

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

**TUESDAY, NOVEMBER 21, 2017
7:02 PM – 9:40 PM**

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 7:01pm on Tuesday, November 21, 2017, at the Cleveland Village Hall, 1150 W. Washington Avenue, Cleveland, Wisconsin.

Board Present: Kathy Stolzmann, Village President
John Ader
Jacob Holzwart
Nick Jaeger
Joel Roehrig
Andy Williams

Board Absent: Robert Fink (excused)

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

Motion Roehrig/Holzwart to approve the agenda; carried without negative vote.

- II. CONDITIONAL USE PERMIT: THE LITTLE BEAN LLC, 1044A HICKORY AND 1034 W GRANT**

A. APPLICATION SUMMARY AND PLAN COMMISSION RECOMMENDATION. Trustee Williams abstained as his wife, Jamie Williams, was the owner/operator of the proposed business. President Stolzmann summarized the application to install a commercial kitchen at the Hickory Street property and operate a catering business from both properties. She explained the Plan Commission recommended conditional approval. There were no conditions related to parking as the Commission believed off-street parking was sufficient for the anticipated traffic volume at this time.

B. PUBLIC HEARING. President Stolzmann opened the floor for the public hearing. No one present offered comment. There were no communications to report. The floor was closed.

C. DISCUSSION/ACTION. Motion Jaeger/Holzwart to grant a Conditional Use Permit to The Little Bean LLC/Jamie Williams, Owner/Operator to operate a catering business at 1034 W. Grant Ave., [Parcel No. 031-500-003-004.01] except that operations related to deliveries and food preparation shall be conducted from a commercial kitchen to be installed at 1044A Hickory St. on a property owned by Mr. and Mrs. Steve Holzwart [Parcel No. 031-500-004-003.01], with the following conditions:

- Operations at 1034 W. Grant Avenue shall comply with Sec. 10-1-33 *Special requirements governing home occupations* of the Village of Cleveland Code of Ordinances.
 - The terms of the permit can be amended as needed by the Village of Cleveland, upon prior notice to the permit holder, sent by first-class, postage paid mail through the United States Postal Service to the most recent address on file.
 - This permit expires on November 21, 2018, unless the approved use is commenced prior to that date.
 - This permit expires if the approved use ceases for 12 months, if water service is disconnected for 12 months, or if there is no recorded water usage for 12 months.
 - The permit can be terminated by mutual agreement of the permit holder and Village.
- Motion carried without negative vote, one abstention (Williams).

- III. YEAR 2018 BUDGET PUBLIC HEARING.** President Stolzmann opened the floor for the public hearing to accept testimony on the proposed Year 2018 budget. No one present offered comment; no communications were reported. President Stolzmann closed the floor.

- V. **CITIZEN INPUT AND COMMUNICATIONS, including DAVID AND CAROL PFAFFENBACH LETTER re HILARY HEIGHTS PENDING BUILDING PERMIT APPLICATION and VILLAGE RESPONSE.** President Stolzmann shared a communication from David and Carol Pfaffenbach regarding the building permit application filed by Expedite Development LLC to construct a duplex at property owned by the Hilary Heights Condominium Owners Association. The Pfaffenbachs indicated they had invested money in the project with the intent to purchase one-half of the duplex and requested that she look into the reason for the lengthy review. President Stolzmann also shared her response to the Pfaffenbachs, to which there had been no reply.

No other communications were reported. President Stolzmann opened the floor for citizen input.

Mr. Kevin Behnke, Manitowoc County Board Supervisor. Discussed the proposed Manitowoc County 0.5% sales tax.

No other input was offered. President Stolzmann closed the floor.

- VI. **REFERRAL REQUESTS, including RANDY AND BARBARA EWERT, SEWER UTILITY CREDIT.** *Referred to Public Works and Utilities Committee.*

VII. **MINUTES**

- A. **SEPTEMBER 19 2017, REGULAR MEETING.** Motion Jaeger/Ader to approve the minutes of the September 19, 2017, regular meeting; carried without negative vote.
- B. **OCTOBER 17, 2017, REGULAR MEETING.** Motion Roehrig/Williams to approve the minutes of the October 17, 2017, regular meeting; carried without negative vote.
- C. **NOVEMBER 2, 2017, COMMITTEE OF THE WHOLE.** Motion Holzwart/Ader to approve the minutes of the November 2, 2017, Committee of the Whole meeting; carried without negative vote.

