. Kunkel, P.E.



CSM 4343

LOT 1

8 99



# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

# 89.

MEETING DATE: October 20, 2016

SUBJECT: Snowplowing Agreement with RJSD No.1

DATE SUBMITTED: October 13, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE RICHFIELD JOINT SCHOOL DISTRICT, NO.1 (RJSD) FOR THE USE OF VILLAGE EQUIPMENT AND MATERIALS RELATED TO SNOW REMOVAL?*

*ISSUE SUMMARY:*

In 2013, the Village Board and the RJSD entered into an agreement for snow removal services utilizing the Village's F550 truck. As a part of that agreement, the Village agreed to also sell the District salt by the ton at the same rate it receives from the State of Wisconsin. This rate is greatly discounted compared to private sector prices per ton because it is negotiated by the State of Wisconsin at a bulk rate with salt companies on behalf of the various municipalities Statewide. This agreement was in place until 2015 when the District Administrator was asked to evaluate other private sector alternatives by her School Board.

In 2015 the School Board decided to enter into an agreement with a private contractor for snow removal services, but they were ultimately unhappy with the service and performance they received. On multiple occasions last winter, the Village's DPW assisted the District with snow removal at both Plat School and Richfield School in emergency situations when their hired operator was unable to perform his/her contractual duties. These sort of last minute changes to our snow plowing operations delay services to our residents, but the District was in a difficult position and the Village had the resources to assist.

In the month of August of 2016, District Administrator Villalobos approached Village Staff to see if the Village still had the available equipment to 'lease' them for the upcoming winter season. If you recall, this vehicle was scheduled to be sold a number of years ago, but the Board instead directed Staff to reinvest in the vehicle and retain it because the return on the Village's investment was so strong. Staff therefore informed District Administrator Villalobos that we did indeed still have the vehicle and that we were absolutely interested in seeing if a restructured agreement would benefit both organizations. The proposed agreement you have before you tonight was previously approved by one of the District's financial subcommittees and is going before the School Board on Monday. In anticipation for this agreement, it should be noted that Village Staff has budgeted approximately \$10,000 per year for the lease of equipment and sale of salt per ton back to the District. Other items of considerable note in this proposed contract are as follows:

**Rates based on WisDOT "white sheets"**

**Truck:** \$18.80/hr

**Plow:** \$10.98/hr

**Hopper:** \$22.22/hr

**5% Administrative Fee:** \$10.69/per snow event

**2016/17 Wisconsin Municipal Contract Price for Road Salt:** \$65.28/ton

**Term of Contract:** 1 year

**Locations Served:** Plat School and Richfield School



# VILLAGE OF RICHFIELD

## VILLAGE BOARD COMMUNICATION FORM

#

MEETING DATE: October 20, 2016

SUBJECT: Snowplowing Agreement with RJSD No.1

DATE SUBMITTED: October 13, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*FISCAL IMPACT:*

REVIEWED BY:

  
Village Deputy Treasurer

Initial Project Costs: Administrative

Future Ongoing Costs: Routine maintenance, administrative

Physical Impact (on people/space): Service improvement to taxpayers

Residual or Support/Overhead/Fringe Costs: Administrative

*ATTACHMENTS:*

- DRAFT** – Intergovernmental agreement between the RJSD and the Village for the lease of snow removal equipment

*STAFF RECOMMENDATION:*

Motion to authorize the Village President and Village Administrator to enter into an agreement with the Richfield Joint School District per the contract, as drafted.

## APPROVED FOR SUBMITTAL BY:

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. \_\_\_\_\_

# INTERGOVERNMENTAL AGREEMENT FOR THE LEASE OF SNOW REMOVAL EQUIPMENT FROM THE VILLAGE OF RICHFIELD TO THE RICHFIELD SCHOOL DISTRICT

This Intergovernmental Agreement (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2016 by and between the VILLAGE OF RICHFIELD, (hereinafter referred to as “Village”), a Wisconsin municipal corporation, and the RICHFIELD SCHOOL DISTRICT, (hereinafter referred to as “District”) (the Village and District may collectively be referred to as “Parties” herein), under and pursuant to Section 66.0301 Wis. Stats.

