

VILLAGE BOARD OF CLEVELAND, WISCONSIN
TUESDAY, MAY 21, 2024

MINUTES

- I. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE/AGENDA APPROVAL.** Village President Jake Holzwart called the meeting to order and led the Pledge of Allegiance at 6:06pm on Tuesday, May 21, 2024, at the Cleveland Village Hall, 1150 W Washington Ave, Cleveland WI 53015.

Village Board Present: Jake Holzwart, Village President
John Ader
Jarrod Jackett
Barrett Paasch
Becky Paasch
Tom Warosh

Village Board Absent: Rob Burkhard (excused)

Staff Present: Eric Fisher, Chief of Police
Stacy Grunwald, Director of Village Services

Motion Holzwart/Becky Paasch to take up current Item XII.A. closed session on the Brandt development as Item VIII.A.(4) and current Item XIV on the short-term housing ordinance as Item IX, renumber the agenda accordingly, and approve the agenda as amended. Carried without negative vote.

- II. CITIZEN INPUT AND COMMUNICATIONS, including review of candidate materials distributed during Spring Election.** At the President's request, the Village Board referred two items brought forward in the Spring Election as follows: water quality concerns to the Public Works and Utilities Committee and the Village's debt service to the Village Board orientation meeting.

Pamela Waak, 699 E Jefferson Ave, questioned why the lot sales were listed as a closed session item at this meeting but were open session at the Finance and Budget Committee meeting; President Holzwart responded the Village Board would be discussing potential counter offers and it was beneficial to have the terms remain confidential from other parties until the sales were completed.

Daniel Kaderabek, 1272 N Westview St., asked the Village Board to open the floor during the short-term licensing discussion.

Atty. Steve Frassetto of Menn Law Firm introduced himself as representing Kurt and Jennifer Brandt and stated they were present to answer questions regarding the Alpine Ct. development.

Jackie Mayer, 841 Maple St., recounted her family's experience with renters at the VFW since the facility was opened to the public, including amplified music, after-hours attendance, trash in her and neighbor's yards, broken bottles, and public urination on her property. She and her husband were ready to rent the VFW every weekend for the summer to avoid the emotional toll these renters exact on them. It is especially difficult for her learning-disabled son, who acts out and has taken to self-harm. She asked the Village Board to find a way to effectively address the issue since the parties violating the rentals were always from the same group.

- III. APRIL 16, 2024, AND APRIL 29, 2024, MINUTES.** Minutes Warosh/Barrett Paasch to approve the minutes of the April 16, 2024, and April 29, 2024, meetings; carried without negative vote.

- IV. 2023 STREET PROJECT CONTRACTOR WALK-THROUGH: MSA Professional Services.** Dan Rammer, Village Engineer with MSA Professional Services, summarized the results of the 2023 street project walk-throughs and answered questions. Discussion included areas to be included on the contractor punch list, likelihood for warranty extensions, and expectations to address issues remaining from the 2022 street projects.

[Engineer Rammer left the meeting—6:36pm]

- V. CONDITIONAL USE PERMIT: TDK Group LLC, 1278 Alpine Ct (Highland Lodge)**

A. PETITION SUMMARY; PLAN COMMISSION RECOMMENDATION. President Holzwart reported TDK Group LLC was requesting a conditional use permit to allow a dwelling for innkeepers' quarters as an accessory use to the hotel. A portion of the existing detached garage would be altered to meet Uniform Dwelling Code and would include a full bath, kitchenette, bedroom, and living room. The remainder of the garage would continue as hotel storage. The building would not be enlarged in size or height. The improved space would be for innkeeper use only and not be rented or leased. This space would not be public space or accessible to hotel guests. President Holzwart read the Plan Commission's findings for each required standard for use; the Board accepted the findings as presented. President Holzwart read the Plan Commission's recommended conditions.

B. PUBLIC HEARING. Motion Holzwart/Jackett to open the floor; carried without negative vote. Tracy Kaderabek, Sole Member of TDK Group LLC, suggested Condition 3 specifically reference the hotel; the Village Board added a sentence stating the innkeeper's quarters cannot be metered for water separately from the hotel. Motion Holzwart/Warosh to close the floor; carried without negative vote.

