

**VILLAGE BOARD OF CLEVELAND, WISCONSIN  
MONTHLY MEETING  
TUESDAY, SEPTEMBER 19, 2023  
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 6:01pm on Tuesday, September 19, 2023, at the Cleveland Village Hall, 1150 W Washington Ave, Cleveland, Wisconsin. Board Present: Jake Holzwart, Village President, John Ader, Linda Engel, Barrett Paasch, Tom Warosh. Board Absent: Andy Williams (excused). Staff Present: Stacy Grunwald, Director of Village Services. One Trustee position was vacant. Motion Warosh/Hoffman to approve the agenda as posted; carried without negative vote.
- II. CITIZEN INPUT AND COMMUNICATIONS, including thank you email re GFL cart from Judith Perlman.** (1) President Holzwart read the email from Ms. Perlman thanking the Village Board and staff for addressing her concerns regarding the GFL trash container. (2) Craig Lallensack filed a claim for reimbursement of vehicle damage he attributed to the Linden St. project. *Referred to Finance and Budget Committee.* (3) Director Grunwald thanked the East Wind Garden Club for again offering to install seasonal decorations at the Village's ID sign at the corner of North Ave. and N. Westview St. (4) President Holzwart reported Kyle Wallander submitted an email asking the Village to take the steps necessary to address a vicious dog in its neighborhood.
- Kyle Wallander, 782 Linden St.* Provided a history of issues with a neighbor's dog all summer and indicated the Manitowoc Co. Sheriff's Department deputy stated this was a Cleveland issue. The dog frequently gets off-property and has bitten a neighborhood child who needed emergency care and has bitten other dogs. People have been pinned against their homes and go for their walks carrying a bat. He spoke to the owner multiple times without resolution. He asked the Board what actions the residents should take and what actions the Village would take.
- Director Grunwald reported she attempted contact at the property, but no one was home. She spoke with the Village Attorney who was researching options. The attorney suggested the Village Board appoint an Acting Chief of Police who would have the authority to issue citations and follow through on the complaints.
- Sarah Anzia, 808 Linden St.* Stated the child bitten was her son and people in the neighborhood were nervous and afraid. The dog was ranging farther from home, and she was concerned a child would be mauled due to how aggressive it was. She asked for advice on how the residents should proceed while the system worked out what to do.
- President Holzwart stated he would contact Sheriff Hartwig to discuss.
- Russ Tooley, Town of Centerville, 12505 Lakeshore Rd.* Thanked the Village Board for supporting the restoration of Centerville Creek. He invited everyone present to the October 11, 2023, water summit.
- Bob Prigge, 905 Linden St.* Requested an update on the Linden St. project.
- III. AUGUST 15, 2023, MINUTES.** Held over.
- IV. 2023 STREET PROJECT UPDATE, CHANGE ORDER 1, PAY REQUEST 2: Dan Rammer, MSA.** Jake Winker and Dan Rammer, Engineers with MSA Professional Services, provided an update for each street in the project area. On Maple St., the contractor found sanitary laterals made from asbestos concrete. There had been issues with other laterals on the street failing so these were replaced in the right-of-way. The DNR recommends the pipe be crushed in place rather than removed and hauled away, where asbestos could be released. Motion Warosh/Ader to open the floor; carried without negative vote.
- Sarah Anzia.* Requested information on utility shut-offs for the project. Engineer Rammer explained water would be shut off with 24 hours prior notice when the transition was made to the new water main but otherwise service would continue to the property.
- Christine Gabsch, 1130 W Jefferson Ave.* Asked if people on side streets will be able to travel the project area. Engineer Rammer indicated there may be a couple of hours where a person couldn't reach a property but the intention is to keep access open from 7am to 6pm daily.
- Bob Prigge.* Questioned whether the Village could install blacktop by the end of the contract period, which was November 6 according to the flyer that was distributed. Engineer Rammer noted asphalt plants usually shut down around the start of deer hunting season in November. Staff has discussed whether to allow the gravel to settle out over winter or install only one lift of asphalt if time runs out.
- Rob Burkhard, 848 Maple St.* Reported a crack in his driveway that he believed extended outside the right-of-way. MSA will look at it and repair what would be required.
- Motion Holzwart/Ader to close the floor; carried without negative vote.
- Change Order No. 1 was previously approved to include the extension of water main west of Bonde's Quik Mart; it was returned to the Village Board since unanticipated tree and bush removal was encountered. The cost overall was below the amount approved previously. MSA recommended approval. Motion Warosh/Ader to approve Change Order No. 1; carried without negative vote.
- Pay Request No. 2 includes Change Order No. 1. MSA recommended approval. Motion Warosh/Hoffman to approve Pay Request No. 2 in the amount of \$380,569.20; carried without negative vote.
- V. FINANCIALS**
- A. DETERMINATION of NO BENEFIT for ASSESSMENT PURPOSES: Orthland Dairy.** President Holzwart reported the Public Works and Utilities Committee reviewed the request from Orthland Dairy for a finding of no special benefit on their parcel at the southeast corner of Westview St. and W. Washington Ave. Due to a vacancy on the committee and no consensus between the two members, the request was returned to the Village Board without a recommendation. The assessment was estimated at \$72,000.
- Trustee Ader asked why curb and gutter was dropped from the Westview St. frontage but included on the W. Washington Ave. frontage. Director Grunwald explained Westview St. would have required the addition of significant fill; the topography on W. Washington Ave. allowed curb and gutter to be installed.
- President Holzwart reviewed the discussion by the committee.
- Motion Hoffman/Paasch to open the floor; carried without negative vote.
- Steven Orth, Orthland Dairy.* Mr. Orth reviewed the family's ownership history of the property. and his perception that the development potential was limited since there was no growth in Cleveland. He believed the estimated \$72,485 assessment exceeded the 2021 appraisal value of \$56,000 and his purchase price of \$60,000. This placed the farm in a negative financial position on the property. He recognized there could be a potential benefit if the property were developed, and they would explore the option if the right opportunity arose, but that wasn't their intent. He asked the Board to reconsider the assessment.
- Mr. Orth stated it was reported at the committee meeting that the Village had one opportunity to assess the parcel; his attorney disagreed. Director Grunwald responded it was the interpretation of the Village's legal counsel that an assessment could not be imposed once the final assessments for a project were issued.
- Mr. Orth was interested in exploring options to reduce the assessment, adding it wasn't his intent to avoid responsibility or not pay his fair share. Director Grunwald asked if the Board would hold the matter over until she and Mr. Orth could meet and discuss the assessment further.
- Motion Warosh/Paasch to close the floor; carried without negative vote.
- B. VACANT LAND LISTING CONTRACT: Dane Checolinski, NAI Pfefferle.** Dane Checolinski introduced himself and provided his work history. Three of the Village's lots were included in the proposed listing contract; a fourth lot appeared to be heavily