1. Parties. Parties to this Agreement are the Village of Richfield (hereinafter “Village”), a Wisconsin municipal corporation located in Washington County, Wisconsin, with its primary offices located at 4128 Hubertus Road and the Richfield School District (hereinafter “District”), a school district deemed a municipality under section 66.0301 Wis. Stats., with its primary offices located at 3117 Highway 167.
2. Authority. The parties to this Agreement are authorized by law to enter into an Intergovernmental Agreement pursuant to Sec. 66.0301, Wis. Stats., which specifically allows intergovernmental cooperation between villages and school districts
3. Purpose. The Purpose of this Agreement is to provide the framework in which the Village will provide the necessary equipment and materials to the District for snow removal to the mutual benefit of both parties (hereinafter “Purpose”).
4. Term. This Agreement shall take effect one day after the adoption of this Agreement by the governing body of each municipality and shall remain in effect for 365 days. The agreement shall automatically renew upon its anniversary date each year based on the terms and conditions outlined herein. Each party has the right to cancel the Agreement upon 60-days advance notice. However, this agreement cannot be cancelled during the months of November through April without mutual agreement by both parties.
5. Equipment and Salt Provided. Pursuant to this Agreement, the Village agrees to provide a truck and plow suitable for parking lot snow removal, street salt and other related snow removal equipment and materials as agreed upon by both parties. The equipment and salt shall be provided to the Richfield Jt. School District No. 1, specifically, Plat Elementary School located at 4908 Monches Road and Richfield Elementary at 3117 Highway 167 during snow plow operations, as deemed necessary.

6. Rates. The parties to this Agreement agree that the Village will bill the actual cost of the lease of its equipment at the standard Village hourly rate which will be based on the current WisDOT equipment rates, the actual bulk highway salt cost to the Village and a 5.00% administration fee which includes the cost of expense tracking and billing. See Attachment "A" for details of those rates and a description of the administrative costs associated with the same. Equipment and salt will be provided on an as-needed basis, as determined by the Richfield Joint School District No. 1 District Administrator in conjunction with the Village of Richfield Public Works Supervisor. Invoices for services rendered shall be submitted monthly to the District and paid within 30 days.
7. Exceptions. The Parties hereby agree that in the event of an emergency breakdown, Village equipment and personnel will be used to ensure the timely cleanup of the previously mentioned locations. The Parties also agree that equipment and materials for sidewalk snow removal will not be provided as a part of this agreement. The Parties lastly agree that in the event there is a need for snow hauling or removal, the Village will manage those operations and bill back the Richfield Joint School District No. 1 under terms separate from this agreement, but still subject to WisDOT rates.
8. Vehicle Maintenance. The costs incurred for regular maintenance of the leased equipment shall be the responsibility of the Village.
9. Insurance. The Village agrees to carry sufficient comprehensive general liability, automobile and any other necessary insurance to cover the equipment and operator of the leased equipment.
10. Miscellaneous:
  - a. Expenses. Each party shall pay its own expenses and fees of council, other agents, or representatives in connection with the negotiation of the Agreement.
  - b. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto relating to the subject matter hereof, and all prior agreements, correspondence, discussions and understandings of the parties are merged herein and made part of hereof, it being the intention of the parties hereto that this Agreement (the attachment hereto) shall serve as the complete and exclusive statement of the terms of the agreements between the parties. No amendment, waiver or modification hereto or hereafter shall be valid unless in writing signed by an authorized signatory of the party or parties to be affected thereby.
  - c. Governing Law. This Agreement, the attachment hereto and the agreements executed and delivered simultaneously herewith shall be governed by and construed and enforced in accordance with the internal laws of the State of Wisconsin.