C. DISCUSSION and/or ACTION. The Village Board established the following permit conditions:

1. The terms of the conditional use permit can be amended as needed by the Village of Cleveland, upon prior notice to the permit holder, sent by first-class, postage paid mail through the United States Postal Service to the most recent address on file.
2. The conditional use permit shall expire on December 31, 2025, unless occupancy is approved by the Building Inspector and the approved use is commenced.
3. The innkeeper's quarters cannot be metered separately from the hotel. The conditional use permit shall expire if the approved use ceases for 12 months, if water service is disconnected for 12 months, or if there is no recorded water usage for 12 months.
4. The conditional use permit shall expire if the residential use authorized by the permit is no longer serving as the innkeeper's quarters to the hotel. Innkeeper is defined as a party responsible for the supervision or management of the hotel.
5. The conditional use permit shall expire if the hotel business or the property are sold or transferred to another owner or entity.
6. The conditional use permit can be terminated by mutual agreement of the permit holder and Village.
7. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
8. The establishment, maintenance, or operation of the conditional use shall not substantially impair the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted.
9. The building shall be repaired and maintained in sound condition so that it remains safe, sanitary, and fit for human occupation.
10. Landscaping shall be routinely maintained, and the property kept neat and orderly.
11. Construction and operation must strictly conform to approved site, building, zoning, and operational plans as submitted with the initial application, or per the terms of amendment(s) approved by the Village Board; although the Building Inspector or Village staff may authorize deviations that he or she determines to be minor.
12. This conditional use permit shall be reviewed annually by the Plan Commission.

Motion Warosh/Ader to adopt the findings of the Plan Commission and approve the Conditional Use Permit application filed by TDK Group LLC to allow part of the detached garage at Highland Lodge, 1278 Alpine Ct, to be remodeled as innkeepers' quarters for the hotel, with the above conditions; carried without negative vote.

- VI. PARK PLAN AMENDMENTS**

A. DAIRYLAND PARK MASTER PLAN AMENDMENT: New Pavilion, Cleveland Lions Club. President Holzwart read the purpose statement for the *Dairyland Park Park Site Master Plan*; the Board found the project consistent with the Plan's purpose and

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Recommended Development Plan. The Village Board determined the Lions' request for a 50-foot setback from the Dairyland Dr right-of-way was not a material change and the application didn't need to be returned to the Plan Commission. The Board also reviewed the recommendations from the 20-Year Comprehensive Plan and the Official Map and found the proposal consistent with plan recommendations and the Official Map. Motion Ader/Jackett to adopt the Plan Commission's findings and amend the Dairyland Park Site Master Plan to allow installation of a 112' x 40' open shelter with bathrooms and a kitchen to be located approximately 50 feet east of the Dairyland Dr right-of-way and 20 feet north of the existing parking lot, as shown on the submitted plan. Motion carried without negative vote.

- B. HIKA PARK MASTER PLAN AMENDMENT: Mary Wagner Memorial Bench, Todd Wagner.** President Holzwart read the purpose statement for the *Hika Park Master Plan*; the Board found the project consistent with the Plan's purpose and Option 1, was the preferred construction option. The Board also reviewed the recommendations from the 20-Year Comprehensive Plan and the Official Map and found the proposal consistent with plan recommendations and the Official Map. Motion Warosh/Becky Paasch to adopt the Plan Commission's findings and amend the Hika Park Master Plan to allow installation of a six-foot brown expanded steel bench with concrete landing pad in memory of Mary Wagner, overlooking Lake Michigan on the south end of Hika Park at the midpoint between the Ron Hansmann and William Rutherford memorial benches, as shown the submitted plan. Motion carried without negative vote

- VII. CURRENT LAND SALE TERMS AND CONDITIONS; CONSIDERATION OF CHANGES.** Village Realtor Dane Checolinski reported five parties were interested in the two parcels he was marketing as Lot A, noting there was generally better success when parcels are grouped together for advertising. He explained some of the terms used in the contract and that the changes he suggested to the Village's terms and conditions included two protections: a construction deposit and the right of first refusal, which protects the Village from the buyer selling the property at a better price. The two offers on Lot A used different offer terms and conditions so he recommended the Village prepare a counteroffer for terms not included on the older form rather than resubmittal by the buyer. After discussion, motion Jackett/Ader to use the standard form WB-13 Vacant Land Listing Contract – Exclusive Right to Sell and accept the Realtor's proposed Modifications and/or Supplemental Information and the Special Conditions with the Finance Committee's changes. Motion carried without negative vote

