

**CITY OF PLYMOUTH, WISCONSIN
TUESDAY, NOVEMBER 26, 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 Pohlman called the meeting to order. On the call of the roll the following were present: Angie Matzdorf, Diane Gilson, John Binder, Dave Herrmann, John Nelson, Mike Penkwitz, and Jeff Tauscheck. Also present: City Administrator/Utilities Manager Tim Blakeslee, Police Chief Ken Ruggles, Deputy Police Chief Matt Starker, Director of Public Works Cathy Austin, and City Clerk Anna Voigt.
2. **Pledge of Allegiance.**
3. **Approval of the Consent Agenda (Alderspersons may request removal of item(s), or part thereof without debate or vote):** Motion was made by Herrmann/Matzdorf to approve the consent agenda. Upon the call of the roll, all voted aye. Motion carried.
 - A. **Approve minutes of the meeting held Tuesday, November 12, 2024**
 - B. **Approve City and Utility Reports:**
 - I. **Electric, Water and Sewer Sales Report – October 2024**
 - II. **Utility Related Write Offs for November - \$6,620.95**
 - C. **Minutes acknowledged for filing – Library Board: October 7 – Redevelopment Authority: November 7 – Board or Appeals: November 7 – Plan Commission: November 7 - Plymouth Housing Authority: November 8**
 - D. **Approval of December 16, 2024 Fire Department Annual Recognition Dinner in the Fire Department Training Hall (Including Alcohol in the Building)**
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. None
5. **Items removed from Consent Agenda:** None
6. **Public Hearing followed by Discussion and Action:**
 - A. **Ordinance No. 22 An Ordinance Amending Section 13-1-28 of the City of Plymouth, Wisconsin Zoning Code Regarding High Density Multi-Family Residential District** – Mayor Pohlman opened the public hearing at 7:02 PM. City Administrator / Utilities Manager Blakeslee explained in March and April 2024 the Common Council, upon recommendation of the Plan Commission, adopted a new R6 zoning district to allow for the construction of larger multi-family units in Plymouth if a property were to become zoned R6. Tweaks were adopted in May 2024 to allow for greater flexibility regarding different building sizes. The new R6 district was created with what could be interpreted a strict 600 minimum square per dwelling unit on any one floor for a multi-family dwelling. Staff realized that this could limit a development that would want to incorporate diverse unit sizes on multiple floors of a multi-unit development. The intent of the code is to not allow a number of extremely

small units as part of a development. Blakeslee noted when reviewing other municipalities minimums per dwelling unit per floor in other communities for high-density zoning districts are commonly 500 sq ft or 550 sq ft. The goal is to not have a bunch of extremely small studio units, but this provides flexibility for developers. There being no public comment the Mayor called the public hearing closed at 7:04 PM. Motion was made by Nelson/Tauscheck to approve Ordinance No. 22. Upon the call of the roll, all voted aye. Motion carried.

- B. Ordinance No. 23 An Ordinance Amending Section 13-1-192(d) and Repealing Section 13-1-193 of the City of Plymouth, Wisconsin Zoning Code Regarding Voting on Zoning Code Amendments** – Mayor Pohlman opened the public hearing at 7:04 PM. City Administrator / Utilities Manager Blakeslee explained that in 2023 Wis. Act 16, the state legislature created Wis. Stat. 66.10015(3)(a) effective January 1, 2025, which provides that the enactment of a zoning amendment shall be approved by a simple majority of a quorum of the members-elect of the governing body, except in the case of a “down zoning ordinance,” as defined in Wis. Stat., or when an airport protest petition is filed pursuant to Wis. Stat. 62.23(7)(d)2m. To provide for consistency between the newly created Wis. Stat. 66. 10015 and the City Zoning Code, the Common Council must remove the now-prohibited supermajority requirements for proposed zoning amendments from the Zoning Code. There being no public comment the Mayor called the public hearing closed at 7:06 PM. Motion was made by Binder/Herrmann to approve Ordinance No. 23. Upon the call of the roll, all voted aye. Motion carried.
- C. Ordinance No. 24 An Ordinance Amending Section 13-1-104 and Repealing Section 13-1-105 of the City of Plymouth, Wisconsin Zoning Code Regarding Political Message Signs** – Mayor Pohlman called the public hearing at 7:07 PM. City Administrator / Utilities Manager Blakeslee explained that the United States Supreme Court unanimously invalidated a sign ordinance that regulated the content of certain political signs as a violation of First Amendment free speech in Reed v. Town of Gilbert. As a result of the Reed decision, the City of Plymouth must update its zoning code. Although the State of Wisconsin has not repealed Wis. Stat. 12.04, which governs political message communication at the state level, the statute’s validity is now uncertain. There being no public comment the Mayor called the public hearing closed at 7:09PM. Motion was made by Tauscheck/Matzdorf to approve Ordinance No. 24. Upon the call of the roll, Penkwitz, Binder, Matzdorf, Herrmann, Nelson, and Tauscheck voted aye; Gilson voted no. Motion carried.

