

**CITY OF PLYMOUTH, WISCONSIN
TUESDAY, OCTOBER 29, 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, Jeff Tauscheck and Greg Hildebrand. Also present: City Administrator/Utilities Manager Tim Blakeslee, Police Chief Ken Ruggles, Director of Public Works Cathy Austin, HR Specialist Leah Federwisch, and Library Director Leslie Jochman.
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 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, October 8, 2024**
 - B. **Approve City and Utility Reports:**
 - I. **Electric, Water and Sewer Sales Report – September 2024**
 - II. **Utility Related Write Offs for October - \$2,296.12**
 - C. **Minutes acknowledged for filing – Committee of the Whole: October 8 – Plymouth Housing Authority: October 9 - Library Board: September 9**
 - D. **Approve Sheboygan County Sheriff's Department Annual Joint Powers Agreement 2025**
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:** Dick Seefeldt thanked the Council for considering looking at the outdoor heater ordinance at Committee of the Whole. Hat Vu Vrba spoke about signs and the Dollar Store coming to the area. Joel Lunning spoke about the outdoor wood heater talked about at the Committee of Whole. He is the owner of the wood heater.
5. **Items removed from Consent Agenda:** No items were removed from the agenda. The Mayor stated Item 7B. and 7C would be moved to before the public hearings.

7B. Approval of Development Agreement with Wangard Development LLC – Blakeslee City Administrator / Utilities Manager explained Common Council approved a resolution at the meeting September 24 creating TID #7. Staff and Attorney Fieber have worked with Wangard Development LLC to finalize an agreement for the construction of 156 apartment units at a cost to the developer of \$34.3 million that will create approximately \$23.4 million of new value in Plymouth. In addition to the apartment development, the developer will be installing a private street infrastructure, private sewer infrastructure, public water infrastructure, public sidewalk infrastructure,

private sewer user fees, power extension, security for infrastructure, development incentives, indemnification and other legal protections. Elhers conducted a financial pro forma analysis related to several developments in the proposed district. The pro forma analysis for the Wangard project from Ehlers noted based on the review of the proforma caps the maximum development incentive at 6.3 million for up to 20 years, with at 90% TIF Revenue. This is structured as a municipal revenue obligation, meaning no up-front payments are made to the developer. Attorney Fieber explained that this isn't City debt, so this isn't going to be General Obligation debt. The benefit to the developer having this reduced to a Municipal Revenue Obligation is that it's easier to go to the bank to show what the anticipated amount is. The principal amount is 6.3 million but its really up to 6.3 million. Its what is called a pay-go. So they need to develop it and then they get paid under this Municipal Revenue Obligation. Motion was made by Nelson/Matzdorf to approve the Development Agreement with Wangard Development LLC. Hildebrand stated he spoke with the representative from Wangard if they would consider naming their road after the current longtime City Mayor. Wangard agreed to it, and gave the name of the road Pohlman Way. Upon the call of the roll, all voted aye. Motion carried.

7C. Announce Public Hearing to be held at Common Council Tuesday November 12, 2024 at 7:00 PM in Room 302 at City Hall, 128 Smith St. Plymouth, WI regarding the proposed 2025 Budget followed by consideration of adoption of the 2025 Budget – Mayor Pohlman announced the public hearing.

6. **Public Hearing followed by Discussion and Action:** Pohlman explained that both public hearings and the CSM, item 7A, will be talked about at the same time, but separate actions will be taken. Mayor Pohlman opened the public hearing at 7:19 PM. Blakeslee explained that parcel number 59271829207 is located directly on the southwest corner of the intersection of Highway 67 and PP. With the approval of the property owner, Dollar General is requesting a Certified Survey Map, A Comprehensive Plan Amendment, and Rezoning for a proposed Dollar General. Mayor Polman asked if there were any public comments. Mike Fisher lives at the corner of Highway 67 and PP and is opposed to the rezoning of the parcel for commercial use for multiple reasons, including traffic. Julia Griffin is opposed to the proposed development due to the traffic at that intersection. Mitchell Woytych is opposed to the proposed development due to the increase of crime from Dollar Generals and traffic safety of the intersection. Kevin Sande is concerned about the rezoning of the property to B3 for the possibility in the future the could come back and request access on highway 67. He would like the rezone to be reconsidered to business and not business highway. Jim Pankow the owner of the property addressed the concerns of the intersection. The state won't look at the intersection because there's not enough traffic and yet the concern is there's too much traffic. Nicole Fisher lives at the corner of Highway 67 and PP and is opposed to the development due to the traffic that is at the intersection and would like the safety concerns addressed before anything is developed at that intersection. Mayor Pohlman stated that the City doesn't own that intersection and the City has tried to get that intersection from the State in the past. Sheila Kaufman is opposed to the development and believes there shouldn't be anymore traffic

