

**VILLAGE OF CLEVELAND, WISCONSIN
VILLAGE BOARD MONTHLY MEETING
TUESDAY, JANUARY 16, 2024
MINUTES**

- I. CALL TO ORDER/ROLL CALL/SELECT CHAIR FOR MEETING.** In the absence of Village President Jake Holzwart, Director of Village Services Stacy Grunwald called the meeting to order at 6:00pm on Tuesday, January 16, 2024, at the Cleveland Village Hall, 1150 W Washington Ave, Cleveland, Wisconsin. Board Present: John Ader, Jon Hoffman, Barrett Paasch, Tom Warosh, Andy Williams, Chair *Pro Tempore*. Board Absent: Jake Holzwart, Village President/Acting Chief of Police, Also Participating: Joe DeYoung, Operations Leaders, MSA Professional Services. One Trustee position was vacant. Motion Ader/Hoffman to appoint Andy Williams as Chair *Pro Tempore* for the meeting; carried without negative vote, one abstention (Williams).
- II. PLEDGE OF ALLEGIANCE/AGENDA APPROVAL.** Chair *Pro Tem* Williams led the Pledge of Allegiance. Motion Hoffman/Paasch to approve the agenda as posted; carried without negative vote.
- III. CITIZEN INPUT AND COMMUNICATIONS, including Village Attorney Katherine M. Reynolds Notice of Retirement.**
Kyle Wallander, 782 Linden St. Mr. Wallander questioned the status of the ClearSky project and was informed the developer and Village continued work on the project.
Atty. Katherine Reynolds stated by letter she was retiring at the end of January 2024 and would assist with the transition to new counsel. Other attorneys at Michael Best would provide assistance while the Village decided how to proceed. *Legal services referred to Human Resources and Public Safety Committee.*
- IV. STREET AND UTILITY RECONSTRUCTION PROJECTS: Joe DeYoung, MSA Professional Svcs**
A. PROJECT UPDATES, including PUNCHLIST AND WARRANTY WORK. Village Engineer Joe DeYoung, Operations Leader for the public works service line with MSA Professional Services, addressed the Village Board on issues related to the 2020 through 2023 street projects.
Mr. DeYoung identified six issues of concern he obtained through project review with Village staff, offered options to address them, and discussed potential consequences to each option. For clarity, the full discussion is summarized with each topic, including discussion that took place after the floor was opened.
Topic 1. *Driveways and curbing.* Property owners on Linden St. and Maple St. were concerned with the width of the driveway aprons; their expectations for the final product were not met. The 2023 street project punch list included reviewing driveways and curbing.
Topic 2. *Warranty and quality issues.* On the current project, there was a settling issue on W. Washington Ave. that follows the storm sewer trench and affects the street surface and curb and gutter; on prior projects, there were issues with concrete cracking. Contracts generally included performance and payment bonds. Payment bonds ensured monies received by the general contractor would be used to pay the subcontractors as appropriate. Performance bonds ensured the work was completed to the satisfaction of the owner, consistent with the approved contract. Unsatisfactory performance found or remaining outside the contract period might require involvement by the Village attorney.
Topic 3. *Restoration issues.* Restoration on the current project was completed in November at the end of the construction season. While there were questions raised as to the effectiveness of such late planting, the contractor controlled the means and methods for performance of work.
Topic 4. *Subcontractor performance.* There were concerns with communication by the contractor, concrete subcontractor and MSA, and the methods and work product of the concrete contractor. The 2023 street project punch list included reviewing driveways and curbing. Discussion included alternatives for concrete replacement and installation in the 2023 and future projects.
Topic 5. *Public meeting.* The Village Board requested an after-the-fact public meeting as an opportunity for property owners to explain their experience and concerns. MSA agreed to lead and plan the meeting and the Village Board agreed to attend and listen only, not participate.
Topic 6. *Pay Request #4.* The Village Board withheld payment of Pay Request #4 to communicate to the general contractor there were serious concerns with the project; this was effective as MSA received an email from the general contractor acknowledging responsibility to repair the issue on W. Washington Ave. The contractor and Village Board reviewed options and requirements under the contract.
Motion Warosh/Paasch to open the floor; carried without negative vote.
Pam Waak, 699 E. Jefferson Ave. Commented on an issue with a depression on Citrus Ln. after the 2022 street project, possibly related to the stormwater system. After discussion, Mr. DeYoung stated it would be investigated.
Kyle Wallander, 782 Linden St. Commented that cracks were appearing in curbing on Linden and Maple Streets less than one month after construction was completed. Mr. Wallander was asked to provide the locations to the Village and they will be added to the punch list for review with the contractor.
[Outcomes from additional discussion on Topics 1 through 6 are summarized with each topic, above.]
B. 2023 STREET PROJECT PAY REQUEST #4: Peters Concrete Company. Motion Warosh/Ader directing Public Works and Utilities Chair Jon Hoffman to verify the retainage in Pay Request #4 was consistent with the Board's direction to withhold sufficient funds to address the correction of settling and related issues on W. Washington Ave. and authorizing the Director of Village Services and Village President to issue payment; carried without negative vote.
Motion Williams/Warosh to close the floor; carried without negative vote.
- V. VILLAGE TRUSTEE APPOINTMENT THRU TERM ENDING APRIL 15, 2024**
A. PRESIDENT'S APPOINTMENT OF BARRY NELSON
B. VILLAGE BOARD CONFIRMATION OF APPOINTMENT
Due to the President's absence, this topic was held over to a special meeting on January 24, 2024, 6pm.
- VI. CHIEF OF POLICE VACANCY.** Held over to the January 24, 2024, special meeting.
- VII. NOV 9, NOV 14, NOV 21, NOV 28, DEC 2, DEC 5, DEC 12, DEC 18, AND DEC 20, 2023, MINUTES.** The December 18, 2023, minutes were held over to the January 24, 2024, special meeting. Motion Paasch/Hoffman to approve the minutes of the November 9; November 14; November 21; November 28; December 2; December 5, December 12, and December 20, 2023, meetings; carried without negative vote.
- VIII. FINANCIALS**
A. MONTHLY VOUCHER REPORT. Trustee Warosh requested information on the payment to Corson Peterson and Hamann for accounting services; the costs included fourth quarter expenses for the water utility rate case application, audit work, and payroll. He asked if the payment to Michael Best & Friedrich for legal services put this expense over the budgeted line item; Director Grunwald believed it did. Director Grunwald noted the Board only acted on budget exceedances based on the adopted summary, so no direct Board action was required for payment. She also informed the Board that the Deputy Clerk-Treasurer vacancy was filled, with a goal

