

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

TUESDAY, JUNE 15, 2021

MINUTES

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL/AGENDA APPROVAL.** Village President Jake Holzwart called the meeting to order and led the Pledge of Allegiance at 6:02pm on Tuesday, June 15, 2021, via remote meeting link <https://global.gotomeeting.com/join/804562765>. All attended remotely except Director of Village Services Stacy Grunwald, who attended from the publicly-accessible meeting room at the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland.

Board Present: Jake Holzwart, President
John Ader
Jason Berdyck
Jonalee DeNoble
Al Forner

Board Absent: None (two Village Trustee seats were vacant)

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

Motion Berdyck/Ader to approve the agenda as posted; carried without negative vote.

- II. CITIZEN INPUT AND COMMUNICATIONS, including REQUEST FOR INTERMUNICIPAL USE OF BURN SITE and other possible Committee referrals on matters reported to the Village Board.** (1) Suggestion from Village of Howards Grove to exchange burn site access for street sweeping. *Referred to Public Works and Utilities Committee.* (2) President Holzwart reported there was commentary on a local social media site that the Village leave the parade flags up from Memorial Day to Labor Day.

III. PLANNING AND ZONING

- A. LAKESHORE TECHNICAL COLLEGE: Certified Survey Map, 1213 North Ave.** The Plan Commission recommended conditional approval. One of the conditions was the Village obtain a revised Certified Survey Map on or before August 15, 2021, that demonstrated substantial compliance with the information required by Sec. 10-4-4 (b) (3), Code of Ordinances; that map had been received prior to the Board meeting, so was no longer needed. The Village Board reviewed and accepted the Plan Commission's findings and remaining conditions without amendment. Motion Ader/Forner to approve the Certified Survey Map filed by the Lakeshore Technical College Foundation, Inc., to merge the two parcels at 1213 North Ave. to allow sale of the property, subject to the following conditions: (1) the applicant will provide written notice to the Buyer with copy to the Village that no permits, licenses, or plans will be approved by the Village until the R-3 and/or I-3 zoning for the merged parcel is changed to a single zoning district; and (2) no permits, licenses, or plans will be approved, and no site improvements can be installed, until the owner has obtained all zoning, building, and site development plan approvals. Motion carried without negative vote. [Resolution No. 2021-R-10]
- B. ANDY AND JAMIE WILLIAMS: Certified Survey Map, vacant land between 1158 W Madison Ave and 1105 N Linden St.** The Plan Commission recommended denial, noting the Certified Survey Map was not consistent with the Village's subdivision ordinance or 20-Year Comprehensive Plan and did not comport to the Official Map. Motion Holzwart/Forner to adopt the findings of the Plan Commission and deny the Certified Survey Map filed by Andrew and Jamie Williams due to inconsistencies with the Subdivision Ordinance, 20-Year Comprehensive Plan, and Official Map; carried without negative vote. [Resolution No. 2021-R-11]
- C. VILLAGE STAFF/CLEVELAND FIRE DEPARTMENT: Joint Petition to Amend B-1 General Business District to add as permitted uses municipal and public safety buildings owned and operated by the village or an organization authorized by the village.**
- 1. Staff Presentation and Plan Commission Recommendation.** The MS-1 *Main Street District* included language specifically permitting the use of public safety buildings; Director Grunwald and the Cleveland Fire Department requested as amendment to the B-1 district to incorporate this same language as a permitted use. The Fire Department has filed a concurrent

petition to rezone its MS-1 parcel at 1274 W Washington Ave to the B-1 district. The Plan Commission recommended approval.

2. **Public Hearing.** President Holzwart opened the floor for the public hearing. No one present offered testimony and no public comments or communications were reported.
3. **Decision.** Motion Forner/Ader to amend the General Business District (B-1) to incorporate Sec. 10-1-48 (b) (33) Municipal and public safety buildings owned and operated by the village or an organization authorized by the village. Motion carried without negative vote. [Ordinance No. 2021-O-02]

