

**CITY OF PLYMOUTH, WISCONSIN  
TUESDAY, JANUARY 30, 2024 COMMON COUNCIL MEETING  
7:00 PM COUNCIL CHAMBERS, ROOM 302  
128 SMITH ST. PLYMOUTH, WI 53073**

**AGENDA**

- 1. Call to order and roll call**
- 2. Pledge of Allegiance**
- 3. Approval of the Consent Agenda (Alderspersons may request removal of item(s), or part thereof without debate or vote):**
  - A. Approve minutes of the meeting held January 9, 2024**
  - B. Approve City and Utility Reports:**
    - I. Electric, Water and Sewer Sales Report – December 2023**
    - II. Utility Related Write Offs for January – \$2,671.90**
  - C. Minutes acknowledged for filing –Police and Fire Commission: December 5 – Housing Authority: January 10 – Community Television: November 20**
- 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.**
- 5. Items removed from Consent Agenda:**
- 6. Annual Report**
  - A. Library Report Presentation – Leslie Jochman, Library Director**
- 7. Public Hearing on Mill Pond Dam followed by Discussion**
- 8. Proclamation**
  - A. National Future Business Leaders Week February 11-17, 2024 – Mayor, Donald Pohlman**
- 9. New Business:**
  - A. Approval of Agreement with ANR – Project Acceleration Cost Agreement– Tim Blakeslee, City Administrator/Utilities Manager**
  - B. Discussion of Amendment for 5-2-9 Open Burning Ordinance- Fire Chief, Ryan Pafford**
- 10. Adjourn to 7:00 PM on Tuesday, February 13, 2024**

It is likely a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City of Plymouth ADA Coordinator Leah Federwisch, located in the Plymouth Utilities office at 900 County Road PP, Plymouth, WI or call 920-893-3853.

**CITY OF PLYMOUTH, WISCONSIN  
TUESDAY, JANUARY 9, 2024 COMMON COUNCIL MEETING  
128 SMITH ST. PLYMOUTH, WI 53073**

**UNOFFICIAL 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, and Director of Public Works Cathy Austin.
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 December 13 and 29, 2023**
  - B. **Approve City and Utility Reports:**
    - I. **List of City & Utility Vouchers dated 12/1/23 – 12/31/23**
    - II. **Electric, Water and Sewer Sales Report – November 2023**
    - III. **Utility Related Write Offs for December – \$1,644.02**
  - C. **Minutes acknowledged for filing –Plan Commission: December 7 and December 29 –Public Safety Meeting: December 7 – Board of Appeals: December 7 – Committee of the Whole: December 12**
  - D. **Building Report for December 2023 – 24 permits at \$2,633,469.00**
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. **New Business:**
  - A. **Approval of ATC – Plymouth Abandon Design Agreement –** Tim Blakeslee, City Administrator/Utilities Manager explained that ANR Pipeline is a current customer of Plymouth Utilities. ANR is in the process of expanding its natural gas Kewaskum Compressor Station. In July 2023, the Common Council approved a Project Reimbursement Agreement with ANR in which ANR agreed to reimburse Plymouth for costs incurred by American Transmission Company (ATC) to help accelerate project completion. In order for ATC to expedite the project and meet the timeline requested by ANR, ATC must complete design engineering and commence land acquisition activities for both proposed transmission line routes to the new substation location in the Town of Mitchell prior to PSC selection of the transmission line route. Only one route will be selected by the PSC, leading to the abandonment of associated engineering and land acquisition work for the alternative route. Motion was made by Nelson/Matzdorf to approve the ATC – Plymouth Abandon Design Agreement subject to final attorney/staff

concurrence and approval of agreement language and the finalization of a side letter/MOU with ANR. Upon the call of the roll, all voted aye. Motion carried.

- B. Approval of Pedestrian Crossing Rapid Flashing Beacon Signs-** Director of Public Works Austin explained as part of the 2024 Capital Improvement Plan \$15,000 was allocated to purchase and install one set of solar powered, push button activated, Rapid Flashing Beacon (RFB) Pedestrian Crossing Signs as a pilot program. In December the Public Safety Committee met to discuss the pedestrian/car crash that occurred on November 14, 2023 at the intersection of Eastern Ave and South St. The committee recommended that Common Council approve two sets of RFB's. One set to be installed on Eastern Ave at South St. and the other on Eastern Ave. at N Bruns Ave. Motion was made by Tauscheck/Gilson to approve the purchase of Rapid Flashing Beacons from TOPCO in the amount of \$22,543.20 for the two crossings as identified by the Public Safety Committee and allow up to \$15,000 to be used out of the contingency for this project. Upon the call of the roll, all voted aye. Motion carried.

7. **Adjourn to 7:00 PM on Tuesday, January 30, 2024:** Motion was made by Hildebrand/Schilsky to adjourn the meeting. A unanimous aye vote was cast. Motion carried.

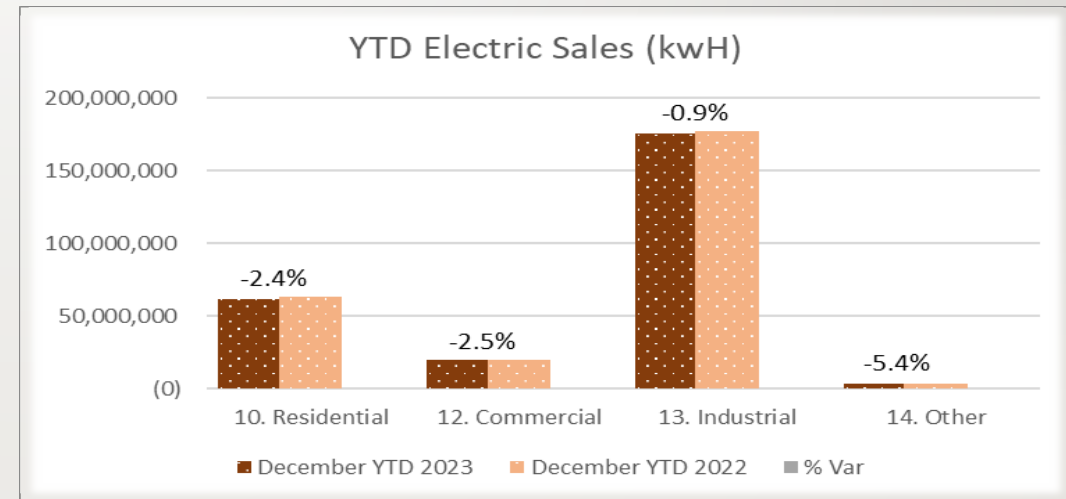
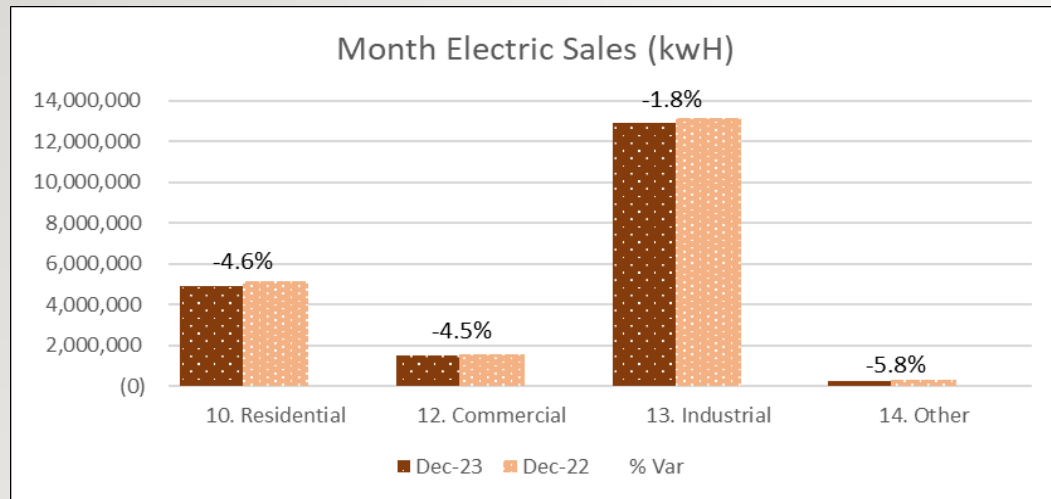


