

**CITY OF PLYMOUTH, WISCONSIN
TUESDAY, FEBRUARY 13, 2024 COMMON COUNCIL MEETING
7:00 PM COUNCIL CHAMBERS, ROOM 302
128 SMITH ST. PLYMOUTH, WI 53073**

OFFICIAL MINUTES

- 1. Call to order and roll call:** Mayor Donald Pohlman called the meeting to order at 7:00 PM. On the call of the roll, the following Alderpersons were present: Greg Hildebrand, Angie Matzdorf, Diane Gilson, Mike Penkwitz, Jeff Tauscheck, John Nelson, and Bob Schilsky. Also present were: City Administrator/Utilities Manager Tim Blakeslee, Chief of Police Ken Ruggles, Chief of Fire Ryan Pafford, Director of Public Works Cathy Austin and City Clerk Anna Voigt.
- 2. Pledge of Allegiance**
- 3. Approval of the Consent Agenda (Alderpersons may request removal of item(s), or part thereof without debate or vote):** Motion was made by Hildebrand/Tauscheck to approve the consent agenda. Upon the call of the roll, all voted aye. Motion carried.
 - A. Approve minutes of the meeting held Tuesday, January 30, 2023**
 - B. Approve City and Utility Reports:**
 - I. List of City & Utility Vouchers dated 01/01/2024 – 01/31/2024**
 - C. Minutes acknowledged for filing – Library Board: November 6 and December 4 –Plan Commission: February 1 – Police and Fire Commission: January 16 – Plymouth Community Television: January 16**
 - D. Building Report for January 2024 – 24 permits at \$1,266,811.00**
 - E. Approve Room Tax Permit Application for 230 Bishop Ave.**
- 4. Audience Comments:** Citizens comments must be recognized by the mayor or presiding officer and are limited to three minutes per person from those signed in on the registration sheet located at the back of the Council Chambers prior to the start of the meeting: Kevin Sande spoke about the Mill Pond Dam. He expressed his opinion to remove the dam. He stated he was appalled at the Council when given the opportunity to put this on a referendum the Council turned it down. The reasons he is upset is the huge multiple million-dollar expense not just in Plymouth but in Sheboygan County have had to endure the past 10 years. 5-million-dollar jails, 20-million-dollar garages for the highway department that went over budget and repair of a roof a year after it's opened. Sande made reference to the school referendum and not knowing when they will be done taking money from him. Sande expressed his concern for the future generations.
- 5. Items removed from Consent Agenda:** None
- 6. Resolutions:**
 - A. Approval of Resolution No. 1 Decision to Repair/Replace or Remove the Mill Pond Dam –** City Administrator/Utilities Manager Blakeslee explained that the City was notified from the DNR in 2015 that required the spillway

capacity of the Mill Pond Dam to be brought into compliance. As part of the 2023 Budget the City included funding to hire an engineering firm to provide services to assist the City in making the decision to remove the dam or replace the dam. The City selected Ayres Associates to complete a study. Ayres presented options to the Council in October and to the public on January 30 at an open house. Public comments were also received via an online survey. Blakeslee explained that the Resolution presented directs the replacement of the Mill Pond Dam. If the Council opts to remove the dam, the resolution language would be adjusted. Motion was made by Matzdorf/Tauscheck to approve Resolution 1 to Replace the Mill Pond Dam. Hildebrand made comments during discussion. He stated they Council had to make a decision because of a survey. Hildebrand expressed his disapproval of how things were handled by Council besides Dave Hermann, Diane Gilson and himself to take this decision to referendum. Hildebrand stated at this point the Council only has 2% of the voting people's opinion from the survey. Hildebrand stated 98% of the people of Plymouth are being dismissed. The cost of the referendum would have been little to nothing. Hildebrand stated not everyone is on Facebook or reads the newspaper, if he wasn't on Council he wouldn't have known. Alderman Nelson stated at one point he was in favor of removing the Dam. Then he found out the City would have come into issues of land ownership if the water was taken away. There could be significant issues for the City with many people living around the pond to agree to give the City a quick claim deed so the area could be turned into a park. Alderperson Nelson said to remove the dam and just leave it wild would be irresponsible and the City would never live it down. The area would have to be developed and into something attractive and the expenses wouldn't go away. The City would still have to maintain the valley every year. Nelson stated its not a free lunch just be removing the dam. Given the land ownership issues the reality is it wouldn't get done without some pretty terrible legal battles, Nelson decided to go with replacement instead. Upon the call of the roll, all voted aye. Motion carried.

