

**VILLAGE BOARD OF CLEVELAND, WISCONSIN
MONTHLY MEETING
TUESDAY, OCTOBER 17, 2023
MINUTES**

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL/AGENDA APPROVAL.** Village President Jake Holzgart called the meeting to order and led the Pledge of Allegiance at 6:00pm on Tuesday, October 17, 2023, at the Cleveland Village Hall, 1150 W. Washington Ave., Cleveland, Wisconsin. Board Present: Jake Holzgart, Village President, John Ader (arrived 6:08pm), Linda Engel, Jon Hoffman, Barrett Paasch, Tom Warosh, Andy Williams, Board Absent: None, Staff Present: Stacy Grunwald, Director of Village Services, Dan Rammer, Village Engineer, MSA Professional Services. Motion Warosh/Williams to approve the agenda as posted; carried without negative vote.
- II. CITIZEN INPUT AND COMMUNICATIONS.** No communications were reported.
- Becky Paasch, 1232 Franklin Dr.* Thanked President Holzgart, Trustee Paasch, Trustee Warosh, and resident Danny Deehr for working at the bulk goods collection event on October 14, 2023.
- III. SEPT 18, SEPT 19, SEPT 28, OCT 9, AND OCT 16, 2023, MINUTES.** Motion Hoffman/Paasch to approve the minutes of the September 18, September 19, September 28, October 9, and October 16 meetings; carried without negative vote.
- IV. PETITION FOR REZONING: Mark E Leistickow Revocable Trust, 7929 North Ave**
- A. STAFF REVIEW and PLAN COMMISSION RECOMMENDATION.** Director Grunwald reviewed the Staff Report and Plan Commission findings and recommendation.
- B. PUBLIC HEARING and DECISION.** Motion Holzgart/Williams to open the public hearing; carried without negative vote. No one present offered comment; no written testimony was reported. Motion Williams/Engel to close the floor; carried without negative vote. Motion Warosh/Ader to adopt the finding of the Plan Commission and rezone the portion of the property at 7929 North Ave. north of the land zoned C-1 Conservancy District from A-1 Agricultural and Residential District and R-1 Single-Family Residential District to B-2 Special Business District. Motion carried without negative vote. [Ordinance No. 2023-O-13]
- V. STREET PROJECTS**
- A. 2023 STREET PROJECT UPDATE AND PAY REQUEST #3.** Village Engineer Dan Rammer of MSA Professional Services provided an update on the 2023 street projects and recommended payment of Pay Request #3 submitted by Peters Concrete Company. Motion Ader/Hoffman to authorize payment of Pay Request #3 to Peters Concrete Company in the amount of \$567,640.26; carried without negative vote.
- B. 2022 STREET PROJECT RESTORATION ACTIVITIES.** Engineer Rammer reviewed outstanding items being addressed with Superior Sewer & Water for the 2022 street projects. These include the sinkhole at Citrus Ln and E Jefferson Ave which he suspects is a bad connection to a storm structure. The structure was not part of the street project but would be included with the pending E Washington Ave project. He preferred the contractor suggest solutions to address issues with the Tom Warosh driveway on E Jefferson Ave. and curbing concerns in general.
- [Engineer Rammer left the meeting—6:40pm]*
- VI. PUBLIC SAFETY**
- A. ACTING CHIEF OF POLICE APPOINTMENT.** Motion Ader/Williams to appoint Village President Jake Holzgart as Acting Chief of Police; carried with one negative vote (Paasch).
- B. CHIEF OF POLICE JOB ADVERTISEMENT.** The Village Board edited a draft job advertisement. Motion Engel/Ader to authorize release of the Chief of Police job advertisement as modified; carried without negative vote.
- C. RESCIND GRANT OF “CLASS B” LICENSE TO RUPPS LLC.** Due to an issue raised by the State with the application to create Rups LLC, staff recommended the Board formally rescind its grant of a license to Rups LLC. Motion Williams/Hoffman to rescind the grant of a “Class B” retail license to sell fermented malt beverages and intoxicating liquors at 1102 W Washington Ave for the period October 17, 2023, through June 30, 2024; carried without negative vote.
