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**VILLAGE BOARD OF CLEVELAND, WISCONSIN
MONTHLY MEETING**

TUESDAY, DECEMBER 20, 2016

7:00 PM – 10:14 PM

CLEVELAND VILLAGE HALL

MINUTES

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL.** Village President Kathy Stolzmann called the meeting to order and led the Pledge of Allegiance at 7:00pm on Tuesday, December 20, 2016, at the Cleveland Village Hall, 1150 W. Washington Avenue, Cleveland, Wisconsin.

Board Present: Kathy Stolzmann, President
John Ader
Robert Fink
Jacob Holzward
Nicholas Jaeger
Joel Roehrig
Andy Williams

Board Absent: None

Staff Present: Stacy Grunwald, Director of Village Services
Julie Rusch, Deputy Clerk-Treasurer

- II. AGENDA APPROVAL.** Motion Joel Roehrig/Robert Fink to approve the agenda as posted; carried without negative vote.

- III. CONCRETE MANUFACTURING CONDITIONAL USE PERMIT: SCHMITZ READY MIX, 1025 NORTH AV.**

- A. PROPOSAL AND PLAN COMMISSION RECOMMENDATION.** Director Grunwald reported the Plan Commission recommended approval of the Conditional Use Permit to operate a concrete manufacturing facility at 1025 North Avenue [Parcel No. 031-028-002-001.00] after reviewing the areas of concern and standards set out in the Code of Ordinances. The Commission's findings and recommended conditions for the permit were provided in the Staff Report and Addendum. The Applicant had reviewed the recommended conditions and found two of particular concern. Revised language acceptable to the Applicant, staff, and Village Attorney were provided in the Addendum. The only remaining issue were definitions for "in season" and "out of season" operation, which the Village Attorney recommended the Board include in the permit.

In response to Trustee questions, Director Grunwald indicated it was her understanding the purchase of the property was contingent upon Applicant's receipt of the permit, so Schmitz was not yet the property owner.

With regard to potential damage to North Avenue, the Village had no reason to believe North Avenue was not constructed to accommodate the truck traffic. The site plan review would help with this determination and she had already requested the weights fully loaded of the Schmitz trucks and their vendors as part of that process. Trustee Jaeger noted North Avenue from the railroad tracks to Dairyland Drive may have been upgraded when the canning company operated from the property. Trustee Ader added that it was determined the weight of the canning company trucks was equal to or greater than the weight of the concrete trucks. Director Grunwald also discussed the project with Manitowoc County Highway Commissioner Marc Holsen, who indicated he had no concerns with either the increased volume or nature of traffic for County Highway XX, which is the portion of North Avenue from Dairyland Drive to Interstate-43 (and beyond.)

With regard to unanticipated work on holidays, there was a provision which allowed staff to authorize work on off-days or in the event of an emergency. The holidays identified had been determined with the Applicant.

With regard to seasonal hours, Applicant would need to provide that information.

Motion Andy Williams/John Ader to open the floor to the Applicant; carried without negative vote.

Todd Schulz, Schmitz Ready Mix Sales Manager, stated December 1 through March 31 would typically be out-of-season in Wisconsin.

In response to Trustee questions, Matt Schmitz, President of Schmitz Ready Mix, indicated the nearest plant similar to the one proposed for Cleveland was in Grafton, visible from Interstate-43 to the east. The number of new structures on the site would depend upon the final site plan and ability to refurbish the existing structure. One building would likely be added for the plant, with possible attached lunchroom/restroom. Closing on the property was set to follow 14-28 days after issuance of the Conditional Use Permit.

To address dust concerns, the plant will have a vacuum system to pick up dust particles where the trucks load. These particles are reused, and the yard will be paved completely. The operation will also include a truck wash, with the water from that system also captured and reused. For lighting, the Plan Commission requested downward lighting, which will be accommodated without issue. President Stolzmann noted dust and lighting issues would be addressed during the site plan process.