- d. Counterparts; Facsimile Signatures. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Facsimile signatures shall be deemed original signatures for the Purpose of this Agreement.
- e. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable laws; provided, however, that if any provision of the Agreement shall be held to be prohibited or invalid under such applicable law such provision shall be ineffective only to the extent of such prohibition of invalidity without invalidating the remainder of such provision or remaining provisions of this Agreement.
- f. Further Assurances. The Parties hereto shall execute and deliver, or cause to be executed and deliver, all such other powers, instruments and documents, and will take all such other action, as may be reasonably necessary in order to carry out the provisions and purpose of this Agreement.
- g. Section Headings. The section headings used herein are for the conveniences of reference only, and shall not affect in any way the meaning or interpretation on any of the provisions of this Agreement.
- h. Inurement. This Agreement shall insure to the benefit of and be binding upon the Parties hereto and their respective successors, assigns, beneficiaries, heirs and personal representatives, as applicable, provided that any assignment of this Agreement or the rights hereunder by any party hereto without the written consent of the other parties shall be void.
- i. Waiver. Failure on part of any party to complain of any act or failure to act of another party or to declare another party in default or in breach, irrespective of how long such failure continues, shall not constitute a waiver by that party of its rights under this Agreement or otherwise.
- j. Warranty of Authority. Each party warrants and represents to the other that they have the requisite power and authority to enter into this Agreement and that this Agreement is effective and legally binding on such party in accordance with its terms and the execution and performance of the same does and will not constitute a breach, default or violation of any other agreement, restriction or undertaking or of any law, rule, regulation, or order as to which such party is subject. Each person executing this Agreement on behalf of any Party (as an officer, agent, or otherwise) is duly authorized and empowered to do so and all signatures and approvals of persons for such Party have been obtained as necessary to make this Agreement legally enforceable and effective.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement or caused the same to be executed as of the date first above written:

**VILLAGE OF RICHFIELD**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mr. John Jeffords, Village Board President

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mr. Jim Healy, Village Administrator

**RICHFIELD JOINT SCHOOL DISTRICT**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mr. Blair Rogacki, School Board President

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mrs. Tara Villalobos, District Administrator

**Attachment "A"**

<b>Truck:</b>	Ford F550 4x4	\$18.80/hr.
<b>Plow:</b>	Power Reverse, Truck mounted	\$10.98/hr.
<b>Salter:</b>	Hopper type (Drop-in)	\$22.22/hr.
<b>5% Admin Fee:</b>		\$10.69/Snow Event

2016/17 Wisconsin Municipal Contract price for road salt is \$65.28/ton.

**Description of Administrative 5% Cost:**

*Public Works Supervisor Adam Schmitt estimates approximately 10 minutes of his time, per snow event, to calculate the tonnage of salt being used and the time it will take him to perform a visual inspection of the vehicle each time it is returned. Community Services Coordinator/Deputy Treasurer KateLynn Schmitt estimates it will take her approximately 10 minutes per snow event to create or combine existing invoices. Taking their hourly wage, divided by six (6), we see a total for administrative fees of \$10.69, per snow event.*

**Hourly Wages:**

Community Services Coordinator/Deputy Treasurer Schmitt - \$28.90

DPW Schmitt \$35.23

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VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

# 8h.

MEETING DATE: October 20, 2016

SUBJECT: 2016 Budget Amendment

DATE SUBMITTED: October 13, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE VILLAGE BOARD WISH TO AMEND ITS BUDGET TO ALLOW FOR THE PAVING OF THE PARKING LOT AT HERITAGE PARK?

ISSUE SUMMARY:

In 2016 the Village of Richfield budgeted \$799,760 for its Highway Improvement Program. Due to unanticipated favorable economic conditions, the Village was able to take advantage of low oil commodity prices and was able to pave an additional mile of road this year. The road segments paved included Pleasant Hill Road from Hillside to Scenic Road; Pleasant Hill Road from Scenic to just west of the second set of train tracks near Mayfield Road; and Scenic Road from Pleasant Hill Road to Pioneer Road. After the completion and payment of the contractor, the Village was left with approximately \$66,000 or about 7% of the overall Highway Improvement budget. In an attempt to try to maximize the Village's single largest expenditure in our budget, Staff is proposing a repurposing of the \$66,000 for paving the newly constructed parking lot at Heritage Park. So that this pavement project could take place before the end of the year the Village received a proposal from the Richfield Volunteer Fire Company (RVFC) construction pavement contractor to pave the lot for \$62,300 as a part of the RVFC project. However, because the funds are allocated in the "Public Works" section of the Village's expenditure budget, a budget amendment needs to be made in order to move those funds into the "Public Safety" line item.

