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**VILLAGE BOARD OF CLEVELAND
MONTHLY MEETING**

**TUESDAY, MARCH 21, 2017
7:00 PM – 9:40 PM
CLEVELAND VILLAGE HALL**

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, March 21, 2017, at the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland, Wisconsin.
- Board Present: Kathy Stolzmann, Village President
John Ader
Robert Fink
Jake Holzwart
Nicholas Jaeger
Joel Roehrig
- Board Absent: Andy Williams (excused)
- Staff Present: Timothy Barber, Chief of Police
Stacy Grunwald, Director of Village Services
Julie Rusch, Deputy Clerk-Treasurer
- II. SCHMITZ READY MIX, INC., PROJECT: 1025 NORTH AVE (also known as 1024 North Ave) and 1327 JUNIPER ST, CLEVELAND**
- A. NATURE AND LOCATION OF PROJECT.** President Stolzmann summarized the proposal by Schmitz Ready-Mix to install and operate a concrete manufacturing plant at the former canning company property located at 1025 North Avenue. The firm also acquired the adjacent lot at 1327 Juniper Street, which had been operated by American Innovation. Previously, the Plan Commission recommended and the Village Board approved a Conditional Use Permit for the project. The Village Board also approved an Initial Resolution to issue Industrial Development Revenue Bonds (IRBs) for the project. The Board had determined the Schmitz proposal was an appropriate redevelopment of a difficult property that was expected to bring new jobs to Cleveland.
- B. PUBLIC HEARING.** President Stolzmann opened the floor for the public hearing on the proposed issuance of IRBs, and on the nature and location of the project.
- *Richard Doersch, 1140 W. Madison Ave., Cleveland.* Spoke in opposition. There being no other party wishing to speak, President Stolzmann closed the public hearing.
- C. FINAL RESOLUTION.** Motion Nick Jaeger/John Ader to approve issuance of Industrial Development Revenue Bonds in an aggregate principal amount not to exceed \$6,000,000 for the purpose of financing the Schmitz Ready Mix, Inc., redevelopment project at 1025 North Avenue and 1327 Juniper Street, Cleveland. Roll call—all ayes; motion carried. [Parcel Nos. 031-028-002-001.00 and 031-028-002-001.01, respectively]
- III. SITE DEVELOPMENT PLAN: SHEBOYGAN AREA SCHOOL DISTRICT.** President Stolzmann explained the proposed changes at Cleveland Elementary School and noted the Plan Commission recommended conditional approval. Motion Joel Roehrig/John Ader to approve the Site Development Plan submitted by Sheboygan Area School District to construct a one-story, approximately 5420 ft² addition to Cleveland Elementary School, 411 E. Washington Avenue, for the purpose of replacing temporary classroom space; and to complete interior remodeling and roof repairs for the remaining existing structure, all per the terms of the application and supplemental materials. The start of construction must be initiated within 365 days of this site plan approval, and the facility must be operational within 730 days of site plan approval, unless the operational date is extended at the time of approval. Failure to initiate development will automatically revoke the zoning permit. Motion carried without negative vote. [Parcel No. 031-027-009-002.00]