The owner of the property immediately west had been provided an Offer to Purchase that evening.

The proposed design did not have much excess capacity but they anticipated it would be sufficient for a long time.

Cleveland was chosen for its location proximate to the I-43 interchange, and equidistant from the Manitowoc and Sheboygan markets. Their customer base had asked the company to locate in this area. Ready-mix concrete is a perishable product that limits the distance from plant to job site.

Ultimately, the facility may include a fuel tank, but at least initially the company would utilize the local gas station as adding a fuel tank was expensive.

Rejected loads are put through a concrete reclaimer, so the materials can be reused.

The silo was the tallest structure. The Plan Commission the height be the minimum necessary. The sloping topography of the site would visually render the silo less tall than its actual height.

B. PUBLIC HEARING. Motion Jacob Holzwart/Nick Jaeger to open the floor for the public hearing; carried without negative vote.

- *John Schermetzler, 308 Beechwood Street.* Mr. Schermetzler stated his home was approximately 100 feet from the south property line and he was concerned with noise and dust. His wife had multiple health issues, including respiratory issues. He was also concerned that the proposed berms could create a flooding problem, as he was located at the bottom of the slope and stormwater came through the back part of his property.
- *James Voigt, 1327 Juniper Street.* Mr. Voigt owned the lot immediately west of the property. He thought the dust was manageable but the noise was hard to determine ahead of time. He believed Juniper Street was 27 feet higher than shown on the initial site plan, which meant the Applicant would be flattening the land and potentially leaving a 25-foot or greater drop-off from his lot to theirs. Also, he believed the water lateral servicing his building did not follow the lot line but crossed the Applicant's property at an angle, meaning sculpturing 25 feet lower would damage the water line. He understood those concerns would be addressed by the site plan process and Plan Commission. He supported the proposed use for the property and thought it a good development for the Village.

Motion Andy Williams/John Ader to close the floor; carried without negative vote.

C. DISCUSSION/ACTION. Motion John Ader/Andy Williams to approve the Conditional Use Permit application filed by Schmitz Ready Mix, Inc., to operate a concrete manufacturing facility at 1025 North Avenue, per the findings and conditions of the Plan Commission as stated in the Staff Report and Addendum to the Staff Report, and defining in-season as April 1 through November 30 and out-of-season as December 1 through March 31; carried without negative vote.

IV. CITIZEN INPUT AND COMMUNICATIONS.

Director Grunwald reported the Village had received (1) an order form from the League of Wisconsin Municipalities for publications, for which the Board had provided funds if any Trustee was interested; (2) notification of the dates and locations of the League's various conferences and workshops, for which the

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Board had also provided funds; and (3) a request to issue a proclamation commemorating School Choice Week (filed as communication.)

President Stolzmann opened the floor to citizen input.

- *Kevin Kleinert, Expedite Development LLC, 106 E. Wilson St., Suite B, Valders.* Spoke regarding potential new construction and his request to amend the Hilary Heights Development Agreement.
- *Richard Rooker, 1272 Meadowbrook Drive #2, Cleveland.* Spoke regarding sewer utility rates.

- A. REQUEST TO AMEND HILARY HEIGHTS DEVELOPMENT AGRMT: EXPEDITE DEVELOPMENT LLC.** *Referred to January 2017 regular Board meeting.*
- B. REQUEST TO START CONDEMNATION ORDER AT 1611 LAKESHORE DR, AND OWNER RESPONSE.** Director Grunwald explained a petition signed by some of the lakefront owners requested the Village start legal action to raze the barn at 1611 Lakeshore Drive, Cleveland. The owner agreed to voluntarily raze the barn in Spring 2017. Each signatory to the petition was mailed a letter with this information.