FISCAL IMPACT:

REVIEWED BY: Katey J. Schmitt  
Village Deputy Treasurer

- Initial Project Costs: \$62,300
- Future Ongoing Costs: Routine maintenance, administrative
- Physical Impact (on people/space): Paved parking lot at Heritage Park
- Residual or Support/Overhead/Fringe Costs: Administrative

ATTACHMENTS:

- 1. 2016 Village Budget

STAFF RECOMMENDATION:

Motion to direct Staff to publish the required 2016 Budget Amendment with the West Bend Daily News within 10 days of this action to reflect the allocation of \$66,000 from "Public Works" expenditures to "Public Safety" expenditures.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN



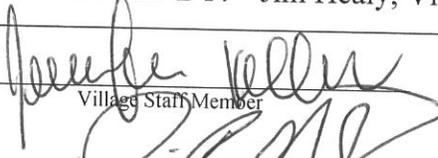
VILLAGE OF RICHFIELD  
VILLAGE BOARD COMMUNICATION FORM #

MEETING DATE: October 20, 2016

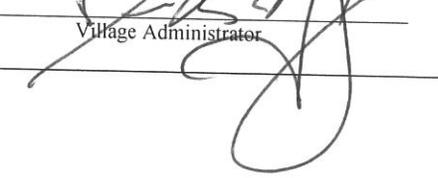
SUBJECT: 2016 Budget Amendment

DATE SUBMITTED: October 13, 2016

SUBMITTED BY: Jim Healy, Village Administrator



Village Staff Member



Village Administrator

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_

**NOTICE OF BUDGET AMENDMENT FOR THE VILLAGE OF RICHFIELD**

Notice is hereby given, pursuant to Sec. 65.90 Wis. Statutes, that on Thursday, June 16th, 2016, at 7:00 PM the Village Board unanimously adopted an amendment to the 2016 Village Budget upon the conclusion of a scheduled Public Hearing. A summary of the adopted amendment to the 2016 Village Budget is presented below. The detailed budget is available for public inspection at 4128 Hubertus Road, Hubertus, WI 53033 from 7:30 AM to 4:00 PM, Monday through Friday.

<b>GENERAL OPERATING FUND:</b>	<b>2014 ACTUAL</b>	<b>2015 BUDGET</b>	<b>2016 PROPOSED BUDGET</b>	<b>% CHANGE FROM 2015 BUDGET</b>
<b>REVENUES:</b>				
PROPERTY TAXES	2,446,780	2,475,163	2,506,722	1.28%
OTHER TAXES	2,108	2,032	2,057	1.23%
INTERGOVERNMENTAL	769,024	896,422	737,534	-17.72%
LICENSES AND PERMITS	279,027	196,255	210,875	7.45%
FINES, FORFEITURES AND PENALTIES	853	405	405	0.00%
PUBLIC CHARGES FOR SERVICES	71,540	39,960	52,860	32.28%
INTEREST INCOME	10,559	13,700	13,700	0.00%
MISCELLANEOUS REVENUES	94,787	112,412	3,424,265	2946.17%
SPECIAL ASSESSMENT INCOME-RIVERVIEW DR	7,728	8,140	8,140	0.00%
SPECIAL ASSESSMENT INCOME - SOUTHSHORE DR	1,281	1,404	1,404	0.00%
TRANSFER FROM DESIGNATED FUNDS	0	0	304,863	100.00%
<b>TOTAL REVENUE</b>	<b>3,683,687</b>	<b>3,745,893</b>	<b>7,262,825</b>	<b>93.89%</b>

