



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

AGENDA
VILLAGE BOARD
VILLAGE OF SUSSEX

6:00 PM TUESDAY, JANUARY 28, 2020

SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR

Please note that the Village Board will convene in a closed session to discuss the matter(s) listed on this agenda

1. Roll call.
2. Pledge of Allegiance.
3. Consideration and possible action on minutes of the Village Board meeting held on January 14, 2020.
4. Communications and Public Hearings
 - A. Village President Report. Report on meetings attended/up-coming, communications, and recognitions including Successfully Sussex Awards.
 - B. Public Hearing(s)
 1. On Ordinance 859 to repeal and recreate Section 17.0509 C. 4. and Section 17.0509 d. 2. (f), and creating Section 17.0509 C. 3. (c) (3) and (4) of the Village of Sussex Village Zoning Code related to Wireless Telecommunications Facilities.
 2. On Ordinance 862 to create Section 17.0503 F. of the Village of Sussex Village Zoning code related to Conditional Use Permits.
5. Committee Reports
 - A. Board of Fire Commissioners Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 - B. Community Development Authority Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 - C. Park & Recreation Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 1. Recommendation and possible action on event open to the public, Surendran Community Picnic event.
 2. Recommendation and possible action on the Lisbon Central Cemetery Lawn Services Contract.
 3. Recommendation and possible action on room rental pricing adjustments for Civic Center and proposed pricing for new recreation area in Village Park.

4. Recommendation and possible action on a multi-year contract for Pints in the Park with Brewfinity brewing.
- D. Pauline Haass Library Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
- E. Plan Commission Report on discussion and action taken at the previous meeting, future agenda items and upcoming scheduled meetings.
 1. Recommendation and possible action on Final Plat Addition No. 2 Sussex Preserve Subdivision (Maple Avenue South of Clover Drive).
 2. Recommendation and possible action on an Ordinance 859 to recreate Section 17.0509 C. 4. and Section 17.0509 d. 2. (f), and creating Section 17.0509 C. 3. (c) (3) and (4) of the Village of Sussex Village Zoning Code related to Wireless Telecommunications Facilities.
 3. Recommendation and possible action on an Ordinance 862 to create Section 17.0503 F. of the Village of Sussex Village Zoning Code related to Conditional Use Permits.
- F. Public Safety and Welfare Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
6. Staff Reports on upcoming events, projects in process, future agenda items and scheduled meetings.
7. Comments from citizens present.
8. Old Business.
 - A. Recommendation and possible action on Resolution 20-07 acknowledging a palpable error in the Assessment Roll and requesting a Charge-Back of Taxes for the property known as SUXV-0242-028-002.
9. New Business.
10. Consideration and possible action on resignations and appointments.
11. Consideration and possible action on a motion to convene into executive session under Wis. Stats. 19.85(1)(c) when considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility with respect to annual evaluation of the Village Administrator.
12. Adjournment

Greg Goetz
Village President

Jeremy Smith
Village Administrator

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Jeremy Smith at 246-5200.

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM
THE VILLAGE BOARD AND ARE
SUBJECT TO CHANGE UPON APPROVAL OF THE VILLAGE BOARD
VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

**Minutes of the Village Board Meeting of
January 14, 2020**

1. Roll Call

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

Members present: Greg Zoellick, Lee Uecker, President Greg Goetz, Tim Dietrich, Michael Bartzen and 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 Goetz led the pledge of allegiance.

3. Meeting Minutes

A motion by Dietrich, seconded by Adkins to approve the December 10, 2019 Village Board meeting minutes. Motion carried 7-0

4. Communications and Public Hearings

A. Village President Report

President Goetz reported that on Wednesday, January 15, the Library Board will meet at 6:30 pm. Saturday, January 18, the sledding party will take place from 1-3pm and the snow date will be February 15. Sunday, January 19, is the Sussex Winter Market at the Civic Center from 9:30am-1pm. Tuesday, January 21, the Senior Citizen Advisory Committee will meet at 4:00pm. Plan Commission will meet at 6:30pm and Park & Recreation Board will be at 7:00pm, all meetings will be in the board room.

5. Committee Reports

A. Finance and Personnel Committee

A.1. Motion made by Uecker, seconded by Bartzen to approve the November Check Register and P-Card statement in the amount of \$1,144,700.15. Motion carried 7-0

A.2. Motion made by Uecker, seconded by Zoellick to approve Resolution 20-01 to approve the Lake Country Municipal Court budget for 2020. Motion carried 7-0

A.3. Motion made by Uecker, seconded by Bartzen to approve Resolution 20-02 Designating Public Depositories and Approving Other Financial Institutions for Investment. Motion carried 7-0

A.4. Motion made by Uecker, seconded by Adkins to approve the Red Flag Rules – 2019 Annual Report. Motion carried 7-0

A.5. Motion made by Uecker, seconded by Goetz to approve the Initial Resolution 20-05 Regarding Industrial Development Revenue Bond Financing for Prestwick Development LLC Project. Motion carried 7-0

B. Public Works Committee

B.1. Motion made by Dietrich, seconded by Bartzen to approve the public works bills for payment in the amount of \$742,995.82. Motion carried 7-0

B.2. Motion made by Dietrich, seconded by Goetz to approve Resolution 20-06 setting forth the timing requirements for Connections to Public Utilities for certain properties impacted by public works projects.

Motion carried 7-0

B.3. Motion made by Dietrich, seconded by Uecker to approve Resolution 20-03 approving Road Closures for 2020 Village Sponsored Events. Motion carried 7-0

B.4. Motion made by Dietrich, seconded by Zoellick to approve Resolution 20-04 accepting Improvements of Johanssen Farms Subdivision. Motion carried 7-0

6. Staff Reports

Mrs. McElroy-Anderson gave an update that village staff are preparing to interview Maple Ave. inspectors and that the village will also receive the Maple Ave. bids, which are due on January 30 at 2:00pm. Christmas tree collection is going on at this time and trees should be placed on the curb for pickup.

Mr. Smith gave an update that village staff are checking the ice-rink condition every morning.

Mr. Macy gave an update that there will probably be only three sessions this year in the legislature. He predicts not much action will take place legislatively this year.

Mr. Liebert gave an update that there is a primary election on February 18 for Wisconsin Supreme Court. April 7 is the general election for local office and also the Democratic presidential preference primary. 52.5% of taxes were collected in the month of December.

7. Comments from Citizens Present

No one was present who wished to be heard.

8. Old Business

There was no old business to discuss.

9. New Business

There was no new business to discuss.

10. Consideration on resignation and appointments

10.A. Motion made by Goetz, seconded by Zoellick to accept the resignation of Rosemary Werra from the Architectural Review Board. President Goetz and Trustee Dietrich both praised Rose for her years of service and dedication to the Village. Motion carried 7-0

11. Adjournment

President Goetz read the notice to convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to Wis. Stats. 66.02162 and Cooperative boundary agreement(s) under Wis. Stats. 66.0307.

A motion by Goetz, seconded by Dietrich to convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to Wis. Stats. 66.02162 and Cooperative boundary agreement(s) under Wis. Stats. 66.0307.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion CARRIED. 7-0.

The board entered into executive session at 6:26 pm.

Motion made by Goetz, seconded by Adkins to adjourn at 6:49 pm.

Motion carried 7-0

Respectfully submitted,

Samuel Liebert
Administrative Services Director, Clerk/Treasurer

NOTICE OF PUBLIC HEARING
VILLAGE OF SUSSEX

TAKE NOTICE that the Village Board of the Village of Sussex, Waukesha County, Wisconsin, will hold a public hearing on Tuesday, January 28, 2020 at 6:00 p.m. at the Sussex Civic Center, N64W23760 Main Street, Sussex to hear comments from citizens on the following:

An ordinance to repeal and recreate Section 17.0509 C. 4. and Section 17.0509 d. 2. (f), and creating Section 17.0509 C. 3. (c) (3) and (4) of the Village of Sussex Village Zoning Code related to Wireless Telecommunications Facilities.

An ordinance to create Section 17.0503 F. of the Village of Sussex Village Zoning code related to Conditional Use Permits.

Copies of the proposed ordinances are available for review at the Sussex Civic Center, N64W23760 Main Street from 8:00 a.m. until 5:00 p.m., Monday through Friday.

This hearing shall be public and citizens and person of interest shall then be heard.

By Order of the Village Board
Sam Liebert
Village Clerk-Treasurer

Publish: 1/8 & 1/15

ORDINANCE NO. 859

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.0509 C. 4.
AND SECTION 17.0509 D. 2. (f), AND CREATING SECTION 17.0509 C. 3.
(c) (3) and (4) OF THE VILLAGE OF SUSSEX VILLAGE ZONING CODE
RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES

WHEREAS, on or about July 10, 2019 the State of Wisconsin adopted 2019 Wisconsin Act 14, which created Wisconsin Statutes Section 66.0414 concerning small wireless facilities, and made other changes to State laws concerning telecommunications facilities; and

WHEREAS, as a result of this recent legislation, the Village of Sussex Village staff have recommended that the Village Code be updated to address these issues in a manner permitted by current State laws; and

WHEREAS, this matter was initiated by the Village Board pursuant to Section 17.1302 of the Village of Sussex Village Code; and

WHEREAS, the zoning amendment was duly submitted to the Village Plan Commission of the Village of Sussex for report and recommendation; and

WHEREAS, upon due notice as required by Section 17.1400 of the Village Code, a public hearing was held pursuant to Section 17.1305 of the Village Code on _____; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Sussex, is consistent with the Village of Sussex Comprehensive Plan, will not be contrary to the public health, safety or general welfare of the Village of Sussex will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same; and

WHEREAS, the Village Board hereby intends to adopt the recommendations of Village staff in this regard.

