

VILLAGE BOARD OF CLEVELAND, WISCONSIN  
TUESDAY, JULY 16, 2024

MINUTES

- I. CALL TO ORDER/ROLL CALL/CONFIRM JOHN ADER AS 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.

Board Present: John Ader (arrived 6:20pm, Chair *Pro Tempore* beginning Item IV)  
Jarrod Jackett, Chair *Pro Tempore* Item I thru Item III  
Barrett Paasch  
Becky Paasch  
Tom Warosh

Board Absent: Jake Holzwart, Village President (excused)  
Rob Burkhard (excused)

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

Also Participating: Dane Checolinski, NAI Pfefferle (Item VI)  
Ann Flad-Jesion, Progress Lakeshore (Item VI)

Motion Tom Warosh/Barrett Paasch to appoint Trustee Jackett to serve as Chair for the meeting until Trustee Ader arrived; carried without negative vote, one abstention (Jackett).

- II. PLEDGE OF ALLEGIANCE/AGENDA APPROVAL.** Chair Jackett led the Pledge of Allegiance. Motion Tom Warosh/Barrett Paasch to approve the agenda as posted; carried without negative vote.

- III. CITIZEN INPUT AND COMMUNICATIONS, including President's referral requests**

**A. CELLCOM PROPOSAL FOR MOBILE DEVICE SERVICES.** *Referred to Finance and Budget Committee*

**B. CITATION ORDINANCE AMENDMENT.** *Referred to Human Resources and Public Safety Committee*

Trustee Becky Paasch commented on the public safety hazard presented by the fire-damaged house at 1181 Franklin Dr.

*Kyle Wallander, 782 Linden St.* Noted debris was visible from Lakeshore Dr. on the bluff behind 1181 Franklin Dr. Staff indicated they would follow up with the building inspector and attorney, if needed.

*Jason Berdyck, 1040 Juniper St.* Questioned the Village's commitment to addressing other properties that present issues due to delapidated and unsafe conditions. Human Resources and Public Safety Committee Chair Warosh stated his committee should draft a list of properties for the building inspector to review.

Trustee Ader arrived at the meeting and assumed the Chair as approved under Item I.

- IV. JUNE 18, 2024, MINUTES.** Motion Tom Warosh/Barrett Paasch to approve the minutes of the June 18, 2024, meeting; carried without negative vote.

- V. SPECIAL ASSESSMENTS: Determination of Special Benefit, Bradley and Kate Jaeger, Birch St.** Public Works and Utilities Committee Chair Barrett Paasch reported the committee voted 2-0 to recommend the Jaegers special assessment be deferred. Trustee Jackett explained he abstained from the vote since he needed more information before he could make a decision. The Village Board discussed possible timing issues related to the Jaegers acquisition of the property from the Kultgen family; notice procedures; the application of special assessment to other agricultural properties within and outside the Village boundary; and the Village Board's previous determination that the Jaeger property derived a special benefit from the street project. Motion John Ader/Becky Paasch to open the floor to Bradley and Kate Jaeger; carried without negative vote.

*Jason Berdyck.* Mr. Berdyck noted he was Chair of Public Works and Utilities Committee when this matter was reviewed. He explained the Committee's finding of special benefit and explained the difference between the Jaeger property and other agricultural properties for the 2020 and 2022 street projects.

*Brad and Kate Jaeger, 6316 E Washington Ave.* The Jaegers reported they purchased the property under the Beginning Farmer Loan program through the United States Department of Agriculture. The portion of their land outside the Village was enrolled in the Farmland Preservation Program. They knew the assessment was a possibility at the time of purchase and that the Public Works committee would review it, but they weren't told when that meeting was to be held. They heard no more about the assessment until receiving the invoice with an amount considerably higher than the preliminary one.

*Dane Checolinski, NAI Pfefferle.* Realtor Checolinski noted the seller had a duty to disclose the existence of the assessment prior to sale and a failure to disclose the upcoming meeting about the assessment could be a breach of contract.