- B. Approval of Resolution No. 2 Authorizing Participation in the Department of Natural Resources in the Municipal Dam Grant Program:** City Administrator/Utilities Manager Blakeslee explained the second of the three dam related items on the agenda is approval of Resolution No. 2 Authorizing Participation in the Department of Natural Resources in the Municipal Dam Grant. Although the City of Plymouth received allocation of \$1,000,000 in the State of Wisconsin in 2023-25 Biennial Budget for the dam, the DNR is requesting the City of Plymouth follow the standard grant application process to have access to the funding. Motion was made by Nelson/Penkwitz to approve Resolution No. 2024-2 Authorizing Participation in the Department of Natural Resources in the Municipal Dam Grant Program. Upon the call of the roll, all voted aye. Motion carried.

7. New Business:

A. Discussion and Action to Direct Staff on Dam Repair Option –

Administrator/Utilities Manager Blakeslee explained the last Mill Pond Dam related item on the agenda pertains to the direction to City Staff concerning the preferred option for dam replacement. The study from Aryes outlined three dam replacement options along with estimated project costs. After the open-house City Staff met to develop the preferred recommendation for Common Council considerations. Aryes also participated in this meeting to answer question from City Staff. City Staff advises the Common Council to proceed with Option 1: Crest Gate. The Crest Gate facilitates ease of overall operations, notable in regulating the water elevation of the pond. It provides the optimal solution for debris clearance and can be fully opened during power outages or emergencies. With minimal moving parts, the Crest Gate necessitates limited future maintenance and associated costs for the gate itself. The Crest Gate width will be 24 feet wide which will have the largest waterfall effect for aesthetics out of the three options. Motion was made by Hildebrand/Gilson to direct staff to proceed with Option 1: Crest Gate for dam replacement. Hildebrand asked Blakeslee to explain what will happen if a majority doesn't vote for this option. Blakeslee explained that if a majority of Council votes on the crest gate option staff would move forward pursuing the crest gate option. If voted down, the Council would have to make another motion for a different option or potentially postpone the item for further discussion. Alderperson Nelson pointed out that option 1 is \$600,000 more than option 3. He asked if any of the options can be changed remotely? DPW Director Austin stated none of the options can be, the ease of operation is a lot better with option one. Controlling the water level with option one is going to be easier for staff. Austin stated option one is going to also be the most aesthetically pleasing compared to option three. When talking with the DPW workers, who will be operating the dam, the ease of operation and how its function is why staff chose option one. Alderperson Penkwitz stated when looking at the options, option one would be more attractive to look at. When he operated gates at the Wastewater Plant and the gates are going up and down the slides start not working and they get corroded. With option one you get fewer moving parts; he likes the crest gate option. Alderperson Nelson commented that the Sheboygan has a crest gate option, but also is run by a lift gate. Alderperson Tauscheck asked DPW Director Austin to explain more what she meant by ease of operation when comparing the different gates. Austin explained similar to what Alder. Penkwitz was saying how the parts move. The crest gate is more of a pivot than the entire gate moving up and down. The split leaf gate will draw underneath and that the harder part on controlling water. She reminded them, DPW hasn't operated either of them so it'll be a learning curve and that's why they were involved in the conversation with Aryes. Upon the call of the roll, 5 voted aye; 2 voted no; Hildebrand and Nelson. Motion carried.