- IV. CITIZEN INPUT AND COMMUNICATIONS.** Director Grunwald reported on four communications. (1) New regulations were in place regarding Tax Increment District reporting and Ehlers & Associates had offered a contract for the Village's consideration. *Referred to Finance and Budget Committee.* (2) Saxon Creamery continued its interest in off-site commercial signage as part of the Sign Ordinance update and provided locations it would place signage if given the opportunity. (3) A bill, LRB 2285, was circulating in the State Legislature that would allow persons to refuse entry to the assessor but still contest the assessed value before the Board of Review and file a claim of excessive assessment. It would prevent the assessor from raising the value on the property. It would also allow a party who has not complied with a request for income information to file a claim for excessive assessment. (4) A resident in the Mobile Home Community reported her sign had been stolen. The Village had removed the unapproved sign from a Village signpost located in the Juniper St. right-of-way, where it had been exchanged for a Village warning sign. The Village's sign has not been turned in.
- *Cheryl Kohl, 1235 Lake Bluff Ct., Cleveland.* Thanked the Human Resources and Public Safety Committee and Village Board for not putting a new fireworks ordinance in place.
- V. FEBRUARY 14, 2017, MINUTES APPROVAL.** Motion Jake Holzwart/Robert Fink to approve the minutes of the February 14, 2017, meeting; carried without negative vote.
- VI. LICENSES AND PERMITS**
- A. CLASS "B" FERMENTED MALT BEVERAGE RETAIL LICENSE.** Motion Nick Jaeger/Jake Holzwart to grant a Class "B" Fermented Malt Beverage Retail License to the Cleveland Athletic Club per the terms of the application for the period April 30, 2017, through October 30, 2017; carried without negative vote.
- B. SOUND PERMIT: ANA GALLEGOS, VFW CLUBHOUSE, 04/01/17, 6PM-9PM.** Withdrawn.
- VII. FINANCE AND BUDGET**
- A. MONTHLY VOUCHER LIST.** Motion Joel Roehrig/John Ader to approve the monthly voucher list; carried without negative vote.
WI INDEPENDENT ASSESSING OFFICERS ASSOC MEMBERSHIP OFFER. (*Referral to Finance and Budget Committee.*) Chair Jaeger reported the Finance Committee recommended the offer for membership be filed. After discussion of the membership in the context of LRB 2285, the Board accepted the Finance Committee recommendation and accepted the information for filing.
- B. FEE SCHEDULE AMENDMENT: TEMPORARY "CLASS B" WINE LICENSES.** Chair Jaeger stated the Finance Committee recommended approval of the fee schedule amendment. Motion Jake Holzwart/Robert Fink to amend the fee schedule to include a \$10 application fee for a Temporary "Class B" wine license; carried without negative vote.
- C. HIKA PARK PEDESTRIAN BRIDGE FUNDING.** Chair Jaeger reported the Finance Committee recommended the Village authorize additional funds to construct and install the pedestrian bridge due to materials and prevailing wage cost increases since the project bid was awarded in 2013. Motion John Ader/Nick Jaeger authorizing Staff to withdraw an additional \$5000 from the Park Improvement Fund for the Hika Park Pedestrian Bridge project if there are insufficient grants and donations to cover project costs; carried without negative vote. This brings the total authorized withdrawal from the Fund for approved Hika Park projects—including the bridge, kiosks, and restoration of the Bouda viewing platform—to \$17,000.
- D. COMPREHENSIVE PLAN 10-YEAR UPDATE CONTRACT.** Trustee Ader reviewed the Plan Commission's recommendation for the 10-year update of the Village's comprehensive plan. Motion John Ader/Robert Fink to accept the Bay-Lake Regional Planning Commission Scope of Services and Cost: Comprehensive Plan Update at a cost of \$7000; carried without negative vote.
- E. VILLAGE PROPERTY ACQUISITION FUNDING.** President Stolzmann explained the Plan Commission was considering the acquisition of two properties in the Village but there was no funding in the budget. *Referred to Finance and Budget Committee.*
- VIII. HUMAN RESOURCES AND PUBLIC SAFETY**
- A. AMENDMENT TO SEC. 502 WORK SCHEDULES, EMPLOYEE HANDBOOK.** Chair Roehrig explained the update to Sec. 502 and reported the Human Resources Committee recommended approval. President Stolzmann added that employee policy updates are completed as opportunities arise. Motion Nick Jaeger/John Ader to approve the update to Sec. 502 Work Schedules of the Employee Handbook as recommended; carried without negative vote.
- B. EDUCATION ASSISTANCE REQUEST: STACY GRUNWALD.** Chair Roehrig reported the Human Resources Committee recommended approval as Chief Barber had recently completed the

coursework for his degree, creating an opening in the program. There was already funding in the 2017 budget. Motion Joel Roehrig/Robert Fink to approve the request from Stacy Grunwald to participate in the Education Assistance program; carried without negative vote. [Sec. 314 *Education Assistance*, Employee Handbook]