# Plymouth Utilities

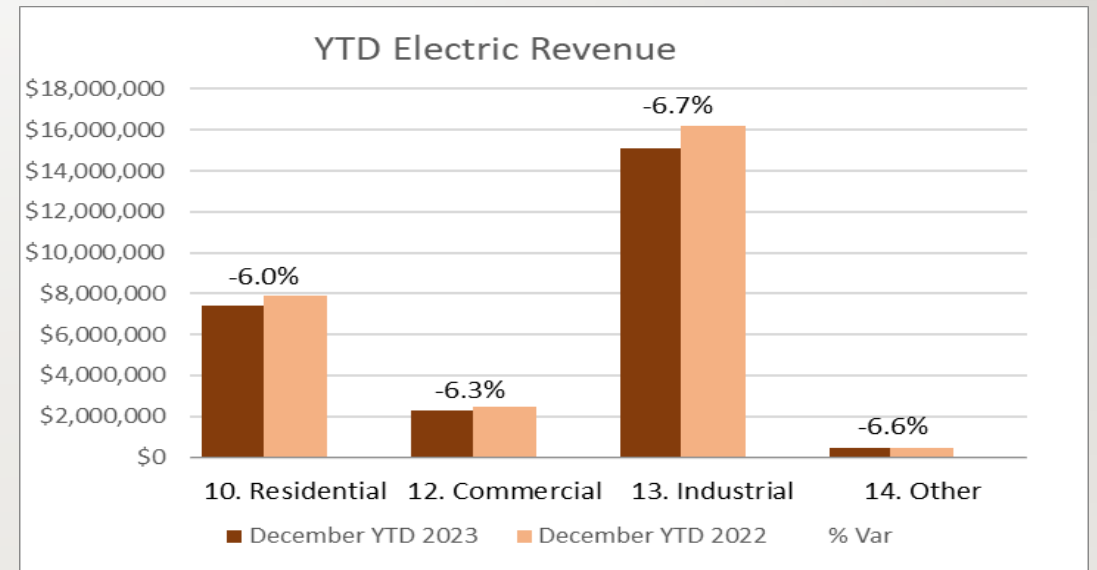
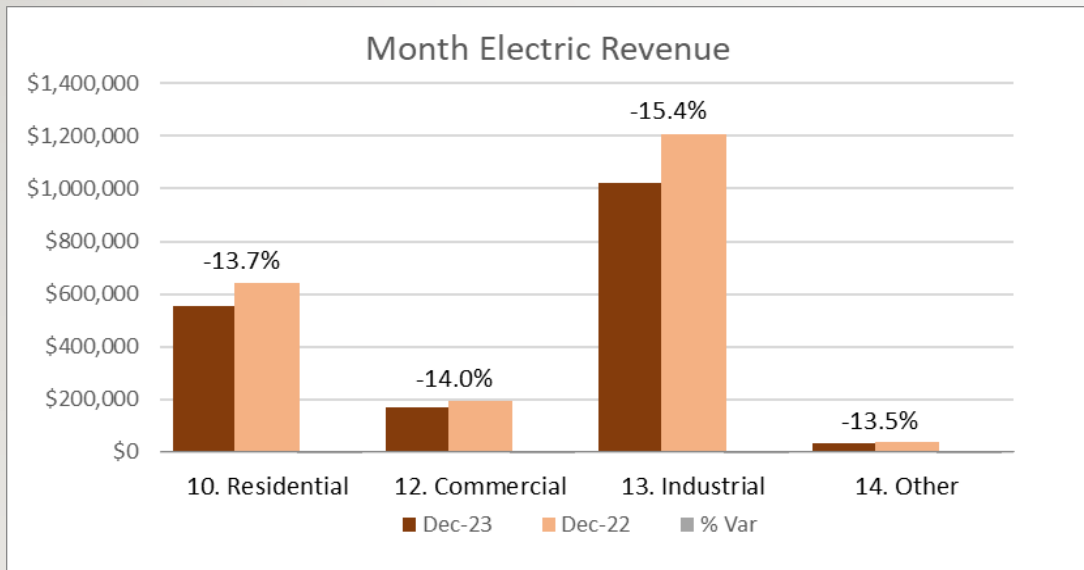
DECEMBER 2023

