

## Frequently Asked Questions about Stori Field

### Basic Information About the Sale

#### Did the City sell Stori Field?

Yes. On October 7, 2025, the Common Council adopted Ordinance #2025-08, approving the sale of Stori Field to Enke Properties, LLC for residential development. The ordinance took effect on October 17, 2025.

#### Why did the City sell the property/Why did the City sell the property for \$1.00?

The city faces a critical housing shortage that affects both residents and economic growth. To help address this need, the developer will construct eight duplexes on the property, adding 16 new housing units to the community.

The sale price was set at \$1.00 because the developer agreed to fund all infrastructure costs—typically a significant expense funded by the city. This includes constructing a new street, water, sewer, electric, and stormwater management systems, with costs estimated to be between \$800,000 and \$1,000,000.

By structuring the sale this way, the city avoids investing up to a million dollars in infrastructure while still gaining the benefits of new housing. Once completed, the development will generate ongoing property tax revenue that supports the entire community.

More information about Richland Center's housing shortage can be found in the [Richland Center Housing and Workforce Study](#) prepared by Southwestern Wisconsin Planning Commission in June 2024.

#### Is the sale final?

Yes. The sale process is complete:

- October 17, 2025 – [Ordinance #2025-08](#) took effect
- November 5, 2025 – Development agreement executed
- November 13, 2025 – Property conveyed to developer
- November 26, 2025 – Correction instrument recorded

The property is now owned by Enke Properties, LLC.

### About the Petition

#### What did the petition ask for?

The petition proposed a new ordinance that would:

- Require the City to retain public ownership of Stori Field
- Mandate voter referendum approval for any future sale

Under Wisconsin's [Direct Legislation](#) law ([Wis. Stat. §9.20](#)), the Council must either adopt the proposed ordinance exactly as written or refer it to voters through a referendum, unless the subject matter of the proposed ordinance falls under narrow exceptions, as explained below.

Petition timeline:

- October 8, 2025 – Notice of referendum effort provided to city officials
- October 30, 2025 – Petition and ordinance filed with Clerk
- November 11, 2025 – Notification of insufficiencies provided
- November 21, 2025 – A corrected petition and ordinance filed with Clerk
- December 2, 2025 – Petition certified by Clerk
- December 2, 2025 – Common Council received petition and ordinance; no action taken

### **Why didn't the Council act on the petition?**

According to the interpretation provided by the City Attorney, the proposed ordinance was exempt from action under Wisconsin's Direct Legislation law (Wis. Stat. §9.20) primarily because the proposed ordinance directly conflicts with Ordinance #2025-08, which the Council already adopted on October 7, 2025. Wisconsin law does not permit citizen-initiated ordinances to repeal, modify, or conflict with existing ordinances. Citizen petitions can propose new laws but cannot undo actions the Council has already taken through the normal legislative process.

### **Could this ordinance undo the sale if it were adopted?**

No. Even if the Council adopted the proposed ordinance exactly as written, it could not undo the sale because:

1. **The sale is legally complete** – The property was conveyed on November 13, 2025
2. **Binding contracts exist** – The development agreement was executed on November 5, 2025
3. **Contract law protections** – An ordinance cannot unilaterally void executed contracts without exposing the City to breach of contract liability and potential damages or an order for specific performance, which would require to sell the property anyway
4. **Constitutional concerns** – Retroactive laws that impair vested property rights and contract rights raise serious constitutional issues

## **Legal Issues with the Petition**

### **What legal problems exist with how the ordinance was drafted?**

The proposed ordinance contains several factual inaccuracies and legal errors:

#### **Factual Inaccuracy #1: The "Gift" Claim**

The ordinance claims "Stori Field was acquired by the City of Richland Center through a gift from the school district." This is factually incorrect. The city did not receive Stori Field as a gift. The property was transferred through a negotiated transaction where both parties shared costs.

In law, there is no “close enough” or “basically,” and all of the records and documentation reflect a clear intention that the transaction be considered a sale.

### **Factual Inaccuracy #2: Park System and Recreation Claims**

The ordinance suggests Stori Field has been maintained as public parkland or recreational space. This is incorrect. Stori Field is not and has never been part of the City's park system. Again, there is no “basically” here. While publicly owned, it was never officially designated as a space for public recreation. While under the ownership of Richland School District until its replacement in 2001, the land had been utilized as an athletic field.

The ordinance uses the term "grandfathering" to suggest the property has protected status for recreational use. "Grandfathering" is not a legal term applicable here, and there is no legal basis for claiming the property is permanently protected for recreational purposes.

