

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

**TUESDAY, FEBRUARY 14, 2017**

**7:00 PM**

**CLEVELAND VILLAGE HALL**

**AMENDED MINUTES**

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL/AGENDA APPROVAL.** Village President Kathy Stolzmann called the meeting to order and led the Pledge of Allegiance at 7:00pm on Tuesday, February 14, 2017, at the Cleveland Village Hall, 1150 W. Washington Avenue, Cleveland, Wisconsin.

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

Board Absent: None

Staff Present: Stacy Grunwald, Director of Village Services  
Julie Rusch, Deputy Clerk-Treasurer (left 9:25pm)

Motion Andy Williams/John Ader to approve the agenda; carried without negative vote.

**II. LAKESHORE TECHNICAL COLLEGE**

- A. CARPENTRY STORAGE SITE DEVELOPMENT PLAN.** President Stolzmann summarized the Staff Report and Plan Commission's recommendation for conditional approval. Motion Joel Roehrig/Nick Jaeger to approve the site development plan submitted by Lakeshore Technical College to construct a 30' x 40' building per the terms of its application, with the additional requirement that grading, erosion control, and stormwater plans acceptable to staff shall be submitted prior to approval of a building permit. The building permit must be requested and approved within 12 months of site plan approval, or the site plan approval shall be withdrawn and the applicant must reapply to the Village as if requesting a new project. Motion carried without negative vote.

**B. OUTDOOR SHOOTING RANGE**

- 1. SITE DEVELOPMENT PLAN.** President Stolzmann summarized the Staff Report and Plan Commission's recommendation for conditional approval. Trustee Jaeger questioned the direction of fire, berm height, decibel impacts on neighboring properties, and safety issues due to the inexperience of students with firearms. Trustee Roehrig questioned environmental safety from the spent ammunition and LTCs ability to ensure the safe use of automatic weapons by students. He suggested use of a private range outside of the Village limits, away from residential areas. Motion Nick Jaeger/Andy Williams to open the floor to LTC representatives; carried without negative vote.

Mr. Bryan Koeser, LTC Physical Plant Supervisor, and Ms. Brenda Riesterer, LTC Director of Facilities and Procurement, answered questions from the Board. The range was planned to comply with National Rifle Association, National Shooting Sports Foundation, U.S. Environmental Protection Agency, and Wisconsin Department of Revenue guidelines and recommendations. They explained the safety features incorporated into the design, anticipated hours of operation, scheduling difficulties at other ranges, and program requirements imposed by the Wisconsin Department of Justice. The use of shotguns and automatic weapons would not be allowed. Insurance will be provided through the technical colleges system. LTC was not interested in opening the range to the public and Staff noted this would not be allowed under current Village ordinances.

Trustee Roehrig expressed interest in the location of shooting ranges at other technical colleges and how those communities regulated them.

Motion John Ader/Jacob Holzward to approve the site development plan submitted by Lakeshore Technical College to construct a new outdoor firearms range with support structures per the terms of the application and with the following additional requirements. The approved project area does not include lands subject to the Shoreland Ordinance, Floodplain Ordinance, and Shoreland-Wetland Ordinance; or the area of the old growth forest. Grading, erosion control, and stormwater plans acceptable to staff shall be submitted prior to approval of a building permit. The building permit must be requested and approved within 12 months of site plan approval, or the site plan approval shall be withdrawn and the applicant must reapply to the Village as if requesting a new project. Motion carried with two negative votes (Jaeger, Roehrig). Motion Kathy Stolzmann/Andy Williams to close the floor; carried without negative vote.

2. **RIFLE AND PISTOL RANGE APPROVAL (SEC. 9-2-1, CODE OF ORDINANCES).** Staff reviewed Sec. 9-2-1, Village of Cleveland Code of Ordinances, and noted Police Chief Timothy Barber had filed with the Village Clerk a written determination that LTCs proposal incorporated proper safety precautions to qualify as an exception under Sec. 9-2-1(c). Motion Jacob Holzward/Andy Williams to approve the proposed outdoor shooting range at Lakeshore Technical College as an allowable exception under Sec. 9-2-1(c) to the restriction against the discharge of firearms within the Village, finding that the proposed range qualified as a “duly supervised rifle or pistol range, shooting gallery or archery range approved by the Village Board where proper safety precautions are taken.” Motion carried with two negative votes (Fink, Roehrig).
3. **POSSESSION OF FIREARMS IN PUBLIC BUILDINGS (ORDINANCE TO AMEND SEC. 9-2-1 AND SEC. 9-2-13, CODE OF ORDINANCES).** Staff explained that ordinances had not been updated at the time LTCs current law enforcement training program was instituted, and recommended Sec. 9-2-1 and Sec. 9-2-13 be amended to accommodate the current and proposed firearms program. The amendments would authorize participants in the LTC law enforcement training program, including instructors and trainees, to carry firearms within a public building. Current ordinance limits this to law enforcement officers only. Motion John Ader/Jacob Holzward to approve An Ordinance to Amend Title 9, Chapter 2 Offenses Against Public Safety and Peace of the Village of Cleveland Code of Ordinances; carried with two negative votes (Fink, Roehrig). [Ordinance No. 2017-O-01]
4. **NOISE ALLOWANCES (SEC. 9-2-9, CODE OF ORDINANCES).** Staff reviewed the noise ordinance, for information only.

