

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Village Board meeting held on February 9, 2016.

President Goetz called the meeting to order at 7:00 p.m.

Trustees present: Bob Zarzynski, Wendy Stallings, Pat Tetzlaff, Tim Dietrich, Matt Carran, Lee Uecker and Greg Goetz.

Trustees excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Administrator Melissa Weiss and Clerk-Treasurer Susan Freiheit.

A motion by Tetzlaff, seconded by Stallings, to approve the minutes of the Village Board meeting of January 26, 2016 and the Special Village Board meeting of February 2, 2016, all as presented.

Motion carried.

Village President Report. President Goetz reported that on Thursday, February 11, Waukesha Energy Assistance will meet with residents in the Board Room at Village Hall from 9 am to 1 pm., on Tuesday, February 16, the Board of Fire Commissioners meets at 5 pm and the Public Safety & Welfare Committee meets at 6 pm, both at the Public Safety Building, also on Tuesday, February 16, the Park & Recreation Board meets at 6:30 pm at the Community Center. On Wednesday, February 17, the Pauline Haass Public Library Board meets at 6:30 pm in the Quad/Graphics Room at the library, and the Plan Commission meets at 6:30 pm on Thursday, February 18, in the Board Room at Village Hall. President Goetz also stated that he has had calls about the park at the Village Hall and stated that the equipment from Weyer Park will be moved to Grogan Park and new equipment is being purchased for the Civic Campus Park. President Goetz stated that there are residents who are going to petition for a pool in the Village. President Goetz also reported that the Village is hiring seasonal employees for the summer. President Goetz also stated that Mr. Smith has been appointed to the hiring panel for the Hamilton School District's position of Superintendent. President Goetz also thanked everyone involved in the Sledding Party at the Park which was a great event.

A motion by Zarzynski, seconded by Uecker, to approve the 2015 Closing and January Check Registers and January P-card Statement and the total disbursements in the amount of \$10,224,381.06, as presented.

Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to adopt an ordinance to repeal and recreate Chapter 4 Subsections 4.02(4)(F) entitled "The Following Fees" and 4.02(7)(E) entitled "Separate Premises or Limited Access Area", of the Village of Sussex Municipal Code. The Finance Committee has been deliberating where to draw the line as it loosens the standards for Class A licenses. These changes are aimed at minimizing access of intoxicating liquors to minors and supporting public safety through the design and oversight of Class A establishments. The Ordinance also allows certain fees to be established by resolution and eliminates the economic development grant for additional reserve licenses in keeping with the intent of State regulation.

President Goetz and all Trustees present voted "aye."

Motion carried.

A motion by Zarzynski, seconded by Carran, to adopt a resolution establishing the fees for various services of the Village of Sussex. As the Village updated its Municipal Code, a concerted effort was made to have fees set by resolution of the Village vs. having to amend the Ordinance whenever a fee was adjusted. The fees for weights and measures, operator's licenses, and amusement devices are some of these services that previously had fee amounts in the Ordinance.

President Goetz and all Trustees present voted "aye."

Motion carried.

A motion by Zarzynski, seconded by Goetz, to authorize the issuance of Operators Licenses for Kevin Shannon, Jonni Paluchniak, Rachael Ebert, and Jayanth Para subject to the standard conditions of Operator License approvals and to deny the Operators License for Cori Gastrow for failure to complete the application process. Motion carried.

A motion by Zarzynski, seconded by Uecker, to authorize the issuance of a Combination Class "B" Retail License for the Sale of Fermented Malt Beverages & Intoxicating Liquors February 9, 2016 to June 30, 2016 to K&J Entertainment LLC, N64W23246 Main Street, Sussex, WI 53089, Tailgator's, Agent: Kevin Shannon subject to the standard conditions of Alcohol License approvals. Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to authorize the issuance of a Combination Class "B" Retail License for the Sale of Fermented Malt Beverages & Intoxicating Liquors February 9, 2016 to June 30, 2016 to Ichiban Sussex LLC, N65W24838 Main Street, Sussex, WI 53089, Ichiban Sushi & Steak House, Agent: Shi Jian Zheng subject to the standard conditions of Alcohol License approvals. Motion carried.

A motion by Zarzynski, seconded by Goetz, to authorize the issuance of a Class B Fermented Malt Beverage License, May 1, 2016 to October 1, 2016 to TDEE Enterprises, Inc. at the Village Park Concession Building in Sussex Village Park; Agent Tom Volpe subject to the standard conditions of Alcohol License approvals. Motion carried.

A motion by Zarzynski, seconded by Uecker, to authorize the issuance of a Class B Fermented Malt Beverage License, April 15, 2016 to October 15, 2016 to Sussex Baseball Club at the Tetzlaff Field Concession Building in Sussex Village Park; Agent James Gasper subject to the standard conditions of Alcohol License approvals. Motion carried.

A motion by Zarzynski, seconded by Goetz, to deny the application of the Class "A" Retail License for the Sale of Intoxicating Liquors- February 9, 2016 to June 30, 2016 for Midwest Retail Group One LLC, N64W24925 Main Street, Sussex, WI 53089, 7-Eleven #35844, Agent: James F. Fiene as the application does not meet the standards of the Ordinance and the Village wants to step before it leaps with greater access to intoxicating liquors in order to protect minors and to address the public safety issues related to intoxicating liquors. Motion carried.

A motion by Zarzynski, seconded by Uecker, to deny the application of the Class "A" Retail License for the Sale of Intoxicating Liquors – February 9, 2016 to June 30, 2016 for AM Sussex Inc, NW232N6116 Waukesha Ave., Sussex, WI 53089, AM Sussex, Agent: Tadbir Dran as the application does not meet the standards of the Ordinance the Village wants to step before it leaps with greater access to intoxicating liquors in order to protect minors and to address the public safety issues related to intoxicating liquors. Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to approve the 2015 4th Quarter Investment Report as presented. Trustee Zarzynski abstained. Motion carried.