V. MINUTES APPROVAL

- A. NOVEMBER 15, 2016, REGULAR MEETING.** Motion Joel Roehrig/Jacob Holzwart to approve the minutes of the November 15, 2016, regular Village Board meeting; carried without negative vote.
- B. NOVEMBER 29, 2016, SPECIAL MEETING.** Motion Nick Jaeger/Robert Fink to approve the minutes of the November 29, 2016, special Village Board meeting; carried without negative vote.

VI. LICENSES AND PERMITS

- A. OPERATOR'S LICENSE THRU 06/30/17: LILIANA LOPEZ.** Staff recommended approval. Motion Nick Jaeger/Andy Williams to grant an Operator's License to Liliana Lopez through June 30, 2017; carried without negative vote.
- B. CLEVELAND HEIGHTS MOBILE HOME COMMUNITY LICENSE RENEWAL.** Staff recommended approval. Motion Nick Jaeger/Jacob Holzwart to approve the Cleveland Heights Mobile Home Community license for the period January 1, 2017, through December 31, 2017; carried without negative vote. [Parcel No. 031-028-002-006.00]
- C. TEMPORARY SIGN PERMIT: BRIAN KIELISZEWSKI FOR HICKORY HOUSE.** Motion Andy Williams/Jacob Holzwart to grant a Temporary Sign Permit to Brian Kieliszewski, 1024 Hickory Street, to install an onsite 32" x 48" plastic A-frame sign near the Hemlock Street right-of-way to advertise the Hickory House business through December 20, 2017, subject to the terms and conditions of the application; carried without negative vote. [Parcel No. 031-500-001-001.03]

VII. FINANCE AND BUDGET

- A. MONTHLY VOUCHER REPORT.** Staff answered questions. Motion Nick Jaeger/John Ader to approve the November 2016 voucher report; carried without negative vote.
- B. YEAR 2017 UTILITY BUDGETS.** Director Grunwald reviewed the proposed budgets and answered questions, including the addition of tax equivalent payments to the Village by each utility. Motion Nick Jaeger/Jacob Holzwart to approve the Year 2017 Water Utility and Sewer Utility Budget Summaries as modified through Board discussion; carried without negative vote.
- C. RE-ESTABLISH TAX EQUIVALENT PAYABLE BY CLEVELAND WATER UTILITY.** Director Grunwald explained the Board in 1998 had approved a resolution setting the tax equivalent payable by the Water Utility to zero. A new resolution was required to allow collection of the tax equivalent as approved in the 2017 budgets. Motion John Ader/Nick Jaeger to approve the Resolution to Re-Establish the Tax Equivalent Payable to the Village of Cleveland by the Cleveland Water Utility; carried without negative vote. [Resolution 2016-R-11]
- D. LINE-OF-CREDIT RENEWAL: CLEVELAND STATE BANK.** President Stolzmann reviewed the history of the line-of-credit. Motion Andy Williams/Jacob Holzwart to approve the Term Credit Agreement with Cleveland State Bank through November 9, 2018; carried without negative vote.

VIII. CONTRACTS AND AGREEMENTS

- A. AMBULANCE SERVICES: CITY OF MANITOWOC.** President Stolzmann reminded the Board the new per capita fee had been discussed during preparation of the 2017 budget. Atty. Katherine Reynolds was researching for the Manitowoc County Village Association the need for villages to have an ambulance contract; her report was expected at the January 2017 meeting. Meanwhile, the Village's current contract was due to expire December 31, 2016. Motion Nick Jaeger/Robert Fink to approve the Agreement for Ambulance Services with the City of Manitowoc for the period January 1, 2017, through December 31, 2021; carried without negative vote.

