

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

**TUESDAY, NOVEMBER 20, 2018
7:00 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 7:00pm on Tuesday, November 20, 2018, at the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland, Wisconsin.

Board Present: Kathy Stolzmann, Village President
John Ader
Jonalee DeNoble
Terry Gottsacker
Jake Holzwart
Andy Williams
Louis Wilmot

Board Absent: None

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

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

- II. YEAR 2019 BUDGET HEARING.** Motion Stolzmann/Williams to open the Year 2019 Budget Hearing; carried without negative vote. The following persons addressed the Board with questions regarding the budget and 2017 financial audit.

Mr. and Mrs. Barrett Paasch, 1232 Franklin Dr.

Motion Ader/Williams to close the public hearing; carried without negative vote.

III. CITIZEN INPUT AND COMMUNICATIONS

- A. HILARY HEIGHTS CONDOMINIUM OWNERS ASSN MEETING REQUEST.** Trustee Wilmot recused himself from discussion. The Board after discussion determined that any issues and requests related to implementation and enforcement of the Development Agreements at Hilary Heights will remain in the Finance and Budget Committee.

Trustee Wilmot explained that, as a member of the Hilary Heights Condominium Owners Association, it was his policy to recuse himself from discussion and vote on any legal matter affecting the Association. Equally, it was his policy with the Association to recuse himself from discussion and vote on any legal matter related to his position as a member of the Village Board.

- B. REQUEST FOR SEWER UTILITY CREDIT: DAVID AND AUDREY AARDAPPEL.**
Referred to Finance and Budget Committee.

IV. MINUTES

- A. OCTOBER 16, 2018, REGULAR MEETING.** Motion Wilmot/DeNoble to approve the minutes of the October 16, 2018, regular meeting; carried without negative vote.
- B. OCTOBER 18, 2018, COMMITTEE OF THE WHOLE.** Motion Holzwart/Williams to approve the October 18, 2018, Committee of the Whole meeting minutes; carried without negative vote.
- C. OCTOBER 30, 2018, COMMITTEE OF THE WHOLE.** Motion DeNoble/Gottsacker to approve the minutes of the October 30, 2018, Committee of the Whole meeting; carried without negative vote.

V. ALCOHOL AND SPECIAL EVENT LICENSING

- A. AMPLIFIED SOUND REQUEST.** Motion Holzwart/Wilmot to approve the Amplified Sound Request submitted by Melissa Garcia for the period 2pm – 11pm at the VFW Clubhouse on Saturday, December 1, 2018; carried without negative vote.

- B. OPERATOR'S LICENSE.** Motion Williams/Ader to grant an Operator License to Colton Marcoe through the period ending June 30, 2019; carried without negative vote.

