

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

TUESDAY, JUNE 16, 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 6:02pm on Tuesday, June 16, 2020, by video conference at <https://global.gotomeeting.com/join/725738381>. All attended remotely except Director of Village Services Stacy Grunwald, who participated from the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland, Wisconsin.

Board Present: Kathy Stolzmann, Village President
John Ader
Jason Berdyck
Jonalee DeNoble
Al Forner (joined at 6:12pm, Item III(A.))
Jake Holzwart
Louis Wilmot

Board Absent: None

Staff Present: Timothy Barber, Chief of Police
Stacy Grunwald, Director of Village Services

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

- II. CITIZEN INPUT AND COMMUNICATIONS, including possible Committee referrals.** Director Grunwald reported the Village received a pay request for the Linden St. bridge reconstruction. *Referred to Public Works and Utilities Committee.*

- A. LEAGUE INSURANCE 2019 ANNUAL REPORT AND DIVIDEND.** The Village received the 2019 annual report from League of Wisconsin Municipalities Mutual Insurance, which showed the company was in a strong financial position, and a dividend check of \$3589. Dividends over the life of Village participation in the plan totaled \$34,956. The League Insurance also offered new human resources services, including consultation, policy review, and training.
- B. MANITOWOC CO MULTI-HAZARDS MITIGATION PLAN.** Village review of the Manitowoc County Multi-Hazard Mitigation Plan is due to the County by November 15, 2020. *Referred to Emergency Government Committee.*

III. WATER TOWER MAINTENANCE

- A. PROJECT SUMMARY, RECOMMENDATION, AND BID REVIEW.** Public Works and Utilities Committee Chair Jason Berdyck summarized the bid scope for maintenance of the water tower. The Committee recommended full removal of the exterior paint and approval of Alternates 2 through 4 and 7 through 9, with bid award to JNB Industrial Painting LLC pending a favorable background review by the Village Engineer. The Board opened the floor to Engineer Brad Stuczynski of MSA Professional Services by consensus. Engineer Stuczynski explained no one in the firm had personal experience with JNB. However, he spoke with three of the five references supplied by JNB and all were satisfied with the work performed. He noted JNB started in the oil and gas industry and branched into municipal work in 2012. MSA recommended accepting the bid from JNB.
- B. INSPECTION SERVICES.** The Village Board believed the importance of the tower to public health required there to be oversight and inspection of the work. MSA was directed to submit to the Public Works Committee an agreement to provide inspection services at key points of the tower work.
- C. PROJECT FINANCING.** Director Grunwald suggested the Village Board authorize the Sanitary Sewer Utility to loan funds to the Water Utility for project costs and the meter endpoint purchases, and file an application with the Public Service Commission next year for a rate hearing to accommodate the loan repayments.
- D. BID AWARD.** The engineer's background check did not overcome Trustee Wilmot's concerns with JNB's lack of Wisconsin experience, urgency to start the project, and other factors. Motion Berdyck/Ader to award the bid for the Elevated Water Tank Reconditioning Project to JNB Industrial Painting LLC, including Alternates A2 through A4, and A7 through A9, at a bid price of \$233,839; carried with one negative vote (Wilmot).

IV. SITE DEVELOPMENT PLAN: DANIEL AND TRACY KADERABEK, 1272 N WESTVIEW ST

- A. SUMMARY; STAFF REPORT.** Director Grunwald summarized the Board's directives from the last meeting, and the status of negotiations between the Kaderabeks and Bonde's Quik Mart, Inc., regarding the disputed access easement. The Kaderabeks request a reshaping of the driveway around the turnaround rather than its removal, and withdrew the request for curbing on the north property line. The Village Engineer noted the grade was fairly steep in the area of the turnaround but still manageable for maintenance. No other areas of concern were flagged by staff.
- B. VILLAGE BOARD DETERMINATION.** After discussion, the Board determined the site plan changes eliminated the need for a mutual agreement between Kaderabek and Bonde regarding the private easement adjacent to the Kaderabek north lot line. Motion Ader/Wilmot to approve the Site Development Plan amendment submitted by Dan and Tracy Kaderabek, 1272 N. Westview St., to excavate and add fill in the front yard to establish a vehicle turnaround and reshape the driveway as shown, with the requirement that the driving and parking areas are paved within 24 months; and to deny the request for curbing along the north lot line as this was withdrawn by the applicants. Motion carried without negative vote.