impacted by floodplain so additional research was required to determine whether it had commercial value. He suggested varying the price of the lots rather than continuing past practice of marketing each at the same price. The most likely purchaser would be a local person looking to start or expand a small business. He stated getting properties advertised would be beneficial. There is a dearth of lots for small businesses within a 10-mile radius. President Holzwart noted there was no cable service or high-speed internet to the lots and Spectrum charged \$5000 per user to extend lines; the TDS still utilized old digital subscriber lines. He recommended satellite service rather than broadband. Director Grunwald noted they were working on an update to the Terms and Conditions for the sale form. Motion Ader/Warosh to approve the Vacant Land Listing Contract with NAI Pfefferle; carried without negative vote.

- C. **MONTHLY VOUCHER REPORT.** Trustee Paasch expressed concern that legal expenses for 2021 exceeded the budget estimate and it appeared this would occur again in 2023. Director Grunwald stated much of the expense was tied to one issue and represented an extraordinary cost that wouldn't normally be budgeted. She offered to sit down with him to review the invoicing and answer questions. Motion Hoffman/Engel to approve the August 2023 voucher report; carried without negative vote.
- D. **BOARD OF COMMISSIONERS OF PUBLIC LANDS LOAN APPLICATION.** Director Grunwald reported a paragraph was dropped from the original resolution and was therefore presented again. She noted the Village will miss the sixty-day filing deadline due to this change and the process may need to start again. Motion Paasch/Warosh to authorize application to the Board of Commissioners of Public Lands for the borrowing of a not to exceed \$250,000 general obligation state trust funds loan for street and utility improvements. Motion carried without negative vote. [Resolution No. 2023-R-14]
- E. **BUDGET AMENDMENT for PLAYGROUND EQUIPMENT LOAN: Cleveland Athletic Club.** The Finance and Budget Committee recommended the Village Board accept a proposal from the Cleveland Athletic Club to finance the purchase of Veterans Park playground equipment. Motion Ader/Paasch to approve the Veterans Park play equipment budget amendment authorizing the expenditure of up to \$78,000 for park equipment to be funded with a 2023 donation of \$60,000 and a \$18,000 withdrawal from the Park Improvement Fund; with an agreement from the Cleveland Athletic Club to reimburse the Village with three annual \$6000 payments due on or before November 1 beginning in 2024. Motion carried without negative vote. [Resolution No. 2023-R-15]
- F. **2024 BUDGET SCHEDULE and SEC. 2-5-3 (b) VILLAGE BUDGET WAIVER.** The Village Board set October 24, 2023, and October 31, 2023, for Committee of the Whole meetings to review the budget; if a budget summary was ready to publish after that meeting, the budget hearing could be held at the November 21, 2023, monthly meeting. The Village Board also set November 7, 2023, for Committee of the Whole with the understanding an alternative budget hearing date would be needed.