VIII. CLOSED SESSION

- A. Motion Holzwart/Warosh to CONVENE IN CLOSED SESSION pursuant to Sec. 19.85 (1) (e), Wis. Stats., (1) where competitive or bargaining reasons require a closed session to consider the Immig and Schwochert offers to purchase Lots 10 and 11, Parkview Subdivision, W Madison Ave; and Sec. 19.85 (1) (c), Wis. Stats., to consider the expenditure of public funds to (2) acquire street and utility access from Daniel and Theresa Kaderabek to service Tax Incremental District No. 2, and (3) to contract with NAI Pfefferle to assist with the street and utility access acquisition; and (4) pursuant to Sec. 19.85 (1) (e), Wis. Stats., where competitive or bargaining reasons require a closed session to consider the Brandt development on Alpine Ct. Roll call: all ayes. Motion carried. Director Grunwald and Realtor Checolinski remained.**

[Chief Fisher and the public left the room--7:08pm]

The Village Board reviewed the Immig and Schwochert offers to purchase Lot A and the acquisition of street and utility access from Kaderabeks. The Village Board also discussed terms to utilize Realtor Checolinski's services for the Kaderabek transaction.

[Realtor Checolinski left the meeting; Kurt and Jennifer Brandt and Atty. Steve Frassetto joined the meeting—7:57pm]

The Village Board listened to the Brandts request to reconsider installation of self-storage facilities at the Alpine Ct. property and different zoning options the Board could consider for the project.

[Kurt and Jennifer Brandt and Atty. Frassetto left the meeting]

The Village Board discussed the background events leading to this request and options to address.

- B. Motion Holzwart/Jackett to RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats. Roll call: all ayes. Motion carried.**

[The meeting reconvened in open session—8:47pm]

- C. ACT ON ITEMS DISCUSSED IN CLOSED SESSION.** Motion Barrett Paasch/Jackett authorized Village Realtor Dane Checolinski to respond to each buyer for Lot A consistent with their discussion and authorizing the Village President and Director of Village Services to complete any paperwork necessary to move the process forward; carried without negative vote.

- IX. RE-ADOPTION OF SHORT-TERM HOUSING ORDINANCE 2023-O-16.** Motion Warosh/Becky Paasch to open the floor; carried without negative vote. Daniel and Tracy Kaderabek, 1272 N Westview St, offered concerns with duplication between the Manitowoc County and Village licensing requirements for Highland Lodge. They were told licensing was started in response to strong neighbor concerns with the detrimental impact of short-term rental housing in a neighborhood. Motion to close the floor; carried without negative vote. Director Grunwald withdrew the request from the Board so she could meet with stakeholders to revisit the 2019 ordinance. Motion Barrett Paasch/Ader to hold over action on readopting Ordinance No. 2023-O-16; carried without negative vote. Referred to Human Resources and Public Safety Committee.

X. FINANCIALS

- A. MONTHLY VOUCHER REPORT.** The Board discussed Finance Committee review of vouchers prior to Village Board action. Motion Ader/Holzwart to approve the April 2024 voucher report; denied with three nay votes (Paasch, Paasch, and Warosh.) Future voucher reports are to go to the Finance Committee for review and recommendation.
- B. REPLACEMENT COPIER PROPOSAL: James Imaging Systems.** After discussion, Staff was directed to obtain a second quote.

XI. CONTRACTS FOR SERVICES

- A. RENTAL SERVICE AGREEMENT RENEWAL: Cintas.** The Finance Committee recommended renewal. Motion Warosh/Becky Paasch to approve the Rental Service Agreement renewal with Cintas; carried without negative vote.
- B. MANAGED SERVICES AGREEMENT RENEWAL (Intrac Technology); TECHNICAL SERVICES OPTIONS.** The Finance Committee recommended renewal. After discussion, Staff was directed to obtain at least one more quote.

- XII. RETAIL "CLASS B" ALCOHOL LICENSE EXTENSION THRU 06/30/24: Hika Bay Tavern.** Richard Gadzinski, owner, made steady progress remodeling the building and intended to open this year. Motion Warosh/Jackett to extend the retail "Class B" fermented malt beverage and intoxicating liquor license granted to Hika Bay Tavern for six months; carried without negative vote.