V. PUBLIC SAFETY

A. COVID-19

1. **VILLAGE HALL AND PARK/VFW OPERATIONS AND RESTRICTIONS.** The Village Board reviewed and accepted the recommendations of the Human Resources and Public Safety Committee. Motion DeNoble/Ader to (1) open park buildings and playgrounds effective July 1, 2020, with signage at the bathrooms indicating use is at risk; (2) allow Village Hall to be accessible only by appointment through August 1, 2020; and (3) require Village Board approval of park and VFW reservation requests to allow review of each applicant's plan to minimize COVID-19 risks to guests and other park users. Motion carried without negative vote. Circumstances will continue to be reviewed on a monthly basis by the HRPS Committee and Village Board.
2. **PARK AND VFW RESERVATION REQUESTS (IF NEEDED)**
 - a) **MANITOWOC CO YOUTH SPORT LEAGUE: VETS PARK (DATES TBD).** Motion Berdyck/Fornier to open the floor; carried without negative vote. Cleveland Athletic Club representative Dale Wagner stated the Athletic Club would be responsible for the COVID-19 preparation and maintenance; the game schedule was determined by the Youth Sport League. Motion Berdyck/Fornier to close the floor; carried without negative vote. Motion Berdyck/Wilmot to authorize the Veterans Park reservation request of the Cleveland Athletic Club and Manitowoc County Youth Sport League, with the Club responsible for implementation of the same COVID-19 plan approved for the men's league games; carried without negative vote.
 - b) **LABORER'S LOCAL NO. 330: VFW CLUBHOUSE, JULY 22.** Director Grunwald explained the Union typically scheduled three meetings each year at the Clubhouse. The April meeting was cancelled due to the pandemic. Motion DeNoble/Holzward to authorize the VFW Clubhouse reservation request of the Construction and General Laborer's Local No. 330 for July 22, 2020; carried without negative vote.

B. LICENSE REQUIREMENTS FOR TOURIST AND TRANSIENT GUEST HOUSING. The Human Resources and Public Safety Committee is recommending the ordinance establishing criteria for tourist and transient guest housing licenses be updated to remove the requirement for submittal of a Fire Inspection report, and any other changes staff would suggest based on interactions with applicants. Director Grunwald reviewed the proposed changes with the Village Board, noting the most significant shift was to move Village-provided information from the application requirements to items provided as part of the Village's application review process. Motion Holzward/Fornier to amend Sec. 7-12-4 License application form to clarify the application requirements, remove the requirement for a Fire Inspection Report, change the license period to April 1 through March 31, and shift Village-provided application information from the application submittal to the application review; carried without negative vote. [Ordinance No. 2020-O-04]

C. COMPLIANCE MAINTENANCE ANNUAL REPORT. Director Grunwald explained the WPDES permit for the wastewater treatment plant required the Village Board to review the annual report of operations. She reported the Village received an "A" grade in all categories, and noted the utility operators were responsible for making that happen. The Village Board thanked the employees for their hard work. Motion Wilmot/Ader to adopt the Compliance Maintenance Resolution; carried without negative vote. [Resolution No. 2020-R-05]

D. VETS PARK UNDERGROUND DISTRIBUTION EASEMENT: WE ENERGIES. The Plan Commission recommended approval of an easement at Veterans Park for a replacement underground electric line to be installed by We Energies. Motion DeNoble/Berdyck to approve the Distribution Easement Underground with Wisconsin Electric Power Company for existing and proposed underground electric cables at Veterans Park; carried without negative vote.

VI. PETITION FOR REZONING: 1040 JUNIPER ST/JASON BERDYCK, and 1039 N. LINDEN ST/ VILLAGE OF CLEVELAND.
[Trustee Jason Berdyck recused himself from the discussion and vote due to his position as buyer of part of the property at 1039 N. Linden St.]