- C. **SCENARIO CITY (a/k/a SIM CITY) SITE DEVELOPMENT PLAN.** President Stolzmann summarized the Staff Report and Plan Commission’s recommendation for conditional approval. Motion Nick Jaeger/Joel Roehrig to approve the site development plan submitted by Lakeshore Technical College to install additional structures and renovate existing structures to create a simulated municipality for public safety training purposes, per the terms of the application and with the following additional requirements. The approved project area does not include lands subject to the Shoreland Ordinance, Floodplain Ordinance, and Shoreland-Wetland Ordinance. Grading and erosion control plans acceptable to staff shall be submitted prior to approval of a building permit. The building permit must be requested and approved within 12 months of site plan approval, or the site plan approval shall be withdrawn and the applicant must reapply to the Village as if requesting a new project. Motion carried without negative vote.

- III. **SCHMITZ READY MIX, INC., INTERIM SITE DEVELOPMENT PLAN.** President Stolzmann reviewed the Staff Report and Plan Commission’s recommendation for conditional approval. Motion Kathy Stolzmann/Nick Jaeger to open the floor; carried without negative vote. Mr. Todd Schulz of Schmitz Ready Mix, Inc., answered questions from the Board. Motion Nick Jaeger/John Ader to approve the site development plan submitted by Schmitz Ready Mix, Inc., to install a temporary ready mix concrete plant and perform minor site improvements per the terms of its application, with waiver of any requirement to install privacy slats in the temporary fencing, and subject to the following conditions. Staff shall mail to the owner and residents of the Cleveland Heights Mobile Home Community a letter explaining the need for the interim plant installation. The thirteen conditions recommended by the Plan Commission and contained within the

February 4, 2017, Staff Report to Village Board of Cleveland are incorporated and made part of this approval (refer to Attachment 1); carried without negative vote. Motion John Ader/Jacob Holzwart to close the floor; carried without negative vote.

**IV. CITIZEN INPUT AND COMMUNICATIONS, INCLUDING REQUEST TO JOIN WIAO.** Director Grunwald reported the Village received notice from the Wisconsin Department of Revenue that Sheboygan Scrap Metals, Inc., was out of business. The Wisconsin Independent Assessing Officers Association recently formed and asked if the Village would consider becoming a member. *Referred to Finance and Budget Committee.*

- *David and Cheryl Kohl, 1235 Lake Bluff Court.* Ms. Kohl read and submitted a written request for a fireworks permit. *Referred to Human Resources and Public Safety Committee.*

**V. JANUARY 17, 2017, MINUTES APPROVAL.** Motion Joel Roehrig/Nick Jaeger to approve the January 17, 2017, Village Board minutes as presented; carried without negative vote.

**VI. SPECIAL EVENT LICENSING**

- A. TEMPORARY CLASS “B”/“CLASS B” RETAILER’S LICENSE: UNITED WAY OF MANITOWOC COUNTY.** Motion Nick Jaeger/John Ader to grant a Temporary Class “B” Retail License and Temporary “Class B” Retail License to the United Way of Manitowoc County for an event to be held at Lakeshore Technical College on March 18, 2017, per the terms of the application and with the condition that the fee and full list of officers be provided prior to issuance. Motion carried without negative vote.
- B. TEMPORARY OPERATOR’S LICENSES: ANGEL HOBAN.** Motion Andy Williams/John Ader to grant a Temporary Operator’s License to Angel Hoban for March 18, 2017, with the condition that the fee be paid prior to issuance; carried without negative vote.

**VII. FINANCE AND BUDGET**

- A. MONTHLY VOUCHER LIST.** Motion Joel Roehrig/Nick Jaeger to approve the monthly voucher report; carried without negative vote.
- B. WATER AND SEWER UTILITY RATES; RATE CASE APPLICATION REPORT.** Director Grunwald provided an update on the Water Utility rate case application and Sewer Utility rates.
- C. POMP’S TIRE ACCOUNT REPORT.** Director Grunwald reported the Cleveland Fire Department had used the Village of Cleveland account at Pomp’s Tire to purchase tires for its trucks without the Village’s approval. She was working with Pomp’s and the Department to rectify the issue.