XIII. CLEVELAND PARK REQUESTS

- A. REQUEST TO USE VILLAGE HALL AS REST STOP: Salvation Army, 07/13/24.** Motion Warosh/Ader authorizing The Salvation Army to use Village Hall as a rest stop for The Salvation Ride on July 13, 2024, with payment of a \$100 security deposit; carried without negative vote. Trustee Ader was authorized to obtain a professional 2' x 4' sign stating, "Welcome to Cleveland" for placement at Village Hall.
- B. AMPLIFIED SOUND APPLICATION: Lions Club, Dairyland Park, Festival 08/03/24-08/04/24.** Motion Ader/Warosh to approve the Amplified Sound Application submitted by the Cleveland Lions Club for Dairyland Festival at Dairyland Park, August 3 through August 4, 2024; carried without negative vote.
- C. SUSPENSION OF FURTHER RENTALS AT VFW CLUBHOUSE; CONSIDERATION OF REFERRAL TO HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE.** After consideration of testimony during citizen input and information offered by Chief Fisher, motion Jackett/Ader to suspend further rentals at the VFW Clubhouse and directing the Human Resources and Public Safety Committee to review rental regulations; carried without negative vote.

XIV. ZONING BOARD OF APPEALS APPOINTMENT: Linda Engel, term ending April 19, 2027. The President appointed Linda Engel to the Zoning Board of Appeals through term ending April 19, 2027. Motion Holzwart/Ader to confirm the appointment of Linda Engel to the Zoning Board of Appeals; carried without negative vote.

XV. STAFF AND COMMITTEE REPORTS

- A. POLICE REPORT.** Chief Fisher reviewed his report.
- B. DIRECTOR'S REPORT.** The Board approved the following Committee referral requests: forestry quotes and a fee schedule amendment for administrative fees to the Finance and Budget Committee; and LTC emergency shelter options, to Human Resources and Public Safety Committee.
- C. COURT REPORT.** Director Grunwald provided an update.
- D. PLAN COMMISSION, 05/01/24.** All items were on the agenda.
- E. HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 05/08/24.** Chair Warosh reported on his meeting with Cleveland Fire Department membership to introduce himself as the new chair.
- F. FINANCE AND BUDGET COMMITTEE, 05/13/24.** All items were on the agenda.

XVI. ANNOUNCEMENTS AND EVENT REPORTS

- A. TUES MAY 21..... LIONS CLUB re PROPOSED SHELTER, DAIRYLAND PARK, 9AM**
- B. WED MAY 22MSA STREET PROJECT POST-CONSTRUCTION MTG, LTC, 6PM**
- C. MON MAY 27STAFF HOLIDAY**
- D. TUE MAY 28.PUBLIC WORKS COMMITTEE MEETING, 6PM**
- E. TUE JUN 4..... VILLAGE BOARD ORIENTATION MEETING, 6PM**
- F. WED JUN 5 ... PLAN COMMISSION MEETING, 6 PM**
- G. SAT JUN 8..... BULK GOODS EVENT, DAIRYLAND PARK, 9AM-2PM**
- H. MON JUN 10.FINANCE COMMITTEE MEETING, 6PM**
- I. WED JUN 12 .HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- J. TUE JUN 18... VILLAGE BOARD MEETING, 6PM**
- K. TOPIC SUGGESTIONS FOR FUTURE MEETINGS.** The purpose for this item is to provide an opportunity for Board members to suggest topics for Committee referral or consideration at a later meeting.
- L. ANY OTHER ANNOUNCEMENTS/EVENTS.** Trustee Becky Paasch suggested the Village Board hold a meeting for Village residents once or twice a year in Centennial Hall at Lakeshore Technical College.

XVII. CLOSED SESSION

- A. Motion Holzwart/Jackett to CONVENE IN CLOSED SESSION pursuant to Sec. 19.85 (1) (e), Wis. Stats., where competitive or bargaining reasons require a closed session to consider the ClearSky Health development agreement, North Ave.; and pursuant to Sec. 19.85 (1) (f), Wis. Stats., to give preliminary consideration to personnel problems. Roll call: all ayes. Motion carried.**

[The public left the meeting]

Director Grunwald provided an update on project progress.

[Director Grunwald left the meeting]

President Holzwart assumed responsibility for the minutes.

[REDACTED]

- B. RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats.** The Board did not reconvene in open session.
- C. ACT ON ITEMS DISCUSSED IN CLOSED SESSION.** No action was taken by the Board.

XVIII. ADJOURNMENT. Motion to adjourn; carried without negative vote. The meeting adjourned at 10:17pm.

Respectfully submitted,
Stacy Grunwald
Director of Village Services

Approved on 6-18-24