

CITY OF PLYMOUTH, WISCONSIN
March 30, 2010 Common Council Meeting
MINUTES

1. **Call to order and roll call:** Mayor Pohlman called the meeting to order at 8:00 PM in Room 302 at City Hall. On call of the roll the following alderpersons were present: Hansen, Davis, Sedlacek, Lade, Fernsler, Dobratz, Meyer, Anderson. Absent: None. Attorney Damp was present.
2. **Pledge of Allegiance.**
3. **Acceptance of minutes of the regular meeting held March 9, 2010 (adjourned after roll call) and the special meetings held March 11 and March 16, 2010:** Anderson/Sedlacek moved to approve as stated. Motion passed. The Mayor recognized Mayor Reese and Alderperson Fromm visiting from the City of New Holstein.
4. **Audience:** Scott Haun, President of the Plymouth Youth Athletic Association, asked for Council approval of the Memo of Understanding being addressed at this meeting. Lisa Hurley spoke regarding the 2010 Mill Street Festival street closing request. Bob Werner, representing the Sheboygan County Builders Association, addressed the Council regarding Ordinance No. 6 regarding construction deposits.
5. **Public Hearings:**
 - A. **An Ordinance Amending Sections 13-1-109(a) and 13-1-105(d), and Creating Section 13-1-112 of the Municipal Code of the City of Plymouth Regarding Banner Sign Limitations, Painted Wall Signs, and Penalties (No. 3) (Recommended by Plan Commission Feb. 4th) – Zoning Administrator:** The Mayor declared the Public Hearing open. Dobratz clarified that the changes discussed at the Downtown Revitalization meeting were addressed in this ordinance. There being no further comments, the Mayor declared the Public Hearing closed. Sedlacek clarified with Pete Scheuerman, Zoning Administrator, that the 90 day limitation was to control use of banners year around where other sign options should be utilized. Dobratz/ Davis moved to approve as read. On call of the roll, all voted Aye.
 - B. **An Ordinance Amending Section 13-1-174 (c) of the Municipal Code of the City of Plymouth with Regard to Board of Appeals Fees - (No.4) (Recommended by Plan Commission Mar. 4th) – City Clerk:** The Mayor declared the Public Hearing open. Lade commented that this change should have a positive effect on some of the leniency in variances recently. There being no further comments, the Mayor declared the Public Hearing closed. Anderson/Lade moved to approve as read. All voted Aye.
 - C. **An Ordinance Amending Section 13-1-143(f) (1) and Creating Section 13-1-143 (f) (4) of the Municipal code of the City of Plymouth Regulating Fences for Swimming Pools - (No.5) (Recommended by Plan Commission Mar. 4th) – Building Inspector:** The Mayor declared the Public Hearing open. There being no comments, the Mayor declared the Public Hearing closed. Meyer/Lade moved to approve as stated. All voted Aye.

6. Ordinances:

- A. An Ordinance Creating Section 15-1-3 (q) of the Municipal Code of the City of Plymouth Establishing Construction Deposit - (No.6) (Second Reading)(Recommended by Plan Commission Mar. 4th) – Building Inspector:** Meyer/Davis moved to approve as read. Scheuerman was asked to explain the reason for this request. Scheuerman is aware that the Town of Mitchell and the Village of Kohler have construction security deposits. He has not taken a poll of other local municipalities. He and Bill Immich worked together to draw up this ordinance. The deposit would be used in cases where there has been damage to city property such as sidewalks, curb and gutter or dirt tracks left on roads. The \$2,000.00 amount comes into play, for and example, when a foundation is placed at an incorrect height, and is not in line with the Master Plan of a subdivision. Consultation of Bill Immich may have to happen and/or this may have to go to the Plan Commission. This possible rework time would be a reason for the additional \$1,000.00 penalty. Immich added that the deposit would help motivate owners to complete projects so that neighbors do not have to look at unfinished work. Discussion continued regarding setbacks and placement of foundations. Damp clarified that the additional \$1,000.00 is actually a forfeiture. Hansen questioned whether the 10 day period for an appeal was rather short. Dobratz/Lade moved to amend the ordinance language to 30 days for the filing of an appeal. Motion passed. On call of the roll for the original motion, all voted Aye.