B. Discussion and Action on a Maintenance and Operation Agreement for the Sugar Shack at City Park with Plymouth Maple Association–

City Administrator/Utilities Manager Blakeslee explained that, March 2023 Alder.

Nelson presented a concept of building a Sugar Shack in the City Park to provide a permanent location for maple syrup production as part of the annual Maple Festival. Council accepted the design and location of the Sugar Shack Structure in November 2023. This agreement outlines the construction responsibility and future maintenance are the responsibility of the Plymouth Maple Association. The ownership of the structure once complete will be that of the City. The agreement also outlines cancellation provisions, insurance requirement during construction and public events, and access to the facility. Motion was made by Hildebrand/Tauscheck to approve License Agreement for Sugar Shack at City Park with Plymouth Maple Association. Alderperson Nelson explained that have received donations for this project and Plymouth High School will help construct the building. There will not be any cost to the City. He also mentioned the Association is shopping around for insurance. The first and seconds agreed to adjust the motion to approve with the stipulation insurance is provided. Upon the call of the roll, 6 aye; Nelson recused himself. Motion carried.

C. Extraterritorial Survey Map Seeking Approval for Thomas and Brittany Schultz: Part of SW ¼ of the SE ¼ of the SE ¼ of Section 36, T15N R21E, Town of Plymouth, Sheboygan County, Wisconsin –City

Administrator/Utilities Manager Blakeslee explain that owners Thomas and Brittany Schultz would like to divide a portion of their property in the Town of Plymouth. Plan Commission recommended this to Council at their meeting February 1. Motion was made by Hildebrand/Tauscheck to approve the Extraterritorial Survey Map presented. Upon the call of the roll, all voted aye. Motion carried.

D. Discussion and Action on Bid Award to Border States/Siemens for 138 kV breakers for the Substation #5 Project –City Administrator/Utilities

Manager Blakeslee explained that part of the Substation #5 project. The item with the second longest lead time for the substation are the 138 kV breakers. Forster Engineering opened sealed bids for the breakers on February 8. Upon bid opening, it is recommended the low bid from Border States/Siemens for 138 kV breakers be approved in an amount of \$274,891.30. Border States/Siemens was able to secure a production slot for one of the two breakers to meet the requested in-service date of the substation of September 2025. Motion was made by Tauscheck/Hildebrand to approve bid award to Border States/Siemens for 138 kV breakers for the Substation #5 Project. Mayor Pohlman congratulated Blakeslee and staff on the efforts that was started a year ago to get the substation project going. Upon the call of the roll, all voted aye. Motion carried.

8. Ordinances:

A. Ordinance No. 1 Amending Section 10-1-51 of the Municipal Code of the City of Plymouth, Wisconsin Regarding Parking of Oversized Vehicles –

Police Chief Ruggles explained staff brought forth a proposed change to the Committee of the Whole regarding Ordinance Section 10-1-51 – Parking of vehicles over 12,000 pounds or 16 ft restricted. Staff recommends to change

the length restriction from 16 ft to 22 ½ feet to allow for longer passenger vehicles to park overnight. Motion was made by Hildebrand/Nelson to approve Ordinance No. 1 Amending Section 10-1-51 of the Municipal Code of the City of Plymouth, Wisconsin Regarding Parking of Oversized Vehicles. Upon the call of the roll, all voted aye. Motion carried.

- B. **Ordinance No. 2 Amending Section 5-2-9 of the Municipal Code of the City of Plymouth, Wisconsin Regarding Open Burning** – Fire Chief Pafford explained the ordinance change being presented to Council would eliminate the need for a permit for residential recreational bonfire or fire pit. Motion was made by Tauscheck/Gilson to approve Ordinance number 2 amending section 5-2-9 of Municipal Code of the City of Plymouth, Wisconsin Regarding Open Burning. Upon the call of the roll, all voted aye. Motion carried.

9. **Adjourn to 7:00 PM on Tuesday, February 28, 2024:** Motion was made by Hildebrand/Matzdorf to adjourn the meeting. A unanimous aye vote was cast. Motion carried.