

**VILLAGE OF CLEVELAND, WISCONSIN
SPECIAL MEETING OF THE VILLAGE BOARD**

TUESDAY, MARCH 29, 2022

MINUTES

- I. CALL TO ORDER/ROLL CALL.** Village President Jake Holzwart called the meeting to order at 6:04pm on Monday, March 29, 2022, in the Lakeshore Conference Room, Lakeshore Technical College, 1290 North Ave., Cleveland, Wisconsin.

Board Present: Jake Holzwart, Village President
John Ader
Jason Berdyck
Al Forner (arrived 6:08pm)
Jon Hoffman

Board Absent: Debi Cevaal (excused)
Barry Nelson (excused)

Staff Present: Stacy Grunwald, Director of Village Services
Dan Rammer, Village Engineer, MSA Professional Services
Jacob Schweigl, Cleveland Police Officer

II. STREET DESIGN

- A. RESIDENT REQUEST TO MODIFY CHERRY HILL DR STREET DESIGN.** John Urbanec, 907 Cherry Hill Dr., sent the Village President an email dated March 26, 2022, requesting Cherry Hill Dr. be redesigned to retain its current narrower width. He stated the wider street was not necessary, added costs to the project, and would reduce property values for many owners. The request was taken up by the Public Works and Utilities Committee at its meeting on March 28, 2022. Mr. Urbanec had been notified of the meeting but did not attend.

Public Works and Utilities Committee Chair Jason Berdyck explained the Committee decided to stay with the proposed design, which included the minimum standards for driving lanes, shoulders, and ditches. The extra width was important for garbage service, winter plowing, and mail delivery and the shoulders were essential for road stability and to protect the street surface from undermining. President Holzwart added there should be a cul-de-sac at the end of the street but the Village decided to forego that requirement.

- B. DESIGN STANDARDS; CONSIDERATION OF STREET DESIGN CHANGES.** No discussion.

III. SPECIAL ASSESSMENTS: 2022 STREET AND UTILITY PROJECTS

Beech St., Birch St., Cherry Hill Dr., Citrus Ln., and E. Jefferson Ave.

- A. STAFF REVIEW.** Director Grunwald and Engineer Rammer reviewed the methodology to calculate assessments, the determination of general and special benefits, and assessable vs. nonassessable costs.

- B. PUBLIC HEARING.** Motion Holzwart/Berdyck to open the floor; carried without negative vote. Comments/questions and responses by the Village Board and staff are grouped by resident and not listed in the order given during the meeting.

Mike Block, 311 E. Jefferson Ave., and Terese Block-Pendleton. C. What will happen to the white pines and white cedars on Beech St.? R. No work is scheduled for Beech St. C. The property was purchased by their parents for \$17,000 and assessed at use value. R. The effect of the agricultural use of the property on its assessability will be reviewed.

Ed and Chris Brunette, 917 Cherry Hill Dr. C. When will the project start and finish? R. The construction window under the contract is April 1 through October 31. Work must be completed within that window. The actual timeframe will depend upon how many crews are onsite, the availability of materials, etc. C. When will the project affect the homeowners? Will each phase be completed on all streets before the next phase is started? R. The contractor determines the order the streets are completed and the order of work. A typical order of work would be tree and asphalt removal, underground work, installation of services, completion of underground work, and

installation of gravel. In the past, the Village has distributed a flyer to residents with contractor, engineer, and Village contact information to address concerns during the project. C. The updated engineering plans do not show the fire hydrant going to the end of Cherry Hill Dr. R. Mr. Urbanec requested the hydrant be moved to the north but indicated after seeing the plans that he preferred the hydrant to be relocated to the south end of the street. The plans will be changed to move the hydrant to the south end. C. Will the Cleveland Fire Department be notified when water to the hydrant is turned off? How will water be provided for fire protection? R. The Fire Department will be notified when the hydrant is out of service. If the distance to the nearest operable hydrant is too great, the Department will use dump tanks to bring water closer to the scene of a fire. C. How will garbage be collected if the street is inaccessible to the garbage truck? R. Typically, the contractor is required to keep the street accessible, and the Village's Monday morning garbage collection is the best time for this. In the alternative, the contractor has the choice to move the garbage to the truck or provide a dumpster. C. What is done for someone who is on call and must leave within 30 minutes of receiving the page? R. The contractor generally moves the equipment for an emergency. The contractor is responsible to notify owners at least 24 hours in advance of a complete shutdown of the street or will allow cars to park behind the equipment so people can leave the street. C. The Village Board should require the contractor to do half the street first and leave at least half of each driveway in place. R. The contractor decides the order of work but must provide resident access or 24-hour notice of closure. C. Stormwater in the Village runs into Lake Michigan. Future regulation will require the Village to create a retaining pond. The State has specific requirements as to how the pond is to be built and maintained. R. The stormwater design for this project is consistent with current State requirements; this project does not change how stormwater is managed, but it is something the Village can consider for long-term planning. C. The Village should consider putting information on these kinds of topics in the newsletter, even just a little information. R. The newsletter is put out by the Chamber of Commerce. The Village intends to use utility bill inserts once there is sufficient staff to write them. C. Is the Village checking the ethics of the low bidders, and the work performed in other municipalities? R. The Village must accept the lowest responsible bid. A firm's background and quality of work in other locations, and whether the bid is realistic, are part of determining whether the bid is responsible. C. Is there a warranty on the work? R. Yes, one year. That is standard in the industry. C. The south end of Cherry Hill Dr. was three feet higher until a contractor shaved off the roadbed and the structure underneath. A contractor also broke field tiles putting in Citrus Ln. and now the area is becoming a wildlife refuge. The subsoil is clay, three feet down. The water's natural drainage is east, towards the school. The water goes under the road and sits on the clay layer. Adding 4 inches of gravel won't do any good. The road will be gone in three years, maybe one, if the Village doesn't deal with the water coming from the field and yards. R. The water main will be installed seven feet deep. The roadbed will be 9 inches of gravel topped by 3 inches of asphalt. The current yard inlets will remain to help direct the water.