### **Factual Inaccuracy #3: Deed Restrictions**

Contrary to claims that the property must remain for recreational use, dating back to a 1943 Warranty Deed wherein it is expressly stated that the land may be used for school, agricultural, or residential purposes. Residential development is explicitly permitted under the original deed terms, with the only restriction being that residences built on the property must be valued at more than \$3,000.

### **Misapplication of Constitutional Law**

The ordinance claims the Wisconsin Public Purpose Doctrine prohibits transferring public assets to private entities. This misrepresents the law. The Public Purpose Doctrine does not prohibit such transfers—it requires that transfers to private entities serve a legitimate public purpose and gives deference to legislative bodies in determining whether or not such public purpose exists. The Council specifically found that addressing the City's critical housing shortage serves a public purpose.

### **Legal Impossibilities**

The ordinance states "The City shall retain ownership of Stori Field..." but the City cannot "retain" ownership of property it no longer owns. The property was legally conveyed on November 13, 2025—19 days before the petition was certified.

### **Other Drafting Problems:**

- Vague and undefined terms like "maximum of the profit benefit"
- Circular reasoning that assumes its own conclusion
- No severability clause to preserve valid portions if others are found invalid
- Conflicting provisions attempting to override existing city ordinances

### **Does the City have a "fiduciary duty" to never sell Stori Field?**

No. The ordinance incorrectly claims that because the City received Stori Field, the City has an irrevocable fiduciary duty to maintain it forever.

**Legal reality:**

- Cities routinely sell surplus property when it serves a legitimate public purpose.
- Owning public property does not create an automatic, permanent obligation that prevents all future sales or repurposing.
- The Council has the authority to determine when selling property serves the community's best interests.
- Stori Field was never designated as protected parkland or recreational space.

**What is the Wisconsin Public Purpose Doctrine, and does this sale violate it?**

The Wisconsin Public Purpose Doctrine, based on Article VIII, Section 1 of the Wisconsin Constitution, prohibits municipalities from transferring public assets to private entities without a public purpose.

**Key point:** The doctrine does not prohibit transfers that serve a public purpose. It provides the framework for evaluating whether such transactions are appropriate.

The Common Council considered the following factors in determining a public purpose:

- The city faces a critical housing shortage
- Creating 16 new housing units helps address this shortage
- The developer is covering \$800,000-\$1,000,000 in infrastructure costs the city would otherwise pay
- New property tax revenue will benefit the entire community
- Residential use is explicitly permitted under the original deed terms

Courts typically defer to legislative determinations of public purpose unless they are clearly arbitrary or unreasonable.

**What would happen if the City tried to enforce this ordinance?**

If the City attempted to enforce this ordinance, it would likely face:

- **Breach of contract lawsuit** from the developer, who purchased the property in good faith
- **Constitutional challenges** regarding retroactive impairment of contracts and vested property rights
- **Significant legal costs** defending an ordinance that cannot achieve its stated purpose
- **Potential damages** owed to the developer for losses incurred

**Why did the City sell the property during the petition process?**

Since the City did not receive notice of the petition effort, let alone the petition itself, until after the passage of Ordinance #2025-08. Therefore, the potential legal liabilities to the City under

the law as it exists completely outweighed the concerns about a petition process that the City had been advised would have no valid application to the situation.

## **Citizen Rights and Participation**

### **Can citizens ever use petitions to challenge Council decisions?**

Yes, but within legal limits. Wisconsin's Direct Legislation statute (§9.20) defines and restricts the following citizen actions:

#### **What citizens CAN do:**

- Propose new ordinances on matters within the Council's authority
- Gather signatures to place measures on the ballot
- Initiate referendums on certain types of decisions

#### **What citizens CANNOT do:**

- Use petitions to repeal or modify existing ordinances
- Retroactively undo completed legal transactions
- Override binding contracts
- Propose ordinances that conflict with state law or existing city ordinances

### **Why aren't citizens allowed to vote on major decisions like selling property?**

The United States and Wisconsin operate under representative democracy. Elected officials make decisions on behalf of constituents. Not every decision goes to a vote. Wisconsin law does not require voter approval for municipal property sales.

### **What are the proper channels for citizens who disagree with the sale?**

Citizens who disagree with the Council's decision have several options:

1. **Attend Council meetings** and voice concerns during public comment periods
2. **Contact your alderpersons** to discuss the decision and advocate for different policies
3. **Support candidates** in future elections who share their vision for city property
4. **Advocate for future policies** regarding public land sales

## **Contact Information**

**Questions?** Contact the City Clerk's office at 608-647-3466.

For copies of Ordinance #2025-08, the development agreement, or other public records, submit a public records request to the City Clerk.