IX. PUBLIC WORKS AND UTILITIES

- A. STREET STRIPING: FRANKLIN DR. AND WESTVIEW ST.** After discussion, the Board suggested Director Grunwald complete street striping on both Franklin Drive and Westview Street in 2017 as follows: Franklin Drive, centerline striped from Lakeshore Drive to North Avenue and edge striped in the area of the south curve; and Westview Street, centerline striped from S. Cleveland Road to the bridge north of Meadowbrook Drive.
- B. AGREEMENT FOR CATHODIC PROTECTION SYSTEM RESURVEY AT WESTVIEW STREET LIFT STATION: CORRPRO COMPANIES, INC.** Trustee Ader reported the Public Works Committee recommended approval of the annual agreement. Motion Nick Jaeger/John Ader to approve the lump sum proposal submitted by Corpro to perform a cathodic protection resurvey for the Westview Street lift station; carried without negative vote.

- X. HOLIDAY AND SEASONAL STREET DECORATIONS.** The Board discussed disposal of the old lighted Christmas street decorations and policies for the fundraising program. Trustee Ader will offer the decorations for sale at the Village-wide garage sale on May 20, 2017, after which any remaining decorations will be disposed of as trash. Trustee Ader will also draft written policies for the 'Adopt-a-Pole' fundraising program. These will address, at minimum, where and how the funds are to be solicited; the differences between private and commercial solicitations, if any; how collected monies will be handled, receipted, and acknowledged; responsibility for the selection, storage, maintenance, and viewing location of the decorations; consideration of separate fundraising for a ground display; and identification of the party or parties responsible for oversight of the program and fundraising over time.

Trustee Fink noted he was preparing a GIS-based map of the Village showing streetlight locations and icons which could be used to locate specific decorations. This system would assist Public Works staff with where to place each type of decoration to avoid redundancy in the display.

The Board preferred the 9"-diameter red garland to wrap around streetlights with decorations. The alternative was a 6"-diameter red garland.

XI. STAFF AND COMMITTEE REPORTS.

- A. POLICE DEPARTMENT.** Chief Barber reported retired Cleveland Police Chief Ed Kummer passed away. Chief Kummer was the second-longest serving Chief in the Department's history. The Cleveland Police Department would be representing the Village at the visitation and funeral.
- B. ADMINISTRATION.** Director Grunwald provided updates on the tennis court repairs, 2017 street and crack sealing, recent interest in Tax Increment District lots and the former agricultural cooperative property at the north end of Hickory Street, and the sanitary sewer ordinance update.
- C. HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 02/28/17.** Chair Roehrig reported on the Fireworks Ordinance update and the fireworks permit request of Mr. and Mrs. David Kohl, which were returning to the agenda at the next meeting, and use of the Village's account at Pomp's Tire by the Cleveland Fire Department.
- D. PLAN COMMISSION, 03/01/17 and 03/15/17.** Member Ader reported the Plan Commission continued work on the Sign Ordinance update.
- E. PUBLIC WORKS AND UTILITIES COMMITTEE, 03/06/17.** Director Grunwald reported the Public Works Committee continued discussion on a SCADA system for the utilities, the Demolition and Salvage Ordinances, and an update to the Communications Ordinance to address utility structures in the right-of-way. Member Fink summarized the Committee's discussion on consolidating the multiple approved plans for the active area of Hika Park and repair of the boat launch. The Committee also learned a driveway was not installed according to approved plans as part of the Westview Street reconstruction project; since the owner had filed notice of the deficiency at the time of project completion but nothing was done, this will be fixed at the Village's cost.
- F. FINANCE AND BUDGET COMMITTEE, 03/07/17** (All Items on Agenda)