7. Resolutions:

- A. 2009 Budget Adjustment Resolution (No. 2) – City Clerk:** Lade/Anderson moved to approve as stated. All voted Aye.
- B. A Resolution Establishing Travel Expenses for City Officials (No. 3) – City Clerk:** Hansen/Anderson moved to approve as stated. All voted Aye.
- C. A Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing (No. 4) – John MacKinnon:** Sedlacek/Meyer moved to approve as stated. All voted Aye.
- 8. Approve selection of Hopp Neumann Humke LLP, Sheboygan, Wisconsin, for the city attorney position and authorize Mayor to sign engagement agreement – Mayor Pohlman:** Hansen/Meyer moved to approve as stated. All voted Aye.
- 9. Award contract for water main, sanitary sewer and road work in Highland Avenue, Eastern Avenue and Walton Drive for \$722,905.50 as work under TIF District No. 4 and for sanitary sewer work for Highland Avenue under the alternate bid for \$30,850.10 as non-TIF work to PTS Contractors, Inc., Green Bay, Wisconsin, for the total contract price of \$753,755.60 – John MacKinnon:** Meyer/Hansen moved to approve as stated. Lade questioned why we are approving a project contract when the Council has not approved borrowing funds for the project. He has concerns on the cash flow of TID #4. MacKinnon clarified TID and non TID expenses of the project being bid. The Council does have a choice on awarding the alternate bid which is for sanitary sewer extensions to two Town of Plymouth properties. Those costs could be recovered in the future if the properties annex to the City and request sewer service. MacKinnon added that doing this alternate project now would prevent having to tear up the street in the future. On call of the roll it was Aye: Dobratz, Anderson, Davis, Meyer, Hansen, Sedlacek, Fernsler. No: Lade.

10. **Consider claim against the City from Wendy Harrison in the amount of \$824.00 – City Clerk:** The Clerk read the opinion from Tom Mann of CVMIC Insurance recommending denial of the claim. Anderson/Sedlacek moved to deny the claim. All voted Aye.
11. **Approve request from the Plymouth Chamber of Commerce to close Mill Street from the corner of North and Mill to the corner of Caroline and Mill on Saturday, July 10th from 6:00 AM to 5:00 PM for the Mill Street Festival and also use of the municipal parking lot on the corner of Smith and Mill beginning at 3:00 PM, Friday, July 9th through 5:00 PM on July 10th – City Clerk:** Davis/Anderson moved to approve as stated. Motion passed.
12. **Approve MSA Professional Services to submit a 2010 CDBG Housing Program Pre-Application on behalf of the City of Plymouth and authorize the Mayor to sign the Letter of Intent – City Clerk:** Dobratz/Sedlacek moved to approve as stated. Motion passed.
13. **Approve Memo of Understanding between the City of Plymouth and the Plymouth Youth Athletic Association (Recommended by the Park Board Mar. 8th) – Bill Immich, DPW:** Lade explained that this agreement would replace a verbal handshake from years ago. Sedlacek feels that he finds it hard to cut funding from one athletic group and guarantee full funding to another, especially not knowing what the city's finances are in the future. Lade questioned what the costs would be to the city if they had to do all the maintenance versus the PYAA. Immich stated that the \$7,500.00 figure was actually half the cost of a city employee to run a ball program. Immich stated that the Park Board reviewed this agreement and cited the interest the PYAA has shown in the city and that the improvements they have made makes it worthwhile to go forward with this. Dobratz stated that the city could not afford to fund and run a ball program. Damp clarified that this agreement is not a contract and can be rescinded by the council. The Mayor is looking to establish an ad hoc committee to look at coordinating athletic organizations with the city and the school system. The Clerk pointed out that one reason the agreement was prepared was to define responsibilities of the PYAA in regards to liability issues with the city. Lade/Hansen moved to approve the memo as stated. All voted Aye.
14. **Accept the letters of resignation from the Park Board from Rory Beebe and Katie Henning – Bill Immich, DPW:** Anderson/Lade moved to approve as stated. Motion passed.
15. **Approve appointment of Tanya Williamson to the Park Board to fill the unexpired term of Katie Henning – Mayor Pohlman:** Lade/Sedlacek moved to approve as stated. Motion passed.
16. **Approve 5 year re-appointment of Robert Hansen to the Housing Authority to begin on March 29th – Mayor Pohlman:** Anderson/Lade moved to approve as stated. Motion passed.
17. **Approve 2010 fee recommendations from the Park Board for the Aquatic Center, Youth Center, Golf Course, and Ski Hill – Bill Immich, DPW:** Immich explained the fees which were increased at the Aquatic Center and Ski Hill. Hansen/Sedlacek moved to approve as presented. All voted Aye.
18. **Approve 2009-2010 Tavern Operator Licenses – Mark Aschenbach (Pick N Save), Jason Batt (Pick N Save), Kristin LaBine (Clark) - (approved by Chief Tauscheck) – City Clerk:** Meyer/Sedlacek moved to approve as stated. Motion passed.

- 19. Utility Reports:**
 - A. Manager's – March, 2010**
 - B. List of Vouchers – February, 2010:** Anderson/Lade moved to authorize payment of February vouchers. All voted Aye.
 - C. Collection Statement – February, 2010**
 - D. Uncollectible Accounts –March, 2010:** Meyer/Lade moved to approve the uncollectible accounts in the amount of \$20,977.29. All voted Aye.
- 20. Other Business:**
 - A. Minutes acknowledged for filing: Housing Authority – Feb. 10th.**
- 21. Adjourn to 8:00 PM, April 13, 2010:** Lade/Meyer moved to adjourn. Motion passed. The meeting adjourned at 9:43 PM.

Minutes stand official upon Common Council approval. Patricia Huberty, Clerk