VIII. **ALCOHOL LICENSING**

- A. **TEMPORARY RETAIL LICENSES.** Motion Jaeger/Williams to grant a Temporary Retail Class "B" fermented malt beverage license and a Temporary Retail "Class B" wine license to Centerville Settlement, Inc. at Kessler's Old World Guest House, 1278 Alpine Ct, Cleveland, on December 3, 2017; carried without negative vote.
- B. **TEMPORARY OPERATOR'S LICENSE.** Motion Williams/Holzwart to grant a Temporary Operator's License to Nathan Chisholm for December 3, 2017; carried without negative vote.
- C. **OPERATOR'S LICENSE.** Motion Holzwart/Roehrig to grant an Operator's License to Kevin C. Hurley through term ending June 30, 2018; carried without negative vote.

IX. **ELECTION INSPECTORS**

- A. **APPOINTMENTS.** Motion Holzwart/Jaeger to appoint the following Election Inspectors for the term January 1, 2018, through December 31, 2019: Aggie Deehr, Jessie Hansmann, Phyllis Hickmann, Angie Holfeltz, Elaine Johnson, Dawn Kelm, Marilyn Mrotek, Jane Thompson, Jane Wagner, and Julie Weber. Motion carried without negative vote.
- B. **WAGE RATES.** Motion Jaeger/Williams to establish the hourly wage rate for an Election Inspector as the Federal minimum wage, with an additional \$0.50/hour for an Election Inspector who is qualified to serve as a Chief Election Inspector. Motion carried without negative vote.

X. **FINANCIALS**

- A. **MONTHLY VOUCHER LIST.** Motion Roehrig/Holzwart to approve the October 2017 voucher list; carried without negative vote.
- B. **YEAR 2018 BUDGET ADOPTION.** Motion Williams/Ader to adopt summary of the Year 2018 budget as presented; carried without negative vote. [Refer to Attachment 1.]
- C. **RESOLUTION TO ESTABLISH YEAR 2017 PAYABLE 2018 TAX LEVY.** Motion Jaeger/Holzwart to establish the Year 2017 payable 2018 property tax levy at \$600,131.41; carried without negative vote. [Resolution No. 2017-R-05]
- D. **RESOLUTION OF SUPPORT FOR MANITOWOC CO 0.5% SALES TAX.** The Board discussed the current inability of the Village to adequately fund street maintenance; comments made by other Village representatives and Manitowoc County Executive Ziegelbauer at the October 2017 Manitowoc County Village Association meeting; information presented by Supervisor Behnke during citizen input; and the merits and costs for the Board to take a position. Motion Jaeger/Ader to approve the resolution in support of the Manitowoc County 0.5% sales tax provided the revenue is shared with

local municipalities; carried without negative vote. The Board directed the resolution be distributed to the County Executive, County Board, and all local heads of government in Manitowoc County. They also offered to participate with other interested municipalities in the development of an implementation plan for the sales tax. [Resolution No. 2017-R-06]