D. CLEVELAND FIRE DEPARTMENT, 1274 W Washington Ave

1. **Certified Survey Map.** Director Grunwald explained Manitowoc County had rejected the Certified Survey Map approved by the Village Board last month due to an inaccurate representation of the W. Washington Ave. right-of-way. The revised map clarified this area was dedicated to the public. The Plan Commission recommended conditional approval. The Village Board reviewed and accepted the Plan Commission's findings without amendment. Motion Berdyck/Ader to approve the Certified Survey Map filed by the Cleveland Fire Department to merge the two parcels at 1274 W. Washington Ave. for the purpose of future site development, subject to the following conditions: (1) within six months, the Applicant shall file a petition to change the zoning for the merged property to a single zoning district, that allows fire and emergency medical services; and (2) site improvements cannot be installed until the Applicant has obtained the appropriate zoning and site development plan approvals. Motion carried without negative vote.
2. **Petition for Rezoning, from MS-1 Main Street District to B-1 Business District**
 - a) **Staff Presentation and Plan Commission Recommendation.** Cleveland Fire Department submitted the petition to rezone both of its parcels at 1274 W. Washington Ave. to the B-1 General Business District in compliance with the Village Board's conditional approval of the May 18, 2021, certified survey map. The Plan Commission recommended approval.
 - b) **Public Hearing.** President Holzwart opened the floor for the public hearing. No one present offered testimony and no public comments or communications were reported.
 - c) **Decision.** Motion Berdyck/Ader to approve the application filed by the Cleveland Fire Department to rezone its parcel at 1274 W. Washington Ave. from MS-1 Main Street District to B-1 General Business District (Parcel No. 31-028-008-004.00); carried without negative vote. [Ordinance No. 2021-O-03]
3. **Site Development Plan.** Cleveland Fire Department filed the site development plan application to allow installation of a stormwater management system and concrete driving surfaces at 1274 W. Washington Ave. Stormwater currently pooled in front of the overhead doors, creating hazardous conditions for emergency personnel. The plan included improved drainage on the west and north sides of the building and paving around the structure. The Village's stormwater pipe decreased in diameter downstream from the property, so the plan included a wider ditch area to minimize the likelihood of overtopping the public storm system. The Plan Commission recommended conditional approval. Motion Berdyck/Ader to approve the site development plan submitted by Cleveland Fire Department to install a stormwater management system and impervious parking and driving surfaces, per the terms of its application, with the following additional requirements: (1) The building permit must be requested and approved within 12 months of approval, or this approval shall be withdrawn and the applicant must reapply to the Village as if requesting a new project; (2) all lighting shall utilize downward-projecting fixtures; (3) Applicant shall receive a permit prior to installation of any signage that is subject to the regulations of the Sign Ordinance; and (4) grading, erosion control, and stormwater plans acceptable to staff shall be submitted prior to approval of a building permit. Motion carried without negative vote.

IV. STREET PROJECTS: MSA Professional Services

A. 2020 W JEFFERSON AVE, PARK CT, AND PARK LN

1. **CHANGE ORDER NO. 1: Buteyn-Peterson.**
2. **PAY REQUEST NO. 3: Buteyn-Peterson.**

The Public Works Committee recommended approval of the change order and pay request. Motion Holzwart/Ader to approve Change Order No. 1 in the amount of \$28,231.76 and Pay Request No. 3 in the amount of \$46,562.54 to Buteyn-Peterson as final payment for the 2020 Street and Utility Improvements project.