- A. PETITION SUMMARY AND PLAN COMMISSION RECOMMENDATION.** Director Grunwald explained the Village Board asked the Plan Commission to consider rezoning the Village's parcel at 1039 N. Linden St. and the Jason Berdyck parcel at 1040 Juniper St. to one district as part of a property sale to Mr. Berdyck. The Plan Commission recommended approval of its petition to rezone both properties to MS-1 *Main Street District*.
- B. PUBLIC HEARING AND CORRESPONDENCE.** Motion Stolzmann/Fornier to open the floor for the public hearing; carried without negative vote. No public testimony or correspondence were received. Motion Stolzmann/Fornier to close the floor; carried without negative vote.
- C. VILLAGE BOARD DETERMINATION.** Motion Holzward/Wilmot to zone to MS-1 Main Street District the parcel at 1039 N. Linden St. owned by the Village of Cleveland and the parcel at 1040 Juniper St., owned jointly by the Village of Cleveland and Jason Berdyck. Motion carried without negative vote, one abstention (Berdyck.) [Ordinance No. 2020-O-05]

VII. ALCOHOL AND TOBACCO LICENSING

- A. TOBACCO LICENSE RENEWAL.** Motion Holzward/Berdyck to grant a Tobacco License to BONDE'S QUIK MART, INC., for the period July 1, 2020, through June 30, 2021; carried without negative vote.
- B. FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR RETAIL LICENSES, 07/01/20-06/30/21**
 1. **"CLASS A" RENEWAL.** Motion Wilmot/DeNoble to grant a "Class A" fermented malt beverage and intoxicating liquor retail license to BONDE'S QUIK MART, INC./Karen Hennings, Agent, for the period July 1, 2020, through June 30, 2021; carried without negative vote.
 2. **"CLASS B" RENEWAL.** Motion DeNoble/Ader to grant a "Class B" fermented malt beverage and intoxicating liquor retail license to HICKORY HOUSE LLC/Brian Kieliszewski, Agent; HIGHLAND LODGE LLC/Elouise Kaderabek, Agent; RJK-HBT, LLC/Jill A Pope, Agent, dba Hika Bay Tavern; and RUPP'S ON WASHINGTON LLC/Larry Rupp, Agent, for the period July 1, 2020, through June 30, 2021. Motion carried without negative vote.

- C. **APPOINTMENT OF AGENT.** Motion Ader/Forner to accept the appointment of Elouise Kaderabek as Agent for HIGHLAND LODGE LLC; carried without negative vote.

VIII. **MAY 19, 2020, AND MAY 27, 2020, MEETING MINUTES.** Motion DeNoble/Wilmot to approve the May 19, 2020, Village Board meeting minutes; carried without negative vote. Motion Holzwart/Berdyck to approve the May 27, 2020, Village Board meeting minutes; carried without negative vote.

IX. **FINANCIALS**

- A. **MONTHLY VOUCHER REPORT.** Director Grunwald answered questions regarding the purpose for several payments. Motion Ader/Wilmot to approve the monthly voucher report; carried without negative vote.
- B. **WIS ACT 185 WAIVER OF PROPERTY TAX INTEREST AND PENALTIES.** The Finance Committee recommended the Village work with Manitowoc County to allow the later real estate tax payments. Motion Forner/Holzwart to authorize the waiver of interest and penalties on real property taxes that are due and payable after April 1, 2020, but received after the due date, if the total amount due and payable in 2020 is paid on or before October 1, 2020; carried without negative vote. [Resolution No. 2020-R-04]
- C. **LAND SALE FORMS: AGREEMENT FOR SALE, TERMS AND CONDITIONS.** The Finance Committee recommended updates to the forms used to sell Village real estate. Motion Wilmot/Forner to amend the *Agreement for Sale and Terms and Conditions of Sale* as recommended, including an increasing earnest money to \$1200, and requiring payment by certified check, construction of an improvement within 24 months of closing that results in one bathroom facility connected to the Village's water and sanitary sewer systems, and a total assessed value after construction of at least \$75,000. Motion carried without negative vote.

X. **COMMITTEE REFERRAL REPORTS: VILLAGE REALTOR SELECTION PROCESS.** The Finance and Budget Committee did not take up this item since the last Village Board meeting.

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

- A. **POLICE DEPARTMENT.** Report on file. Chair Barber answered questions from the Board.
- B. **ADMINISTRATION.** Director Grunwald answered questions and provided an update on insurance renewals, various projects and funding, and noted the new street banners were due to arrive within the next two weeks.
- C. **PUBLIC WORKS AND UTILITIES COMMITTEE, 06/08/2020.** All items of business were reported to the Village Board at this meeting.
- D. **PLAN COMMISSION, 06/03/2020.** All items of business were reported to the Village Board at this meeting.
- E. **HUMAN RESOURCES AND PUBLIC SAFETY COMM, 06/04/2020.** In addition to items on the agenda, Chair Holzwart reported pending work in the Committee included an ordinance update for bow hunting, a plan to address damaged and diseased trees, and the staffing needs for casual-status police officers.
- F. **FINANCE AND BUDGET COMMITTEE, 06/10/2020.** In addition to items on the agenda, Chair Ader reported the Committee set its meeting calendar for this term year.