NOW, THEREFORE, the Village Board for the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsection 4 entitled, “Limitations upon Authority,” is hereby repealed and re-created as follows:

4. Limitations upon Authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Sections 66.0404(4) and 66.0414, as applicable. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed

SECTION 2: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsection 3 entitled, “Conditional Use Review Procedure,” Subsection (c) entitled, “Requirements,” Subsection (1) is hereby repealed and re-created as follows:

- (1) Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection (4), below, if an applicant provides the Village with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Village has and provides to the applicant substantial evidence that the engineering certification is flawed.

SECTION 3: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsections 3 entitled, “Conditional Use Review Procedure,” Subsection (c) entitled, “Requirements,” Subsections (3) entitled, “Aesthetic Requirements” and (4) are hereby created as follows:

- (3) Aesthetic Requirements. All users of the Village right-of-way shall comply with the following aesthetic standards:
 - a. In areas where facilities are currently nonexistent or underground, undergrounding is required.
 - b. No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State

Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.

- c. Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
- d. Any party objecting to the requirements of this Subsection (3) shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law, in an appeal made pursuant to Subsection 4.

(4) Any tower that is constructed on or adjacent to a parcel of land on or adjacent to which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals or exceeds the height of the tower.

SECTION 4: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection D entitled, “Modifications,” Subsection 2 entitled, “Not Substantial Modifications,” Subsection (f) entitled, “Limitations Upon Authority,” is hereby repealed and re-created as follows:

- (f) Limitations Upon Authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4), and such other laws as may apply which may include Wisconsin Statutes Section 66.0414, and 47 USCA §1455. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed.

SECTION 5: CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 6: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2020

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Administrative Services Director - Clerk/Treasurer

Published and/or posted this _____ day of _____, 2020

ORDINANCE NO. 862

AN ORDINANCE TO CREATE SECTION 17.0503 F. OF THE VILLAGE OF SUSSEX VILLAGE CODE CONCERNING CONTINUATION OF CONDITIONAL USE PERMITS

WHEREAS, on or about May 14, 2019, the Village of Sussex adopted Ordinance No. 851 which made numerous changes throughout the Village of Sussex Zoning Code concerning the grant of conditional use permits; and

WHEREAS, as a result of such changes, it now appears that uses that may have been previously allowed by conditional use are now prohibited by the applicable zoning regulations, which is not the intent of the Village Board; and

WHEREAS, the Village Board intends for conditional use permits that have previously been issued to continue in effect, subject to the same terms and conditions, in situations where the zoning regulations are modified to no longer allow the conditional uses in the applicable zoning district; and

WHEREAS, the Village of Sussex Village Board has initiated this Ordinance to provide clarification of language and necessary changes in this regard; and

WHEREAS, upon the Village Plan Commission’s recommendation, the Village Board held a public hearing on _____, 2019, as required by Section 17.1305 of the Village of Sussex Zoning Code, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Village Plan Commission, the Village Board finds that public necessity, convenience, welfare and good zoning practice requires that the amendment to the Zoning Code be granted as recommended by the Plan Commission.

NOW, THEREFORE, the Village Board for the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0503 entitled “Review and Approval,” Subsection (F) entitled, “Continuation of Existing Conditional Use Permits” is hereby created as follows:

(F) Continuation of Existing Conditional Use Permits. Any conditional use permit granted pursuant to conditional use authority that has since been repealed and that was in effect, and the use was in operation on the date of such repeal, that is no longer an allowed use of the property, shall be allowed to continue as a conditional use subject to all conditions stated in the conditional use order. Any such conditional use permit that requires

compliance with a section of the Village of Sussex Zoning Code that has since been repealed, shall continue to require compliance with the referenced Code section as it existed immediately prior to such repeal and the repeal of such provision is stayed solely for such existing conditional use permit(s). These continuation provisions are intended to preserve the status quo for all rights and responsibilities incurred or accrued prior to the adoption of any ordinance that changes a conditional use to a prohibited use. Nothing herein shall be interpreted to prevent existing conditional use permit holders from applying to amend their conditional use pursuant to all laws in effect at the time of the application, or as set forth in the conditional use permit including those amendments requiring a public hearing.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2019

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Administrative Services Director - Clerk/Treasurer

Published and/or posted this _____ day of _____, 2019



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MEMORANDUM

To: Village Board
From: Sam Liebert, Administrative Services Director
Re: Village Board Meeting- January 28, 2020
Date: January 23, 2020

4.A. Village President Report- report on meetings attending and upcoming communications, and recognitions including Successfully Sussex Awards.

4.B.1. Hold a public hearing on Ordinance 859 to repeal and recreate Section 17.0509 C. 4. and Section 17.0509 d. 2. (f), and creating Section 17.0509 C. 3. (c) (3) and (4) of the Village of Sussex Village Zoning Code related to Wireless Telecommunications Facilities.

4.B.2. Hold a public hearing on Ordinance 863 to create Section 17.0503 F. of the Village of Sussex Village Zoning code related to Conditional Use Permits.

5.A. Board of Fire Commissioners Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.B. Community Development Authority Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.C.1. The Park & Recreation Board recommends approval of Surendran Community Picnic event. This is a public event, which is why the permit is before the Village Board. Please see the attached pending permit for additional information.

5.C.2. The Park & Recreation Board recommends approval of the Lisbon Central Cemetery Lawn Services Contract. Al Moros has provided lawn services for the cemetery for many years now and we have been pleased with his service. The 2020 rates will be up \$5 per cutting at a cost of \$150.00 per cut. Mr. Moros will be cutting the lawn once a week or on an as needed basis starting in April of this year and continuing until the grass goes dormant. This is incredibly low cost for the services provided and fits the cemetery budget. Please see the memo and contract for additional information.

5.C.3. The Park & Recreation Board recommends approval of the rental pricing adjustments for Civic Center and proposed pricing for new recreation area in Village Park. When creating pricing for the new park building in Village Park, it was important to be consistent with the pricing within the Civic Center campus. The major change is allowing rentals in 2 hour blocks instead of 4 hour blocks. The rates per hour aren't changing. These new rates will streamline the rental process and maintain a 25% surcharge to non-residents renting space. Please see that attached memo for additional information.

5.C.4. The Park & Recreation Board recommends approval a multi-year contract for Pints in the Park with Brewfinity brewing. With the great success of Pints in the Park, village staff believes it makes sense to lock in a long-term contract with our partner, Brewfinity. This provides stability and longevity to these popular events. Please see the attached contract for additional information.

5.D. Pauline Haass Library Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.E.1. The Plan Commission recommends approval of Final Plat Addition No. 2 for Sussex Preserve conditioned upon the obligations of the Developers Agreement being met, that prior to acceptance of the pond improvements on Outlot 5 the Developer must complete at their sole cost the necessary improvements/repairs to the pond to bring it into compliance with the stormwater maintenance agreement standards, final review by the Village Engineer, standard conditions of Plat approvals and Exhibit A. This is for Phase 2 of Sussex Preserve. Please see the plat for additional information.

5.E.2. The Plan Commission recommends approval of Ordinance 859 to recreate Section 17.0509 C. 4. and Section 17.0509 d. 2. (f), and creating Section 17.0509 C. 3. (c) (3) and (4) of the Village of Sussex Village Zoning Code related to Wireless Telecommunications Facilities. The Federal government changed the rules for local governments in 2019 on how we are allowed regulate new 5G networks and towers within the village. This ordinance brings us into compliance with the new federal regulations and allows for the most local control allowed under the new regulations. Please see the ordinance for additional information.

5.E.3. The Plan Commission recommends approval of Ordinance 863 to create Section 17.0503 F. of the Village of Sussex Village Zoning Code related to Conditional Use Permits. This ordinance comes out of caselaw with respect to what happens if a Conditional Use is repealed in the zoning code. With the adoption of this ordinance change, the status quo would remain in both rights and obligations. The alternative is legal uncertainty as to the rights and obligations. Please see the ordinance for additional information.

5.F. Public Safety and Welfare Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

8. Staff recommends approval of Resolution 20-07 to refund taxes due to palpable error and requesting a Charge-Back for the property known as Parcel SUXV-0242-028-002. In 2018, the village assessor inadvertently assessed this property incorrectly. The assessor noticed the same with the 2019 tax roll and the property owner is due a refund for the error in 2018. The resolution allows us to request the charge back to the other taxing entities. Please see the attached resolution for additional information.