XII. ANNOUNCEMENTS AND EVENT REPORTS.

- A. MON APR 3 MUNICIPAL COURT, 4:30PM**
B. TUE APR 4..... SPRING ELECTION

- C. WED APR 5 PLAN COMMISSION
- D. THU APR 6 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 7PM
- E. TUE APR 11 VILLAGE BOARD, 7PM
- F. THU APR 13 PUBLIC WORKS AND UTILITIES COMMITTEE, 7PM
- G. TUE APR 18 VILLAGE BOARD ORGANIZATIONAL MEETING, 7PM
- H. WED APR 19 MANTOWOC COUNTY VILLAGE ASSOCIATION, MISHICOT
- I. SET COMMITTEE MEETINGS; REFER AGENDA ITEMS. No report.
- J. ANY OTHER ANNOUNCEMENTS/EVENTS. A session of Local Government 101, offered by the League of Wisconsin Municipalities, will be offered June 2 in Green Bay.

XIII. CLOSED SESSION

- A. **CONVENE IN CLOSED SESSION.** Motion Kathy Stolzmann/Nick Jaeger to convene in closed session pursuant to (1) Sec. 19.85(1)(c), Wis. Stats., to consider the compensation of public employees over which the Village Board has jurisdiction or exercises responsibility; and (2) 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. Motion carried. Director Grunwald was invited to remain for the duration of the closed session.

(1) The Board received a briefing on compensation claims informally brought forward by Employee A relating to compensation paid to Employee B for outside work, rest periods, and overtime/compensatory time earned. [Sec. 110 *Outside Employment*, Sec. 502 *Work Schedules and Breaks*, and Sec. 507 *Overtime and Compensatory Time*, Employee Handbook]

(2) The Board reviewed responses from Expedite Development LLC and Hilltop Development LLC to the March 15, 2017, Notices of Default of the Tax Increment District development agreements. The Board also clarified its intent with regard to the penalties and interest invoked against Hilltop Development LLC at its prior meeting.

- B. **RECONVENE IN OPEN SESSION.** Motion Kathy Stolzmann/Nick Jaeger to reconvene in open session pursuant to Sec. 19.85(2), Wis. Stats. Roll call—all ayes.

POSSIBLE ACTION ON MATTERS (1) AND (2) DISCUSSED IN CLOSED SESSION. The Board took no action on the first matter. On the second matter: Motion Kathy Stolzmann/Nick Jaeger that “due to the \$614,000 shortfall in guaranteed assessed fair market value required under the July 12, 2011, *Development Agreement* between the Village and Hilltop Development LLC, the Village Board finds Hilltop Development LLC in default and invokes a Development Performance Penalty pursuant to Sec. 2.02 of the *Development Agreement* in the amount of \$26,621.24, representing the tax equivalent for 2015 and 2016. The Village Board further invokes additional interest of \$1,607.02 for the principal balance remaining due on November 1, 2015 and November 1, 2016, pursuant to Sec. 1 of the *Second Agreement (Development Performance Penalty)* dated April 14, 2015. This combined balance of \$28,228.30 is due on or before April 24, 2017. If payment is not made on or before that date, pursuant to Sec. 11.02 of the *Development Agreement* and Sec. 3 of the *Second Agreement (Development Performance Penalty)*, the outstanding balance will be levied in the form of a special charge to be included on the real estate tax bills of the properties owned and/or operated by Hilltop Development LLC, and will be due and payable with the next real estate tax bill.” Motion carried without negative vote.

- XIV. **REFERRAL OF REQUEST TO AMEND THE DEVELOPMENT AGREEMENT DATED AUGUST 11, 2009: KEVIN KLEINERT, EXPEDITE DEVELOPMENT LLC (HILARY HEIGHTS PHASE II)** *Referral from January 17, 2017, Village Board regular meeting.* Motion Nick Jaeger/John Ader to table indefinitely the request submitted by Kevin Kleinert on behalf of Expedite Development LLC to amend the *Development Agreement* dated August 11, 2009, for Hilary Heights Phase II; carried without negative vote.

- XV. **ADJOURNMENT.** Motion Kathy Stolzmann/Nick Jaeger to adjourn; carried without negative vote. Meeting adjourned at 9:40pm.

Respectfully submitted,

/S/STACY GRUNWALD

Stacy Grunwald
Director of Village Services

Approved on 4/11/17