

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Village Board Meeting Minutes March 21, 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 and Tom Wolff.

Excused Absent: Trustee Rock Brandner

Also present: Village Administrator Jim Healy, Municipal Attorney John Macy, 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:

Jeff Gonyo, 2668 Hwy 164, Highway J Citizens Group. Regarding items 5e and 8a on the Agenda. Mr. Gonyo stated that he found the process for Open Records disturbing at the Village of Richfield and that every citizen has the right to examine and look at any record they wish to and stated the Board should remember they work for the people. Mr. Gonyo noted it was Sunshine Week.

Danah Zoulek, 609 Scenic Rd. Regarding items 5e and 8a on the Agenda. Ms. Zoulek stated that she does not have to provide a reason as to why she requests open records, and noted that she just enjoys researching. Ms. Zoulek asked the Board to reach out to help the community come together, stating the community is a conservative community and asked the Board to give one another the opportunity to hear the other person.

Blair Rogacki, 4866 Bunker Hill Ct. (Homeowner Association President) Regarding items 6a, 6b and 6c on the Agenda. Mr. Rogacki stated that the residents of Yorkshire Estates would appreciate not connecting to Highland Ridge. The nine (9) families that reside there have enjoyed the privacy and serenity for approximately forty years and would appreciate it being left that way.

Sarah Kraemer, 363 Yorkshire Dr. Regarding items 6a, 6b and 6c on the Agenda. Ms. Kraemer stated she is concerned about the traffic that this potential subdivision could bring and the entrance that is being proposed next to their driveway. Ms. Kraemer stated they wanted privacy and a private street.

Amy Boehler, Developer with Highland Ridge Subdivision. Mrs. Boehler stated that she does not agree with the Building Permit not being issued until the lift is put on. Mrs. Boehler stated this was not the case with Lakeview Ridge Subdivision.

5. CONSENT AGENDA

- a. Vouchers for Payment
- b. Treasurer's Report
- c. Meeting Minutes:
 - i. February 21, 2019 – Regular Meeting
 - ii. February 28, 2019 – Special Meeting

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- d. New Operators License Applications
- e. Administrator Report – Open Records Requests

Administrator Healy gave a report on how many Open Records Requests were received in 2017, 2018 and 2019. Trustee Wolff suggested keeping the Open Records Requests reports on upcoming agenda's.

Motion by Trustee Neu to approve the Vouchers for Payment, Treasurer's Report, Minutes of the February 21st Regular Meeting, Minutes of the February 28th Special Meeting and New Operators License Applications per the attached list; Seconded by Trustee Wolff; Motion carried unanimously.

6. DISCUSSION/ACTION

- a. **Discussion/Action regarding a Preliminary Plat for Highland Ridge Subdivision (Tax Keys: V10_1250 and V10_1255)**

Motion by Trustee Neu to approve the proposed Preliminary Plat for Highland Ridge Subdivision subject to the following Conditions of Approval:

Specific Conditions of Approval:

1. The plat must show all required features listed in the Village's land division regulations (Chapter 330), including but not limited to the following:
 - a. signature blocks for surveyor, property owner, village clerk-treasurer, county treasurer, and village board.
 - b. mortgagee certification block if the property owner has a mortgage on the property.
2. The subdivider shall provide documentation from Washington County to the Village Administrator indicating that each residential lot has a suitable site for a septic system.
3. The subdivider shall comply with the requirements in Section 70.193(J) of the municipal code with respect to "open space area ownership and maintenance requirements."
4. Prior to any land-altering activity, the subdivider shall submit a stormwater management agreement to the Village Board and obtain approval of the same which is to be recorded at the Washington County Register of Deeds against all properties. Any necessary access easements shall be described with a legal description acceptable to the Village Engineer.
5. Prior to any land-altering activity, the subdivider shall submit to the Village Board and receive approval for a Developer's Agreement which is to be recorded at the Washington County Register of Deeds against all properties.
6. Prior to any land-altering activity, the subdivider shall submit to the Village and receive approval for Deed Restrictions which is to be recorded at the Washington County Register of Deeds against all properties.
7. Prior to any land-altering activity, the subdivider shall submit approval from the Department of Administration and Washington County for the Preliminary Plat approval.
8. The subdivider shall install all improvements prior to submitting the Final Plat as required by Chapter 330 of the municipal code sections 330-60 and 330-60A.
9. The subdivider shall provide all financial guarantees for any improvements as may be required by Chapter 330 of the municipal code.

General Conditions of Approval:

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department

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of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.

2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.
3. **Deed Restrictions:** Subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney and the Village Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private or site development, or recording of the Final Plat, whichever is earlier.
4. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
5. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval

Seconded by Trustee Collins; Motion passed without objection.