SALES & REVENUE

# December 2023 Electric Sales

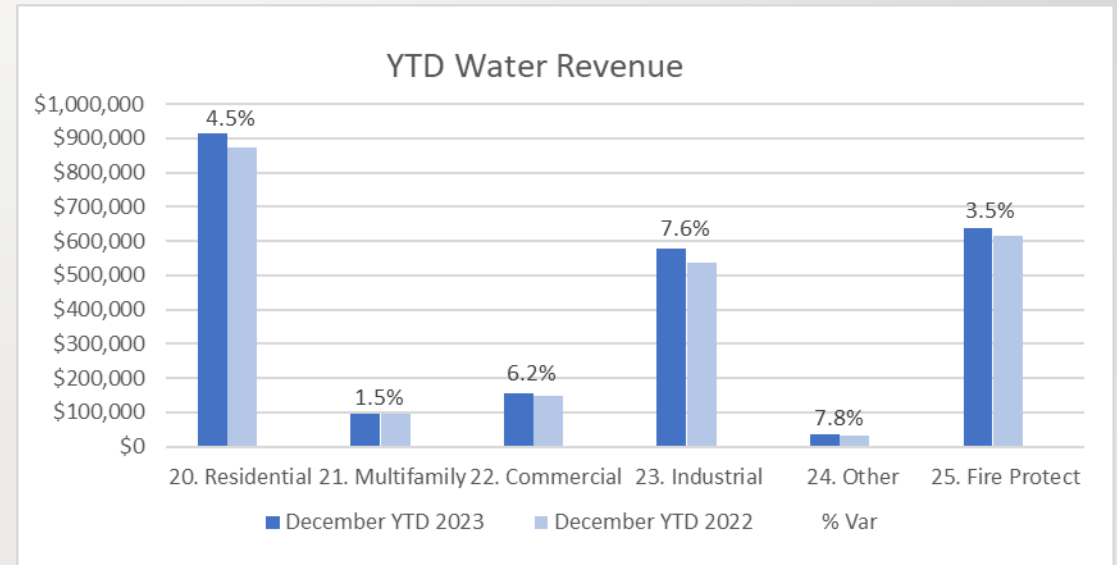
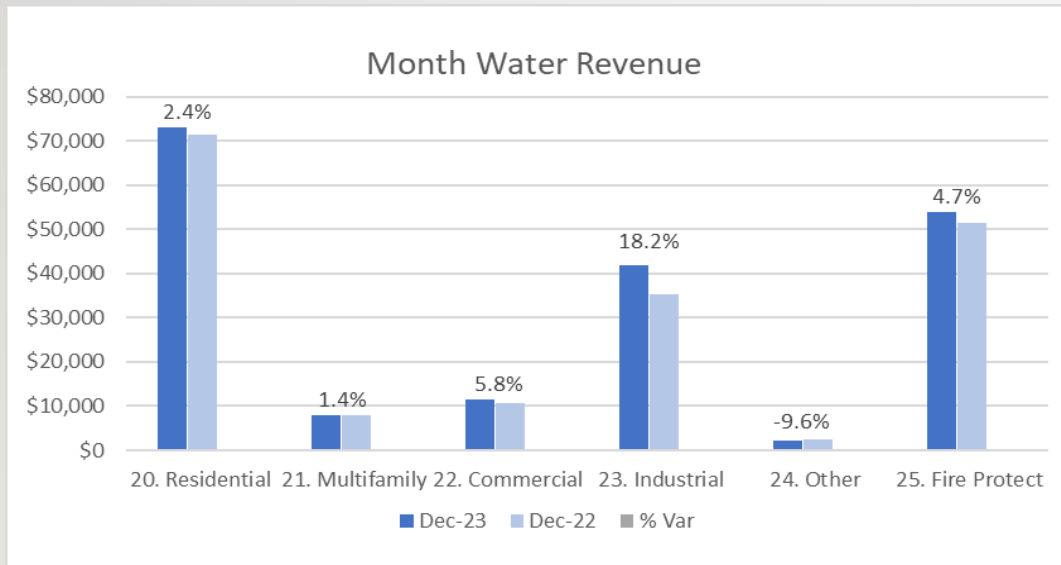


# December 2023 Electric Revenue

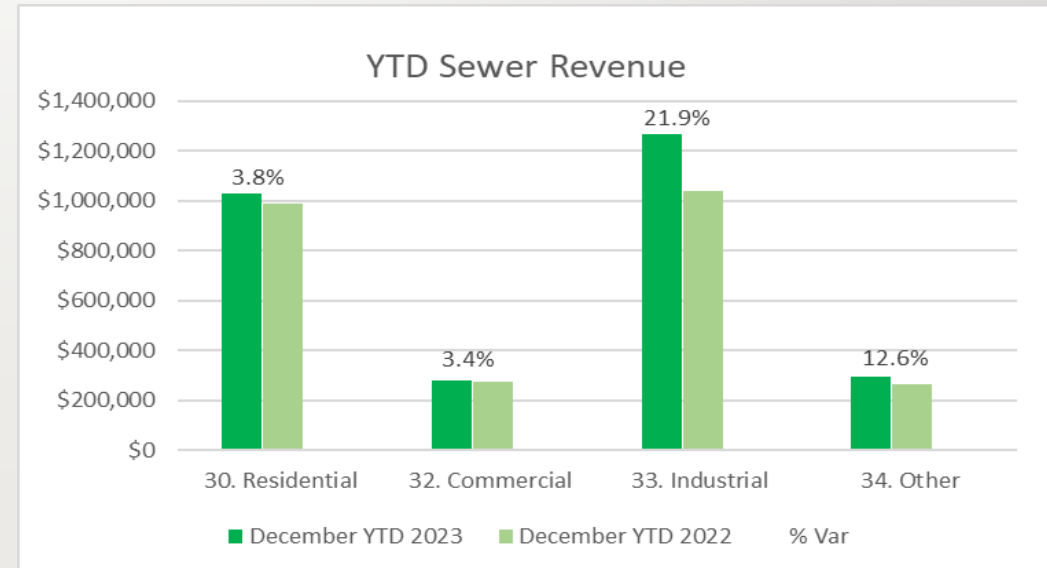
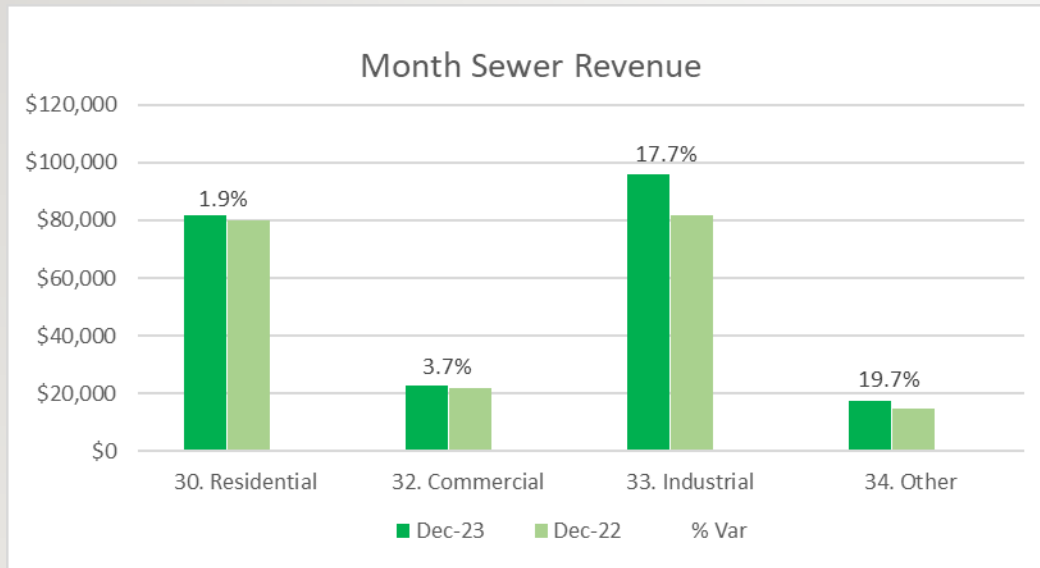


Overall sales are down from 2022 as a result of reduced PCAC rates. In turn, Purchase Power expense is down.