11. There will be a Closed Session for the annual review of the Administrator.

Permit Contract

Sussex Parks & Recreation Department
 N64W23760 Main Street
 Sussex, WI 53089
 Phone: (262) 246-5200
 FAX: (262) 246-5222
 Email: info@villagesussex.org

Permit #9001988, Pending approval

Jan 2, 2020 2:28 PM
 Expires Jan 29, 2020



Sreedharan Surendran
 243 Royal Oak Ct
 Pewaukee, WI 53072
 Email: sreedharange@gmail.com

Customer Type: General Public
 Prepared By: Julie Zuehlke

Customer ID: 4133
 Work: (262) 896-2898 Home: (262) 510-2169

Charges	Taxes	Discounts	Total Charges	Deposits	Deposit Taxes	Total Payments	Refunds	Balance
\$175.00	\$0	\$0	\$175.00	\$115.00	\$0	(\$290.00)	\$0	\$0

RESERVATIONS

Event	Resource	Center	Notes		
Surendran Community Picnic Type: Open Air Shelter Rental Attend/Qty: 150	Village Park Lion's Open Air Shelter	Sussex Village Park W244N6067 Weaver Dr. Sussex, WI 53089	--		
		--			
Day	Days Requested	Event Begins	Duration	Event Ends	Time
Saturday	Jun 13, 2020	10:00 AM	8 hours	Jun 13, 2020	6:00 PM
Summary	Notes				
Total Number of Dates: 1 Total Time: 8 hours	Electricity needed and Lion's indoor restrooms need to be opened.				

CHARGES

Description	Event / Resource	Unit Fee	Units	Tax	Charge
Lion's Building Indoor Restrooms	Surendran Community Picnic #9001988 Village Park Lion's Open Air Shelter	\$20.00	1.00	--	\$20.00
Lion's Open Air Shelter Rental Fee	Surendran Community Picnic #9001988 Village Park Lion's Open Air Shelter	\$155.00	1.00	--	\$155.00

DEPOSITS

Deposit Charge	Event / Resource	Charge Tax	Amount paid	Refunds	Balance
Lion's Open Air Shelter Security Deposit	Surendran Community Picnic #9001988 Village Park Lion's Open Air Shelter	\$115.00	\$0	\$115.00	\$0

Payments and Refunds

Receipt #	Date	Charge Description	Resource Event	Payment
1015149.002	Jan 2, 2020	Lion's Open Air Shelter Security Deposit	Village Park Lion's Open Air Shelter Surendran Community Picnic #9001988	\$115.00
1015149.002	Jan 2, 2020	Lion's Building Indoor Restrooms	Village Park Lion's Open Air Shelter Surendran Community Picnic #9001988	\$20.00
1015149.002	Jan 2, 2020	Lion's Open Air Shelter Rental Fee	Village Park Lion's Open Air Shelter Surendran Community Picnic #9001988	\$155.00



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MEMORANDUM

To: Park and Recreation Board, Village Board

From: Linda Steinmetz, Deputy Clerk

Date: January 6, 2020

Re: Lisbon Central Cemetery – Lawn Services Contract

We contracted with Al Moros last year to provide lawn services for the cemetery and were pleased with his service. He has indicated that he wishes to provide the same services for 2020 at a cost of \$150.00 per cut. Mr. Moros is asking for a \$5 per cut increase. Mr. Moros will be cutting the lawn once a week or on an as needed basis starting in April of this year and continuing until the grass goes dormant. Staff is confident that the lawn service costs will fall within our 2020 budget.

Staff recommends approval of the Lawn Services Contract.



This Lawn Service Contract (this "Contract") is make effective as of January 28, 2020 between the Village of Sussex, N64W23760 Main Street, Sussex, WI 53089, and Al Moros, N68W26966 Silver Spring Drive, Sussex, WI 53089. In this Contract, the party who is contracting to receive the services shall be referred to as "Village of Sussex" and the party who will be providing the services shall be referred to as "Al Moros".

NOW, THEREFORE, AND IN CONSIDERATION of the mutual promises and agreements contained herein, Village of Sussex contracts with Al Moros, and Al Moros agrees to provide Lawn Services, as an independent contractor to the Village of Sussex at the following location under the terms and conditions hereby agreed upon by the parties:

- 1. DESCRIPTION OF SERVICES.** Beginning April 1, 2020 Service Provider will provide the following services (collectively, the "Services"):
 - a. Al Moros shall mow and trim the lawn in a competent and professional manner at the Lisbon Central Cemetery, N67W25479 Silver Spring Drive, Sussex, WI 53089, which comprises approximately 1.5 acres with gravestones and other structures.
 - b. The parties shall consult periodically concerning the length and appearance of the lawn.
 - c. Al Moros shall complete the mowing and trimming and on an as needed basis, but not more than once per week, in a manner consistent with Al Moros's mowing and trimming of this property over the past several years. Each complete mowing and trimming event shall be known as a "Service Event".
 - d. Al Moros shall maintain insurance for his vehicles, equipment, and personnel at Al Moros's sole cost, a certificate of which shall be provided to the Village.

- 2. PAYMENT OF SERVICES.** The Village of Sussex will pay compensation to Al Moros for the Services at the rate of \$150.00 per Service Event. Al Moros shall request payment from the Village of Sussex by invoice or other written request and Village of Sussex shall pay said request in a timely manner according to its customary payment practices.

- 3. TERM/TERMINATION.** This contact shall terminate by November 1, 2020. The Agreement may be terminated by either party if 30 day written notice is given to the other party seeking termination of the contract. There is no penalty for early termination of the contract.

Al Moros

Date

Samuel Liebert, Administrative Services Director

Date



N64W23760 Main Street
 Sussex, Wisconsin 53089
 Phone (262) 246-5200
 FAX (262) 246-5222
 Email: info@villagesussex.org
 Website: www.villagesussex.org

M E M O R A N D U M

To: Park Board
 From: Halie Dobbeck, Parks and Recreation Director
 Re: Civic Center and Park Building Rental Pricing
 Date: January 17, 2020

When creating pricing for the new park building in Village Park, it was important to be consistent with the pricing within the Civic Center campus.

Now that we have been renting rooms in the Civic Center for 3 years, there are few tweaks I'd like to propose regarding existing rental fee structure.

Currently, we charge on average \$.02 sq. ft. per hour for room rentals. I am proposing that this remain the same, however, we will eliminate the 4 hour rental block fees and create an hourly rental fee with a minimum of a 2 hour rental.

The non-resident rate will remain 25% higher than the resident rate.

Below are the new proposed rates.

Rental Fees (2 Hour Minimum Required)

Check, cash and credit card are accepted (checks payable to: **Village of Sussex**). A convenience fee will be added to transactions completed online. Fees and deposits must be paid at the time of reservation. (R)- Resident (NR) - Non-Resident
A resident is classified by the municipality whom you pay your taxes.

1st Floor Study Room

(Capacity 4)
 No Deposit Required.
 _____ FREE

1st Floor Meeting Room

AVAILABLE ONLY M-F 8am-5pm
 (Capacity 15)
 _____ \$20 flat fee

2nd Floor Meeting Room

(Capacity 6)
 No Deposit Required.
 _____ FREE

Board Room

(Capacity 125) (**Seated at Tables 80**)
 _____ \$40/ hour (R)
 _____ \$50/ hour (NR)

Board Room w/ patio

(Capacity 125)
 _____ \$75/ hour (R)
 _____ \$94/ hour (NR)

Community Room

(Capacity 125) (**Seated at Tables 80**)
 _____ \$40/ hour (R)
 _____ \$50/ hour (NR)

Craft Room

(Capacity 20)
 _____ \$20/ hour (R)
 _____ \$25/ hour (NR)

Multipurpose Room

(Capacity 225) (**Seated at Tables 192**)
 _____ \$80/ hour (R)
 _____ \$100/ hour (NR)
 _____ \$55 flat fee to add on kitchen

Studio

(Capacity 40)
No food/beverages allowed
 _____ \$20/ hour (R)
 _____ \$25/ hour (NR)

Notes about changes:

1st Floor Meeting Room – The Administrative Services staff would prefer to no longer rent this room outside of regular business hours due to it requiring a key. Providing a physical key provides a safety concern to the Village as the key allows renters access to staff areas.

1st Floor Study Room – This room is currently free for use on a first come, first serve basis. Adding this to the rental schedule will allow those wishing to use the room the ability to reserve the space ahead of when they wish to use it.

2nd Floor Meeting Room – This room saw 11 external rentals since 2016. As we cannot lock this space, it is difficult to rent it. We would like to structure this off of the 1st Floor Study Room to allow residents to use the space as they need.

Craft Room – This room has not been rented up until 2020. We would like to add this to the rental opportunities as we are removing the 1st floor meeting room from rentals beyond the business day. The craft room does not provide security concerns as it is accessible by keycard.

All rooms, except for the FREE rooms, will be assessed a \$150 event deposit regardless of what or how many rooms they rent.

The proposed rental rates for the new Park Pavilion follow the above policies; \$.02/sq. ft., \$150 deposit, 2 hour minimum, 25% surcharge for nonresidents:

The Oak Room
(Capacity 175)
\$55/ hour (R)
\$69/ hour (NR)

The Maple Room + Kitchen
(Capacity 85)
\$45/ hour (R)
\$57/ hour (NR)

Staff Recommends: Staff recommends the approval of new hourly pricing for the Civic Center based on designated rooms, and the approval of the pricing for the new Village Park pavilion.