- D. SEC 9-2-9 AND SEC 9-6-5, CODE OF ORDINANCES: Public Peace and Safety Amendments.** Human Resources and Public Safety Committee recommended the Village Board adopt amendments to Sec. 9-2-9 and Sec. 9-6-5 regarding the regulation of noise levels, including the VFW Clubhouse. The amendments made interpretation of the code clearer. Motion Warosh/Engel to amend Sec. 9-2-9 and Sec. 9-6-5, Code of Ordinances, as recommended by the Human Resources and Public Safety Committee; carried without negative vote. [Ordinance No. 2023-O-14]
- VII. FINANCIALS**
- A. MONTHLY VOUCHER REPORT.** Motion Hoffman/Ader to approve the September 2023 voucher report; carried without negative vote.
- B. SEC 2-5-3 (b), CODE OF ORDINANCES: Repeal Deadline for Budget Presentation.** The Village Board previously requested the amendment to remove a specific deadline for presentation of the budget since it was not required by statute. Motion Williams/Ader to amend Sec. 2-5-3 (b), Code of Ordinances, to remove the October 20 filing deadline for presentation of the following year’s budget; carried without negative vote. [Ordinance No. 2023-O-15]
- C. BUILDING PERMIT FEE REIMBURSEMENT: Mike Koenig Construction.** Mike Koenig Construction filed a request for a fee refund with its request that the Committee reconsider its fee structure; Chair Ader reported the Finance and Budget Committee recommended the Village Board proactively deny the request for a fee refund from Mike Koenig Construction in the event the fee structure is changed since the fee had been passed on to their customer and it would be poor policy with undetermined financial consequences to apply fees retroactively. There was no need for the Board to finish its work on the fee schedule. Motion Engel/Warosh to deny the request from Mike Koenig Construction for a refund of fees; carried without negative vote.
- D. DAMAGED VEHICLE REIMBURSEMENT: Craig Lallensack.** The Finance and Budget Committee recommended Craig Lallensack be reimbursed for the cost to repair a tire due to potential damage from the Linden St. reconstruction project but deny reimbursement for the alignment since the repair facility did not indicate the alignment was related to the project. Motion Ader/Hoffman to accept the recommendation of the Finance and Budget Committee and approve payment of \$29.56 to Craig Lallensack; carried without negative vote.
- E. FEE SCHEDULE AMENDMENT: Document Preparation.** The Finance and Budget Committee recommended the fee for document preparation be raised from the \$10 per hour rate set in 2002. Motion Ader/Warosh to amend the fee schedule to establish a fee of \$20 per hour, \$20 minimum, for documentation preparation, such as title company information requests; carried without negative vote. [Resolution No. 2023-R-16]
- VIII. PLAN COMMISSION VACANCY: Jason Berdyck Appointment thru Term Ending April 21, 2025; Designation as Chair.** President Holzgart appointed Jason Berdyck as Chair of the Cleveland Plan Commission, noting his prior experience as Village Trustee from 2019-2023. Motion Engel/Warosh to confirm the President’s appointment of Jason Berdyck to the Plan Commission as Chair through term ending April 21, 2025; carried without negative vote.
- IX. EMPLOYEE HANDBOOK POLICY 602 FAMILY AND MEDICAL LEAVE.** Chair Williams reported the Human Resources and Public Safety Committee recommended changes to Policy 602 to remove conflicting language and make remaining provisions consistent with state and federal law. Motion Williams/Ader to amend Employee Handbook Policy 602 Family and Medical Leave as recommended by the Human Resources and Public Safety Committee; carried without negative vote.

