

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

TUESDAY, JULY 16, 2019

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 6:01pm on Tuesday, July 16, 2019, at the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland, Wisconsin.

Board Present:	Kathy Stolzmann, Village President	Board Absent:	Jonalee DeNoble (excused)
	John Ader	Staff Present:	Stacy Grunwald, Director of Village Services
	Jason Berdyck		Julie Rusch, Deputy Clerk-Treasurer
	Jacob Holzwart		
	Andy Williams		
	Louis Wilmot		

Motion Williams/Holzwart to approve the agenda as posted; carried without negative vote.

- II. CITIZEN INPUT AND COMMUNICATIONS.** No input was offered; no communications, reported.

- III. JUNE 18, 2019, REGULAR MEETING AND JUNE 27, 2019, SPECIAL MEETING MINUTES.** Motion Wilmot/Holzwart to approve the minutes of the June 18, 2019, regular meeting as presented; carried without negative vote.
Motion Holzwart/Williams to approve the minutes of the June 27, 2019, special meeting as presented; carried without negative vote.

- IV. ALCOHOL AND SPECIAL EVENT LICENSING**

- A. TEMPORARY RETAIL.** Motion Holzwart/Ader to grant a Temporary Retail Class “B” Fermented Malt Beverage license to the Cleveland Lions Club for the period August 3-4, 2019, at Dairyland Park; carried without negative vote.
- B. TEMPORARY OPERATOR.** Motion Ader/Holzwart to grant a Temporary Operator’s License to Edward Jesinski for the period August 3-4, 2019; carried without negative vote.
- C. AMPLIFIED SOUND.** Motion Holzwart/Wilmot to grant the Amplified Sound Request submitted by the Cleveland Lions Club for the periods 11am-6pm on August 3, 2019, and 1pm-5pm on August 4, 2019, at Dairyland Park; carried without negative vote.
- D. OPERATOR.** Motion Wilmot/Williams to grant Operator’s Licenses for the period ending June 30, 2020, to Thomas Albright, Sydney DeVriend, and Cheyenne Morgan; carried without negative vote.

- V. CONTRACTS AND AGREEMENTS**

- A. STREET PROJECTS AGREEMENT AMENDMENT NO. 1: MSA PROFESSIONAL SVCS.** The Public Works Committee recommended approval. Motion Holzwart/Wilmot to approve Amendment No. 1 to the agreement with MSA Professional Services for sanitary sewer engineering and special assessment services; carried without negative vote.
- B. WATER TOWER CATHODIC PROTECTION SURVEY: CORRPRO.** Motion Williams/Ader to approve the Water Tower Cathodic Protection Service Agreement with Corpro; carried without negative vote.
- C. KJB INDUSTRIAL LLC AMENDMENT TO SALE AGREEMENT LOT 12, PARKVIEW.** Director Grunwald presented an agreement amendment negotiated with the purchases of Lot 12 in the former Tax Increment District No. 1. Last month, the Board approved an amendment that required start of construction on or before December 31, 2019. After discussion with the Building Inspector, there was concern the backlog of work at the State would interfere with the owner’s ability to meet that timeframe. The proposed amendment focused instead on completion by December 31, 2020, with the same \$500 forfeit of deposit as approved last month. Motion Wilmot/Williams to approve as presented Amendment No. 1 to Attachment A Terms and Conditions of the Agreement for Sale with KJB Industrial Properties LLC; carried without negative vote.
- D. OFFER TO PURCHASE A PORTION OF 1039 N LINDEN ST: ROBERT BAUKNECHT.** Motion Williams/Stolzmann to open the floor to allow the Village’s Realtor, Mr. Kevin Neelis of Heritage Real Estate, to participate in discussion; carried without negative vote. Mr. Neelis reviewed the terms of the offer submitted by Mr. Robert Bauknecht to purchase part of the lot at 1039 N. Linden St. He believed the intention was to construct a home on the property within 12-18 months. Mr. Bauknecht understood the back portion of the land would be sold to someone else. Mr. Neelis thought the buyer would accept a \$10,000 counteroffer, and suggested sharing the surveying cost with the buyer of the rear part so the Village has no cost for the division of the parcel. He also recommended the Village adopt a 24-month construction window.

Director Grunwald suggested Trustee Berdyck recuse himself from participation in the discussion or vote on this item due to his conflict of interest as buyer of the rear part of the parcel. Trustee Berdyck acknowledged the concern but declined.

Trustee Wilmot requested clarification on Trustee Berdyck's interest in the property. Director Grunwald explained that Trustee Berdyck had an accepted offer to purchase the rear ±103 feet of the lot, which included the requirement that he pay all of the survey costs. The suggestion from Mr. Neelis was that these survey costs be shared with the buyer of the front portion of the lot. Trustee Berdyck stated he did not think it fair to impose survey costs on the buyer when these costs were already included in his approved offer.

The current zoning did not allow construction of a residence. Mr. Neelis believed the buyer anticipated the Village would, at its expense, rezone the property to a district allowing single-family homes.

The Board discussed a counter offer and the terms and conditions that should be included. Motion Williams/Holzward to counteroffer as follows: (1) sale price, \$10,000; (2) construction deposit, \$1000; (3) rezoning prior to closing to a district of the Village's choosing that permits single-family residences, with a \$250 contribution from the buyer toward rezoning costs; (4) improvements to include facilities connected to water and sewer service; (5) project completion within 24 months of date of closing; (6) post-construction value of \$75,000, including land value; (7) no real estate tax proration or survey costs to the buyer; and (8) closing to take place at the end of October. Motion carried without negative vote. Director Grunwald will draft the counteroffer based on the Village's most recent sale agreement form and forward to Mr. Neelis.