- XI. VETERANS PARK MASTER PLAN AMENDMENT: TRAILS.** Motion Williams/Jaeger to amend the Veteran's Memorial Park Park Site Master Plan dated November 1996 to include high-accessibility trails requested by the Cleveland Athletic Club to improve access for those requiring mobility assistance devices; carried without negative vote. [Refer to Attachment 2.]
- XII. REPORTS ON COMMITTEE REFERRALS: BUILDING INSPECTION SERVICES.** Chair Roehrig reported the Human Resources and Public Safety Committee reissued the Request for Proposals since there were no responses to the initial RFP. They have narrowed the requested scope to require only certification for residential inspections, with commercial certification preferred. The new deadline is December 11, 2017.
- XIII. STAFF AND COMMITTEE REPORTS**
- A. POLICE DEPARTMENT.** Report on file.
 - B. ADMINISTRATION.** Director Grunwald updated the Board on several projects: SCADA RFP, election preparation, site plan filed for the Hilltop Development property, Hika Park pedestrian bridge and boat landing, the Water Utility rate case, N. Linden Street property sale, LRIP grant application, health insurance transition, and distribution of the 2016 financial statement.
 - C. PLAN COMMISSION, 11/01/17.** President Stolzmann reported the Commission is trying to work on the 10-year update of the 20-Year Comprehensive Plan.
 - D. PUBLIC WORKS AND UTILITIES COMMITTEE, 11/07/17.** Chair Williams reported on the Committee's work on the Hika Boat launch, East Wind Garden Club request for the use of outdoor space at Village Hall, the DNR WWTP inspection, and the DNR Water Utility sanitary survey.
 - E. FINANCE AND BUDGET COMMITTEE, 11/14/17.** Chair Jaeger reported all items taken up by the Finance Committee were on the agenda.
 - F. HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 11/16/17.** Chair Roehrig provided an update on the interdepartmental cross training.
- XIV. ANNOUNCEMENTS AND EVENT REPORTS.**
- A. WED OCT 18..... MANITOWOC COUNTY VILLAGE ASSN, REEDSVILLE, 6:30PM**
 - B. NOV 23-24..... VILLAGE HALL CLOSED; STAFF HOLIDAY**
 - C. TUE DEC 5..... MUNICIPAL COURT, 4:30PM**
 - D. WED DEC 6..... PLAN COMMISSION, 7:00 PM**
 - E. MON DEC 11..... HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 7:00PM**
 - F. TUE DEC 12..... PUBLIC WORKS AND UTILITIES COMMITTEE, 7:00PM**
 - G. THU DEC 14..... FINANCE AND BUDGET COMMITTEE, 7:00PM**
 - H. TUE DEC 19..... VILLAGE BOARD, 7:00PM**
 - I. ACTIVE SHOOTER TRAINING UPDATE.** It was thought Trustee Fink may have the DVD.
 - J. ANY OTHER ANNOUNCEMENTS/EVENTS.** No other announcements.
- XV. CLOSED SESSION**
- A. CONVENE IN CLOSED SESSION.** Motion Stolzmann/Jaeger to convene in closed session pursuant to Sec. 19.85(1)(e), Wis. Stats., where competitive reasons require a closed session to consider (1) the responsiveness of submittals from Expedite Development LLC, Hilltop Development LLC, and Kevin Kleinert of Expedite Services related to enforcement of development agreements; and (2) consideration of new enforcement requirements related to development agreements and the bioretention system with Expedite Development LLC. Roll call—all ayes. Motion carried. Director Grunwald remained for the duration of the closed session.
- The Board and Director Grunwald discussed 1) the response submitted by Mr. Kleinert to the Board's request for a plan to modify the existing basin at Hilltop Development, and 2) issues related to the bioretention system constructed by Mr. Kleinert on the Hilary Heights Condominium Owners Association property.

- C. **RECONVENE IN OPEN SESSION.** Motion Stolzmann/Jaeger to reconvene in open session pursuant to Sec. 19.85(2), Wis. Stats. Roll call—all ayes. The Board reconvened in open session at 9:37pm.
- D. **POSSIBLE ACTION ON MATTERS (1) AND (2) DISCUSSED IN CLOSED SESSION.** Motion Jaeger/Roehrig directing Staff to issue a notice of potential non-compliance to Expedite Development LLC and Mr. Kevin Kleinert for possible deficiencies in the bioretention system and related stormwater drainage easement on the property owned by the Hilary Heights Condominium Owners Association; carried without negative vote.
- XVI. **HILLTOP DEVELOPMENT, INC., 2015/2016 PENALTIES AND INTEREST: LEVY AS SPECIAL CHARGE.** Motion Jaeger/Williams that, pursuant to Sec. 11.02 of the *Development Agreement* and Sec. 3 of the *Second Agreement (Development Performance Penalty)* between the Village of Cleveland and Hilltop Development LLC, the 2015/2016 penalties and interest invoked against real estate owned by Hilltop Development LLC are levied as a special charge to be added to the 2017 payable 2018 tax roll. Motion carried without negative vote.
- XVII. **ADJOURNMENT.** Motion Stolzmann/Holzwart to adjourn; carried without negative vote. Meeting adjourned at 9:40pm.

Respectfully submitted,

/S/Stacy Grunwald

Stacy Grunwald
Director of Village Services

Approved on 12/19/2017