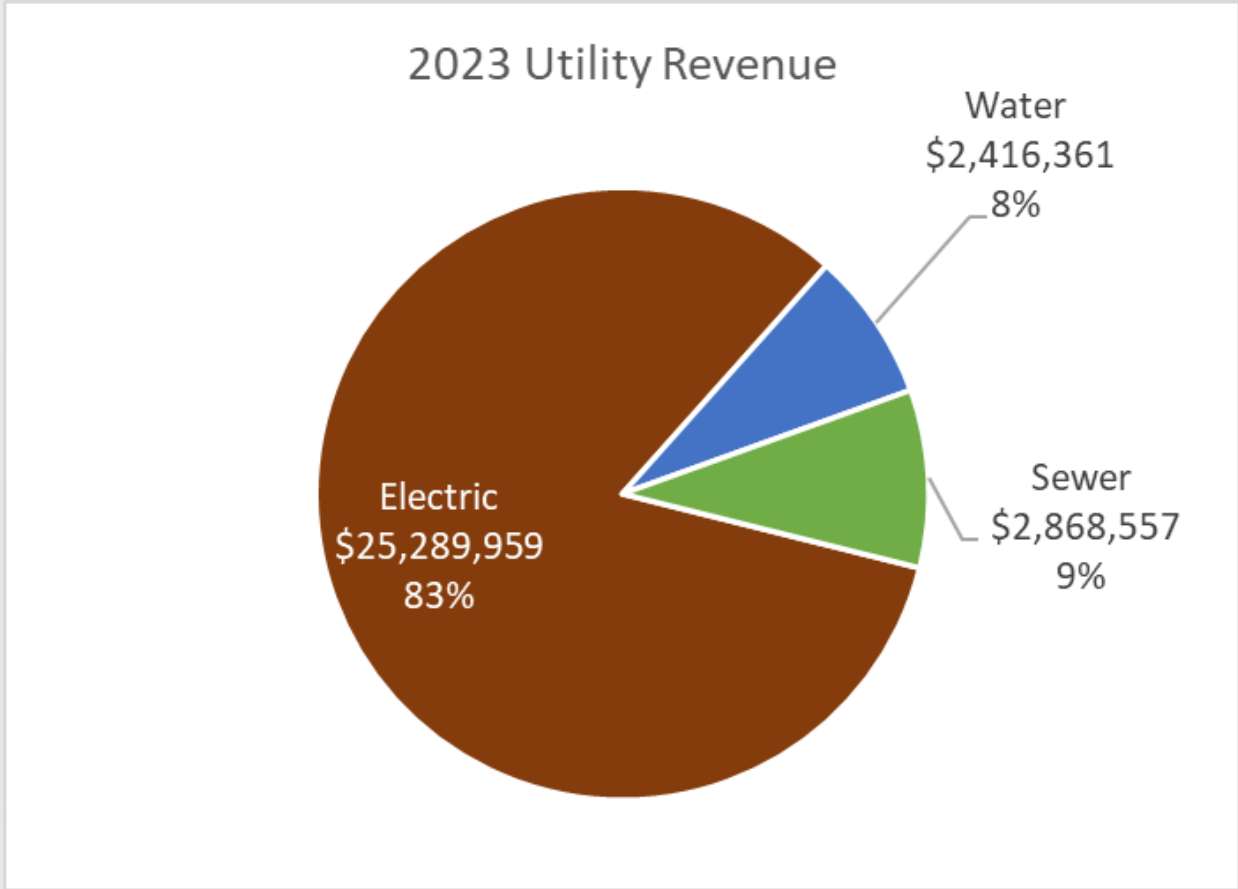
# December 2023 Water Revenue



# December 2023 Sewer Revenue







Report Criteria:

Selected types: Write Off

Name	Customer Number	Type	Reference Number	Description	Source ID	Check Number	Amount	Msg	Service
<b>Write Off</b>									
<b>01/16/2024</b>									
AHRENS, JEFFREY	17.88.24987.15	Write	1	WRITE-OFF SDC			385.98-	M	Multiple
CAMPBELL, KELLY	5.88.55320.34	Write	2	WRITE-OFF IN-HOUSE			38.58-	M	Multiple
GIBERT, MARISSA	3.88.36361.16	Write	3	WRITE-OFF SDC			111.30-	M	Multiple
GIBERT, MARISSA	3.88.36111.07	Write	4	WRITE-OFF SDC			327.49-	M	Multiple
GODDARD, NATE	6.88.65201.25	Write	5	WRITE-OFF SDC			507.63-	M	Multiple
HANSEN, TANNER	15.88.21078.41	Write	6	WRITE-OFF SDC			550.53-	M	Multiple
LOR, PAHOA	12.87.46050.11	Write	7	WRITE-OFF SDC			127.71-	M	Multiple
PAYNE, JOSHUA	6.88.33575.13	Write	8	WRITE-OFF SDC			231.64-	M	Multiple
TUTTLE, JACE	14.88.27283.13	Write	9	WRITE-OFF SDC			207.54-	M	Multiple
WILLIAMS, KAREN	14.88.25213.17	Write	10	WRITE-OFF SDC			183.50-	M	Multiple
Total 01/16/2024:							<u>2,671.90-</u>		
Total Write Off:							<u>2,671.90-</u>		
Grand Totals:							<u>2,671.90-</u>		

City of Plymouth  
Police and Fire Commission Meeting  
Tuesday, December 5, 2023 @ 8:30 A.M.  
Room 210  
Plymouth City Hall, 128 Smith Street, Plymouth, WI 53073

Members Present: President Mark Melcher, Vice President James Flanagan, Secretary Warren Wieser, Sam Suchon, Gary Rooker, Police Chief Kenneth Ruggles, and Fire Chief Ryan Pafford.

President, Mark Melcher, called the meeting to order at 8:30 A.M. in Room 210 @ City Hall, located at 128 Smith Street, Plymouth, Wisconsin.

A motion made by James Flanagan and seconded by Sam Suchon to approve the Police and Fire Commission meeting minutes of November 7, 2023. Motion carried.

Plymouth Police Department update by Police Chief Kenneth Ruggles.

Police Chief introduced patrol officer, Lindsey Baumhardt. This continued commission efforts to meet all the police department personnel.

Plymouth Fire Department update by Fire Chief Ruyan Pafford.

The Police Chief presented the current organizational chart as compared to the previous organizational chart dated August 2009.

President, Mark Melcher, led committee and Fire Chief discussion on revisions to Plymouth Fire Department – 1<sup>st</sup> Assistant Chief position description. President, Mark Melcher will update existing position description and email to Fire Chief and committee members. This will be an agenda item at the next scheduled meeting.

President, Mark Melcher, discussed revisions to the draft version Plymouth Police and Fire Commission By-Laws as result of a review by the City Attorney. After committee discussion, a motion made by James Flanagan and seconded by Gary Rooker to adopt the Plymouth Police and Fire Commission By-Laws as the official document. Motion carried.

Motion for adjournment at 10:02 A.M. Motion made by Warren Wieser and seconded by Gary Rooker. Motion carried.

Submitted on the fifth day of December 2023.  
Approved January 16, 2024

Warren Wieser--- Secretary

# THE HOUSING AUTHORITY OF THE CITY OF PLYMOUTH

1214 Reed Street  
Plymouth, WI 53073  
920-893-5133, 920-893-6117(fax)

## BOARD OF COMMISSIONERS

### REGULAR MONTHLY MEETING

#### GENERAL MEETING CALL TO ORDER:

The regular monthly meeting of the Board of Commissioners was called to order at 9:01 AM, January 10th, 2024 by Chairperson Linda Opitz

Chairman:	Linda Opitz
Commissioner:	Dennis McMullen
Commissioner:	Marsha Vollbrecht
Commissioner:	Jay Groshuesch
Commissioner:	Mike Olig
Secretary:	Bob Hemauer
Guest:	None

#### PROCEEDINGS

1. The minutes of the December 6th 2023 meeting were read. After review of the minutes, a motion was made by Commissioner Vollbrecht and second by Commissioner McMullen to approve the minutes. The motion was carried.
2. Recognition of tenant concerns:
  - a. 1204D and 1210C have given notice. 1204D has new tenant already.
  - b.
3. The December 2023, Income and Expense report was reviewed. A motion was made by Commissioner Olig and second by Commissioner Groshuesch to approve the financial report. The motion carried.
4. The January 2024 invoices were reviewed and discussed and questions were answered by the Executive Director. Commissioner Groshuesch moved that all invoices be paid with Commissioner McMullen seconding the motion. The motion carried.