A motion by Zarzynski, seconded by Carran, to not establishing a hardship policy for ambulance billing. The Village already writes off claims under Medicare and Medicaid. The ambulance billing service also works with folks to put them on a payment plan. Also, now with the Affordable Care Act everyone should be covered by insurance and emergency ambulance costs are one of the mandated coverage benefits. This is not to say there isn't some small percentage of folks who fall into a window on these coverages, but for those rare instances the ambulance billing company can work with them through the process. Given the current system in place the adoption of a hardship policy for ambulance billing would likely

create more challenges than solutions and it is Staff's recommendation not to establish one at this time.
Motion carried.

A motion by Goetz, seconded by Uecker, to adopt a resolution designating public depositories and approving other financial institutions for investment. There are no changes from the 2015 list, but the Village Board should approve the list every year per best practices.

President Goetz and Trustees Uecker, Carran, Dietrich, Tetzlaff and Stallings voted "aye."
Trustee Zarzynski abstained. Motion carried.

A motion by Dietrich, seconded by Carran, to approve payment of the public work bills in the amount of \$583,772.29, as presented. Motion carried.

A motion by Dietrich, seconded by Tetzlaff, to approve the 2016 Visu-Sewer Contract. Visu-Sewer has performed the work well and the Village has worked with them since the 1980's to complete these important maintenance activities and the costs are budgeted in the Sewer Utility budget.
Motion carried.

A motion by Dietrich, seconded by Carran, to approve the Ruckert & Mielke Services Proposal - Phosphorus Compliance Schedule for an amount not to exceed \$7,000. The Village is required to submit to the DNR annual progress reports on the Village's efforts to come into compliance with the 2022 phosphorus standards. As part of 2016's work the Village will utilize R&M to complete a pilot study of a rare earth material that removes phosphorus and its optimization for the Sussex Wastewater Treatment Plant.
Motion carried.

A motion by Dietrich, seconded by Goetz, to approve the Amended Developer's Agreement for the Farmstead, Corners, Mammoth North, and Mammoth South Mixed Use Downtown Developments. The Developer has placed the Liquor Store building on Silver Spring into contract, which will aid the development of the site and the construction of Silver Spring. In order to facilitate this acquisition, the Developer is seeking to have TIF funds reallocated from other areas of his development projects. Staff is very supportive of this endeavor as the removal of the remaining building in this redevelopment area facilitates higher TIF revenue, a better roadway design, and is not allocating additional TIF dollars, just reorganizing them within the project plan.

President Goetz and all Trustees present voted "aye." Motion carried.

Staff Reports: Mrs. Weiss stated that bids are being taken for the removal of the playground equipment at Weyer Park and for installation at Grogan Park. Mrs. Weiss stated that new equipment will be installed at Weyer Park and that the Weyer Park Greenspace Committee and the Park Board will prepare those RFPs. Mrs. Weiss stated that the Main Street Bids will be considered at the next Village Board meeting. Mrs. Weiss stated that there will be 400+ water meter change outs done early this year. Mrs. Weiss stated that due to the snow that the crews have been out five times this week. Mr. Smith stated that he is attending the Urban Alliance Meeting to discuss partnership and strategic planning with neighboring communities. Mr. Smith stated that he recently attended a train safety meeting regarding crude oil cars and other safety issues. Mr. Smith gave a brief presentation about the 2015 Development Annual report. Mr. Macy stated that the legislature is still in session and he has helped write legislation related to chargebacks on refunded property taxes.

Comments from Citizens Present:

Mr. Boyd Thew, N62W23352 Silver Spring, and Mr. Justin Schweiger, N61W23322 Silver Spring Drive, were present. Mr. Thew stated that he was in conversation with the Mammoth Springs people regarding buying his house, but negotiations have ended. Mr. Thew stated that when he moved here, there were residences around his property and now there will be apartments and townhouses. Mr. Thew stated that he is asking for the Village Board's support to maintain their property values, require a six foot maintenance free fence between the Mammoth Springs property and their homes, and require some pine trees and ground cover to keep the weeds down. Mr. Thew stated that he was guaranteed that

he would be bought out either by the Village or the developer. Mr. Thew stated that based on the plans he has seen, the developer will have to reconfigure some areas as they encroach on their properties. Mr. Thew asked that the Village provide him a copy of the plans submitted before they are approved by the Board.

Mr. Brent Schultz, representing 7-Eleven, asked for clarification on the action taken earlier in the meeting. Mr. Schultz asked if there was a deficiency in the application or the operations. Mr. Macy stated that there was not a problem with the application, but it doesn't meet the ordinance.

As there was no one further who wished to be heard, the Board resumed regular session.

A motion by Goetz, seconded by Carran, to approve the Consent Order from the DNR for Wells #2, #3, #4, and #5 for radium compliance. All of these wells have tested out of compliance for the radium standard. The Village will have until June 30, 2019 to complete improvements. These improvements may well exceed \$6 million in capital costs, and significant operational costs, which will have significant rate impacts on the water utility. Staff is working on the most cost effective solutions and will discuss these with the Village Board and Public Works Committee over the course of 2017, for 2017/2018 design and bid, and 2018/2019 construction. Motion carried.

Resignations and appointments: There were none.

A motion by Zarzynski, seconded by Stallings, to adjourn the meeting at 7:55 p.m. Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer

(A copy of all ordinances and resolutions adopted at this meeting can be found on file at the Village Clerk's Office.)