

**Village of Richfield**  
**4128 Hubertus Road, Hubertus, WI**  
**Village Board Meeting Minutes January 17, 2019**  
**7:00 pm**

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

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

Also present: Village Administrator Jim Healy and Deputy Clerk Donna Cox

**2. Verification of Compliance with Open Meeting Law**

Village Administrator Healy verified that the meeting was posted per statute at three local post offices and the Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

**3. Pledge of Allegiance**

**4. PUBLIC COMMENTS:**

Ms. Danah Zoulek, 609 Scenic Road, Ms. Zoulek stated that she is fed up and believes that we as a Village can do better. Ms. Zoulek noted that while she understands the Village of Richfield taxes are lower, she feels there are no services offered in the community. Lastly, Ms. Zoulek stated that money could be saved by cutting staff and salaries.

**5. CONSENT AGENDA**

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
  - i. December 20, 2018 – Regular Meeting
- d. New Operators License Applications
- e. Resolution R2019-01-01, A Resolution Honoring the Public Service of Deputy Keith Kiupelis
- f. Resolution R2019-01-02, A Resolution to Petition for the Alteration and Improvement of an at-grade Crossing

Motion by Trustee Brandner to approve the Vouchers for Payment, Treasurer's Report, Minutes of the December 20<sup>th</sup> Regular Meeting, New Operators License Applications per the attached list, Resolution No. R2019-01-01, A Resolution Honoring the Public Service of Deputy Keith Kiupelis and Resolution No. R2019-01-02, A Resolution to Petition for the Alteration and Improvement of an at-grade Crossing; Seconded by Trustee Neu; Motion carried without objection.

**6. DISCUSSION/ACTION**

- a. **Discussion/Action regarding the authorization to purchase Plow Truck #12 per the adopted 2019 Village Budget**

Motion by Trustee Wolff to authorize the Village Administrator to execute an agreement for the purchase of an International Truck chassis as outlined in the proposal outlined herein for the cost of \$97,805 and to execute a second agreement with Burke Truck and Equipment for a 2019 Multi-Purpose Patrol Truck Package as outlined in their proposal for the cost of \$79,050, with direction to authorize the Deputy

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Treasurer to issue a down-payment in the amount of \$39,525 to receive a 1.5% discount on the package body all per the adopted 2019 Village Budget; Seconded by Trustee Neu; Motion carried without objection.

**b. Discussion/Action regarding the establishment of a Developer's Agreement with Mr. Steven Schmidt for the extension of Whitetail Run**

Administrator Healy provided the following information:

One legal question that was raised by Attorney John Macy was whether an agreement exists between the Village and the homeowner's association for Whitetail Hideaway for that portion of the T-Turnaround which occupies space on Outlot 3 and Outlot 4 as referenced on the prepared CSM. The surveyor for the applicant believes there may be an existing easement for the benefit of road construction, but that has yet to be determined. The goal would be to ensure that the work done by the Developer is either duly authorized by the HOA or consistent with any previously established agreements. Additionally, a warranty for one (1) year as oppose to two (2) years should be included in the Final Developers Agreement as well as granting them the ability to perform the work in a single lift given the smaller scope of the project.

Motion by Trustee Neu to conditionally authorize the Village President and Village Clerk to sign the proposed Developer's Agreement subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. Prior to the execution of the Developer's Agreement the applicant shall satisfy all previously issued Conditions of Approval for the attached Certified Survey Map. The Certified Survey Map shall then be registered at the County Register of Deeds contemptuously with the Developer's Agreement.
2. The Village shall receive in writing, to the satisfaction of the Village Attorney, the proposed legal method from the Developer intends to utilize for the proposed construction outside of the Village's right-of-way in the Whitetail Hideaway Outlots or that their work is duly authorized by the HOA.

**General Conditions of Approval:**

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, the Village Attorney, the Village Administrator, 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 Brandner; Motion carried without objection.

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**c. Discussion/Action regarding the utilization of Fire Impact Fees towards the annual BCPL loan payment for the Richfield Volunteer Fire Company Station No. 2**

President Jeffords thanked the anonymous donor for their donation.

Trustee Dan Neu recused himself due to his involvement with the Richfield Volunteer Fire Company.

Motion by Trustee Collins to authorize the Village Administrator to advise the BCPL of the Village's desire to make an additional payment in the total amount of \$134,907.95 which is comprised of \$58,946.36 from the Village's accumulated Fire Impact fees, \$2,000 from an anonymous donation, and \$73,961.59 from the Richfield Volunteer Fire Company to be paid on or before March 15, 2019; Seconded by Trustee Wolff; Motion passed 4-0.

**d. Discussion/Action to create a License Agreement to Farm Public Lands on portions of Village-owned parkland identified by Tax Keys: V10\_025200B, V10\_0193, V10\_019300A, and V10\_0184**

Administrator Healy provided the following information:

For decades, the Village has operated on "handshake deals" regarding the farming of Village land. We have traditionally held relationships with our local farms that benefit the Village in a number of ways. For instance, the land directly east of Fireman's Park is maintained by Mr. Terry Kohl is not planted with crops, but rather, is cut twice a year with the grass bailed and removed prior to Richfield Days where cars are parked. This saves the Village a considerable amount of time and money as well as provides a pure community benefit at zero cost to the taxpayer.

During the November Park Commission meeting, it was agreed upon by the Commissioners there should be a land use agreement drafted for the purpose of formalizing terms between the individuals who farm public land and the Village of Richfield. It is the recommendation of the Village Attorney that rather than create a "lease agreement" to instead pursue the matter in the form of a "license agreement". That way, there are no "landlord-tenant" relationships which could complicate matters should the agreement turn sour.

Trustee Brandner stated that both Mr. Kohl and Mr. Lofy do a great job and he hopes that they will continue doing it.

Trustee Wolff stated that he likes the protection of having a License Agreement for the Farming.

Trustee Collins asked Administrator Healy if there is any liability to the Village with this type of agreement.

Administrator Healy said he was working with the Village Attorney regarding any liability issues.

Motion by Trustee Brandner to conditionally approve the proposed "License Agreement to Farm Public Land" and to openly allow Staff to negotiate with Mr. Herb Lofy and Mr. Terry Kohl regarding the farming on public land identified by Tax Key: V10\_025200B, V10\_0193, V10\_019300A, and V10\_0184; Seconded by Trustee Collins; Motion carried without objection.

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- e. **Discussion/Action regarding the execution of a contract with Accurate Surveying & Engineering LLP for surveying services**

Motion by Trustee Neu to authorize Village Staff to execute an agreement for services as outlined in the proposal dated December 11, 2018 from Accurate Surveying and Engineering LLP for land identified by Tax Keys: V10\_015500F and V10\_018700Z; Seconded by Trustee Wolff; Motion carried without objection.

**7. PUBLIC COMMENTS – No Additional Comments**

## **8. ADJOURNMENT**

Motion by Trustee Wolff to adjourn the meeting at 7:57 PM; Seconded by Trustee Brandner; Motion carried without objection.

Respectfully Submitted,

Jim Healy  
Village Administrator