## SECRETARY'S REPORT

1. Director Hemauer Announced preliminary plans to retire in March of 2025.

### Old Business

1. Capital funds 2023.
  - a. **Residing the storage garage;** Architect trying to get final numbers and start dates..
  - b. **Retaining walls;** Architect trying to get final numbers and start dates.
  - c. **Housing Opportunity through Modernization Act:** Director had a virtual meeting with Nan McKay Dec 15<sup>th</sup>. Met staff that will be working on project and over view of how the virtual meetings on January 15, 16 and 17 will be conducted.

### NEW BUSINESS

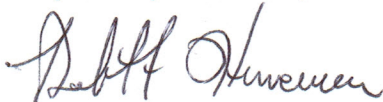
**Resolution #361, Approval of Marsha Vollbrecht to a second five year term;** A motion by Commissioner Olig to recommend the appointment of Marsha Vollbrecht to a second five year term with the second from Commissioner McMullen, motion carried.

**Resolution #362, Approval of the 24/25 Flat rent to \$619 and to keep the electrical allowance at \$36.** A motion by Commissioner Olig approve the Flat Rent of \$619 and electrical allowance of \$36 for the fiscal year 23/24 with the second from Commissioner Vollbrecht, motion carried.

There was no further business to come before the Commissioners of the Authority. A motion to adjourn at 9:45 AM by Commissioner McMullen and seconded by Commissioner Groshuesch. The motion carried.

The next scheduled regular meeting is February 7th, 2024 at 9 AM.

Respectfully submitted,



Robert Hemauer

Executive Director

**Plymouth Community Television  
Board Meeting 11/20/2023**

Checking: 1,166.30  
Unrestricted: 1,604.74  
Restricted: 28,288.46

Attendance: Virginia Stemper, Kurt Zolp, Gary Kaiser, Mike Briggs, and Konrad Kaczowski

Gary reported all the equipment at City Hall has been updated and installed. He also reported that after the Council meeting is filmed it is immediately directed to YouTube for viewing. New camera replacement was purchased.

Mike reported basketball coverage has started and there will be 24 boys and girls home games that will be filmed for the season. The home wrestling season will begin in December and there will be a different format for the matches. School Board meeting is scheduled for November 21<sup>st</sup>. Veteran to Veteran is on hold for now.

Kurt reported that the new camera student person is working very well and possibility of another student.

Action-14 for November, before the School Board meeting; Mayor Pohlman, Art Center, and Superintendent Dan Mella

Next meeting for the Board

Informal dinner meeting December 13, 2023  
At The Depot restaurant 7:00 PM

Respectfully submitted

Konrad Kaczowski





														\$ -
TOTAL	\$ 14,781.21	\$ 4,000.67	\$ 4,805.23	\$ 3,387.35	\$ 4,286.38	\$ 4,049.11	\$ 4,032.63	\$ 4,620.09	\$ 4,548.40	\$ 5,089.38	\$ 3,400.62	\$ 6,799.76	\$ 63,800.83	



**PLYMOUTH**  
Public Library

# 2023 A YEAR IN REVIEW



# CIRCULATION



+

98,787

Physical Items



12,683

eBooks



11,920

eAudiobooks



324

Streaming Video



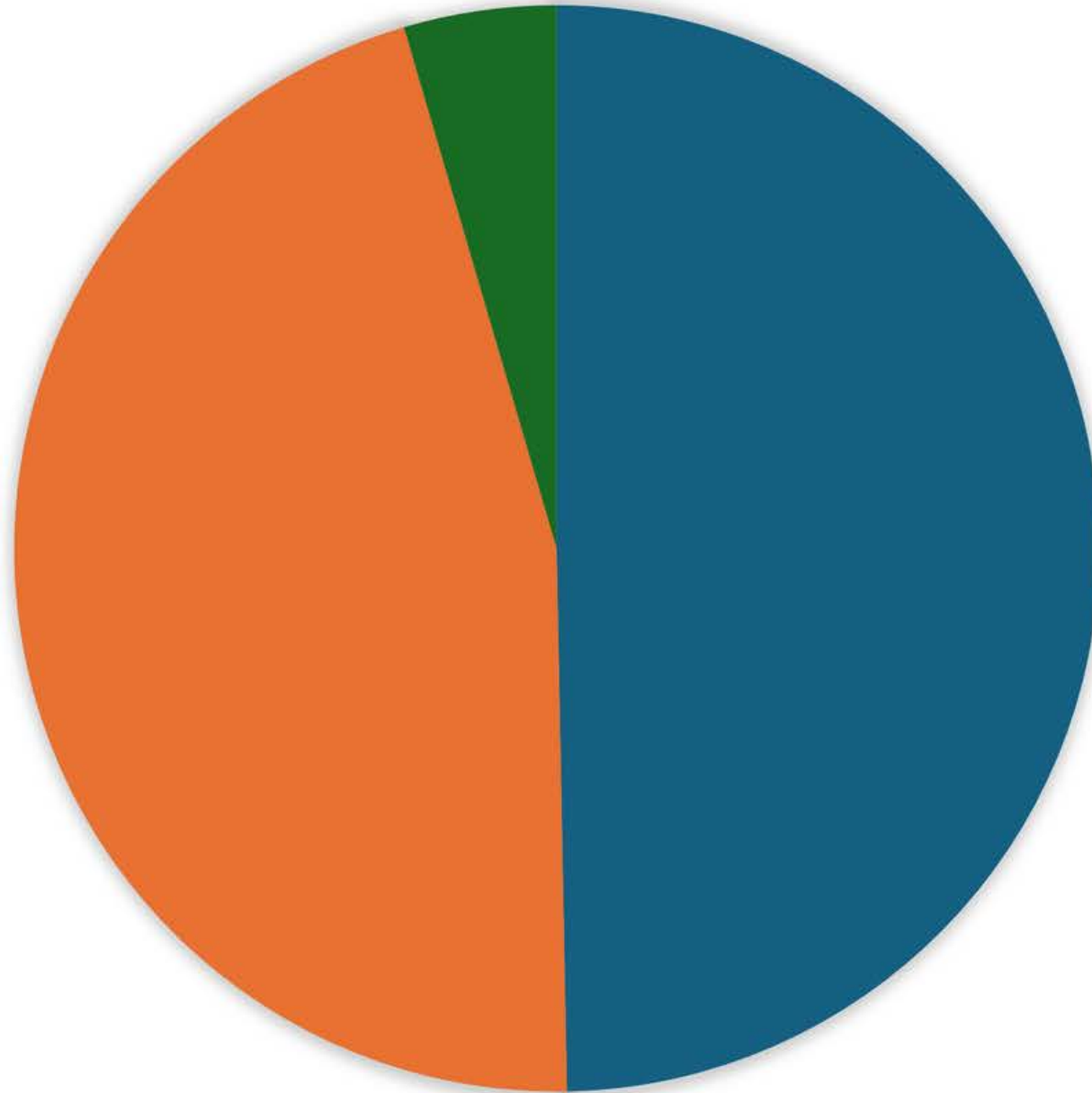
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**123,714**  
**Total**  
**Circulation**  
**(10% increase**  
**from 2022)**