VI. FINANCIALS

- A. MONTHLY VOUCHER LIST.** Motion Ader/Gottsacker to approve the October 2018 voucher list; carried without negative vote.
- B. YEAR 2019 BUDGET UPDATE AND ADOPTION.** Director Grunwald reviewed the revised Year 2019 General Fund, Water Utility and Sewer Utility budgets. The Board made no changes to the budget as presented. Motion DeNoble/Williams to adopt the Year 2019 General Fund, Water Utility and Sewer Utility budget summaries; carried without negative vote.
- C. YEAR 2018 PAYABLE 2019 TAX LEVY.** Motion Wilmot/Holzward to establish a combined Year 2018 operating and debt levy of \$612,130.50. Roll call—all ayes. Motion carried. [Resolution No. 2018-R-05]
- D. CHANGE IN VILLAGE PRESIDENT'S SALARY (SEC. 2-2-8(a), CODE OF ORDINANCES).** Motion Ader/Gottsacker to amend Sec. 2-2-8(a), Code of Ordinances, to increase the Village President's salary to \$4800; carried without negative vote. [Ordinance No. 2018-O-03] The new salary will be effective with the 2019-2020 term of office.
- E. CLEVELAND STATE BANK LINE OF CREDIT RENEWAL: 2018-2020.** Director Grunwald reviewed the purpose for the line of credit, which most recently been used as a bridge to cover expenses until bond funds were received. It is also a backstop should an emergency arise that required a large cash outlay in the near-term, while other financing was secured. There was no cost to the having the line of credit unless it were drawn upon. Motion Holzward/Williams to approve the 2018-2020 line of credit with Cleveland State Bank in the amount of \$500,000 at 4% interest per annum; carried without negative vote.
- F. 1039 N. LINDEN ST. EXTENSION OF OFFER TO PURCHASE.** Staff requested the extension of Jason Berdyck's offer to purchase a portion of 1039 N. Linden St. to allow more time for the Village to complete the process to vacate the adjacent alley and W. Grant Ave. right-of-way. Mr. Berdyck already approved the extension. Motion Williams/Holzward to approve the Amendment to Offer to Purchase with Jason Berdyck with a revised closing date of April 30, 2019; carried without negative vote.
- G. EXPEDITE DEVELOPMENT LLC AND HILLTOP DEVELOPMENT LLC SPECIAL CHARGES.** Director Grunwald reported on the special charges previously authorized by the Village Board that are to be levied against the properties owned by Expedite Development LLC and Hilltop Development LLC. Motion Stolzmann/Ader to confirm its previous directive to levy the charges against Expedite Development LLC and Hilltop Development LLC; carried without negative vote. Director Grunwald indicated the Development Agreement with Hilltop Development LLC provided authority to levy unpaid penalties and interest through closure of the Tax Increment District. *Referred to Finance and Budget Committee.*

VII. REPORT ON ITEMS REFERRED TO COMMITTEE: BUILDING INSPECTION SERVICES

[referral to Human Resources and Public Safety Committee from Village Board 07/18/2017]. Staff was presenting two employment agreements for building inspection services under Item VIII.B. If approved, the terms of the Board's referral to committee will be met and no further report will be required.

VIII. CONTRACTS AND AGREEMENTS

- A. PROFESSIONAL SERVICES AGREEMENTS: MSA PROFESSIONAL ENGINEERS**
- 1. PARK LANE RECONSTRUCTION.** *Referred to Public Works and Utilities Committee for consideration of an agreement that encompasses a fully-reconstructed street profile.*
 - 2. PARK COURT REHABILITATION.** Motion Wilmot/Holzward to approve the Professional Services Agreement with MSA Professional Engineers for the Park Ct. rehabilitation project; carried without negative vote.
 - 3. W. JEFFERSON AVENUE REHABILITATION.** Motion Williams/Ader to approve the Professional Services Agreement with MSA Professional Engineers for the W. Jefferson Ave. reconstruction project, if staff determines the project description is consistent with the previous requirements of the Public Works and Utilities Committee. If inconsistent, the Agreement is to return to the Committee for further discussion. Motion carried.

- C. **EMPLOYMENT AGREEMENTS: G. JANE DRAGER AND MICHAEL ZIEREIS.** Ms. Drager and Mr. Ziereis signed the agreements. Motion Holzwart/Ader to approve the *Employment Agreements* for building inspection services with G. Jane Drager and Michael Ziereis with an effective date of December 1, 2018; carried without negative vote.

IX. STAFF AND COMMITTEE REPORTS.

- A. **POLICE DEPARTMENT.** Report on file.
- B. **ADMINISTRATION.** Director Grunwald provided updates and information to the Village Board on the General Election, Spring Election nomination packets, SCADA project, key distribution for the new exterior mailboxes at Village Hall, need to repeal and/or replace the current ordinance creating the Police Commission, draft policies distributed to employees and to be presented to the HR Committee, and contact with a firm interested in the breakwater project. [*Creation of Village Hall key policy referred to the Human Resources and Public Safety Committee.*]
- C. **HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 11/01/18.** Chair Holzwart reported the Committee had set aside the Intergovernmental Agreements for Cleveland Fire Department funding for now and requested additional information from the Department. The Committee was also working on an update of the Harassment policy after the topic had been broached at the last Manitowoc County Village Association meeting.
- D. **FINANCE AND BUDGET COMMITTEE, 11/13/18.** Chair Ader reported the Committee declined to recommend a change to the Village's per diem policy and clarified for Staff that Village attendees at future Joint Review Board meetings were eligible for per diem. The Committee also reviewed the cost and timeliness of the various financial reports and services provided by the Village's accountants and asked Staff to report on whether the Vendor can improve the timeliness of reports.
- E. **PLAN COMMISSION, 11/07/18, 11/14/18.** President Stolzmann reported the Commission heard a presentation from the Town of Centerville on farmland preservation options in the extraterritorial platting area, continued work on the Wayfinding Signage Plan, reviewed Vendor material related to breakwater construction and a grant application to update the Hika Park master plan, and completed one run through the Goals and Objectives of the Village's comprehensive plan.