VENDOR PERMIT AGREEMENT

BETWEEN

VILLAGE OF SUSSEX

AND

KELLERMEISTER BEVERAGES, LLC D/B/A BREWFINITY BREWING CO.

This Vendor Permit Agreement ("Agreement") is made and entered into effective _____, 2020 (the "Effective Date"), by and between the VILLAGE OF SUSSEX ("Village") and KELLERMEISTER BEVERAGES, LLC D/B/A BREWFINITY BREWING CO. ("Vendor"). Referenced together, the Village and Vendor are the "Parties" to this Agreement.

WITNESSETH:

WHEREAS, during the next 5 years (2020-2024) the Parties intend to cooperate to realize a travelling beer garden throughout the Village of Sussex Parks System; and

WHEREAS, the Parties wish to enter into a written agreement providing for the operation of a travelling beer garden throughout the Village of Sussex Parks System.

NOW THEREFORE, the Parties do herewith, in consideration of mutual promises and other good and valuable consideration, agree as follows:

PROVISIONS:

1. Mobile Beer Garden Operation:

1.1 Concept; Itinerary. The travelling beer garden shall operate at the designated Village of Sussex Parks locations, one (1) day per Park during the summer season. Itineraries and hours of operation for the Season are set forth on Exhibit A. Vendor shall participate in the itineraries in a timely manner as further set forth in this Agreement. No alcohol shall be dispensed or distributed to patrons after 9:00pm.

1.2 Equipment: For each event of the Season, Vendor shall provide a Mobile Beer Unit. The Equipment shall be in a condition that is reasonably acceptable to the Village and shall reasonably convey a harmonious theme appropriate to the Village of Sussex Parks and Recreation experience as well as that of a traditional beer garden. A "Mobile Beer Unit" is a self-contained service operation, located in a vehicle or movable stand, self or otherwise propelled, used to store, prepare, display, or serve fermented malt beverages intended for individual service. All proposed signage and advertising on the Equipment must be pre-approved in writing by the Parks Director or their designee.

1.3 Transportation: Vendor at its sole risk and expense, shall transport the mobile beer unit from location to location and shall be responsible for set up and tear down at each location. Vendor shall

not be liable for any damage to turf at Concession sites. The Vendor shall remove and set up within the same day as the event(s) set forth on Exhibit A.

1.4 Food and Beverages: During its hours of operation, the travelling beer garden described in this Agreement shall exclusively sell alcoholic beverages manufactured by Vendor at the Beer garden location. Non-alcoholic beverages not manufactured by Vendor may be sold, including water and soda. The Village may contract with a third party to sell food options at the Concession sites.

1.5 Donations: Vendor shall pay the Village a flat fee of \$500.00 at least ten days prior to each event for the right to provide the services as outlined above. Vendor shall also provide glassware, both disposable and reusable. The reusable glassware shall bear the agreed upon Pints in the Park logo.

1.6 Security: The Village shall not be liable for any vandalism, defacement or other similar damage to any Vendor property, including the Equipment.

2. Term: This Agreement shall commence on the Effective Date and expire on December 31, 2024 (the "Term"). If either party wishes to terminate without cause, before the expiration of this contract, they must do so, in writing by January 15 of the current contract year.

3. Marketing: The Parties shall jointly and actively market the travelling beer garden. Each Party shall acknowledge the other Party and include the other Party's logo in all promotional materials, whether print or digital, directly related to the activities covered under this Agreement.

4. Permits Licenses and Other Costs: Each Party shall procure, maintain, and pay the fees for all appropriate federal, state, and local licenses and permits required to conduct its activities under this Agreement.

5. Compliance with Laws: At all times during the term of this permit agreement, Vendor, at Vendor's own cost and expense, shall observe and comply with all valid laws, ordinances, statutes, orders, and regulations now or hereafter made or issued respecting the property or the improvements or facilities erected on the property by federal, state, county, local, or other governmental agency or entity;

5.1 Indemnification: Vendor shall indemnify and hold Village, its officers, agents, employees, and insurers and the property and any buildings or improvements now or hereafter placed on the property, free and harmless from any and all liabilities, claims, loss, damages, or expenses resulting from or arising out of Vendor's occupation and use of the property, specifically including, without limitation, any liability, claim, loss, damage, attorneys' fees, or expense arising by reason of:

5.1.1 The death or injury of any person, including Vendor or any person who is an employee, agent, or invitee of Vendor, or by reason of the loss, damage to, or destruction of any property, including property owned by Vendor or by any person who is an employee, agent, or invitee of Vendor, from any cause whatsoever while such person is in or on the property or in any way

connected with the property or with any of the improvements or personal property on the property;

6. Village Rights and Obligations: The Village shall prepare each park for the travelling beer garden. The Village is not responsible for normal "wear and tear" on the Equipment. The Village has other licensee's in various parks for the sale of beer, food, and other items and this traveling beer garden agreement shall not restrict those operations or the Village's agreement with those operations.
7. Right of Entry: Village staff shall at all times have the right of entry to the Park and Mobile Beer Unit to inspect the condition thereof.
8. Insurance: The Vendor shall, at the Vendor's own cost and expense, secure and maintain during the Season a broad form comprehensive coverage policy of public liability insurance in the State of Wisconsin insuring the Vendor and the Village against loss or liability caused by or connected with the Vendor's occupation and use of the premises under this agreement in the amounts not less than: \$1,000,000.00 for injury to or death of one or more persons as a result of any one accident; and \$1,000,000.00 for damage to or destruction of any property or others.
The Village, its officers, agents, employees, and insureds shall be named additional insureds on insurance obtained by the Vendor.
 - 8.1 Payment of Premiums and Delivery of Certificate: Vendor shall pay all premiums and charges on all of the insurance required to be carried by it under this Lease promptly when such premiums become due and furnish Village with satisfactory evidence of the payment of the premiums as they become due and payable. All policies of insurance herein provided to be carried by Vendor, or certificates thereof, shall be delivered to Village. Vendor shall, at its sole cost and expense, comply with all requirements pertaining to the property of any insurance company necessary for the maintenance of insurance required to be provided hereunder.
9. Assignment and Subletting: Vendor may not assign this Agreement, in whole or in part, without the prior written approval of the Parks Director or his/her designee.
10. Termination: Either Party may terminate this Agreement for cause, if the other Party fails to comply with any provision in this Agreement, and such failure continues for forty-five (45) days after a written notice from Village setting forth in reasonable detail the nature of such default.
11. Partnership: Nothing contained in this Agreement shall constitute or be construed to create a partnership or joint venture between Village or its successors or assigns and Vendor or its successors or assigns. This Agreement does not create the relationship of principal and agent.
13. Notices: All notices with respect to this Agreement shall be in writing, and e-mail shall constitute writing for the purposes of the foregoing. Except as otherwise expressly provided in this Agreement, a notice shall be deemed duly given and received upon delivery, if delivered by hand or after posting via US Mail, to the party addressed as follows:

To Vendor:

BrewFinity Brewing Company

Attn: Eric Zunke, Owner/Brewmaster
N58W39800 Industrial Road Suite D
Oconomowoc, WI 53066

To Village:

Village of Sussex Parks & Recreation

Attn: Halie Dobbeck, Parks & Recreation Director
N64W23760 Main Street
Sussex, WI 53089

Either party may designate a new address for purposes of this Agreement by written notice to the other party.

Signature Page Follows

IN WITNESS WHEREOF, the Parties hereto have set their hands as follows:

BrewFinity Brewing Company Inc.

By: _____ Date: _____
Eric Zunke, Owner/Brewmaster

Village of Sussex

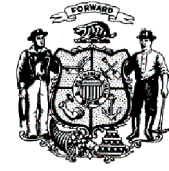
By: _____ Date: _____
Greg Goetz, Village President

EXHIBIT A ITINERARY

Date	Location	Address	Times
May 30, 2020	Village Park	W244N6260 Weaver Dr, Sussex, WI 53089	11:00am-9:00pm
June 25, 2020	TBD	TBD	4:00pm-9:00pm
July 23, 2020	TBD	TBD	4:00pm-9:00pm
August 16, 2020	Civic Center	N64W23760 Main St, Sussex, WI 53089	10:00am-4:00pm
		Additional dates through 2024 will be added as they are determined	

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



Department of Administration

EASEMENTS:

- (A)** - STORM SEWER EASEMENT (DEDICATED TO THE PUBLIC)
- (B)** - SANITARY SEWER EASEMENT (DEDICATED TO THE PUBLIC)
- (C)** - UTILITY EASEMENT
- (D)** - SIDEWALK EASEMENT (DEDICATED TO THE PUBLIC)
- (E)** - LANDSCAPE EASEMENT (SEE GENERAL NOTES)

EXISTING ZONING:

RS-3 (POD)
DESIGN CRITERIA:
MIN. FRONT SETBACK: 30 FT.
MIN. REAR SETBACK: 25 FT.
MIN. SIDE SETBACK: 10 FT.