## CIRCULATION BY AGE GROUP

Young Adult,  
4539, 4%

Children,  
45719, 46%



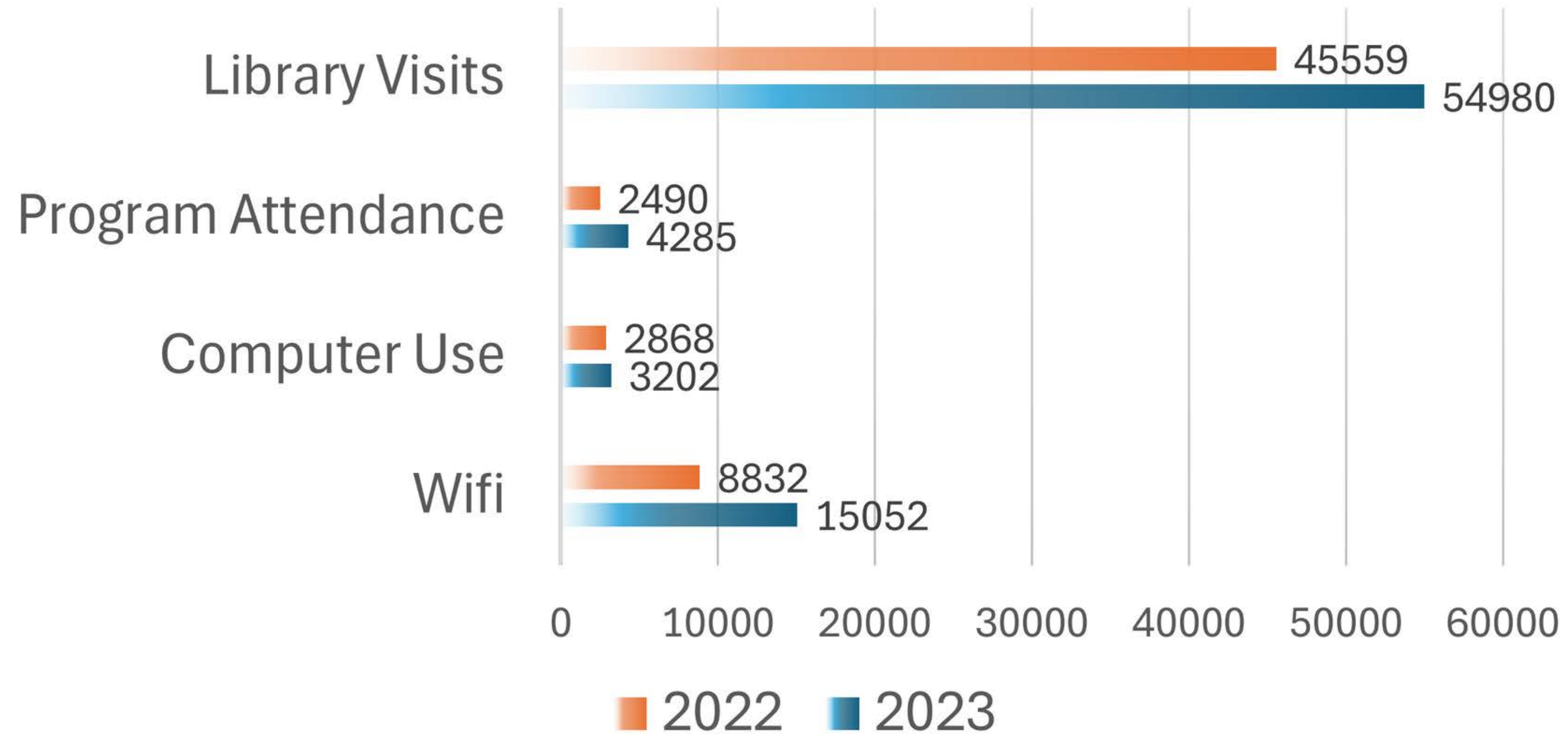
Adult, 49654,  
50%



# USE OF THE SPACE



# INCREASE IN LIBRARY USE



# NEW PROGRAMS AND SERVICES





# Memory Caregiver Kits Reading Dragons STEAM Kits

+





**Thank you to the Plymouth  
Public Library Staff for offering  
a program that captured my  
son's imagination and  
motivated him to read beyond  
our wildest dreams.**



# LOOKING FORWARD TO 2024



# 24 Hour Holds Locker Space Needs Study



+

thank you

+





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**DATE:** January 24, 2024  
**TO:** Committee of the Whole  
**FROM:** Tim Blakeslee, City Administrator/Utilities Manager  
**RE:** Public Hearing and Discussion on Mill Pond Dam

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**Background:** In 2015, the City of Plymouth received a notice from the Wisconsin Department of Natural Resources (WDNR) that required the spillway capacity of the Mill Pond Dam to be brought into compliance with NR333.06 within 10 years (2025). 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 on whether to remove the dam completely or make necessary upgrades/replace the dam to meet DNR regulations.

The City issued a Request for Qualifications (RFQ) in early 2023 and received proposals from Kapur & Associates and Ayres Associates. In March 2023, Ayres Associates was selected to complete a study providing options available. Ayres has significant experience in both dam removal and dam upgrade/replacement. In addition, The City of Plymouth was also allocated \$1,000,000 in the 24-25 State Budget for the removal or restoration of the dam. Ayres has reviewed the options and completed the Mullet River Dam Spillway Improvement and Dam Removal Feasibility Study. Ayres presented the study and the four various dam removal and replacement options on October 28, 2023. At the Committee of the Whole meeting on the November 28, 2023, the majority consensus was to move forward with a Public Open House followed by a Formal Public Hearing to provide the community an opportunity to learn more about the project and provide feedback. The Public Open House will be conducted immediately prior to the Common Council meeting on January 30, 2024 (from 5:30 p.m. to 6:30 p.m.).

Public comments are currently being received via an online survey to solicit feedback from residents. In addition, comments from the Public Open House will be added to the survey results as appropriate. These comments will be compiled for Common Council review.

The formal Public Hearing tonight is intended as an opportunity for members of the public to speak “on the record” prior to a Common Council decision on the Dam. The Common Council is currently scheduled to make a decision to remove or replace the dam on February 13, 2024. If the decision is to replace the dam, the Common Council will also need to decide which of the three options is selected.

The public hearing is also noticed for Common Council discussion. Following the Public Hearing, Council members may provide additional feedback if desired about the project and process. No formal action will be taken tonight.