<b>EXPENSES:</b>				
GENERAL GOVERNMENT	617,680	649,624	614,150	-5.46%
PUBLIC SAFETY	1,028,682	1,066,311	4,382,409	310.99%
PUBLIC WORKS	803,557	1,709,187	1,993,839	16.65%
PARKS/RECREATION	216,078	143,985	154,641	7.40%
CONSERVATION AND DEVELOPMENT	72,193	84,600	98,600	16.55%
CONTINGENCY	429,557	76,000	3,000	-96.05%
DEBT SERVICE - RIVERVIEW DRIVE	14,183	14,183	14,183	0.00%
DEBT SERVICE - SOUTH SHORE	2,003	2,003	2,003	0.00%
<b>TOTAL EXPENDITURES</b>	<b>3,183,933</b>	<b>3,745,893</b>	<b>7,262,825</b>	<b>93.89%</b>

<b>TAX LEVY</b>	<b>2,446,780</b>	<b>2,475,163</b>	<b>2,506,722</b>	<b>1.28%</b>
<b>TAX RATE PER THOUSAND</b>	<b>1.6686</b>	<b>1.6687</b>	<b>1.6628</b>	<b>-0.35%</b>

**CAPITAL IMPROVEMENT FUND**

	<b>2014 ACTUAL</b>	<b>2015 PROJECTED</b>	<b>2016 PROPOSED BUDGET</b>
<b>REVENUES:</b>			
CAPITAL OUTLAYS	846,401	1,006,449	928,218
<b>EXPENSES:</b>			
CAPITAL OUTLAYS	782,590	843,950	1,104,623
TRANSFER TO/FROM CIP FUND	63,811	162,499	(176,405)
<b>BEGINNING FUND BALANCE</b>	<b>1,692,016</b>	<b>1,755,827</b>	<b>1,918,326</b>
<b>ENDING FUND BALANCE</b>	<b>1,755,827</b>	<b>1,918,326</b>	<b>1,741,921</b>

	<b>2014 REVENUES</b>	<b>2015 YTD REVENUES</b>	<b>% CHANGE</b>
<b>IMPACT FEE BUDGET</b>			
PARK IMPACT FEES	14,390	30,268	110%
FIRE IMPACT FEES	27,144	50,576	86%

The following are the proposed levys for all funds of the Village of Richfield for 2016:

	<b>General Fund</b>	<b>Richfield Utility</b>	<b>Richfield Utility #2</b>	<b>Bark Lake Utility</b>
TOTAL REVENUES	1,395,385	-	-	-
TOTAL EXPENDITURES	3,902,107	3,436	1,448	2,652
EXCESS	(2,506,722)	(3,436)	(1,448)	(2,652)
PROPERTY TAX CONTRIBUTIONS	2,506,722	3,436	1,448	2,652

7,536

	<b>Total Levy Amounts per Budget Year</b>		
	<b>2014</b>	<b>2015</b>	<b>2016</b>
GENERAL FUND	2,446,780	2,475,163	2,506,722
RICHFIELD UTILITY	3,375	3,375	3,436
BARK UTILITY	2,622	2,622	2,652
RICHFIELD UTILITY #2	1,370	1,370	1,448
<b>Total</b>	<b>2,454,147</b>	<b>2,482,530</b>	<b>2,514,258</b>

1.28%

The Village's Projected Outstanding General Obligation Debt at December 31, 2015 is \$0

Jim Healy  
Village Administrator

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# VILLAGE OF RICHFIELD

VILLAGE BOARD COMMUNICATION FORM

# 81.

MEETING DATE: October 20, 2016

SUBJECT: DPW Garage Update

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTION: NONE AT THIS TIME.*

*ISSUE SUMMARY:*

Over the course of the last several months, Village Staff has been working intimately with Mr. Harry Farchmin, a structural engineer with the firm Bloom Companies, to evaluate the structural stability of the DPW Building located at 1345 Hillside Road and to develop a routine maintenance program for the building going forward. In the beginning of this year, Village Staff saw signs of structural instability which rose immediate concern for employee safety. The situation was remedied with the installation of four (4) braces on select north-south ceiling joists. Given that this was an unaccounted for expense, the funds necessary to pay for this repair were appropriated from the \$550,000 the Village had previously saved for the construction of a new Village Hall. It was the concern of the Village's engineer at the time, however, that the "bracing issue" may be indicative of a much larger settling problem which would have potentially required invasive and costly repairs to the building itself. Thankfully since that time we have been able to rule that scenario out, and the building itself is not structurally compromised.