SUSSEX PRESERVE ADDITION NO. 2

BEING A SUBDIVISION OF A PART OF LANDS MADE UP OF EXPANSION REAL ESTATE OF THE "VILLAS OF BRANDON OAKS, A LIFESTYLE CONDOMINIUM", AND A PART OF LOT 2, CERTIFIED SURVEY MAP NO. 7984, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

OWNER:

MAPLE GROVE PRESERVE, LLC
c/o ARTHUR SAWALL
4375 PILGRIM HOLLOW COURT
BROOKFIELD, WI 53005
262-893-4848

GENERAL NOTES:

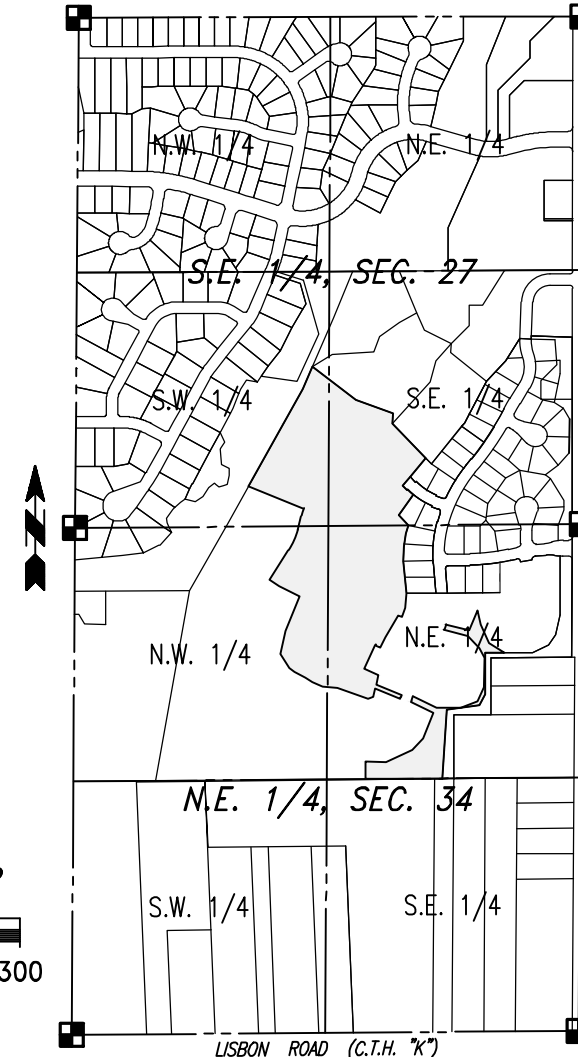
- - Indicates Set 1.270" outside diameter x 18" long Reinforcing Bar weighing 4.303 lbs. per lineal foot. All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- - Indicates Found 1" Iron Pipe.
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the N.E. 1/4 of Section 34, Town 8 North, Range 19 East, bears North 89°31'37" East.
- The Landscape Island Easement as shown on the "Sussex Preserve" Subdivision with Landscaping herein granted to each individual Lot Owner within this Subdivision and each individual Lot Owner within any future addition to this Subdivision. The Owners of the residential Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the Entrance Monument Signage and Landscaping within Outlot 3 of "Sussex Preserve" and said Landscape Island Easement. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision.
- The Landscape Island Easement as shown on "Simona Court" with Landscaping herein granted to each individual Lot Owner within this Subdivision and each individual Lot Owner within any future addition to this Subdivision. The Owners of the residential Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision.
- The 20' Landscape Easement is hereon granted to the individual Lot Owner for Lot 45, 46, and 47, their successors or assigns, to ensure that landscaping vegetation exists in perpetuity within said easement area. Said repairs, maintenance and restoration shall be performed by the Owners of the individual Lots, or as otherwise dictated in the Declaration for Sussex Preserve Homeowners Association.
- Outlots 6 and 7 are to be retained by the developer for future development.
- Outlots 5, 8, and 9 are hereon granted to the Village of Sussex.
- Wetland boundaries shown hereon were field delineated by Brian Lennie of Stantec Consulting, Inc. (a WDNR certified assured delineator) on August 25, 2014.
- Outlot 4 is to be retained by the owner for future conveyance to the Villas of Brandon Oaks.
 - a. The private road shall be kept free of rubbish, dirt, filth of any kind and snow and ice. The owner of the private road shall remove any rubbish, dirt, filth of any kind, and snow and ice that has been deposited or formed upon the private road within 24 hours of the deposition or formation. If the owner of the private road fails to keep said road clear of snow or ice, the Village may remove said snow or ice and the expense of such clearing shall be a lien on the property and charged to the owner as a special tax against the property.
 - b. No traffic calming devices shall be installed along the private road without the authorization of the Village Board.
 - c. The private road must remain open without any physical barriers of any kind.
- Any land below the Ordinary High Water Mark of a Lake or a Navigable Stream is subject to the public trust in Navigable Waters that is established under Article IX, Section 1, of the State Constitution.
- There is a 238.08' wide public access point in Clover Drive, 745' North of the Northwest corner of Outlot 5. Across Village and County lands
- Easement areas to be released by signing of this plat, see notes on sheet 4.

EXTERIOR LINE TABLE

Line #	BEARING	LENGTH
L1	S41°22'38"E	1.16'
L2	S17°10'57"W	43.46'
L3	S8°55'59"W	68.88'
L4	S01°48'46"W	74.90'
L5	S5°02'53"E	170.54'
L6	S4°33'57"W	73.74'
L7	S20°52'16"W	51.84'
L8	N69°48'28"W	20.63'
L9	S29°56'00"W	131.04'
L10	S26°11'41"W	60.00'
L11	N63°48'19"W	25.60'
L12	S25°14'19"W	136.41'
L13	S66°01'18"E	80.41'
L14	S13°40'56"W	49.83'
L15	S66°55'13"E	141.91'
L16	S16°28'52"W	9.43'
L17	S74°05'10"E	60.00'
L18	N16°28'52"E	8.84'
L19	S64°40'42"E	136.09'
L20	N90°00'00"E	126.40'
L21	N69°51'57"E	91.71'
L22	N26°10'18"E	81.38'
L23	N0°20'45"E	154.51'
L24	N26°07'50"W	54.81'
L25	N43°31'38"W	88.12'
L26	N75°36'41"W	130.42'
L27	S75°36'41"E	127.52'
L28	N22°04'33"E	111.93'
L29	S14°15'42"E	75.63'
L30	S23°46'50"E	105.42'
L31	S58°11'44"E	92.74'
L32	S89°31'10"W	98.84'
L33	S0°20'45"W	214.55'
L34	S26°10'18"W	66.31'
L35	S82°56'21"W	171.33'
L36	S3°56'21"W	360.53'
L37	S89°32'53"W	397.13'
L38	N0°00'00"E	92.61'
L39	S88°24'11"E	105.13'
L40	N65°34'16"E	151.46'
L41	N44°00'01"E	80.44'
L42	N21°21'38"E	146.39'

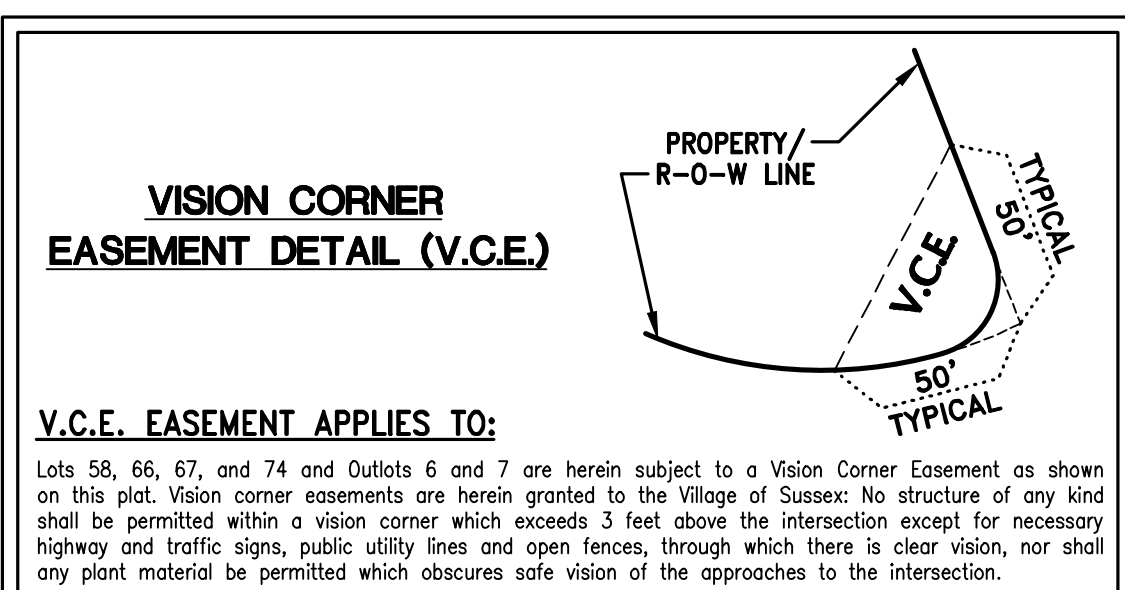
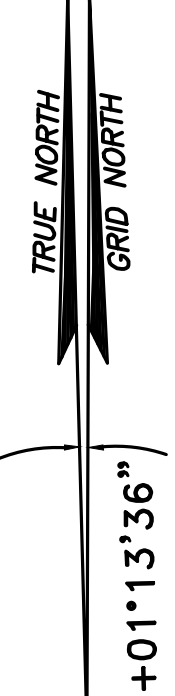
EXTERIOR LINE TABLE CONT.