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- B. ANIMAL IMPOUND SERVICES: EASTSHORE HUMANE ASSOCIATION.** Director Grunwald reported the Police Department had established a strong working relationship with Eastshore Humane Association and she recommended the Village continue working with that entity. Motion Joel Roehrig/John Ader to approve the Agreement for Services with the Eastshore Humane Association, Inc., for stray animal care for the period January 1, 2017, through December 31, 2017, provided Staff obtain clarification and/or correction of the number of days in the impound period (Sec. 1.(c)) and the signature line for Village President was updated to the appropriate name. Motion carried without negative vote.
- C. ASSESSMENT SERVICES: ACCURATE LLC.** Director Grunwald reported Accurate accepted the terms of the Village's proposed addendum without change. Motion Andy Williams/Robert Fink to approve the Agreement for Assessment Services and Agreement for Assessment Services Addendum 2016-01 with Accurate Appraisal LLC for the period January 1, 2017, through December 31, 2021; carried without negative vote.
- D. FIRE PROTECTION SERVICES AGREEMENT: CLEVELAND FIRE DEPARTMENT.** Motion John Ader/Jacob Holzwart to approve the Agreement for fire and first responder services with Cleveland Fire Department for the period January 1, 2017, through December 31, 2017; carried without negative vote.
- E. TAX AND PET LICENSING SOFTWARE SUPPORT: TRANSCENDENT TECHNOLOGIES.** Director Grunwald noted the vendor had accepted the proposed addendum without change. Motion Nick Jaeger/Robert Fink to approve the Software Maintenance Agreement and Software Maintenance Agreement Addendum 2016-01 with Transcendent Technologies llc for tax and pet licensing software support; carried without negative vote.
- F. WASTEWATER TREATMENT FACILITY OPERATIONS ASSISTANCE: DONOHUE & ASSOCIATES.** Chair Williams explained the Public Works and Utilities Committee's recommendation for approval. Motion John Ader/Jacob Holzwart to approve the Engineering Services Agreement WWTF Operations Assistance with Donohue & Associates; carried without negative vote.
- G. JOINT POWERS AGREEMENT: MANITOWOC COUNTY JOINT DISPATCH CENTER.** Motion Andy Williams/Robert Fink to approve the Joint Powers Agreement with the Manitowoc County Dispatch Center for the period March 1, 2017, through February 28, 2018; carried without negative vote.
- IX. ON-CALL COMPENSATION POLICY: SEC. 507, EMPLOYEE HANDBOOK.** Motion Andy Williams/Joel Roehrig to amend Sec. 507 Overtime and Compensatory Time of the Employee Handbook to incorporate the new rate for on-call compensation as part of the 'On-Call Time and Emergency Responses' subsection; carried without negative vote.
- X. PARKS**
- A. PUBLIC WORKS FACILITY ACCESS DRIVE USE REQUEST, 1151 LAKESHORE DRIVE: LEUKEMIA & LYMPHOMA SOCIETY, FOR SCENIC SHORES 150 AID STATION.** Chair Williams reviewed the Public Works and Utilities Committee's recommendation to approve. Motion Nick Jaeger/Jacob Holzwart to approve the request of the Leukemia and Lymphoma Society to use the Public Works facility entrance at 1151 Lakeshore Drive as a First Aid Station and Rest Stop for the Scenic Shores 150 Bike Tour, subject to a \$100 refundable security deposit; carried without negative vote.
- B. VFW CLUBHOUSE OVERNIGHT RENTAL REQUEST, JAN 20-21, 2017: CLEVELAND CUB SCOUTS.** Trustee Williams noted his son would be a participant in the event and asked if anyone present objected to his participation in the discussion and vote; no objection was raised. Motion John Ader/Jacob Holzwart to approve the request of Cub Scout Pack 3948 to use the VFW Clubhouse from 3pm on Friday, January 20, 2017, through 10am, Saturday, January 21, 2017; carried without negative vote.
- C. VFW CLUBHOUSE AMPLIFIED SOUND REQUEST, JAN 7, 2017, 5PM-11PM: IRENE LARA.** The Board discussed recent amplified sound requests and neighborhood impacts. Motion Nick Jaeger/Andy Williams to grant the request for amplified sound at the VFW Clubhouse from 5pm through 11pm on Saturday, January 7, 2017, with the condition that applicant Irene Lara provide full name, address, and telephone contact information for the disc jockey working at the event; carried without negative vote.