However, a common theme in the opinion of all three (3) structural engineers, representing various interests, was the fact that the building was in need of maintenance and repair - much of which was unknown to Administrative Staff. For example, the last coat of paint on this building either interior or exterior was when it was last constructed 18 years ago, the building has a door on the north side which has become inoperable due to rust, in several areas of the building cracks along the mortar joints have completely given way exposing the CMU to the elements, and several instances where caulking needs to be removed and replaced entirely.

One of the more notable deficiencies were that of the three (3) existing heating elements in the 'garage shop', two (2) of which are not properly operating and are in need of either repair or replacement. Public Works Supervisor Adam Schmitt reached out to Total Mechanical, the firm who originally installed the heating elements nearly two (2) decades ago in order to provide to us potential alternatives to consider. They are attached herein for your convenience. The first alternative for \$1,290 is to attempt to repair two (2) of the existing 70' lines. The second alternative is for \$12,590 for the replacement of all three (3) lines and the third alternative is for \$6,050 to place a run east-west over the area where the Village's Shop Foreman and Mechanic most often works. Due to the length of the 'runs' and the age of the unit, by the time the heat reaches the south end of the building it casts off little to no heat, which is why this alternative was explored.

A subsequent site visit was performed last month with Bloom Companies and Mr. Farchmin was provided copies of the original blueprints for the building. Mr. Farchmin interviewed members of our Staff who were around during the time of construction, reviewed pictures that were taken at various milestones during the construction process and did a "peer review" of the previously supplied engineering reports from both EFJ and Ambrose Engineering. That report is expected to be completed and provided to the Village Board on Monday,



# VILLAGE OF RICHFIELD

## VILLAGE BOARD COMMUNICATION FORM

#

MEETING DATE: October 20, 2016

SUBJECT: DPW Garage Update

DATE SUBMITTED: October 14, 2016

SUBMITTED BY: Jim Healy, Village Administrator

October 17<sup>th</sup>. Until that time, Village Staff will refrain from making any formal recommendations to the Village Board for repair considerations to the DPW Building.

**FISCAL IMPACT:**

REVIEWED BY:

Village Deputy Treasurer

Initial Project Costs: Unknown.

Future Ongoing Costs: Unknown.

Physical Impact (on people/space): Unknown.

Residual or Support/Overhead/Fringe Costs: Unknown.

**ATTACHMENTS:**

- Total Mechanical bids for repair work dated September 30<sup>th</sup>.

**STAFF RECOMMENDATION:**

None at this time.

## APPROVED FOR SUBMITTAL BY:

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. \_\_\_\_\_

September 30, 2016

Proposal # 16-2760

Adam Schmitt  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033

**Re: Infrared Tube Heater Repairs – Truck Shop**

Total Mechanical, Inc proposes the following repairs:

**IF-1 Re-Verber-Ray M# DX70-175N**

- Provide and install one circuit board, adapter, and harness
- Provide and install one flame rod
- Provide all required labor and materials to perform the above work
- One-year parts and labor warranty

**TOTAL COST: \$645.00**

**IF-2 Re-Verber-Ray M# DX70-175N**

- Provide and install one circuit board, adapter, and harness
- Provide and install one flame rod
- Provide all required labor and materials to perform the above work
- One-year parts and labor warranty

**TOTAL COST: \$645.00**

If you would like Total Mechanical to proceed with the above work, please sign the proposal below and return by e-mail at [mnank@total-mechanical.com](mailto:mnank@total-mechanical.com) or by fax at (262) 522-2951.

Should you have any questions, please feel free to contact me at (262) 522-7143.

Respectfully Submitted,  
**TOTAL MECHANICAL, INC.**



Mike Nank  
Service Manager, Environmental Services

Please print name and title in the space provided. If the space is not sufficient, please sign and return to the person who provided this proposal.