**Recommendation:** Hold a Public Hearing regarding Mill Pond Dam Project and discuss as needed.

# CITY OF PLYMOUTH PROCLAMATION

**WHEREAS**, Future Business Leaders of America, Inc. (FBLA) is a non-profit educational organization whose first chapter was established in Johnson City, Tennessee, in 1942; and

**WHEREAS**, Iowa became FBLA's first state chapter in 1947; and

**WHEREAS**, City of Plymouth officially chartered its FBLA local chapter on May 20, 1995; and

**WHEREAS**, FBLA includes more than 250,000 members and advisers in 4,600 chapters nationwide in middle schools, high schools, colleges, universities, career and technical schools, and private business schools; and

**WHEREAS**, FBLA is a professional business organization dedicated to bringing business and education together in a positive working relationship through innovative leadership and career development programs; and

**WHEREAS**, FBLA members perform community service activities and strive to build a student's understanding of the realities of the modern business world; and

**WHEREAS**, FBLA teaches middle school, high school, and college students basic business and leadership principles; and assists them in the transition from school to work;

**NOW, THEREFORE**, that I, Donald Pohlman, Mayor of the City of Plymouth, do hereby proclaim February 11-17, 2024 as NATIONAL FBLA WEEK in the State of Wisconsin or City of Plymouth.

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Donald O. Pohlman, Mayor

City of Plymouth

City of Plymouth  
128 Smith St. - P.O. Box 107  
Plymouth, WI 53073-0107



Telephone: (920) 893-3745  
Facsimile: (920) 893-0183  
Web Site: [plymouthgov.com](http://plymouthgov.com)

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**DATE:** January 24, 2024  
**TO:** Mayor and Common Council  
**FROM:** Tim Blakeslee, City Administrator/Utilities Manager  
**RE:** Approval of ANR – Plymouth Pre-Construction Elective Services Reimbursement Agreement

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**Background:**

ANR Pipeline Company (ANR) is a current customer of Plymouth Utilities. ANR is in the process of expanding its natural gas Kewaskum Compressor Station (“KCS”) situated just north of Beechwood, WI. This expansion involves the installation of two 4,160-volt 3,750-hp motors, anticipating an increase in ANR’s peak load requirements at KCS to approximately 7,385 kW. Moreover, the electric distribution equipment in the southwestern part of the Plymouth Utilities service territory has approached near capacity in recent years. In response to the growing demand and to enhance the overall reliability of service for all customers, Plymouth Utilities has committed to constructing a new substation by the end of 2025. This commitment is formalized through a Substation Agreement with ANR, entered into in December 2022.

In July 2023, the Common Council approved a Project Reimbursement Agreement with ANR in which ANR agreed to reimburse Plymouth for costs incurred by American Transmission Company (ATC) to help accelerate project completion or in the event of project cancellation. At the meeting on January 9, 2024 the Common Council approved the ATC – Plymouth Abandon Design Agreement’ (contingent on final attorney/staff concurrence and approval of agreement language and the finalization of a side letter/MOU with ANR). This agreement was needed in order for ATC to expedite the project and meet the timeline requested by ANR.

Over the past several weeks during discussions between the Utility and ANR regarding the finalization of a side letter/MOU it was determined that requested conditions and funding amount involved for project acceleration would be better suited to a new agreement approved by the Common Council rather than a simple side letter/MOU.

Our attorney with Boardman Clark is currently finalizing the Pre-Construction Elective Services Reimbursement Agreement with ANR. The most current draft is attached for review. Staff requests Common Council approval of the Pre-Construction Elective Services Reimbursement Agreement upon final attorney/staff concurrence and approval of agreement language.

**Recommendation:** Staff recommends approval of Approval of ANR – Plymouth Pre-Construction Elective Services Reimbursement Agreement subject to final attorney/staff concurrence and approval of agreement language.

**Attachments:** ANR – Plymouth Pre-Construction Elective Services Reimbursement Agreement



# PRE-CONSTRUCTION ELECTIVE SERVICES REIMBURSEMENT AGREEMENT

This PRE-CONSTRUCTION ELECTIVE SERVICES AGREEMENT (“Agreement”), dated as of January \_\_\_\_, 2024, is entered into by and between the PLYMOUTH UTILITIES (“Plymouth”) and ANR PIPELINE COMPANY (“ANR”). Plymouth and ANR each may be referred to as a “Party” or collectively as the “Parties.”

## RECITALS

**WHEREAS**, Plymouth and ANR are parties to a Substation Agreement pertaining to the Plymouth #5 project (“Substation Project”) dated December 27<sup>th</sup>, 2022 (“Substation Agreement”);

**WHEREAS**, Plymouth is party to a Distribution-Transmission Interconnection Agreement with the American Transmission Company LLC (“ATCLLC”), which is a public utility and transmission company established under Wisconsin law;

**WHEREAS**, Plymouth is required to enter into a Pre-Construction Elective Services Agreement (“ESA”) with ATCLLC in order to permit ATCLLC to undertake certain pre-construction engineering design and land acquisition activities in advance of the timeline normally required during the process of obtaining a certificate of public convenience and necessity and thereby accelerate the anticipated in-service date of the transmission facilities that will be interconnected to the Substation Project;

**WHEREAS**, Plymouth will be required to reimburse ATCLLC for approximately \$1.2 million in costs under the ESA as described further below, which such costs are not included in the contribution in aid of construction provided for by the Substation Agreement;

**WHEREAS**, the potential need for such costs was acknowledged by the Parties in paragraph 8 of the Project Reimbursement Agreement, dated July 20, 2023;

**WHEREAS**, the Parties agree that it is appropriate to provide a mechanism whereby ANR will reimburse Plymouth for ESA-related costs by entering into this Agreement;

**NOW THEREFORE**, in consideration of the above premises, and mutual covenants and agreements herein contained, the Parties hereby agree as follows:

## AGREEMENT

- Recitals. The foregoing recitals are hereby incorporated into this Agreement.
- Reimbursement Obligation. ANR agrees to reimburse Plymouth for the following costs incurred or irrevocably committed by ATCLLC under the ESA. The reimbursement obligation set forth in this Section 2 shall not exceed the estimated costs set forth in the table below.

<b>Activity</b>	<b>Est. Cost</b>
<b>Design Engineering Work</b>	<b>\$418,598</b>
<b>Land Acquisition Work</b>	<b>\$799,532</b>
<b>Environmental Work</b>	<b>\$28,696</b>
<b>Total Elective Pre-Construction Services Cost:</b>	<b>\$1,246,826</b>

Any increase in the reimbursement obligation of ANR beyond what is described in the table above shall require ANR's prior consent, such consent not to be unreasonably withheld.

