

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Village Board Meeting of  
March 23, 2021**

**1. Roll Call**

The meeting was called to order by President LeDonne at 6:00 pm.

Members present: Greg Zoellick, Lee Uecker, President Anthony LeDonne, Ron Wells, Michael Bartzen, Scott Adkins and Wendy Stallings.

Members excused: None.

Also present: Administrator Jeremy Smith, Attorney John Macy, Assistant Village Administrator Kelsey McElroy-Anderson, Administrative Services Director Samuel Liebert, and members of the Public.

**2. Pledge of Allegiance**

President LeDonne led the pledge of allegiance.

**3. Meeting Minutes**

Motion by Stallings, seconded by Bartzen to approve the February 9, 2021 Village Board meeting minutes.

Motion carried 7-0

**4. Communications and Public Hearings**

**A. Village President Report**

President LeDonne reported that on Thursday, March 25 the Board of Fire Commissioners meets at 10:00 am in the Committee Room. Monday, April 5 online registration for summer recreation programs begins at 9:00 am. Tuesday, April 6, Spring Election polling takes place at the Civic Center from 7:00 am to 8:00 pm. Public Works Committee meets at 6:00 pm in the Board Room, immediately followed by the Finance & Personnel Evaluation Committee. Wednesday, April 7 the Architectural Review Board meets at 10:00 am in the Committee Room. Saturday, April 10 the Sussex Yard Waste Site opens for the season at 9:00 am.

1. Municipal Court Update – The Honorable Judge Timothy T. Kay addressed and gave an update to the Village Board about the Lake Country Municipal Court. He reviewed the budget, staffing changes and spoke about the new Municipal Court Building located at 630 East Wisconsin Avenue in Oconomowoc.
2. President LeDonne read the Village of Sussex April Fair Housing Month Proclamation aloud.

Motion by Stallings, seconded by Bartzen to approve of the April Fair House Month Proclamation.

Motion carried 7-0

**B.1. Public Hearing on an Ordinance to Repeal and Recreate Sub-Section 17.0704 A.2. Regarding Accessory Use and Structure Regulations of the Village of Sussex Code.**

Administrator Jeremy Smith gave a brief presentation explaining the purpose of the hearing and the changes proposed.

President LeDonne opened the public hearing.

No one was present who wished to be heard.

Motion by LeDonne, seconded by Uecker to close the Public Hearing.

Motion carried 7-0

**5. Committee Reports**

**A. Board of Fire Commissioners**

Trustee Uecker reported that the board will meet this coming Thursday, March 25 at 10:00 am in the Civic Center Committee Room on the 2<sup>nd</sup> floor.

**B. Community Development Authority**

Trustee Stallings reported that the CDA did not meet this month. Their next meeting is scheduled for April 20 at 5:30 pm.

### **C. Park & Recreation Board**

1. Motion by LeDonne, seconded by Wells to approve the Fireworks Contract with Wolverine Fireworks Display, Inc.  
Motion carried 7-0

2. Motion by Wells, seconded by LeDonne to approve of the Concession Stand Contract for Village Park with SBA Operations, LLC, owned by Samantha May. The lease shall be for a 3-year term commencing May 1, 2021 and ending on October 15, 2023.  
Motion carried 7-0

3. President LeDonne excused himself from the discussion. He stated he had a financial conflict with the applicant for the farmers market.

Trustee Stallings took over as Chair for the discussion.

Trustee Wells stated that the Park & Recreation Board recommended going with Option 2, for the Polar Bear Kitchen to run the Farmers Market. He stated that the Polar Bear Kitchen, even as a for-profit-business, would be extended all of the benefits of a non-profit run market.

Attorney Macy stated, per his memo, that this is a policy decision for the board to make. How to treat non-profit versus profit businesses who apply to run the farmers market or rent village property. He stated that there currently is not a village policy to help guide the board in making a decision such as this. It could open the village up to legal action in the form of a lawsuit.

Mr. Smith stated that there is currently no policy or option for renting the front of the Civic Center or parking lot at this time. The front has only been rented out to the past two farmers markets for no cost, to a non-profit entity.

The rules were suspended by unanimous consent, to allow for speakers from the public.

Gabe Kolesari, N66W24468 Champeny Road, Sussex, owner of Polar Bear Kitchen spoke in support of his application to run the farmers market. He stated that it was his desire to run a Community Market and all of the money made by the Community Market, after expenses, would be donated to a local non-profit on a monthly basis.

There was discussion by the board about number of food trucks that would be allowed and if the village should extend the exemption policy to a for-profit company. Mr. Kolesari said he would be comfortable with allowing up to four food trucks.