3. **FINAL LANDSCAPING.** The Board discussed the poor growth in certain areas. Board members believed lawn failures were primarily the result of weather conditions last summer. By consensus, Buteyn will be asked to perform additional work under warranty for properties with recommended by staff. It was agreed the Village would review the landscaping again in Spring 2022 and fix whatever needed to be done. Any effort at that time should include an informational mailer with instructions on maintaining the landscaping.
- B. 2022 BEECH, BIRCH, E JEFFERSON, LINDEN, MAPLE, AND W WASHINGTON**
1. **LINDEN ST BOUNDARY EXTENSION TO WILDWOOD LN INTERSECTION.** The Public Works and Utilities Committee recommended the change in project scope so all residential properties on Linden St. will have the benefit of an improved street and drainage system. Given low interest rates and the cost savings from combining the projects, the per-foot cost would very likely be less than if this section were reconstructed later as a stand-alone project. Motion Berdyck/DeNoble to extend the reconstruction of Linden St. south to the north edge of the intersection with Wildwood Ln; carried without negative vote.
 2. **ENGINEERING SERVICES AGREEMENT.** Motion Berdyck/Ader to approve the Professional Services Agreement with MSA for design, bidding, and special assessment services for the 2022 Street and Utility Improvements (Beech St., Birch St., E. Jefferson Ave., W. Washington Ave., Maple St., and Linden St.; carried without negative vote.
 3. **CONSIDERATION TO ADD CITRUS LN.** The current pavement surface of Citrus Ln is 34 feet. If the street width was reduced to 29 feet, reconstruction of Citrus from Wilson Ave to E Washington Ave was estimated with a very rough cost of \$300,000. Boring the water main rather than completing a full street replacement would require spot digging and trenches in the road at every connection. Staff was asked to return to the next meeting with a cost estimate if the main were bored and an analysis of the two options.
- V. VILLAGE TRUSTEE VACANCIES: Process/Timetable for Candidate Interviews and Appointments.** The Board decided to conduct in-person 10-minute interviews of no more than five questions per candidate at a special meeting at the VFW Clubhouse on Monday, June 28, 2021. Trustees Ader and DeNoble will be unable to attend.
- VI. MAY 6, 2021, AND MAY 18, 2021, MEETING MINUTES.** Motion DeNoble/Fornier to approve the minutes of the May 5, 2021, and May 18, 2021, meetings; carried without negative vote.
- VII. FINANCIALS**
- A. **MONTHLY VOUCHER REPORT.** Motion Berdyck/Ader to approve the May 2021 voucher report; carried without negative vote.
 - B. **POLICY for LONG-TERM ADVANCES BETWEEN FUNDS.** The Village accountant recommended the Village adopt a borrowing policy prior to preparing a rate hearing request for the Water Utility. The Finance and Budget Committee recommended approval of a policy that would authorize long-term advances between funds at an interest rate of 1% or the rate of an underlying borrowing, if applicable. The Board offered no changes to the policy. Motion Berdyck/Fornier to approve the policy *Long-Term Advances Between Funds*; carried without negative vote.
- VIII. ALCOHOL, TOBACCO AND EVENT LICENSING**
- A. **TOBACCO LICENSE RENEWAL.** Motion Berdyck/DeNoble to approve a Tobacco License for Bonde's Quik Mart Inc. for the period 07/01/21-06/30/22; carried without negative vote.
 - B. **FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR RETAIL LICENSES.**
 1. **"CLASS A" RENEWAL.** Motion Berdyck/Ader to approve a "Class A" license for **Bonde's Quik Mart Inc./Karen Hennings, Agent, for the period July 1, 2021, through June 30, 2022; carried without negative vote.**
 2. **"CLASS B" RENEWAL.** Motion Berdyck/Ader to approve "Class B" licenses for **Hickory House LLC/Brian Kieliszewski, Agent; Highland Lodge LLC/Elouise Kaderabek, Agent; RJK-HBT, LLC/Sue Ellen Hoes, Agent, dba Hika Bay Tavern; and Rupp's on Washington LLC/Larry Rupp, Agent. Motion carried.**
 - C. **APPOINTMENT OF AGENT.** Motion Ader/Berdyck to approve the appointment of Sue Ellen Hoes as agent for RJK-HBT, LLC, dba Hika Bay Tavern; carried without negative vote.
 - D. **OPERATOR LICENSES.** Motion Fornier/Berdyck to approve Operator's Licenses for Andrea Koehler and Michelle Lawrence for the period July 1, 2021, through June 30, 2022; carried without negative vote.

