

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

**TUESDAY, JANUARY 21, 2020**

**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 6pm on Tuesday, January 21, 2020, at the Cleveland Village Hall, 1150 W Washington Ave, Cleveland, Wisconsin.

Board Present: Kathy Stolzmann, Village President  
John Ader  
Jason Berdyck  
Jacob Holzwart  
Andy Williams  
Louis Wilmot

Board Absent: Jonalee DeNoble (excused)

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

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

**II. CITIZEN INPUT AND COMMUNICATIONS, including POSSIBLE COMMITTEE REFERRALS:**

- A. REQUEST FOR SANITARY UTILITY BILL CREDIT: DAVID PFAFFENBACH.** *Referred to Finance and Budget Committee.*
- B. REQUEST TO DIVERT STORMWATER, 1261 N WESTVIEW ST: AL FORNER.** *Referred to Public Works and Utilities Committee.*
- C. REQUEST TO CONSTRUCT WEBSTER AVE, EAST FROM DELTA ST: AL FORNER.** *Referred to Finance and Budget Committee.*

The Village also received several copies of a booklet from the League of Wisconsin Municipalities designed for persons interested in holding local public office.

**III. DECEMBER 17, 2019, MEETING MINUTES.** Motion Holzwart/Williams to approve the minutes of the December 17, 2019, meeting; carried without negative vote.

**IV. CERTIFIED SURVEY MAP and LOT 1 AND 2 REZONING:** Karl and Amy Kirmse, 1629 W. Washington.

- A. SUMMARY; STAFF REPORT; PLAN COMMISSION RECOMMENDATION.** Director Grunwald reviewed the staff report and Plan Commission recommendation for conditional approval. The purpose for the CSM and rezoning is to allow the Kirmses to sell their 9.5-acre property to multiple buyers, which requires the property to be subdivided into three parts—Lot 1, the existing residence and outbuildings, lot size 1.156 ac.; Lot 2, an open area that will be merged with the residential lot to the east owned by David and Barbara Leonhard (the Leonhard lot), lot size 1.081 ac. including the Leonhard lot; and the parcel remnant consisting of the agricultural land, lot size ±7.76 ac. Lots 1 and 2 must be rezoned to comply with Village ordinance; the Kirmses have therefore filed a concurrent petition to change the zoning on these lots from A-1 to R-1. (The Leonhard lot is already zoned R-1.) The Plan Commission recommends approval of both the CSM and the zoning change.
- B. PUBLIC HEARING AND CORRESPONDENCE.** President Stolzmann opened the floor for public input; none was offered. Director Grunwald had been contacted by the Kirmses regarding potential uses for the A-1 parcel and questions raised by a potential buyer for the lot with their home.
- C. VILLAGE BOARD DETERMINATION.** Motion Holzwart/Wilmot to adopt the findings of the Plan Commission and approve the Certified Survey Map filed by Karl and Amy Kirmse to divide the existing residence from the agricultural land and merge approximately 0.5-acres of vacant land with the David and Barbara Leonhard lot located at 1609 W. Washington Ave; carried without negative vote. [Resolution No. 2020-R-01] Motion Williams/Ader to adopt the findings of the Plan Commission and rezone Lot 1 and Lot 2 of the CSM to the R-1 Single-Family Residential District; carried without negative vote. [Ordinance No. 2020-O-01]

**V. SITE DEVELOPMENT PLAN: DANIEL AND TRACY KADERABEK, 1272 N. WESTVIEW ST.** Daniel and Tracy Kaderabek filed a request to amend the site development plan for their property at 1272 N. Westview St. for the purpose of installing a 30,000-gallon, above-ground storage tank to hold processed cooking oil. Their request to relocate the west fence boundary was withdrawn at the January 8, 2020, Plan Commission meeting.

The initial site development plan approved on February 19, 2019, limited operation of the waste cooking oil business to part of the interior of the former Cleveland Family Restaurant structure. This change represents an expansion of the use from the approved application.