Motion Berdyck/Stolzmann authorizing Staff to sign, file and record all documents related to sale of the property, including title, deed, survey, and zoning paperwork, if the counteroffer is accepted without change; carried without negative vote.

Motion Wilmot/Ader to close the floor; carried without negative vote.

[Realtor Kevin Neelis left the meeting—6:44pm]

Motion Berdyck/Holzward to reconsider the amendment to the sale agreement with KJB Industrial LLC (Item V (c), above); carried without negative vote. The agreement requires construction to be completed within 29.5 months of the closing date with a penalty of \$500. Director Grunwald explained the December 31, 2020, completion was chosen because it was one year after the Board's initial requirement that the project had to start on or before December 31, 2019. For tax revenue purposes, it wouldn't matter if the project was completed in May, September or December—the value on January 1 was the value that mattered. After discussion, it was noted the existing agreement and the extra time for completion supported retaining the \$500 deposit forfeiture.

VI. FINANCIALS

- A. **MONTHLY VOUCHER REPORT.** Motion Ader/Berdyck to approve the June 2019 voucher report; carried without negative vote.
- B. **BUILDING PERMIT PENALTY WAIVER REQUEST: MR. THOMAS KNOCKE.** The Finance Committee reviewed the request and testimony from Mr. Knocke, and the reasons the members recommended denial. After discussion, motion Holzward/Ader to uphold the Finance Committee recommendation and deny the penalty waiver request submitted by Mr. Thomas Knocke; carried without negative vote.
- C. **SPECIAL ASSESSMENT POLICY INTERPRETATION AND AMENDMENT.** Director Grunwald reviewed her memorandum outlining possible formula changes to the assessment policy, including removal of water and sewer utility infrastructure costs and individualizing certain property-specific costs, as had been done on the Franklin Dr. and Westview St. projects. After discussion, motion Williams/Holzward to remove water and sanitary sewer costs, other than building laterals, from the project costs eligible for assessment; and to assess certain individualized costs against the property receiving the benefit rather than to all properties equally, including driveways, building laterals, and curb and gutter. Motion carried without negative vote. Staff was directed to draft appropriate amendments to the Special Assessment Policy. Motion Holzward/Wilmot to assess the W. Jefferson Ave. and Park Ct. projects consistent with these changes; carried without negative vote.
- D. **DETERMINATION OF SPECIAL BENEFIT: 1120 W JEFFERSON AVE.** Director Grunwald requested the Board determine whether the lot at 1120 W. Jefferson Ave. derived sufficient special benefit for its full width as to be fully assessable. The street is currently constructed to only one-third of the lot's frontage; the remaining two-thirds is unimproved but will face the new cul-de-sac terminus and new sanitary and stormwater infrastructure. Since the project area as a whole encompasses the full width of the lot, the engineer included the entire frontage as assessable. After discussion, motion Berdyck/Holzward to exempt from assessment the frontage at 1120 W. Jefferson Ave. that falls east of the reconstructed driveway, as the cul-de-sac and sanitary and stormwater improvements are in an area of new infrastructure serving residential development for which the Board will provide alternative financing; carried without negative vote.
- E. **PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR THE W. JEFFERSON AVE. AND PARK CT. STREET PROJECTS.** Motion Ader/Holzward to approve the Preliminary Resolution Declaring Intent to Levy Assessments for the W. Jefferson Ave. and Park Ct. Street Projects; carried without negative vote. [Resolution No. 2019-R-08]

VII. STAFF, COMMITTEE, AND REFERRAL REPORTS.

- A. POLICE DEPARTMENT.** Report on file.
- B. ADMINISTRATION.** Director Grunwald answered questions on the building permit report, Schmitz Ready Mix project, water main breaks, and the SCADA project.
- C. FINANCE AND BUDGET COMMITTEE, 07/02/19.** Chair Ader reported the Village did not have a late charge policy for non-utility items and the attorney advised each type of invoice would require separate review to draft a policy. Staff will provide a list of invoice types most commonly issued.
- D. VFW CLUBHOUSE NOISE, TRAFFIC AND TRESPASSING ISSUES.** Scheduled for the August 1, 2019, Human Resources and Public Safety Committee meeting.

VIII. ANNOUNCEMENTS AND EVENT REPORTS.

- A. WED JUL 17 STREET PROJECT INFORMATIONAL OPEN HOUSE, 6PM**
- B. MON JUL 22 PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM**
- C. WED JUL 24 BOARD OF REVIEW, 5PM – 7PM**
- D. JUL 26-28..... FISHING DERBY, HIKA PARK**
- E. TUE JUL 30..... VILLAGE BOARD MEETING – ASMT HRG, BID AWARD, 7PM**
- F. THU AUG 1..... HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- G. AUG 3-4 DAIRYLAND FESTIVAL, DAIRYLAND PARK**
- H. TUE AUG 6 MUNICIPAL COURT, 4:30PM**
- I. WED AUG 7 PLAN COMMISSION, 6PM**
- J. TUE AUG 13 FINANCE AND BUDGET COMMITTEE, 6PM. Cancelled.**
- K. TUE AUG 20 VILLAGE BOARD, 6PM**
- L. DAIRYLAND FESTIVAL PARADE ENTRY.** There were an insufficient number of Board members available to support a parade entry.
- M. ANY OTHER ANNOUNCEMENTS/EVENTS.** None.

IX. ADJOURNMENT. Motion Holzwart/Wilmot to adjourn; carried without negative vote. Meeting adjourned at 7:49pm.

Respectfully submitted,

/S/ Stacy Grunwald

Stacy Grunwald
Director of Village Services

Approved on 08/20/19