of improving financial reports as soon as feasible. Until new reporting is in place, she will try to flag significant line items that approach budgeted amounts and provide notice for invoicing that is more than 30 days past due. Motion Hoffman/Williams to approve the December 2023 voucher report; carried without negative vote.

- B. ANIMAL IMPOUND SERVICES: Eastshore Humane Association Inc.** The Village has a good working relationship with Eastshore Humane Association and fortunately doesn't often need shelter services. The pricing remained unchanged from the prior year. Motion Williams/Paasch to approve the Agreement for Services with Eastshore Humane Association through December 31, 2024; carried without negative vote.
- C. ECONOMIC DEVELOPMENT SERVICES AGREEMENT: Progress Lakeshore.** Director Grunwald reviewed the proposed agreement amendment, noting the Board had received the base Service Agreement at its December 12, 2023, meeting with Progress Lakeshore. Motion Warosh/Paasch to approve the Fifth Amendment to the Services Agreement with Progress Lakeshore, City of Manitowoc, City of Kiel, and the Village of Mishicot for the period January 1, 2024, through December 31, 2027; carried without negative vote.

IX. STAFF REQUEST TO RETURN TO PRE-COVID WALK-IN HOURS EFFECTIVE 3/1/24. Director Grunwald asked the Village Board to expand Village Hall walk-in hours to the pre-COVID hours of Monday through Thursday, 10am to 12noon, posted on the building given the vacancies were filled. She suggested an effective date of March 1, since time was needed to reorganize the office for the new position and train. Motion Williams/Ader to establish walk-in hours as Monday through Thursday, 10am to 12noon, effective March 1, 2024; carried without negative vote.

X. DIRECTOR'S REPORT: Building Permit and Activity Report. Building permit report on file. The Board had no questions for Director Grunwald.

XI. ANNOUNCEMENTS AND EVENT REPORTS

- A. WED JAN 17 MANITOWOC CO VILLAGE ASSN, KELLNERSVILLE, 5:30PM**
- B. MON JAN 22 PUBLIC WORKS AND UTILITIES COMMITTEE, 6PM**
- C. WED FEB 7 PLAN COMMISSION, 6PM**
- D. MON FEB 12 FINANCE AND BUDGET COMMITTEE, 6PM**
- E. WED FEB 14 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- F. TUE FEB 20..... VILLAGE BOARD, 6PM**

G. ANY OTHER ANNOUNCEMENTS/EVENTS. A special meeting of the Village Board was set under Item V for Wednesday, January 24, 2024, 6pm.

XI. ADJOURNMENT. Motion Warosh/Williams to adjourn; carried without negative vote.

Respectfully submitted,
Stacy Grunwald
Director of Village Services

Approved on 02-20-24