Dan and Aggie Deehr, 336 E. Jefferson Ave. C. Will trees be taken in the vicinity of the salvage yard properties on the north and south sides of E. Jefferson Ave.? R. Trees will be removed on the north side of E. Jefferson Ave., east of Beech St., due to utility and storm sewer work. These trees are all within the right-of-way.

Cheryl Howard, 1145 Park Ct. C. Most of the problem is a lack of communication and transparency. The Board said the streets were not done right years ago and someone made the decision to not keep the roads up. New residents should be informed it is their responsibility to pay part of the project costs, but she didn't find out until the street was improved. That happened because the Village didn't have communication with the residents. R. Communication at the time of the project is normal for a community that issues special assessments. C. The Village has talked about the police and funding and things that must be cut, and that there is a deficit. R. The Village is not in a financial deficit; that is incorrect. This topic can be addressed further outside this public hearing. C. Will the Village hold a referendum [to end special assessments]? R. There is no referendum planned since almost all the streets requiring reconstruction will be completed, referendums cost money, and it is not likely people who recently paid or are paying assessments will approve shifting other peoples' special assessment costs to their property taxes.

Jeff Jackett, 929 Citrus Ln. C. The Village only needs to replace the water main on Citrus. Why is the entire road being reconstructed? There would be no cost if the project included only water main replacement. R. The Village considered boring in new water main but replacing the service

connections to the main would have required much of the street to be ripped up and patched. Given the age of the street and the need to address stormwater, it did not make financial sense to leave the street with a series of patches that would deteriorate the street more quickly. C. Is there a discount if the assessment is paid in full? R. No, but no interest will be applied. C. The water/sewer bill must be close to \$100 per month or more. Where is that money going? R. There aren't many rooftops to help share costs so everyone needs to pay more for services in our long, narrow municipality.

Niles Klaves, 920 Cherry Hill Dr. C. The ditch is not going to address the water problem. There will be flooding every spring from the broken tiles in the field at the south end of the street. The new street will be undermined and not last. R. The Village has done what it can to address water on the street. The engineering will be revisited if the problem materializes.

Beth Kroll, 1011 Birch St. The estimated cost for the assessment is another \$1500 per year. This would be in addition to an increase in property taxes.

Patricia Kultgen, 6316 E. Washington Ave. C. Can property on E. Washington Ave. be assessed? R. E. Washington is a County highway, so the cost to reconstruct the driving lanes will be borne by Manitowoc County. There will likely be assessable costs for the remainder of the work.

Jennifer Peterson, 927 Cherry Hill Dr. C. The plans show the streetlight will be in the middle of the ditch. R. The utility pole will be in the right-of-way; the Village will confirm the exact location.

Alexis Ploetz, 716 Wilson Ave. C. Why hasn't more money been allocated so special assessments aren't needed? The Village has \$1.3 million in revenue. R. The Village is looking at long-term options for funding and is trying to put money aside for project costs.

Logan Travis, 908 Citrus Ln. C. Will the right-of-way change? What happens to driveways? R. The right-of-way will remain the same. Driveways will be replaced with like-kind material unless the owner requests an upgrade. If there is a concrete driveway there now, it will be replaced with concrete. C. Multiple sump pumps are needed; where will the water go? R. The location of the sump pumps should be marked for the contractor before digging begins. That information will help prevent things from becoming cut or clogged; a line that is cut will be repaired.