The Village Board discussed the stormwater outfall repair, which was not assessed against the Jaeger property, and that the easement for the outfall was not consistent with the outfall's physical location. There had also been a pending request with the prior owner to obtain an additional 10 to 15 feet of right-of-way to bring Birch St up to a standard right-of-way width. Trustee Warosh suggested the Jaegers check their title paperwork for details on the special assessment and the Village perform its due diligence regarding the easements. Motion Jarrod Jackett/Tom Warosh to close the floor; carried without negative vote. The Village Board chose to keep this topic with the Village Board and hold over further discussion to the next regular meeting.

- VI. CLOSED SESSION**

**A.** Motion John Ader/Tom Warosh to CONVENE IN CLOSED SESSION pursuant to Sec. 19.85 (1) (e), Wis. Stats., to consider the expenditure of public funds for Tax Incremental District No. 2 for (1) street and utility access from Daniel and Theresa Kaderabek, (2) development agreement with ClearSky Health for a medical rehabilitation facility, and (3) water and sanitary infrastructure installation. Roll call: all ayes. Motion carried. Director Grunwald, Village Realtor Dane Checolinski of NAI Pfefferle, and Ann Flad-Jesion of Progress Lakeshore remained for the duration of the closed session.

*[Chief Fisher and the public left the meeting—7:10pm]*

Realtor Checolinski reviewed the counter-offer from the Kaderabeks. The Village Board discussed the value of its offer to date and if the counter-offer were accepted. Motion John Ader/Jarrod Jackett to accept the counter-offer from Daniel and Theresa Kaderabek dated June 7, 2024; carried with three ayes (Ader, Jackett, Warosh) and two nays (Barrett Paasch, Becky Paasch).

The Village Board discussed an incentive request from the developer for the ClearSky Health project, the timing of building permit issuance, and the value of non-cash incentives.

**B.** Motion John Ader/Jarrod Jackett to RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats. Roll call: all ayes. The Board returned to open session at 9:00pm.

**C. ACT ON ITEMS DISCUSSED IN CLOSED SESSION.** Motion John Ader/Jarrod Jackett to accept the counter-offer from Daniel and Theresa Kaderabek dated June 7, 2024; carried with three ayes (Ader, Jackett, Warosh), one nay (Barrett Paasch), and one abstention (Becky Paasch). Motion John Ader/Tom Warosh to issue 'permission to start' permits for the ClearSky Health project; carried without negative vote.

Motion Tom Warosh/Jarrod Jackett to amend the agenda to bring forward Item X to address immediately; carried without negative vote.

Motion Tom Warosh/Becky Paasch to CONVENE IN CLOSED SESSION pursuant to Sec. 19.85 (1) (g), Wis. Stats., to confer with legal counsel who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Roll call: all ayes. Motion carried. Director Grunwald remained for the duration of the closed session. Atty. Mary Nelson was called and participated by telephone. She explained a prior employee's demand for payment and a records request from legal counsel for the period January 1, 2023, through February 8, 2024.

Motion Tom Warosh/Jarrold Jackett to RECONVENE IN OPEN SESSION pursuant to Sec. 19.85 (2), Wis. Stats. Roll call: all ayes. The Board returned to open session at 9:22pm.

[Chief Fisher and the public returned to the meeting.]