- IX. SANITARY SEWER UTILITY 2020 COMPLIANCE MAINTENANCE ANNUAL REPORT.** Village operation of the wastewater treatment plant met all requirements under the Village's WPDES permit. The Board discussed the treatment facility overflow that occurred in November 2020. Staff installed a warning sign at the valve leading to the load-out chute directing the operator to verify the drain valve was closed, and required departmental review of the sludge hauling process prior to the start of work. The Board determined these actions by staff to avoid a recurrence were sufficient. Director Grunwald noted the SCADA system installed at the Board's direction initiated an alarm that led to quick containment of the sludge. Motion Ader/Fornier to acknowledge the Board reviewed the 2020 Compliance Maintenance Annual Report and directed that the plant be operated and maintained in compliance with the Village's WPDES permit; carried without negative vote. [Resolution No. 2021-R-12]
- X. COVID-19: VILLAGE HALL OPERATIONS and RESTRICTIONS.** By consensus, the Board was comfortable with returning to in-person meetings in the evenings but recognized there was insufficient staff in place to fully reopen the Hall. After discussion, motion Ader/Fornier to hold local governmental meetings of the elected and appointed bodies in-person beginning August 1, 2021; carried without negative vote.
- XI. VILLAGE BOARD REFERRALS TO COMMITTEES**
- A. AYRES PROPOSAL TO UPDATE STREET RATINGS (Public Works and Utilities).** Chair Berdyck reported the Committee heard from a representative from Ayres and the Village Engineer and determined there was no need to act on the proposal.
- B. BUILDING PERMIT PROGRAM REVIEW (Human Resources and Public Safety)**
- 1. REMOVE THE TOPIC FROM COMMITTEE due to insufficient members to meet quorum requirements.**
- 2. GENERAL DISCUSSION with possible return to Committee.**
No discussion due to length of meeting.
- XII. STAFF, COMMITTEE, AND REFERRAL REPORTS.**
- A. POLICE DEPARTMENT.** Report on file.
- B. ADMINISTRATION.** Building permit report on file. Director Grunwald reported staff believed the water leak was located at a lateral to a Village-owned lot in the former Tax Increment District. Since the site would be difficult to develop due to the topography and adjacent wetland, she intended to pursue the less expensive option of abandoning the lateral at the main, unless the Board objected. No objection was raised. Trustee Berdyck asked that staff check into a missing street banner on Dairyland Dr. The sign faces for the Dairyland Park identification sign had been removed by the Lions Club for restoration.
- C. PUBLIC WORKS AND UTILITIES COMMITTEE, 05/24/21.** Chair Berdyck reported the Committee supported staff moving forward with T&L Services to complete landscaping at the water tower and requested estimates to correct the tower lettering.
- D. PLAN COMMISSION, 06/02/21.** All items were on the agenda.
- E. FINANCE AND BUDGET COMMITTEE, 06/07/21.** Chair Ader noted the Committee was interested in reviewing telephone service options for Village Hall but decided to wait given the current workload for staff.
- XIII. ANNOUNCEMENTS AND EVENT REPORTS.**
- A. MON JUN 28..... PUBLIC WORKS AND UTILITIES, 6PM**
- B. TUE JUL 6 MUNICIPAL COURT, VFW, IN-PERSON ONLY, 4:30PM**
- C. WED JUL 7 PLAN COMMISSION, 6PM**
- D. MON JUL 12 FINANCE AND BUDGET COMMITTEE, 6PM**
- E. WED JUL 14 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM.**
(Cancelled – no quorum)
- F. TUE JUL 20 VILLAGE BOARD, 6PM**
- G. WED JUL 21 BOARD OF REVIEW, 5PM-7PM**
- H. JUL 23-25 CLEVELAND FISHING DERBY, HIKA PARK**
- I. AUG 7-8 DAIRYLAND FESTIVAL, DAIRYLAND PARK**
- J. ANY OTHER ANNOUNCEMENTS/EVENTS.** The Public Works Committee will meet at 6pm on Thursday, July 15, 2021.
- XIV. CLOSED SESSION**
- A. Convene in CLOSED SESSION.** Motion Holzwart/DeNoble to convene in closed session pursuant to Sec. 19.85 (1) (c), Wis. Stats., to consider the compensation of a public employee over which the

Village Board has jurisdiction. Roll call: all ayes. President Holzwart assumed responsibility for the minutes during the closed session.

[The public and staff left the meeting—9:24pm]

- B. Reconvene in OPEN SESSION.** Motion DeNoble/Fornier to reconvene in open session pursuant to Sec. 19.85 (2), Wis. Stats. Roll call: all ayes. The meeting reconvened remotely at <https://global.gotomeeting.com/join/340599357>. The Board discussed compensation and a severance plan for a village employee.

[Director Grunwald joined the meeting—9:47pm]

- C. Act on the Compensation Discussed in Closed Session.** Motion Holzwart/DeNoble to approve the terms of the Severance Plan for the village employee as discussed in closed session, and to authorize President Holzwart or his designee to communicate the terms as appropriate; carried without negative vote.

- XV. ADJOURNMENT.** Motion DeNoble/Berdyck to adjourn; carried with one negative vote (Fornier). Meeting adjourned at 9:47pm.

Respectfully submitted,

/S/ Stacy Grunwald

Stacy Grunwald
Director of Village Services

Approved on 07/20/2021

UNOFFICIAL COPY