X. ANNOUNCEMENTS AND EVENT REPORTS.

- A. **FRI OCT 26..... LEAGUE OF WISCONSIN MUNICIPALITIES CONFERENCE.**
President Stolzmann reported she and Director Grunwald were presenters at the conference on the topic of creating the Village administrator position.
- B. **MON NOV 26..... PUBLIC WORKS AND UTILITIES COMMITTEE, 7PM.** Moved to Thursday, December 13, 2018, 7pm.
- C. **TUE DEC 4..... MUNICIPAL COURT, 4:30PM**
- D. **WED DEC 5 PLAN COMMISSION, 7:00PM**
- E. **THU DEC 6 POLICE COMMISSION, 7PM**
- F. **MON DEC 10 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 7PM**
- G. **TUE DEC 11..... FINANCE AND BUDGET COMMITTEE, 7PM**
- H. **TUE DEC 18..... VILLAGE BOARD, 7PM**
- I. **DEC 24-25 STAFF HOLIDAY; VILLAGE HALL CLOSED**
- J. **ANY OTHER ANNOUNCEMENTS/EVENTS.** Cleveland is host of the January 16, 2019, meeting of the Manitowoc County Village Association. She and Trustee DeNoble will be unable to attend. Trustee Wilmot agreed to find a location and establish the menu.

[Members of the public and Deputy Clerk-Treasurer Rusch left the meeting—8:38pm]

- XI. CONVENE IN CLOSED SESSION.** Motion DeNoble/Ader to convene in closed session pursuant to (1) Sec. 19.85(1)(c), Wis. Stats., to consider the compensation and performance evaluation data of public employees over which the Village Board has jurisdiction or exercises responsibility; and (2) Sec. 19.85(1)(f), Wis. Stats., to consider the investigation of charges against a specific person which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person involved in the investigation. Roll call—all ayes. Motion carried. Director Grunwald was invited to remain for the duration of the closed session.

Director Grunwald reviewed performance outcomes that resulted in her implementing duty reallocations and wage adjustments for employees over which she had oversight responsibilities.

The Village Board received a complaint regarding the job performance of Village employees, including the Director of Village Services, which included a request for the termination of employment for the employees identified in the complaint. After discussion, the Village Board determined no action was warranted.

[REMAINDER OF CLOSED SESSION RECORD IS REDACTED UNTIL SUCH TIME AS THE RECORD BECOMES AVAILABLE FOR PUBLIC RELEASE.]

- XII. RECONVENE IN OPEN SESSION.** Motion Wilmot/DeNoble to reconvene in open session pursuant to Sec. 19.85(2), Wis. Stats. Roll call—all ayes. Motion carried.
- XIII. POSSIBLE ACTION ON MATTERS (1) AND (2) DISCUSSED IN CLOSED SESSION.** (1) Motion Holzwart/Gottsacker determining that, after review and discussion, no employment action was warranted in response to a complaint received regarding the job performance of Village employees; carried without negative vote. (2) Motion Williams/Wilmot directing staff to file and manage the investigation of charges against a Village property owner for violations of Department of Safety and Professional Services Administrative Code; carried without negative vote.
- XI. ADJOURNMENT.** Motion Stolzmann/Holzwart to adjourn; carried without negative vote. The meeting adjourned at 9:40pm.

Respectfully submitted,

/S/STACY GRUNWALD

Stacy Grunwald
Director of Village Services

Approved on 12/18/2018