XII. HOLIDAY STREET DECORATIONS: TRUSTEE JOHN ADER. Trustee Ader presented a Sales Order and photos of Christmas street decorations to replace the Village's current inventory. The line he recommended was bright and would be decorative day or night. The styles varied in cost and he proposed the Village purchase three each of the ten styles. They would be located on the same poles as the current decorations; some of those poles may need to have power added for the decoration. Garland was not included in the price quote. He also reviewed options for banners and discussed his Adopt-a-Pole program and fundraising for a ground display. There was a 33% price discount if the lighted decorations were ordered in January or February; no similar discount applied to the banners. The Board by consensus agreed to delay further discussion on the banners until Trustee Ader had the opportunity to meet with the East Wind Garden Club and other interested parties. Trustee Ader was also asked to report back to the Board on the price of garland. Motion Robert Fink/Jacob Holzwart to approve the purchase of three each of the ten styles of lighted Christmas decorations listed in the Temple Display, Ltd., Sales Order TDLQ25204, without garland; carried without negative vote.

XIII. STAFF AND COMMITTEE REPORTS.

- A. POLICE DEPARTMENT.** In the absence of Chief Barber, President Stolzmann reviewed the tabletop exercise involving an active shooter at Cleveland Elementary School. Director Grunwald reviewed various squad and communications expenditures.
- B. ADMINISTRATION** Director Grunwald reviewed recent permit requests, the Presidential Election recount, an ownership transfer issue involving the former railroad right-of-way, and work related to various current and in-process site plans.
- C. PUBLIC WORKS AND UTILITIES COMMITTEE, NOV 29.** Chair Williams reported the Committee completed work on the Linden Street yard maintenance issue referred from the Village Board and learned that Saxon Creamery was withdrawing its request to use the sanitary sewer system to dispose of its whey/washwater discharge.
- D. PLAN COMMISSION, DEC 7.** President Stolzmann reported the Commission had addressed the Schmitz Ready Mix application and selected an option from Bay-Lake Regional Plan Commission for the 10-year update of the Comprehensive Plan.

XIV. ANNOUNCEMENTS AND EVENT REPORTS.

- A. FRI DEC 23..... STAFF HOLIDAY**
- B. FRI DEC 23..... NOTIFICATION OF NONCANDIDACY DEADLINE, 5:00PM.** President Stolzmann and Trustee Ader had filed their Declarations of Candidacy; Trustee Roehrig indicated his intention to seek re-election; and Trustee Jaeger stated he was uncertain.
- C. MON DEC 26..... STAFF HOLIDAY**
- D. FRI DEC 30..... STAFF HOLIDAY (1/2-DAY)**
- E. MON JAN 2..... STAFF HOLIDAY**
- F. TUE JAN 3 MUNICIPAL COURT, 4:30PM**
- G. TUE JAN 3 BALLOT ACCESS DEADLINE FOR LOCAL OFFICE, 5:00PM**
- H. SET FEBRUARY 2017 VILLAGE BOARD MEETING DATE DUE TO POSSIBLE SPRING PRIMARY.** The February regular monthly meeting was moved to February 14, 2017.
- I. SET SPECIAL MEETING FOR VILLAGE BOARD CLOSED SESSION.**
- J. SET COMMITTEE MEETINGS; REFER AGENDA ITEMS.** January 5, Finance Committee. January 10, Public Works Committee; January 12, Village Board special meeting; January 24, Human Resources Committee.
- K. ANY OTHER ANNOUNCEMENTS/EVENTS.** Chief Barber cannot attend the February 14 Village Board meeting.

XV. ADJOURNMENT. Motion Andy Williams/Nick Jaeger to adjourn; carried without negative vote. The meeting adjourned at 10:14pm.

Respectfully submitted,

/S/ STACY GRUNWALD

Stacy Grunwald
Director of Village Services

Approved on 1/17/17