7. Ordinance:

- A. No. 25 An Ordinance Creating Section 12-1-10 of the General Code of Ordinances of the City of Plymouth, Wisconsin Related to Nutt Ski Hill Park** – City Administrator / Utilities Manager Blakeslee explained that at the meeting on November 12 the City entered into an Exclusive License Agreement with Cheese Capital Winter Park, Inc. to provide winter recreational activities at Nutt Ski Hill. Given the unique nature of the agreement this ordinance creates Section 12-1-10 of the City Code. This new section specifies that in cases of inconsistencies between Chapter 12 of the

City Code and the license agreement, the license agreement will take precedence. Motion was made by Penkwitz/Tauscheck to approve Ordinance No. 25. Herrman asked for clarification of the license agreement taking precedence over ordinance. Attorney Fieber stated that's only in the event of an inconsistency. For example, there's specific sign regulations in city parks, but in the license agreement it states the nonprofit group can have the ability to put up signage and sponsorships. The City has regulation about the shelter rentals and in the license agreement it says the nonprofit group will be able to control the shelter rentals. The code that's proposed for creation clarifies that if there's an inconsistency that their license agreement is what the City will look at. Upon the call of the roll, Gilson, Nelson, Tauscheck, Matzdorf, Binder, and Penkwitz voted aye; Herrmann voted no. Motion carried.

8. Resolution:

A. No. 12 Declaring Official Intent to Reimburse Expenditures from Proceeds of Bonding – City Administrator / Utilities Manager Blakeslee explained that part of the 2025 Capital Improvement Plan, the City plans to issue debt for the Mill Pond Dam, Collins Street Reconstruction, and Electric Storage Building. Since the bonds will not be issued before these projects commence, the City must provide interim financing using fund balance to cover costs incurred prior to receiving bond proceeds. Motion was made by Matzdorf/Tauscheck to approve Resolution 12. Upon the call of the roll, all voted aye. Motion carried.

9. New Business:

- A. Discussion and Possible Action of Agreement with Ehlers Regarding TID #8 Services** – City Administrator / Utilities Manager Blakeslee explained that at the Committee of the Whole, a presentation highlighted the exciting and upcoming improvements to the Laack Block. As part of these potential improvements, staff proposes investigating the feasibility of implementing a Tax Increment District (TID) to capture future tax increment generated by the Laack Project. Motion was made by Tauscheck/Herrmann to approve the agreement with Ehlers regarding TID #8 services. Upon the call of the roll, all voted aye. Motion carried.
- B. Discussion and Possible Action to Approve Bid from Neuman Pools in the amount of \$229,283 for Pool Floor Rehab** – Director of Public Works / City Engineer Austin explained as part of the 2025 Capital Improvement Plan that was approved on November 12, 2024 dollars were allocated for the Public Works Department to replaster the existing 20+ year old pool floor at the Aquatic Center. Motion was made by Nelson/Tauscheck to approve the bid from Neuman Pools, Inc for the replastering the pool floor in the amount of \$229,283. Upon the call of the roll, all voted aye. Motion carried.
- C. Discussion and Possible Action to Approve Proposal from Haucke Plumbing in the amount of \$44,500 for the Pool Heater Replacement** – Director of Public Works / City Engineer Austin explained that another 2025 Capital Improvement Plan that was approved dollars were allocated to replace the existing 20+ year old heaters at the Aquatic Center. Motion was made by Penkwitz/Binder