XII. **ANNOUNCEMENTS AND EVENT REPORTS.**

- A. JUN 12-14..... VILLAGE-WIDE GARAGE SALES and LIONS BRAT FRY
- B. MON JUN 29 PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM
- C. THU JUL 2..... HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM
- D. FRI JUL 3 STAFF HOLIDAY
- E. WED JUL 8..... PLAN COMMISSION, 6PM
- F. MON JUL 13 OPEN BOOK, 4:30PM-6:30PM. Director Grunwald noted this may be hosted remotely by Accurate Appraisal LLC.
- G. TUE JUL 14..... STAKEHOLDER OPEN HOUSE, TIME TBD
- H. WED JUL 15..... FINANCE AND BUDGET COMMITTEE, 6PM
- I. TUE JUL 21..... VILLAGE BOARD, 6PM
- J. CLEVELAND FISHING DERBY CANCELLED DUE TO COVID-19
- K. DAIRYLAND FESTIVAL CANCELLED DUE TO COVID-19
- L. ANY OTHER ANNOUNCEMENTS/EVENTS. Board of Review, 07/29/2020, 5pm-7pm.

XIII. **LAND SALE AND HERITAGE REAL ESTATE LISTING CONTRACT: 1039 N. LINDEN ST.**

- A. **SALE of part of 1039 N. Linden St. to Jason Berdyck.** [Trustee Jason Berdyck recused himself from discussion and the vote due to his position as buyer of the property.] Director Grunwald reported the Quit Claim Deed to transfer ownership of the rear ±111.47 feet at 1039 N. Linden St. to Jason Berdyck was mailed to the Village Attorney for authentication and recording. The rezoning of the property had been approved by the Village Board earlier in the meeting. She believed two tasks remained in the process. Motion Holzwart/Wilmot authorizing the Director of Village Services to amend the offer to purchase to address the waiver of title insurance by the Buyer and acknowledge the Buyer received the Certified Survey Map; and to complete Buyer's and Seller's closing statements, if needed. Motion carried without negative vote, one recusal (Berdyck.)
- B. **TERMS and PROPOSED AMENDMENT to Vacant Land Listing Contract.** Director Grunwald reviewed the *Listing Contract* provisions related to real estate commissions and the amendment signed by Kevin Neelis, the Agent for Heritage Real Estate, Inc., to terminate the contract effective June 9, 2020.

- C. CONVENE IN CLOSED SESSION.** Motion Stolzmann/DeNoble to adjourn in closed session pursuant to Sec. 19.85 (1) (e), Wis. Stats., to conduct business related to the Vacant Land Listing Contract with Heritage Real Estate Inc. where competitive or bargaining reasons require a closed session. Roll call—all ayes. Motion carried. Director Grunwald and Chief Barber were invited to remain for the duration of the closed session.
The Village Board reviewed interactions between the Village and Kevin Neelis of Heritage Real Estate, Inc., relative to the *Listing Contract* for 1039 N. Linden St., and the possibility for early termination of that contract.
- D. RECONVENE IN OPEN SESSION.** Motion Stolzmann/Holzward to reconvene in open session pursuant to Sec. 19.85 (2), Wis. Stats. Roll call—all ayes. Motion carried.
- E. ACT ON MATTERS DISCUSSED IN CLOSED SESSION.** Motion Stolzmann/Fornier authorizing a payment of \$160 to Heritage Real Estate, Inc., if the Village receives a list of prospective buyers and a signed release from any and all claims and obligations, and rights and title, arising from the Listing Contract within five business days from the date notice is provided to Heritage Real Estate, Inc., by the Director of Village Services. The Village Board further authorizes the Director of Village Services to terminate the contract without payment if the required release and list of prospective buyers is not received within the time allotted. Motion carried without negative vote.

XIV. ADJOURNMENT. Motion Wilmot/DeNoble to adjourn; carried without negative vote. The meeting adjourned at 8:21pm.

Respectfully submitted,

/S/ Stacy Grunwald

Stacy Grunwald
Director of Village Services

Approved on 7/21/2020

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