3. Payment of the Reimbursement Obligation. Payment of the Reimbursement Obligation shall be made by ANR to Plymouth by wire transfer within thirty (30) days following receipt of an invoice showing the amount required to be reimbursed for the Work performed by ATCLLC under the ESA. The Parties understand and acknowledge that Plymouth has a right to dispute the amount of the payment required by ATCLLC under the ESA and shall confer about the merits of exercising that right. If any payment amount is successfully disputed by Plymouth, the amount shall be returned to ANR by Plymouth.
4. Termination of ESA. Upon five (5) days' prior written notice from ANR, Plymouth shall terminate the ESA pursuant to its right to terminate the ESA for its convenience.
5. Further Assurances. Both Parties reaffirm their respective obligations to do all such further acts and execute and deliver all such documents as may be required by ATCLLC, acting reasonably, to effectuate the Substation Project.
6. Assignment. Neither this Agreement, nor any of the rights, interests or obligations in this Agreement, may be assigned or delegated, in whole or in part, by operation of law or otherwise, by either ANR or Plymouth, without the prior written consent of the other Party, which consent shall not be unreasonably withheld. This Agreement shall be binding upon the successors and assigns of the respective Parties hereto.
7. Governing Law. This Agreement shall be governed by and construed according to the laws of the State of Wisconsin without regard to conflict of laws principles.
8. Attorneys Fees. Each Party shall bear its own costs and expenses with regard to this Agreement and any other agreement entered into in connection with this Agreement; provided, however, that in the event of a dispute between the Parties, if a Party is successful in an action to enforce its rights hereunder, the other Party shall reimburse the prevailing Party for its costs and expenses associated with that dispute, including reasonable attorneys' fees.
9. Entire Agreement; no Impact on Substation Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof. It is not intended to modify or amend the Substation Agreement in any way. This Agreement may be modified or amended only by an instrument in writing signed by the Parties hereto. Plymouth further agrees that it will not amend or modify the ESA without prior written consent of ANR.
10. Miscellaneous. This Agreement may be executed in a number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

This Agreement is dated as of January \_\_\_\_, 2024.

**City of Plymouth, Wisconsin**

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Plymouth City Administrator

Attest:

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**ANR Pipeline Company**

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Signature

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Name

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Title

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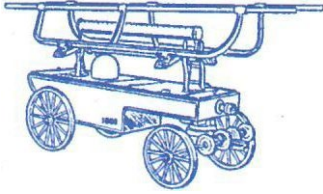
Signature

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Name

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Title



# Plymouth Fire and Rescue

*Serving Plymouth since 1868*

*Ryan Pafford  
Fire Chief*

*920-893-3744*

*rpafford@plymouthfd.com*

## MEMORANDUM

**To:** City Administrator Blakeslee, Mayor Pohlman, Alderperson Gilson, Hildebrand, Nelson, Matzdorf, Schilsky, Tauscheck, Herrmann and Penkwitz.

**From:** Fire Chief Ryan Pafford

**Date:** 1/30/2024

**Re:** Changes to Open Burn Ordinance

The ordinance change being presented to you for the council meeting on 1-30-2024 consists of the following:

- (b) *Residential Fire Pit Construction. Residential recreational bonfire or fire pit areas may be constructed and used with the following conditions ~~and subject to the permit requirement of subsection (d)~~:*
- (2) *~~Ceremonial~~ Non-residential campfire or bonfires;*

These changes are being presented to the common council for a few reasons.

1. In research and talks with surrounding communities, Plymouth is the only community in the area that requires a fire pit permit for residential fire pits. It is difficult to impossible to confirm this permit is being pulled for all residential fire pits.
2. The ordinance change is only to remove the annual permit for residential fire permits. Residential fires must still meet safe distance and placement requirements. Any other types of burning would still need a permit and approval.

If you have any other questions please reach out.

920-893-3744

rpafford@plymouthfd.com

Sincerely,

Ryan Pafford

Chief

Plymouth Fire and Rescue

**CITY OF PLYMOUTH**  
Ordinance No. \_\_\_\_\_ of 2024

**AN ORDINANCE AMENDING SECTION 5-2-9 OF THE MUNICIPAL CODE OF THE  
CITY OF PLYMOUTH, WISCONSIN REGARDING OPEN BURNING**

**WHEREAS**, upon recommendation of the fire chief, the Common Council of the City of Plymouth finds it best serves the public interest to allow residential recreational fires without a permit when such fires are contained within fire pits constructed and used in conformity with City Code Section 5-2-9.

**NOW, THEREFORE**, the Common Council of the City of Plymouth, Wisconsin, does hereby ordain as follows:

**Section 1. Amending Code.** Section 5-2-9, Open Burning, of the City of Plymouth Code is hereby amended to read as follows (deletions shown by ~~striketrough~~, additions by underscore):

**"SEC. 5-2-9 OPEN BURNING.**

(a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Plymouth, except as set forth in Subsections (b) or (c) of this Section or as permitted under Subsection (d). Fire disposal of rubbish, trash, or combustible waste is prohibited.

(b) **Residential Fire Pit Construction.** Residential recreational bonfire or fire pit areas may be constructed and used with the following conditions ~~and subject to the permit requirement of subsection (d):~~

(1) Permanent fire pits shall not be constructed within ten (10) feet of a structure or combustible material, unless otherwise approved by the Fire Chief.

(2) Permanent fire pits shall be no larger than forty (40) inches in diameter.

(c) **Exceptions.** Outdoor cooking over a non-wood burning fire fueled by charcoal or propane gas contained in a device or structure designed for such use, provided such fire is constantly attended by a competent person until extinguished.

(d) **Permit Required.** The following fires are subject to a permit granted by the Fire Chief:

- (1) Controlled burning of grass or similar vegetation for environmental management purposes;
  - (2) ~~Ceremonial~~ Non-residential campfire or bonfires;
  - (3) Other occasions of desirable outdoor burning not specified by this Subsection but not as an alternative to refuse removal or disposal of which other methods are available may be granted single occasion approval.
  - (4) The permit shall be granted only after an on-site inspection, consideration of any hazards that could affect adjacent property and observance of any safety restrictions that the Fire Chief may require. All open or recreational fires must be constantly maintained by a competent person until extinguished. A fee of Five Dollars (\$5.00) shall be paid to the City of Plymouth for each permit issued.
- (e) **Chief May Prohibit.** The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous except on written permit from the Fire Chief or any fire warden for said City, which permit shall designate the time and place for such burning. Notice of designation of a fire danger emergency period shall be made by publication of an appropriate order, once in the official newspaper, to be effective forthwith.
- (f) **Burning on Streets.** No materials may be burned upon any street, curb, gutter, or sidewalk.
- (g) **Liability.** Persons utilizing and maintaining an outdoor fire shall be responsible for any liability resulting from damage caused by the fire.
- (h) **Airborne Open Flame Devices Prohibited.** No airborne open flame device may be launched or used, free-floating or tethered, in the City. Airborne open flame devices from neighboring jurisdictions that enter into the City are also prohibited. The term "airborne open flame device" means any airborne device typically constructed from paper with a wood frame containing a candle or fuel cell composed of a waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. "Airborne open flame device" includes, but is not limited to, sky lanterns, sky candles, fire balloons, and airborne paper lanterns excluding manned hot air balloons."

**Section 2. Severability.** Should any portion of this Ordinance or the affected Municipal Code Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

**Section 3. Effective Date.** This Ordinance shall take effect the day after publication or posting.

Enacted on \_\_\_\_\_, 2024.

**CITY OF PLYMOUTH**

\_\_\_\_\_  
**DONALD O. POHLMAN**, Mayor

Date: \_\_\_\_\_

**CLERK'S CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing Ordinance was duly enacted by the City of Plymouth Common Council and approved by the Mayor on the dates indicated above.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
**ANNA VOIGT**, Clerk