Director Grunwald reported Sec. 2-5-3(b), Code of Ordinances, required first presentation on or before October 20. Motion Hoffman/Paasch to waive the requirement for presentation of the budget on or before October 20; carried without negative vote. The Board directed that staff draft an ordinance for the next regular meeting to repeal the deadline.

- VI. **BULK GOODS COLLECTION EVENT.** The Board discussed options for the bulk goods collection event and determined it would be held Saturday, October 14, 2023, from 9am to 2pm. Staff was directed to order three dumpsters at a price of \$1050 for hauling plus \$65 per ton disposal. President Holzwart and Trustees Hoffman, Paasch, and Warosh agreed to man the site.

#### VII. PERSONNEL

- A. **OUTSIDE AND OFF-DUTY EMPLOYMENT POLICY AMENDMENT.** The Human Resources and Public Safety Committee recommended a policy amendment to more clearly state the policy applied to full-time and part-time employees. Motion Engel/Hoffman to amend Policy 110 Outside or Off-Duty Employment to clarify the policy applied to all regular full-time and regular part-time employees; carried without negative vote.
- B. **TRAVEL EXPENSES POLICY AMENDMENT.** The Human Resources and Public Safety Committee recommended the meal reimbursement be increased since it was last adjusted in 2016. Motion Warosh/Paasch to amend Policy 512 Business Travel Expenses to increase the meal reimbursements to \$22.00/\$25.00/\$44.00 for business/lunch/dinner; carried without negative vote.
- C. **EMPLOYEE HEALTH INSURANCE.** Director Grunwald reported the health insurance renewal was proposed with a 10.39% increase—same deductibles but higher out-of-pocket maximums. Lower premiums would be available with reduced coverages or a new format. Given current staffing and workload, an analysis of other health plan formats and options could not be completed at staff level in time for the 11/1 policy expiration date. She suggested revisiting coverages in summer 2024. Motion Holzwart/Hoffman to approve the Anthem POS plan #6UV5; carried without negative vote.

- VIII. **CLEVELAND POLICE DEPARTMENT OPTIONS, including Staffing with Full-Time Chief or Part-Time Chief, or Contracting with Other Agencies.** The Board agreed by consensus and without objection they would pursue employment of a part-time Chief of Police. The Human Resources and Public Safety Committee went through the job description, hiring policy, and outside or off-duty employment policy. Motion Hoffman/Engel to waive the 15-mile residency requirement for the first successful candidate to fill the current vacancy for a regular part-time Chief of Police position; carried without negative vote.

President Holzwart reviewed the committee's findings regarding the hiring policy. Motion Warosh/Ader to (1) waive all employment advertising except the use of WILENET due to the part-time position having a more limited scope of work, with additional advertising considered if needed (2) accept a medical assessment and psychological examination performed by the law enforcement agency employing the candidate if the assessment and/or examination were completed within one year of the date of hire, provided the agency provides a copy of that information for Cleveland's personnel records; and (3) limiting the background investigation to a fingerprint record check and investigation in all current places of employment. Motion carried without negative vote.

The Village Board adopted the following performance requirements for the police chief: (1) must have a variable schedule and expected to work every week; (2) must actively patrol; (3) must cover or arrange coverage for special Village-wide events, including garage sale weekend, the Scenic Shores bicycle ride, the Salvation Army bicycle ride, Fishing Derby, Dairyland Festival (including parade participation), and trick-or-treat; (4) attend a special school event each school year, such as bike rodeo or walk-to-school; and (5) work hours to not exceed 1200 hours in any 12-month period.