In total, the Kaderabeks were given approval at that time for the following uses:

- Use 1) Badass Trucking LLC, light manufacturing in the workshop and fabrication space for the repair and maintenance of the Badass Trucking semi-tractor and trailer;
- Use 2) BBF Inc., recycling of waste cooking oil through dewatering and screening;
- Use 3) Guardian Systems LLC, Internet resale of alarm.com products; and
- Use 4) Private storage warehouse for personal boats, camper, and other 'toys.'

Staff noted the applicants have obtained a *Solid Waste Facility Operation License* from the Wisconsin Department of Natural Resources, and conditional approval for the storage tank from the Wisconsin Department of Agriculture, Trade and Consumer Protection.

After review of information from the EPA website, the Village Board determined the spill control plan could not be self-certified as the facility was not a qualified firm.

The determined the application for the above-ground storage tank took into consideration the purposes of the Zoning Ordinance, which among other objectives, is intended to ensure attractive, efficient and appropriate development of land in the community, and that the applicants were proposing reasonable steps to avoid depreciating effects on surrounding property and the natural environment.” More specifically, the Board found the proposal will “(1) lessen congestion in and promote the safety and efficiency of the streets and highways; (2) secure safety from fire, flooding, panic, and other dangers; (3) provide adequate light, air, sanitation and drainage; (4) prevent overcrowding; (5) avoid undue population concentration; (6) facilitate the adequate provision of public facilities and utilities; (7) stabilize and protect property values; (8) further the appropriate use of land and conservation of natural resources; (9) preserve and promote the beauty of the community; and (10) implement the community's general plan or plan components.

The Board conditionally approved the application in part and denied, in part, as follows:

- (A) The addition of the 30,000-gallon above ground storage tank was **approved** within the terms of the application and the requirements of any applicable Federal, State, County and Village codes and regulations, and with the following conditions:
  - 1. A Professional Engineer shall review the Spill Prevention, Control and Countermeasure (SPCC) Plan and certify it conforms to the requirements of the EPA's SPCC Rule as found in 40 CFR 112. The certified plan shall be submitted to the Village upon completion.
  - 2. The property shall be brought into compliance with the terms and conditions of the site development plan.
    - a. All outdoor storage shall be take place within the fenced area, including movable equipment and semi-tractor trailers.
      - The deadline to bring outdoor storage into compliance is **July 3, 2020**.
    - b. The temporary fencing/barrier installation located on the north and east sides of the property shall be removed.
      - The deadline to remove unapproved fencing and barriers is **July 3, 2020**.
    - c. The drainage areas designated on the approved site plan shall be graded after review and approval of a grading plan by the Village Engineer.
      - The deadline to complete the grading is **July 3, 2020**.
    - d. A permanent drainage easement shall be established on the west and south sides of the property to protect these areas from development and ensure adequate flow of stormwater.
      - The deadline for submittal of recordable easements is **July 3, 2020**.
    - e. Cooking oil processing and truck repair shall not begin until the Village has received confirmation the structure has been found compliant with all commercial building regulations.
  - 3. Any and all variation between development and/or land use activity and the approved site plan is a violation and shall be subject to all applicable enforcement mechanisms and penalties.
  - 4. The Village shall review any proposed change prior to implementation of the change, to ensure compliance with applicable standards.
- (B) The request to change the approved location of the fence had been withdrawn at the Plan Commission meeting, and this request was therefore **denied**.

Based on the Board's findings, motion Williams/Ader to conditionally approve the addition of the 30,000-gallon above ground storage tank within the terms of the application and the requirements of any applicable Federal, State, County and Village codes and regulations, and with the conditions and deadlines previously stated; and to deny any changes to the approved fence due to the request being withdrawn by the applicants. Motion carried without negative vote.

Director Grunwald will provide information regarding to the applicants at their request.

## VI. FINANCIALS

- A. **MONTHLY VOUCHER REPORT.** Motion Wilmot/Holzward to approve the December 2019 voucher report; carried without negative vote.