- D. Discussion and Possible Action to Approve the Purchase of Asphalt Roadsaver Trailer from Sherwin Industries, Inc. in the amount of \$50,720**– Director of Public Works / City Engineer Austin explained that part of the 2025 Capital Improvement Plan dollars were allocated for the Public Works Department to purchase an Asphalt Roadsaver Trailer. This allow DPW to keep the asphalt and the asphalt tack hot while crews work. A motion was made by Nelson/Tauscheck to approve the purchase of the Asphalt Roadsaver Trailer from Sherwin Industries, Inc. in the amount of \$50,720. Upon the call of the roll, all vote aye. Motion carried.
- E. Discussion and Possible Action on Agreement with Kapur Engineering for Design and Engineering for 2025 Street Project** – Director of Public Works / City Engineer Austin explained that the 2025 Budget identified Collins St. will be the 2025 Street/Utility Project. The project will include new curb and gutter, water main, sanitary sewer storm sewer and asphalt pavement. Motion was made by Tauscheck/Matzdorf to approve Kapur and Associates do the engineering service in the amount of \$98,910 with funding coming from the Capital Funds. Upon the call of the roll, all voted aye. Motion carried.
- F. Discussion and Possible Action to Approve the Purchase of a Street Sweeper from Serwe Implement LLC in the amount of \$318,976**– Director of Public Works / City Engineer Austin explained that part of the 2025 budget dollars were allocated for the Public Works Department to purchase a Street Sweeper. Serwe Implement, LLC gave the City the highest trade in value making it the cheapest option. Motion was made by Herrmann/Tauscheck to approve the purchase of the street sweeper from Serwe Implement, LLC in the amount of \$318,976. Upon the call of the roll, all voted aye. Motion carried.
- G. Discussion and Possible Action to Approve the Purchase of a Lawn Mower with Snowblower Attachment from Lochen Equipment in the amount of \$39,274.04**– Director of Public Works / City Engineer Austin explained that part of the 2025 budget dollars were allocated for the Public Works Department to replace an existing lawnmower for the Parks. Motion was made by Binder/Penkwitz to approve the purchase of the lawn mower with snowblower attachments from Lochen Equipment in the amount of \$39,274. Upon the call of the roll, all vote aye. Motion carried.

- 10. Entertain a Motion to go into Closed Session for the following:** Motion was made by Nelson/Tauscheck to go into closed session. Upon the call of the roll, all voted aye. Motion carried.
Pursuant to Wis. Stat (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining require a closed session – LAG Family LLC

AND

Pursuant to Wis. Stat. 19.85 (1)(c) for considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding Resolution 13 Establishing the 2025

Compensation for Non-Union Employees and regarding City Administrator Annual Performance Evaluation

AND

Pursuant to Wis. Stat. 19.85 (1)(g) conferring with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved regarding –Employment Claim

11. **Entertain a motion to go into open session:** Motion was made by Tauscheck/Herrmann to go into open session. Upon the call of the roll, all voted aye. Motion carried.
12. **Discussion and possible action on Closed Session item/s:** Motion was made by Nelson/Tauscheck to approve Resolution No. 13 – 2025 Compensation for non-union employees. Upon the call of the roll, all voted aye. Motion carried. Motion was made by Tauscheck/Matzdorf to approve \$7,350 to be paid to Ms. Craine. Upon the call of the roll, all voted aye. Motion carried.
13. **Adjourn to 7:00 PM on Tuesday, December 10, 2024:** Motion was made by Binder/Herrmann to adjourn the meeting. A unanimous aye vote was cast. Motion carried.