SIGNATURE

DATE

October 7, 2016

Proposal # 16-2865

Adam Schmitt  
Village of Richfield  
4128 Hubertus Road  
Hubertus, Wisconsin 53033

**Re: Infrared Tube Heater Replacements-DPW**

Total Mechanical proposes replacing the (3) existing tube infrared tube heaters serving the DPW garage:

**IF-1 (West)**

- Provide and install (1) Superior Radiant 70' 205 MBH tube heater.
- Provide all required hanging material needed to install the heater.
- Provide all required gas piping.
- Provide and install (1) line voltage thermostat.
- Provide and install all required venting.
- Provide all required electrical.
- Provide scissors lift to complete work.
- Start up and first year warranty.
- Provide all labor required to complete the above work during normal working hours.

**Total Installation Cost: \$4,380.00**

**IF-2 (Center)**

- Provide and install (1) Superior Radiant 70' 205 MBH tube heater.
- Provide all required hanging material needed to install the heater.
- Provide all required gas piping.
- Provide and install (1) line voltage thermostat.
- Provide and install all required venting.
- Provide all required electrical.
- Provide scissors lift to complete work.
- Start up and first year warranty.
- Provide all labor required to complete the above work during normal working hours.

**Total Installation Cost: \$4,380.00**

If the above proposal, subject to the terms and conditions on the reverse side is acceptable, please sign and return. Total Mechanical will proceed with the work.

SIGNATURE

DATE

**IF-3 (East)**

- Provide and install (1) Superior Radiant 40' 100 MBH tube heater.
- Provide all required hanging material needed to install the heater.
- Provide all required gas piping.
- Provide and install (1) line voltage thermostat.
- Provide and install all required venting.
- Provide all required electrical.
- Provide scissers lift to complete work.
- Start up and first year warranty.
- Provide all labor required to complete the above work during normal working hours.

**Total Installation Cost: \$3,830.00**

**Notes:**

- All work will be done during normal working hours.
- Unit is currently 7-10 days out from the vendor.
- Permits by customer.

Please sign and return this proposal as authorization to proceed to fax (262) 522-2951 or email [mnank@total-mechanical.com](mailto:mnank@total-mechanical.com)

Should you have any questions please feel free to contact me (262) 522-7143.

Respectfully Submitted,  
**Total Mechanical, Inc.**



Mike Nank  
Service Manager, Environmental Services

If the above proposal, subject to the terms and conditions on the reverse side is acceptable, please sign and return. Total Mechanical will proceed with the work.

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# TOTAL.

## MECHANICAL

October 7, 2016

*Building Integrity*

Proposal # 16-2864

Adam Schmitt  
Village of Richfield  
4128 Hubertus Road  
Hubertus, Wisconsin 53033

### Re: Adding Infrared Tube Heater for Repair Bay

Total Mechanical proposes to install one 50' infrared tube heater to cover the truck repair bay:

- Provide and install (1) Superior Radiant 50' 125 MBH tube heater.
- Provide all required hanging material needed to install the heater.
- Provide all required gas piping tied in from piping to rooftop unit in S.E. corner of shop.
- Provide and install (1) line voltage thermostat.
- Provide and install all required venting through block wall.
- Provide all required electrical.
- Provide scissors lift to complete work.
- Start up and first year warranty.
- Provide all labor required to complete the above work during normal working hours.

**Total Installation Cost: \$6,050.00**

#### Notes:

- All work will be done during normal working hours.
- Unit is currently 7-10 days out from the vendor.
- Permits by customer.

Please sign and return this proposal as authorization to proceed to fax (262) 522-2951 or email [mnank@total-mechanical.com](mailto:mnank@total-mechanical.com)

Should you have any questions please feel free to contact me (262) 522-7143.

Respectfully Submitted,  
**Total Mechanical, Inc.**



Mike Nank  
Service Manager, Environmental Services

If the above proposal, subject to the terms and conditions on the reverse side is acceptable, please sign and return. Total Mechanical will proceed with the work.

SMK:SPF

031P