- B. **FEE SCHEDULE AMENDMENT; SITE PLAN REVISIONS.** Chair Ader reviewed the policy changes recommended by the Finance Committee. If approved, a site plan amendment will be defined as any change that falls within 24 months of Village Board approval of an initial site plan or an amendment to a site plan. In other words, the 24-month review clock restarts with every Village Board approval. Motion Wilmot/Ader to recommend the following fee schedule for site plan modifications: (1) for any change to an approved site plan within the 24 month review window that does not require Plan Commission or Village Board review, the fee is \$50; (2) for any plan change within the 24-month review window that requires Plan Commission or Village Board review, the fee is \$100; (3) for any plan change filed more than 24 months after Village Board approval of a site plan or site plan amendment, the fee is \$200; and (4) the 24-month review window resets with each Village Board approval. Motion carried without negative vote. The new fees are to be effective for any site plan amendments filed on or after January 27, 2020, which is the anticipated date of publication. [Resolution No. 2020-R-02]
- C. **LATE CHARGE POLICY FOR UNPAID RECEIVABLES.** Chair Ader summarized the Finance Committee’s work on a late fee policy for certain types of payments. The policy had been prepared by the Village Attorney and was recommended by the Committee for approval. Motion Holzwart/Williams to approve the *Late Payment Fee Policy* as recommended; carried without negative vote. [Resolution No. 2020-R-03]

**VII. ALCOHOL AND SPECIAL EVENT LICENSING**

- A. Motion Berdyck/Holzwart to grant a **Temporary Class “B” Retail License** for the sale of fermented malt beverages to the Cleveland Athletic Club for February 9, 2020, at the VFW Clubhouse; carried without negative vote.
- B. Motion Williams/Wilmot to grant an **Operator’s License** through the period ending June 30, 2020, to Levi Kohlmann, Susanna Sickinger, and Suribell Ugalde; carried without negative vote.

**VIII. STAFF, COMMITTEE, AND REFERRAL REPORTS.**

- A. **POLICE DEPARTMENT.** Report on file. Chief Barber discussed department public safety programs and training activities, and noted he has rejoined the Executive Board for the Wisconsin Juvenile Officers Assn.
- B. **ADMINISTRATION.** Building permit report on file. Director Grunwald answered Board questions.
- C. **PLAN COMMISSION, 01/08/20.** President Stolzmann noted all Commission work was on the agenda.
- D. **FINANCE AND BUDGET COMMITTEE, 01/14/20.** Chair Ader noted the Committee worked on revisions to the special assessment policy and the process to select a new Realtor.

**IX. ANNOUNCEMENTS AND EVENT REPORTS.**

- A. **WED JAN 15 .....** MANITOWOC CO VILLAGE ASSN.
- B. **WED JAN 22 .....** PLAN COMMISSION SPECIAL MEETING, 6PM
- C. **MON JAN 27 .....** PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM
- D. **WED FEB 5 .....** PLAN COMMISSION, 6PM
- E. **THU FEB 6 .....** HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM. Cancelled due to member schedule conflict. Will be rescheduled, if needed.
- F. **TUE FEB 11.....** FINANCE AND BUDGET COMMITTEE, 6PM
- G. **WED FEB 12 .....** JOINT PLAN COMMISSION MEETING, LTC, 6PM
- H. **WED FEB 18 .....** SPRING PRIMARY
- I. **TUE FEB 25.....** VILLAGE BOARD, 6PM
- J. **ANY OTHER ANNOUNCEMENTS/EVENTS.** Cleveland Fire Department Annual Meeting, 02/03/20; March Village Board meeting moved to 03/26/20.

- X. **ADJOURNMENT.** Motion Ader/Holzwart to adjourn; carried without negative vote. Meeting adjourned.

Respectfully submitted

*/S/ Stacy Grunwald*  
 Stacy Grunwald  
 Director of Village Services

Approved on 02/25/2020