X. REPORTS.

- A. POLICE DEPARTMENT.** Activity report on file.
- B. MUNICIPAL COURT.** Financial report on file.
- C. ADMINISTRATION.** Building permit report on file.
- D. VILLAGE BOARD, 09/19/23, 09/28/23, 10/09/23, 10/16/23**
- E. PLAN COMMISSION, 09/27/23, 10/04/23, 10/10/23, 10/16/23.** President Holzwart reported on the boat launch engineering, Sanders Trust Site Development Plan, and Tax Increment District No. 2.
- F. FINANCE AND BUDGET COMMITTEE, 10/09/23.** Chair Ader updated the Village Board on the decision to hold on a referendum for police services. The contract with Barrientos was moving forward to analyze the Dollar General site.
- G. WATER SUMMIT, UWGB-MANITOWOC CAMPUS, 10/11/23.** Trustees Paasch and Warosh reported on the water summit and water quality findings.
- H. HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 10/12/23.** All matters previously reported during the meeting.
- I. BULK GOODS COLLECTION EVENT, 10/14/23.** President Holzwart and Trustees Paasch and Warosh reported on the collection. Motion Warosh/Engel to open the floor; carried without negative vote.
Sheryl Nehls, 1424 Webster Ln. Noted illegal dumping of materials at the Dairyland Dr and S Cleveland Rd stop sign took place right after the collection event. Motion Warosh/Williams to close the floor; carried without negative vote.
- J. JOINT REVIEW BOARD, 10/16/23.** President Holzwart reported the Board held its organizational meeting and heard a presentation from Phil Cosson of Ehlers & Associates.

XI. ANNOUNCEMENTS AND EVENT REPORTS.

- A. WED OCT 18..... MANITOWOC CO VILLAGE ASSN, FRANCIS CREEK, 6PM**
- B. MON OCT 23 PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM**
- C. TUE OCT 24..... VILLAGE BOARD, 6PM**
- D. SUN OCT 29 TRICK OR TREAT, 4PM-6PM**
- E. TUE OCT 31..... VILLAGE BOARD, 6PM**
- F. TUE NOV 1..... PLAN COMMISSION, 6PM**
- G. TUE NOV 7..... VILLAGE BOARD, 6PM**
- H. MON NOV 13 FINANCE AND BUDGET COMMITTEE, 6PM**
- I. WED NOV 15 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- J. TUE NOV 21..... VILLAGE BOARD, 6PM**
- K. NOV 23-24..... STAFF HOLIDAY**
- L. ELECTION DEADLINES FOR LOCAL OFFICE**
 - 1. FRI DEC 1..... FIRST DAY TO CIRCULATE NOMINATION PAPERS**
 - 2. FRI DEC 22... NOTIFICATION OF NONCANDIDACY DEADLINE, 5PM**
 - 3. TUE JAN 2 ELECTION PAPERS FILING DEADLINE, 5PM****INCUMBENTS ON SPRING BALLOT: Linda Engel, Jon Hoffman, Andy Williams**
- M. SET 2024 BUDGET PUBLIC HEARING DATE.** Held over.
- N. ANY OTHER ANNOUNCEMENTS/EVENTS.** No announcements or events were reported.

XII. CLOSED SESSION

- A. Motion Holzwart/Engel to convene in closed session pursuant to Sec. 19.85 (1) (c), Wis. Stats., to consider employment and compensation of public employees over which the village board has jurisdiction, including Chief of Police interview questions, format, participants, and scoring; an employee leave; and compensation for the Director of Village Services. Roll call—all ayes. Motion carried.** Director Grunwald remained until 8:10pm.

President Holzwart and Trustee Paasch recused themselves from discussion on matters related to the Chief of Police employment due to both having met with one of the candidates regarding the position. The remaining Village Board members worked on matters related to hiring a Chief of Police.

The Village Board provided guidance on an employee request for unpaid leave.

[Director Grunwald left the meeting—8:10pm]

The Village Board came to consensus on compensation for the Director of Village Services depending on budget capacity.

[Director Grunwald returned to the meeting—9:18pm]

The Village Board provided information to incorporate in the draft 2024 budget for its review.

- B. RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats.**
- C. ACT ON MATTERS DISCUSSED IN CLOSED SESSION.**

The Board did not reconvene in open session.

XII. ADJOURNMENT. Motion Warosh/Engel to adjourn; carried without negative vote. The meeting adjourned at 9:25pm.

Respectfully submitted,
Stacy Grunwald
Director of Village Services

Approved on 12-5-2023