Line #	BEARING	LENGTH
L43	N64°40'42"W	128.48'
L44	N65°55'13"W	140.84'
L45	S13°40'56"W	47.70'
L46	S75°15'28"W	26.72'
L47	N70°58'37"W	170.13'
L48	N85°38'56"W	76.76'
L49	N65°39'28"W	58.16'
L50	N56°19'34"W	42.48'
L51	N62°09'25"W	66.37'
L52	N52°11'27"W	30.24'
L53	N34°10'51"W	87.93'
L54	N13°00'33"E	124.00'
L55	N22°24'35"E	193.76'
L56	N63°42'19"W	121.23'
L57	N56°57'21"W	60.00'
L58	N33°02'39"E	182.97'
L59	N14°30'21"E	72.16'
L60	N68°12'02"W	310.41'
L61	N29°10'30"E	581.44'
L62	N23°04'47"E	127.88'
L63	S52°13'26"E	286.51'
L64	S70°41'16"E	206.79'
L65	S4°06'03"W	55.16'
L66	S44°18'46"E	249.46'
L67	S40°19'25"W	127.28'
L68	S40°29'32"W	60.25'
L69	S44°18'46"E	34.98'
L70	S35°41'54"W	125.29'
L71	S41°22'38"E	73.04'



LOCALITY MAP:
S.E. 1/4, SEC. 27,
N.E. 1/4, SEC. 34,
T. 8 N., R. 19 E.
SCALE: 1"=1000'

SCALE: 1" = 150'



VISION CORNER EASEMENT DETAIL (V.C.E.)
V.C.E. EASEMENT APPLIES TO:
Lots 58, 66, 67, and 74 and Outlots 6 and 7 are herein subject to a Vision Corner Easement as shown on this plat. Vision corner easements are herein granted to the Village of Sussex; No structure of any kind shall be permitted within a vision corner which exceeds 3 feet above the intersection except for necessary highway and traffic signs, public utility lines and open fences, through which there is clear vision, nor shall any plant material be permitted which obscures safe vision of the approaches to the intersection.

BASEMENT RESTRICTION - GROUNDWATER NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

FLOODPLAIN, WETLANDS, AND SECONDARY ENVIRONMENTAL CORRIDOR PRESERVATION RESTRICTIONS:

Those areas identified as Floodplain, Wetlands, and Secondary Environmental Corridor on this Plat shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited except in connection with the construction of a proposed gravel path, unless specifically authorized by the Municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval from the Municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, Silvicultural thinning upon the recommendation of a forester or naturalist and with approval from the Municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use-Planning and Zoning Division shall also be permitted.
3. Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds may be permitted subject to the approval of the Municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.

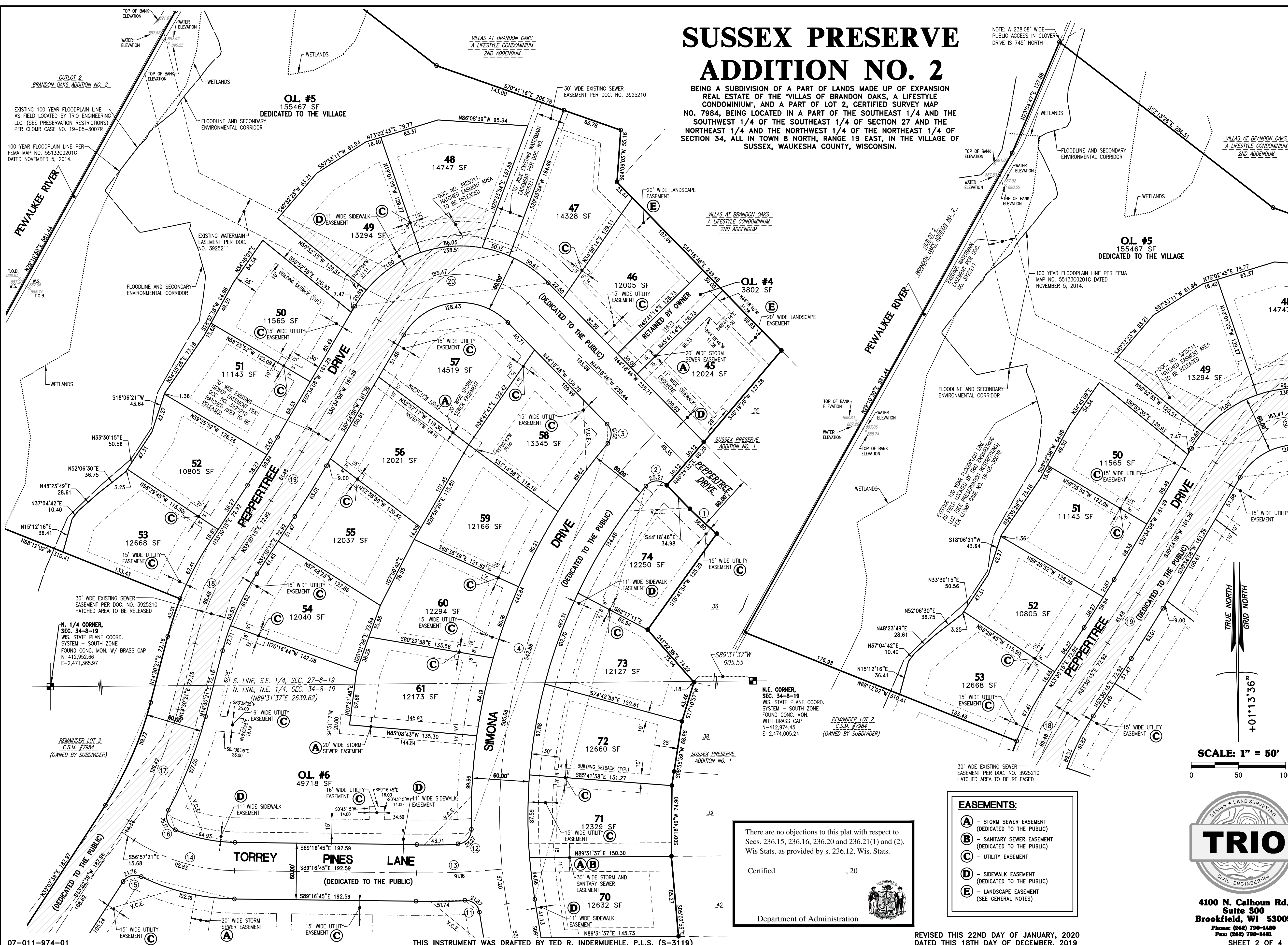
BASEMENT RESTRICTION - BEDROCK NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions which, due to the possible presence of bedrock near the ground surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert be consulted regarding the construction of basements in these areas where bedrock may be present near the ground surface. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

SUSSEX PRESERVE ADDITION NO. 2

BEING A SUBDIVISION OF A PART OF LANDS MADE UP OF EXPANSION REAL ESTATE OF THE 'VILLAS AT BRANDON OAKS, A LIFESTYLE CONDOMINIUM', AND A PART OF LOT 2, CERTIFIED SURVEY MAP NO. 7984, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

NOTE: A 238.08' WIDE PUBLIC ACCESS IN CLOVERLY DRIVE IS 745' NORTH



EXISTING 100 YEAR FLOODPLAIN LINE AS FIELD LOCATED BY TRIO ENGINEERS LLC. (SEE PRESERVATION RESTRICTIONS) PER CLMOR CASE NO. 19-05-3007R

100 YEAR FLOODPLAIN LINE PER FEMA MAP NO. 55133C0201G DATED NOVEMBER 5, 2014.

T.O.B. 887.25
W.S. 887.25
T.O.B. 888.74

EXISTING WATERMAIN-EASEMENT PER DOC. NO. 3925211

FLOODLINE AND SECONDARY ENVIRONMENTAL CORRIDOR

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

WETLANDS

TOP OF BANK ELEVATION

WATER ELEVATION

OL #5
155467 SF
DEDICATED TO THE VILLAGE

OL #5
155467 SF
DEDICATED TO THE VILLAGE

OL #6
49718 SF

VILLAS AT BRANDON OAKS
A LIFESTYLE CONDOMINIUM
2ND ADDENDUM

SUSSEX PRESERVE
ADDITION NO. 1

SUSSEX PRESERVE
ADDITION NO. 1

REMAINDER LOT 2
C.S.M. #7984
(OWNED BY SUBDIVIDER)

OL #5
155467 SF
DEDICATED TO THE VILLAGE

OL #5
155467 SF
DEDICATED TO THE VILLAGE

REMAINDER LOT 2
C.S.M. #7984
(OWNED BY SUBDIVIDER)

SCALE: 1" = 50'

0 50 100

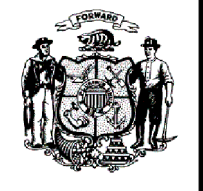


4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1400
Fax: (262) 790-1481
SHEET 2 OF 4