There was discussion by the board about allowing a for-profit company to promote on village property and setting a precedent in the future.

Park & Recreation Committee Chairman Bob Fourness, W242N6297 Oak Drive, Sussex, stated there were two issues that came before his committee. The market itself and how to treat profit and non-profit business entities. He stated he's not against outside groups but believes we need to set good policy before making a decision like with a for-profit business as the farmer market applicant.

Mr. Kolesari stated that had a prior discussion with a local non-profit group that may be willing to apply and host the farmers market and asked to step out of the meeting to make a phone call.

Motion by Uecker seconded by Adkins to table this item until Mr. Kolesari could return with an answer about the non-profit that may be willing to host the farmers market.  
Motion carried 6-0

### **D. Pauline Haass Library Board**

Trustee Zoellick reported that many library staff have taken the opportunity to get vaccinated. The total circulation for the month of February was 21,839. That is down 23.7% down from last year. There were 5,072 visits to the library in February. The library sent their annual 2020 report to the state. The library is also getting a new scanning system to check

out books and items faster.

#### **E. Plan Commission**

1. Motion by Adkins, seconded by Zoellick to approve Ordinance 875 to Repeal and Recreate Sub-Section 17.0704 A. 2. Regarding Accessory Use and Structure Regulations of the Village of Sussex Code. This would allow larger sheds in the RS-4 District than currently allowed (250 sq. feet to 400 sq. feet). Motion carried 7-0

#### **E. Public Safety and Welfare**

Trustee Stallings stated they did not meet this month and that their next meeting is scheduled for April 20 at 5:30pm.

#### **6. Staff Reports**

Mrs. McElroy-Anderson stated that the 2021 road program has kicked off. There will be a schedule of road projects up on the website to keep the public informed on when and where construction will be. The yard waste site opens Saturday, April 10.

Mr. Smith thanked the village trustees who volunteered at the Egg Drop and Story Hop event. The community appeared to really enjoy the event. Thank you to the fire department for their help as well.

Mr. Macy stated that most of the chatter is all about The American Rescue Plan for local communities.

Mr. Liebert stated that the Egg Drop and Story Hop was a successful event run by Parks & Recreation. The Giant Egg Hunt began today. Information will be posted on social media. Today was the first day for in-person absentee voting. It runs until April 2<sup>nd</sup>.

#### **7. Comments from Citizens Present**

No one was present who wished to be heard.

#### **8. Old Business**

President LeDonne recused himself.

Trustee Stallings took over as Chair for the continued discussion in regards to the farmers market.

Mr. Kolesari reported that that the Sussex VFW post would most likely be willing to host the community market, but they wouldn't be able to make it official until the third Tuesday of April at their next regular meeting.

Motion by Stallings, seconded by Uecker to approve the Sussex VFW to run and manage the Sussex Community Market per the submitted operating plan with the following contingencies: The market will not have more than four food-trucks per event and that the Park & Recreation Director will have final say on their placement; that the Village of Sussex will work with the Community Market in promotion of the event, that there will be no direct-sale vendors allowed, that no motorized vehicles will be allowed on the grass in front of the Civic Center, that they will be subject to the Operating Plan submitted to staff and they will be subject to the Standard Rental Policies. The VFW must also go before the Park & Recreation Committee in one year's time to review their first year and address any issues that may have arisen. Staff are also directed to work with the Park & Recreation Committee to review the Village's rental policy in respect to the front of the Civic Center and Civic Center Parking Lot. Motion carried 6-0

#### **9. New Business**

Motion by LeDonne, seconded by Bartzen to approve the agreement with Waukesha County for services provided for COVID-19 vaccination clinic and reimbursement for the same subject to final language review from the staff with respect to the indemnification language. The Village of Sussex desires to assist the County of Waukesha in the operation of the Clinic by providing EMT and paramedics to assist in the administration of COVID-19 vaccines. Motion carried 7-0

#### **10. Consideration on resignation and appointments**

10.A. Motion by LeDonne, seconded by Zoellick to appoint Trustee Greg Zoellick to the Plan Commission.

A roll call vote was taken:

Adkins – Nay

Uecker – Nay  
Stallings – Nay  
Zoellick – Aye  
Wells – Aye  
Bartzen- Nay  
LeDonne – Aye

The motion failed 3-4, due to a super majority of 2/3 of the board not in agreement. Per Village Ordinance, Village Board members appointed to the Plan Commission require a 2/3 vote for approval.

**11. Adjournment**

Motion by LeDonne, seconded by Stallings to Adjourn at 7:55 pm.

Motion carried 7-0

Respectfully submitted,

Samuel Liebert  
Administrative Services Director, Clerk/Treasurer