**VII. FINANCIALS**

- A. MONTHLY FINANCIAL REPORTS.** Motion Tom Warosh/John Ader approve the June 2024 voucher report; carried with one negative vote (Barrett Paasch).
- B. FEE SCHEDULE AMENDMENTS: COMMERCIAL BUILDING PERMITS AND ADMINISTRATIVE FEES.** Finance and Budget Committee member Trustee Becky Paasch believed she had made a mistake when she voted to amend the commercial building permit fee schedule. Checking into it further, she was informed by someone that the current format was consistent with surrounding areas and it was a matter of learning to use it. Chair Ader responded the building inspectors were present at the committee meeting and explained the issues with the format and recommended changing to a dollar-per-thousand format, which the committee accepted. The Board discussed the difficulty using a square footage basis for lineal projects, and that the charges for a storage building would be the same as a habitable structure of the same size. It was noted that the lower fees under the current schedule could offer an incentive for development in Cleveland. Motion John Ader/Jarrold Jackett to amend the Commercial Permit Fee Schedule as follows: \$12/\$1000 of project cost or fraction thereof for the first \$1 million of project cost; \$8/\$1000 or fraction thereof for \$1,000,001 and greater; and an early start fee of \$200; motion carried with one negative vote (Barrett Paasch).
- C. TERMINATE LEGAL SERVICES LETTER OF ENGAGEMENT: West & Dunn.** Director Grunwald noted Hopp Neumann Humke will provide pre-trial and trial prosecution services, to legal services from West & Dunn were no longer needed. Motion Tom Warosh/Jarrold Jackett to termination the Letter of Engagement with West & Dunn for legal services; carried without negative vote.

**VIII. STAFF AND COMMITTEE REPORTS AND REFERRALS**

- A. POLICE REPORT.** Chief Fisher reviewed his monthly report, answering questions regarding driver speeds and dog licensing.
- B. DIRECTOR'S REPORT.** Director Grunwald provided information on technology services and a temporary housing request for the owner of the fire-damaged residence at 1181 Franklin Dr.
- C. COURT REPORT.** Director Grunwald reported Court Clerk Deehr continued to experience technology issues but was making some progress on inputting missing data.
- D. PUBLIC WORKS AND UTILITIES COMMITTEE, 06/24/24.** Chair Barrett Paasch reported the Committee asked for more information on geotechnical services for the boat launch, decided the remote office at the Director's home could remain, reviewed the 2023, 2026 and 2027 street projects, discussed adding fill to the Village lot on W Washington Ave, and offered suggestions to staff on monitoring the Lake Michigan bluff near E Jefferson Ave.
- E. FINANCE AND BUDGET COMMITTEE, 07/08/24.** Chair Ader reported on the Committee's review of technology services proposals.
- F. HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 07/10/24.** Chair Warosh reported he was waiting on answer from the Cleveland Lions Club if they were interested in a long-term lease for the VFW clubhouse; worked on an ATV/UTV ordinance; discussed the Franklin Dr house fire; and directed staff to bring information from the insurance company regarding boat launch signage. Staff will be scheduling a meeting with stakeholders in August or September to discuss the short-term housing ordinance.

**IX. ANNOUNCEMENTS AND EVENT REPORTS**

- A. MON JUL 22 .PUBLIC WORKS COMMITTEE MEETING, 6PM**
- B. 07/26 – 07/28... .. CLEVELAND FISHING DERBY, HIKA PARK**
- C. WED JUL 31..BOARD OF REVIEW, 6PM**
- D. 08/03 – 08/04... .. DAIRYLAND FESTIVAL, DAIRYLAND PARK**
- E. TUE AUG 6.... .. FINANCE COMMITTEE MEETING, 6PM**
- F. WED AUG 7 .. .. PLAN COMMISSION, 6PM**
- G. TUE AUG 13..PARTISAN PRIMARY ELECTION**
- H. WED AUG 14 HUMAN RESOURCES AND PUBLIC SAFETY COMMITTEE, 6PM**
- I. THU AUG 15 .MUNICIPAL COURT, 5PM**
- J. TUE AUG 20..VILLAGE BOARD MEETING, 6PM**
- K. TOPIC SUGGESTIONS FOR FUTURE MEETINGS.** None.
- L. ANY OTHER ANNOUNCEMENTS/EVENTS.** None.

- X. ADJOURNMENT.** Motion Tom Warosh/Jarrold Jackett to adjourn; carried without negative vote. Meeting adjourned at 10:10pm.

Respectfully submitted,

Stacy Grunwald  
Director of Village Services

Approved on 8-20-2024