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

Department of Administration



- EASEMENTS:**
- (A) - STORM SEWER EASEMENT (DEDICATED TO THE PUBLIC)
 - (B) - SANITARY SEWER EASEMENT (DEDICATED TO THE PUBLIC)
 - (C) - UTILITY EASEMENT
 - (D) - SIDEWALK EASEMENT (DEDICATED TO THE PUBLIC)
 - (E) - LANDSCAPE EASEMENT (SEE GENERAL NOTES)

THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, P.L.S. (S-3119)

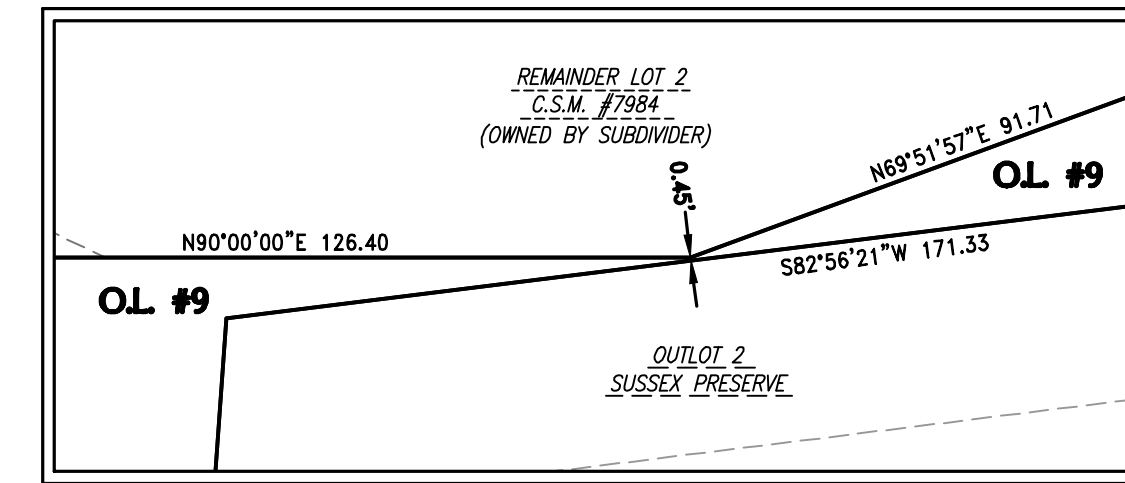
REVISED THIS 22ND DAY OF JANUARY, 2020
DATED THIS 18TH DAY OF DECEMBER, 2019

SUSSEX PRESERVE ADDITION NO. 2

BEING A SUBDIVISION OF A PART OF LANDS MADE UP OF EXPANSION REAL ESTATE OF THE 'VILLAS OF BRANDON OAKS, A LIFESTYLE CONDOMINIUM', AND A PART OF LOT 2, CERTIFIED SURVEY MAP NO. 7984, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
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OUTLOT 9 DETAIL

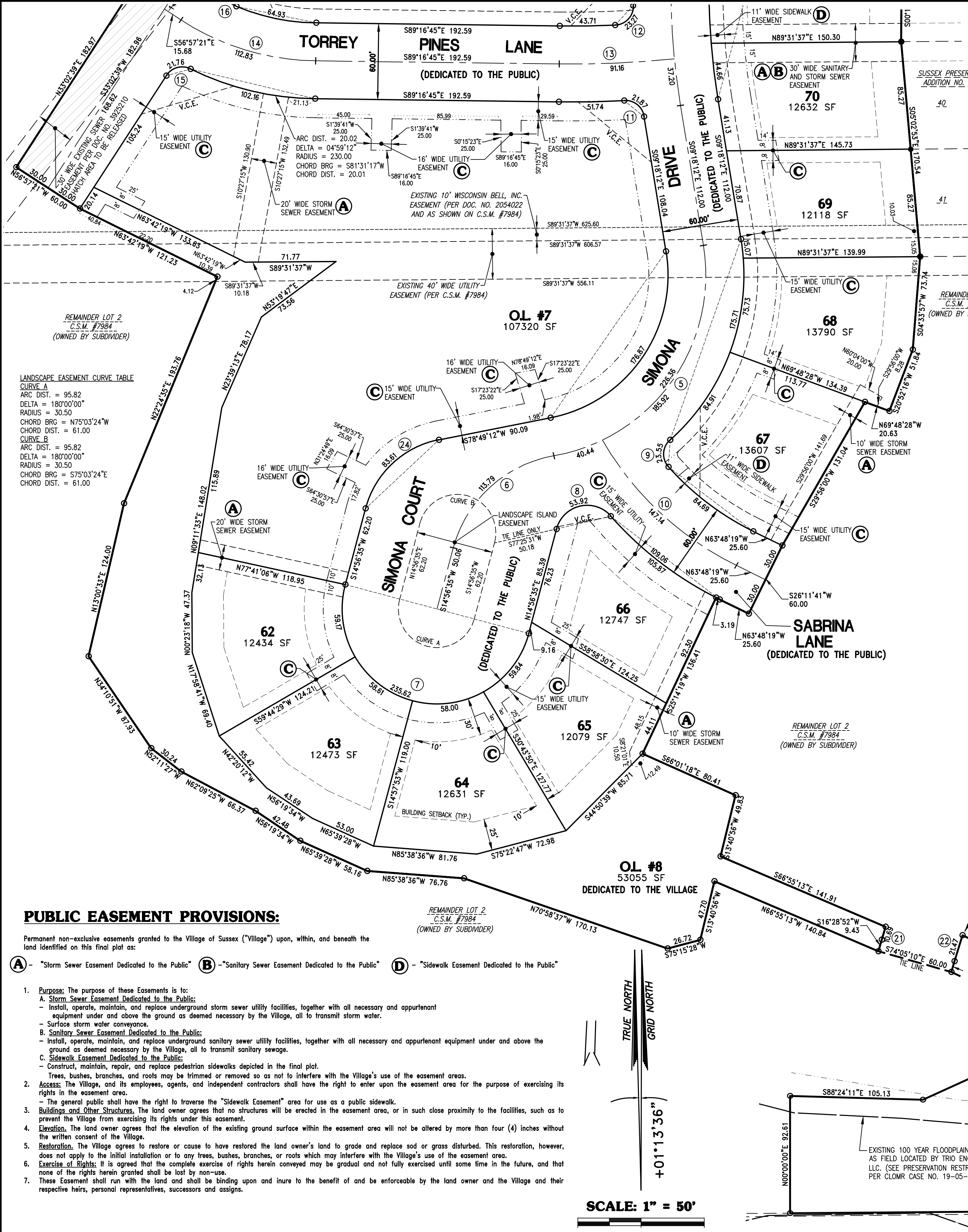
EASEMENTS:

- (A) - STORM SEWER EASEMENT (DEDICATED TO THE PUBLIC)
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- (C) - UTILITY EASEMENT
- (D) - SIDEWALK EASEMENT (DEDICATED TO THE PUBLIC)
- (E) - LANDSCAPE EASEMENT (SEE GENERAL NOTES)

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

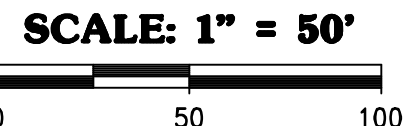
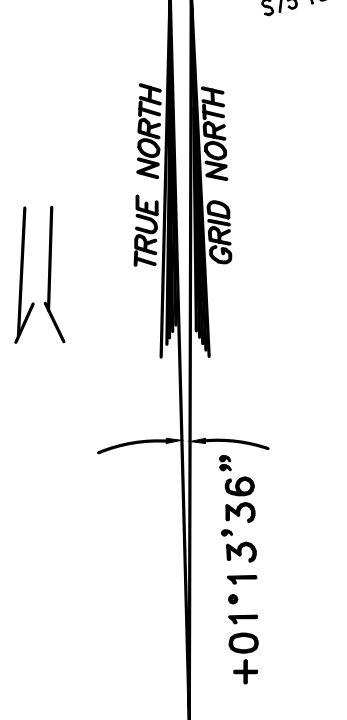
Certified _____, 20__

Department of Administration



PUBLIC EASEMENT PROVISIONS:

- Permanent non-exclusive easements granted to the Village of Sussex ("Village") upon, within, and beneath the land identified on this final plat as:
- (A) - "Storm Sewer Easement Dedicated to the Public" (B) - "Sanitary Sewer Easement Dedicated to the Public" (D) - "Sidewalk Easement Dedicated to the Public"
- Purpose:** The purpose of these Easements is to:
 - A. Storm Sewer Easement Dedicated to the Public:
 - Install, operate, maintain, and replace underground storm sewer utility facilities, together with all necessary and appurtenant equipment under and above the ground as deemed necessary by the Village, all to transmit storm water.
 - Surface storm water conveyance.
 - B. Sanitary Sewer Easement Dedicated to the Public:
 - Install, operate, maintain, and replace underground sanitary sewer utility facilities, together with all necessary and appurtenant equipment under and above the ground as deemed necessary by the Village, all to transmit sanitary sewage.
 - C. Sidewalk Easement Dedicated to the Public:
 - Construct, maintain, repair, and replace pedestrian sidewalks depicted in the final plat.
 - Trees, bushes, branches, and roots may be trimmed or removed so as not to interfere with the Village's use of the easement areas.
 - Access:** The Village, and its employees, agents, and independent contractors shall have the right to enter upon the easement area for the purpose of exercising its rights in the easement area.
 - General Public:** The general public shall have the right to traverse the "Sidewalk Easement" area for use as a public sidewalk.
 - Buildings and Other Structures:** The land owner agrees that no structures will be erected in the easement area, or in such close proximity to the facilities, such as to prevent the Village from exercising its rights under this easement.
 - Elevation:** The land owner agrees that the elevation of the existing ground surface within the easement area will not be altered by more than four (4) inches without the written consent of the Village.
 - Restoration:** The Village agrees to restore or cause to have restored the land owner's land to grade and replace sod or grass disturbed. This restoration, however, does not apply to the initial installation or to any trees, bushes, branches, or roots which may interfere with the Village's use of the easement area.
 - Exercise of Rights:** It is agreed that the complete exercise of rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
 - These Easement shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the land owner and the Village and their respective heirs, personal representatives, successors and assigns.**



THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, P.L.S. (S-3119)

REVISED THIS 24TH DAY OF JANUARY, 2020
REVISED THIS 23RD DAY OF JANUARY, 2020
DATED THIS 18TH DAY OF DECEMBER, 2019

ORDINANCE NO. 859

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.0509 C. 4.
AND SECTION 17.0509 D. 2. (f), AND CREATING SECTION 17.0509 C. 3.
(c) (3) and (4) OF THE VILLAGE OF SUSSEX VILLAGE ZONING CODE
RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES

WHEREAS, on or about July 10, 2019 the State of Wisconsin adopted 2019 Wisconsin Act 14, which created Wisconsin Statutes Section 66.0414 concerning small wireless facilities, and made other changes to State laws concerning telecommunications facilities; and

WHEREAS, as a result of this recent legislation, the Village of Sussex Village staff have recommended that the Village Code be updated to address these issues in a manner permitted by current State laws; and

WHEREAS, this matter was initiated by the Village Board pursuant to Section 17.1302 of the Village of Sussex Village Code; and

WHEREAS, the zoning amendment was duly submitted to the Village Plan Commission of the Village of Sussex for report and recommendation; and

WHEREAS, upon due notice as required by Section 17.1400 of the Village Code, a public hearing was held pursuant to Section 17.1305 of the Village Code on _____; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Sussex, is consistent with the Village of Sussex Comprehensive Plan, will not be contrary to the public health, safety or general welfare of the Village of Sussex will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same; and

WHEREAS, the Village Board hereby intends to adopt the recommendations of Village staff in this regard.

NOW, THEREFORE, the Village Board for the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsection 4 entitled, “Limitations upon Authority,” is hereby repealed and re-created as follows:

4. Limitations upon Authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Sections 66.0404(4) and 66.0414, as applicable. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed

SECTION 2: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsection 3 entitled, “Conditional Use Review Procedure,” Subsection (c) entitled, “Requirements,” Subsection (1) is hereby repealed and re-created as follows:

- (1) Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection (4), below, if an applicant provides the Village with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Village has and provides to the applicant substantial evidence that the engineering certification is flawed.

SECTION 3: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection C entitled, “New Towers and Facilities,” Subsections 3 entitled, “Conditional Use Review Procedure,” Subsection (c) entitled, “Requirements,” Subsections (3) entitled, “Aesthetic Requirements” and (4) are hereby created as follows:

- (3) Aesthetic Requirements. All users of the Village right-of-way shall comply with the following aesthetic standards:
 - a. In areas where facilities are currently nonexistent or underground, undergrounding is required.
 - b. No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State

Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.

- c. Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
- d. Any party objecting to the requirements of this Subsection (3) shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law, in an appeal made pursuant to Subsection 4.

(4) Any tower that is constructed on or adjacent to a parcel of land on or adjacent to which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals or exceeds the height of the tower.

SECTION 4: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0509 entitled “Wireless Telecommunications Mobile Service Facilities,” Subsection D entitled, “Modifications,” Subsection 2 entitled, “Not Substantial Modifications,” Subsection (f) entitled, “Limitations Upon Authority,” is hereby repealed and re-created as follows:

- (f) Limitations Upon Authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4), and such other laws as may apply which may include Wisconsin Statutes Section 66.0414, and 47 USCA §1455. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed.

SECTION 5: CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 6: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2020

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Administrative Services Director - Clerk/Treasurer

Published and/or posted this _____ day of _____, 2020

ORDINANCE NO. 862

AN ORDINANCE TO CREATE SECTION 17.0503 F. OF THE VILLAGE OF SUSSEX VILLAGE CODE CONCERNING CONTINUATION OF CONDITIONAL USE PERMITS

WHEREAS, on or about May 14, 2019, the Village of Sussex adopted Ordinance No. 851 which made numerous changes throughout the Village of Sussex Zoning Code concerning the grant of conditional use permits; and

WHEREAS, as a result of such changes, it now appears that uses that may have been previously allowed by conditional use are now prohibited by the applicable zoning regulations, which is not the intent of the Village Board; and

WHEREAS, the Village Board intends for conditional use permits that have previously been issued to continue in effect, subject to the same terms and conditions, in situations where the zoning regulations are modified to no longer allow the conditional uses in the applicable zoning district; and

WHEREAS, the Village of Sussex Village Board has initiated this Ordinance to provide clarification of language and necessary changes in this regard; and

WHEREAS, upon the Village Plan Commission’s recommendation, the Village Board held a public hearing on _____, 2019, as required by Section 17.1305 of the Village of Sussex Zoning Code, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Village Plan Commission, the Village Board finds that public necessity, convenience, welfare and good zoning practice requires that the amendment to the Zoning Code be granted as recommended by the Plan Commission.

NOW, THEREFORE, the Village Board for the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 17 of the Village Code entitled “Zoning Code,” Section 17.0503 entitled “Review and Approval,” Subsection (F) entitled, “Continuation of Existing Conditional Use Permits” is hereby created as follows:

(F) Continuation of Existing Conditional Use Permits. Any conditional use permit granted pursuant to conditional use authority that has since been repealed and that was in effect, and the use was in operation on the date of such repeal, that is no longer an allowed use of the property, shall be allowed to continue as a conditional use subject to all conditions stated in the conditional use order. Any such conditional use permit that requires

compliance with a section of the Village of Sussex Zoning Code that has since been repealed, shall continue to require compliance with the referenced Code section as it existed immediately prior to such repeal and the repeal of such provision is stayed solely for such existing conditional use permit(s). These continuation provisions are intended to preserve the status quo for all rights and responsibilities incurred or accrued prior to the adoption of any ordinance that changes a conditional use to a prohibited use. Nothing herein shall be interpreted to prevent existing conditional use permit holders from applying to amend their conditional use pursuant to all laws in effect at the time of the application, or as set forth in the conditional use permit including those amendments requiring a public hearing.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2019

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Administrative Services Director - Clerk/Treasurer

Published and/or posted this _____ day of _____, 2019

RESOLUTION NO. 20-07

RESOLUTION TO REFUND TAXES DUE TO PALPABLE ERROR AND REQUESTING A CHARGE-BACK FOR THE PROPERTY KNOWN AS PARCEL SUXV-0242-028-002

WHEREAS, the Assessor for the Village of Sussex has determined that the assessment made of the property known as Tax Key No. SUXV-0242-028-002 (the "Subject Property") as of January 1, 2018 was in error, for one or more of the reasons described in Section 74.33(1), Wisconsin Statutes; and

WHEREAS, based upon the Village Assessor's reconsideration of this matter, in accord with the assessment methods which conform to statutory requirements and which are outlined in the Wisconsin Property Assessment Manual, the Village Assessor has concluded that the fair market value of the Subject Property on January 1, 2018 was \$584,000, which is \$385,500 less than shown on the 2018 tax roll; and

WHEREAS, the Village Board for the Village of Sussex, the governing body of the taxation district, finds that the assessment of the Subject Property for the year 2018 (*check all that apply*):

- contained a clerical error in the description of the property or in the computation of the tax;
- included real property improvements that did not exist on January 1, 2018;
- is exempt from taxation;
- is not located in the taxation district;
- was double assessed;
- contained arithmetic, transpositional or similar error;

and therefore, the governing body may refund the part of the general property tax which was overpaid in accordance with Wisconsin Statutes Section 74.33(1)(a), (b), (c), (d), (e), or (f); and

WHEREAS, the difference in assessed value, multiplied by the year 2018 mill rate results in an amount that should be refunded to said property owner in the amount of \$6,100.60; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Village of Sussex, Waukesha County, Wisconsin, that \$6,001.60 be refunded to said property owner.

BE IT FURTHER RESOLVED, that the Village Treasurer for the Village of Sussex is directed to proceed pursuant to Sections 74.33(3) and 74.41, Wisconsin Statutes, to seek to charge-back the refunded taxes to the other applicable taxing jurisdictions in their proportional share.

Dated this 28th day of January, 2020.

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Administrative Services Director - Clerk/Treasurer