**VIII. HOLIDAY AND SEASONAL STREET DECORATIONS.** Trustee Ader presented an updated price list to the Board. Motion Kathy Stolzmann/Jacob Holzwart to approve the purchase of lighted holiday decorations from Temple Display in an amount not to exceed \$15,000; carried without negative vote. The Board by consensus designated Trustee Ader to determine locations. Trustee Ader also updated the Board on the Adopt-a-Pole program.

**IX. MANITOWOC COUNTY VILLAGE ASSOCIATION**

- A. CHANGE IN MEETING SCHEDULE.** The Board determined by consensus there would not be a meeting schedule that would work for all of the municipalities, and had no strong opinion regarding the number of meetings each year.
- B. RSVP AND FACILITY PAYMENT POLICY.** The Board by consensus supported each municipality paying the Manitowoc County Village Association for the number of attendees it reports will be present, regardless of whether they all attend, plus any extra amount if more attend than had been indicated. It supported the host municipality arranging the location and menu, with the responsibility for reporting to the venue anticipated attendance counts belonging to the municipality in charge of the Association overall.

**X. EMERGENCY GOVERNMENT RESPONSIBILITIES AND TRAINING.** After discussion, the Board considered its Emergency Government responsibilities and declined to participate in the offer for in-person training extended by Manitowoc County Deputy Director of Emergency Services Jamie Aulik.

**XI. STAFF AND COMMITTEE REPORTS.**

- A. **POLICE DEPARTMENT.** Report on file.
- B. **ADMINISTRATION.** Director Grunwald reviewed the tax collection report and encouraged the Trustees to vote in the February Primary since the expected turnout was very low.
- C. **PLAN COMMISSION, 02/01/17.** Member Williams reported on the update to the Comprehensive Plan and the Commission's request for an ordinance addressing tourist rooming houses.
- D. **PUBLIC WORKS AND UTILITIES COMMITTEE, 01/10/17.** Reported at the January Board meeting.

**XII. ANNOUNCEMENTS AND EVENT REPORTS.**

- A. **WED JAN 18 .....** MANITOWOC CO VILLAGE ASSN, MARIBEL
- B. **TUE FEB 21 .....** SPRING PRIMARY
- C. **THU FEB 23 .....** PUBLIC WORKS AND UTILITIES COMMITTEE, 7PM. Moved to Monday, February 27, 2017.
- D. **WED MAR 1 .....** PLAN COMMISSION, 7PM
- E. **TUE MAR 7 .....** MUNICIPAL COURT, 4:30PM
- F. **TUE MAR 7 .....** FINANCE AND BUDGET COMMITTEE, 7PM
- G. **THU MAR 9 .....** FINANCE AND BUDGET COMMITTEE, 7PM. Canceled.
- H. **TUE MAR 14.....** FINANCE AND BUDGET COMMITTEE, 7PM
- I. **TUE MAR 21.....** VILLAGE BOARD, 7PM
- J. **SET COMMITTEE MEETINGS; REFER AGENDA ITEMS.** Human Resources and Public Safety Committee, Tuesday, February 28, 2017, 7pm.
- K. **ANY OTHER ANNOUNCEMENTS/EVENTS.** No other announcements or events.

**XIII. CLOSED SESSION**

- A. **CONVENE IN CLOSED SESSION.** Motion Andy Williams/John Ader to convene in closed session pursuant to Sec. 19.85(1)(e), Wis. Stats., to conduct other public business with regard to development agreements affecting the Tax Increment District, where competitive reasons require a closed session. Roll call—all ayes. Director Grunwald remained for the duration of the closed session.

*[Deputy Clerk-Treasurer Rusch left the meeting—9:25pm]*

The Board received an update from Director Grunwald and discussed existing and proposed development agreements with Expedite Development LLC and Hilltop Development LLC.

- B. **RECONVENE IN OPEN SESSION.** Motion Kathy Stolzmann/John Ader to reconvene in open session pursuant to Sec. 19.85(2), Wis. Stats. Roll call—all ayes.
- C. **POSSIBLE ACTION ON MATTERS DISCUSSED IN CLOSED SESSION.** Motion Kathy Stolzmann/Joel Roehrig to invoke penalties for the 2015 and 2016 tax equivalents and interest per the terms of the development agreement with Hilltop Development LLC. Motion carried, one abstention (Fink.)

- XIV. **ADJOURNMENT.** Motion Nick Jaeger/Andy Williams to adjourn; carried without negative vote. The meeting adjourned at 9:42pm.

Respectfully submitted,

**/S/Stacy Grunwald**

Stacy Grunwald  
Director of Village Services

Approved on 03/21/2017  
Amended on 04/11/2017