John Urbanec, 907 Cherry Hill Dr. C. No one on Cherry Hill Dr. wants the street widened. The reconstruction could be done with much less expense. Yards would not be smaller; driveways would not be shorter. The street only needs to be resurfaced. The construction standards are a shield the Board is hiding behind instead of having an open discussion. Would the Board read his letter since it states the general impression of those in the room? R. The reasoning for the wider street was discussed at the public information meeting in 2021 and at the Public Works Committee meeting on March 28, 2022. The street has significant infrastructure problems, and an overlay would be an ineffective use of money since the underlayment is bad. Standardization of the construction to meet WisDOT requirements is part of the reason the Village gets grants. Reconstruction will bring improved drainage. Shoulders are necessary as they lengthen the life of the road. The 12-foot driving lanes are the minimum allowable. C. Trees will be torn out. R. The trees to be removed are located within the right-of-way. They contribute to issues with drainage. C. Since all ditches flow to the north on Cherry Hill Dr., what is the point to installing culverts on the south end of the street? The ditches should be removed from the plan. Water can sit in his front yard. R. Ditches add value by draining water from the street. The poor quality of the existing ditches and shoulders is one of the reasons the street is in poor condition now. Removing the ditches would leave water in his front yard all the time. Utilizing ditches is the compromise since the Village is unable to install functional curb and gutter. C. There are good-better-best options. The residents shouldn't have to pay for the best design if not needed. R. This is not a personal road but a Village street; not everyone agrees with that position. The Village is not going to spend this money only to let the street get cracked up due to the water not draining properly. C. In his experience, taxes in a larger town were not less than taxes in a smaller one. The water bill is bad; taxes are not.

Barb Van de Kreeke, 899 Citrus Ln. C. Cherry Hill Dr. will not have curb and gutter? R. Curb and gutter will not work on Cherry Hill due to the topography of the street and yards. One advantage of curb and gutter besides moving water and being easier to maintain is that the Village will have the option for a street rehabilitation later rather than a full reconstruction. Cherry Hill Dr. will not have those benefits.

Tom Warosh, 337 E. Jefferson Ave. C. He understood from the public information meeting that all sewer, water, and stormwater costs would be borne by the Village. R. Sewer and water main is nonassessable; stormwater costs, including mains, are assessable project costs. C. The Village is trying to intimidate residents by having a police officer present at the meeting and referencing police power in its mailing. R. The Police Officer attends most Village Board meetings. The reference in the preliminary resolution to police powers was required by statute. Special assessments are not a function of, or have any relationship to, the Police Department. C. The residents should have been given the special assessment policy. R. The policy is posted on the Village website.

Additional Village Board comments offered in general discussion and not in response to a specific question follow.

Communication with Residents. Village business does not happen in secret. Information is available if it is requested, but until it is requested, the Village cannot know what information is needed. For some residents, the information is unnecessary, so sending out large mailers would be inefficient and a poor use of Village funds. The Board is not against you; we live in the Village, too, and look to save costs on these projects where we can. People need to attend meetings and provide feedback. There is no intention to do the wrong thing, but the Board needs to know what works and what's wanted.

Economic Development. The Village must pay for police, garbage, ambulance, fire, water, and sewer services just like a big municipality but without a lot of places to draw the funds from. There is a need to encourage development rather than look at the way the Village was if people don't want to pay more.

Loss of Property Value. It is unclear how improving the street and utilities would cause a loss in property value. More information is needed for the Board to consider that position.

Project Oversight and Timeline. The engineer will be onsite for construction inspection often and will be able to provide more updates to the Village. The timeline is not dictated by the Village, other than providing the window in which the work is to start and end. Restricting the contractor's flexibility would increase project costs.

Special Assessments. The preliminary special assessment was based on the engineer's best estimate as of the day it was calculated, but the market is extremely volatile. There were ten bidders on the project, which is a very high number, so the process was highly competitive. Several bidders were within \$1000 of each other. The low bidders were a little below the preliminary estimate, leaving a small margin to absorb issues during the project. This leads the Village to believe the results and the engineering estimate were sound.

Taxes. People wouldn't be averse to additional taxes to help the Village as a whole.

Motion Berdyck/Hoffman to close the floor; carried without negative vote.

C. VILLAGE BOARD DISCUSSION; PRELIMINARY ASSESSMENT REPORT ACTION.

After discussion, motion Berdyck/Hoffman to approve the Preliminary Special Assessment Report for the 2022 Street and Utility Improvements (Beech St., Birch St., E. Jefferson Ave., Cherry Hill Dr., and Citrus Ln.) Motion carried without negative vote.

IV. SET DATE FOR BID TABULATION REVIEW AND AWARD. Thursday, March 31, 2022, 6pm

V. ADJOURNMENT. Motion Berdyck/Ader to adjourn; carried without negative vote. The meeting adjourned at 8:12pm.

Respectfully submitted,

/S/ Stacy Grunwald

Stacy Grunwald
Director of Village Services

Approved on 04/12/2022