- IX. **ANNEXATION PETITION: Mark E Leistickow Revocable Trust, 7929 North Ave.** Director Grunwald reviewed the annexation petition and recommendation from Plan Commission for approval. Motion Ader/Hoffman to annex the 35.4727-acre parcel owned by the Mark E. Leistickow Revocable Trust located at 7929 North Ave.; carried without negative vote. [Ordinance No. 2023-O-10]
- X. **BOWHUNTING ORDINANCE AMENDMENT.** The Human Resources and Public Safety Committee recommended the bowhunting ordinance be amended to authorize the Village President or designee to issue bowhunting permits. Motion Warosh/Ader to amend Sec. 9-2-1 (e) giving the Village President or designee authority to approve the use of bow and arrow or crossbow upon written application; carried without negative vote. [Ordinance No. 2023-O-11]

#### XI. PERMITS AND LICENSING

- A. **BOWHUNTING PERMIT: Jared DeNoble.** Not needed due to approval of the bowhunting ordinance amendment.
- B. **CIGARETTE AND TOBACCO RETAIL LICENSE thru 06/30/23: Dolgencorp LLC.** Motion Warosh/Hoffman to grant a Cigarette and Tobacco Retail License to Dolgencorp LLC, 1421 Dairyland Dr; carried without negative vote.

#### XII. REPORTS.

- A. **POLICE DEPARTMENT.** President Holzwart presented the August offense and ticket report.
- B. **MUNICIPAL COURT.** Director Grunwald presented the Court's August collections report.
- C. **ADMINISTRATION.** Director Grunwald presented the August building permit report.
- D. **PLAN COMMISSION, 09/06/23.** President Holzwart updated the Board on the Commission's work decision to retain the current ordinance disallowing mini-warehouse storage in B-2.
- E. **PUBLIC WORKS AND UTILITIES COMMITTEE, 09/07/23.** Trustee Hoffman reported the Committee discussed options to notify the public regarding the pending water utility rate change.

- F. **FINANCE AND BUDGET COMMITTEE, 09/11/23.** Trustee Ader reported the potential commercial building permit fee change and request for building permit fee reimbursement was held over.
- G. **HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 09/13/23.** President Holzwart indicated the Committee had taken up options to address noise and other violations during VFW Clubhouse rentals and the appointment of an Acting Chief of Police.

**XIII. ANNOUNCEMENTS AND EVENT REPORTS.**

- A. **MON SEP 25..... PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM**
- B. **WED SEP 27..... PLAN COMMISSION, 6PM**
- C. **THU SEP 28..... VILLAGE BOARD, 6PM**
- D. **WED OCT 4..... PLAN COMMISSION, 6PM**
- E. **MON OCT 9 ..... FINANCE AND BUDGET COMMITTEE, 6PM**
- F. **WED OCT 11..... WATER SUMMIT, UWGB-MANITOWOC CAMPUS, 6PM**
- G. **THU OCT 12 ..... HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- H. **SAT OCT 14 ..... BULK GOODS COLLECTION EVENT, TIME TBD (tentative).** The Board decided under Item VI the hours would be 9am to 2pm.
- I. **MON OCT 16 ..... JOINT REVIEW BOARD, 3:30PM**
- J. **MON OCT 16 ..... PLAN COMMISSION, 6PM**
- K. **TUE OCT 17..... VILLAGE BOARD, 6PM**
- L. **WED OCT 18..... MANITOWOC CO VILLAGE ASSN, FRANCIS CREEK, 5:30PM.**
- M. **SUN OCT 29 ..... TRICK-OR-TREAT HOURS, 4PM-6PM (tentative).** The Board confirmed trick-or-treat would be held from 4pm to 6pm on Sunday, October 29, 2023.
- N. **ANY OTHER ANNOUNCEMENTS/EVENTS.** No announcements or events were reported.

**XIV. CLOSED SESSION**

- A. Motion Holzwart/Hoffman to convene in closed session pursuant to Sec. 19.85 (1) (c) and (e), Wis. Stats., to consider the compensation and performance evaluation data of public employees over which the village board has jurisdiction and the expenditure of public funds related to the terms of employment for Clerk’s Office position candidates. Roll call—all ayes. Motion carried. Director Grunwald reviewed compensation and performance evaluation data for certain support staff and hiring opportunities presented by two candidates for the Deputy Clerk-Treasurer position. By consensus, the Board approved expanding the part-time Administrative Professional position to full-time and supported the rates suggested by Director Grunwald.
- B. **RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats.** The Board did not reconvene in open session.
- C. **ACT ON MATTERS DISCUSSED IN CLOSED SESSION.** The Board did not act on matters discussed in closed session.

**XII. ADJOURNMENT.** Motion Hoffman/Engel to adjourn; carried without negative vote. The meeting adjourned at 9:43pm.

Respectfully submitted,  
Stacy Grunwald  
Director of Village Services

Approved on 10-17-2023