**b. Discussion/Action regarding a Developer's Agreement for Highland Ridge Subdivision
(Tax Keys: V10_1250 and V10_1255)**

Motion by President Jeffords to require the developer to use our standard method of residential development process of putting down binder asphalt the first year and the top asphalt the second year with the normal warranty we have and to approve the proposed Developer's Agreement for Highland Ridge Subdivision subject to staff putting in final form consistent with this decision and that the Village Administrator develop a construction traffic plan with the developer to minimize the use of the existing roads for the development of the improvements in the subdivision. Also to be recorded with the Washington County Register of Deeds against all properties, subject to the final review and approval of the Village Attorney and the following Conditions of Approval:

Specific Conditions of Approval:

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1. The Village Board must approve the Preliminary Plat for the Highland Ridge Subdivision.
2. The subdivider shall provide documentation from Washington County to the Village Administrator indicating that each residential lot has a suitable site for a septic system.
3. The subdivider shall comply with the requirements in Section 70.193(J) of the municipal code with respect to "open space area ownership and maintenance requirements."
4. Prior to any land-altering activity, the subdivider shall submit a stormwater management agreement to the Village Board and obtain approval of the same which is to be recorded at the Washington County Register of Deeds against all properties. Any necessary access easements shall be described with a legal description acceptable to the Village Engineer.
5. Prior to any land-altering activity, the subdivider shall submit to the Village and receive approval for Deed Restrictions which is to be recorded at the Washington County Register of Deeds against all properties.
6. Prior to any land-altering activity, the subdivider shall submit approval from the Department of Administration and Washington County for the Preliminary Plat approval and provide documentation to the Village regarding the same.
7. The subdivider shall install all improvements prior to submitting the Final Plat as required by Chapter 330 of the municipal code sections 330-60 and 330-60A.
8. The subdivider shall provide all financial guarantees for any improvements as may be required by Chapter 330 of the municipal code.;

General Conditions of Approval:

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.
2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.
3. **Deed Restrictions:** Subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney and the Village Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private or site development, or recording of the Final Plat, whichever is earlier.
4. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

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

Seconded by Trustee Wolff; Motion carried 3-0-1 by voice vote.

- c. **Discussion/Action regarding Deed Restrictions for Highland Ridge Subdivision (Tax Key: V10_1250 and V10_1255)**

Motion by Trustee Wolff to approve the proposed Declaration of Covenants, Conditions and Restrictions for Highland Ridge Subdivision subject to the following Conditions of Approval:

Specific Conditions of Approval:

1. The Preliminary Plat for Highland Ridge Subdivision must be approved by the Village Board.
2. The subdivider shall provide documentation from Washington County to the Village Administrator indicating that each residential lot has a suitable site for a septic system.
3. The subdivider shall comply with the requirements in Section 70.193(J) of the municipal code with respect to "open space area ownership and maintenance requirements."
4. Prior to any land-altering activity, the subdivider shall submit a stormwater management agreement to the Village Board and obtain approval of the same which is to be recorded at the Washington County Register of Deeds against all properties. Any necessary access easements shall be described with a legal description acceptable to the Village Engineer.
5. Prior to any land-altering activity, the subdivider shall submit to the Village Board and receive approval for a Developer's Agreement which is to be recorded at the Washington County Register of Deeds against all properties.
6. Prior to any land-altering activity, the subdivider shall submit approval from the Department of Administration and Washington County for the Preliminary Plat approval.
7. The subdivider shall install all improvements prior to submitting the Final Plat as required by Chapter 330 of the municipal code sections 330-60 and 330-60A.
8. The subdivider shall provide all financial guarantees for any improvements as may be required by Chapter 330 of the municipal code.

General Conditions of Approval:

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.

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2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.
3. **Deed Restrictions:** Subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney and the Village Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private or site development, or recording of the Final Plat, whichever is earlier.
4. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
5. **Payment of Charges:** Any unpaid bills owned to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.

Seconded by Trustee Neu; Motion carried without objection.

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

8. **CLOSED SESSION**

- a. **Discussion/Action to enter into Closed Session under Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategies to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically: Scenic Pit, LLC. v. Village of Richfield and Jim Healy Circuit Court No. 2015CV374**

President John Jeffords read 8a aloud.

Motion by Trustee Wolff to enter into Closed Session at 8:32 PM pursuant to Wisconsin State Statutes, Section 19.85(1)(g); Seconded by Trustee Neu; Motion carried unanimously by voice vote.

9. **RECONVENE IN OPEN SESSION**

Motion by Trustee Collins to Reconvene in Open Session; Seconded by Trustee Wolff; Motion carried unanimously by voice vote.

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

Motion by Trustee Collins to authorize the appeal to the Court of Appeals for Scenic Pit LLC v. Village of Richfield and Jim Healy Circuit Court No. 2015CV374; Seconded by Trustee Wolff; Motion carried without objection.

10. ADJOURNMENT

Motion by Trustee Neu to adjourn the meeting at 9:20 PM; Seconded by Trustee Wolff; Motion carried without objection.

Respectfully Submitted,

Jim Healy
Village Administrator