added to the intersection. Linda Mittag is opposed to the development due to traffic and because it is one of the gateways to Plymouth and seeing Dollar General or another development wouldn't do justice to Plymouth. Kevin Sande spoke again about the speed study on Hill and Dale. Nelson would like to keep the retail condensed in the same area. He is concerned about the traffic, but his main issue is the character of Plymouth. Binder is concerned with the intersection and agrees something should be done at the intersection. He wanted to make a motion to postpone 6A and 6B until more information is collected. Mayor Pohlman explained he couldn't make a motion in a public hearing he will have to wait until out of the public hearing. Attorney Fieber added the Council abides by Robert's Rules of order the Motion Binder would be proposing would be called a subsidiary motion. The Council can suspend their rules to make a motion like this otherwise the Council would first need a main motion, like a motion to approve or motion to deny, bringing the question forward. Then a motion can be made to postponed to refer to a committee, wait for an additional study to be done, or give a timeline. Penkwitz thanked the residents for sending thoughts. Herrmann added that the City does not control that intersection, but the City can control whether there is additional traffic put there. With no more comments the Mayor closed the public hearing at 8:08 PM. Fieber just asked the Council to confirm any discussion during the public hearing applies to this question. Council members confirmed that discussion during the public hearing is their viewpoint as it relates to this question.

- A. **Ordinance No. 16 Amending the Comprehensive Plan Existing Land Use Map and Future Land Use Plan Map by Changing Property From Agriculture to Commercial on the southwest corner of the intersection of State Highway 67 and Hill and Dale Road:** Motion was made by Hildebrand/Herrman to deny Ordinance No. 16. A subsidiary motion was made by Binder/Matzdorf to postpone action on Ordinance No. 16 for 3 months for the speed study results. Upon the call of the roll; Gilson, Matzdorf, Binder and Penkwitz voted yes, Nelson, Tauscheck, Hildebrand, and Herrmann voted no. Mayor broke the tie vote with a yes. Action is postponed on Ordinance No. 16 for 3 months for the speed study results.
- B. **Ordinance No. 17 Amending the Zoning Map of the Zoning Code of the City of Plymouth from A, Agricultural to B-3 on the southwest corner of the intersection of State Highway 67 and Hill and Dale Road:** Motion was made by Hildebrand/Herrman to deny Ordinance No. 17. A subsidiary motion was made by Binder/Matzdorf to postpone action on Ordinance No. 17 for 3 months for the speed study results. Upon the call of the roll; Binder, Matzdorf voted yes, Penkwitz, Herrmann, Hildebrand, Gilson, Nelson, and Tauscheck voted no. Motion failed. Back to the first motion, Upon the call of the roll, Gilson, Nelson, Tauscheck, Hildebrand, Herrmann, Penkwitz voted yes, Matzdorf and Binder voted no. Motion carried. Ordinance No. 17 is denied.

7. **New Business:**

- A. **Approved Certified Survey Map (CSM) for ; Parcel number 59271829207, Being All Of Lot 2 Of Certified Survey Map As Recorded In Volume 27 Of The Certified Survey Maps, Pages 290-291 As Document No 8409549, Located In Part Of The Northeast ¼ Of The Northeast ¼ Of Section 33, Township 15 North, Range 21 East, City Of**

Plymouth, Sheboygan County, Wisconsin: Motion was made by Hildebrand/Herrmann to deny the CSM. Motion was made by Binder/Matzdorf to postpone action on the CSM. Upon the call of the roll; Penkwitz, Binder, and Matzdorf voted yes, and Hermann, Hildebrand, Tauscheck, Nelson, and Gilson voted no. Motion failed. Motion was made by Tauscheck/Binder to table the item until the City Administrator has time to reach out to the property owner. Upon the call of the roll, all voted aye. Motion carried.

8. **Entertain a Motion to go into Closed Session for the following:** Motion was made by Herrmann/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 – Cheese Capital Winter Park License Negotiations

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 – Judicial Review Substation and Employment Claim

9. **Entertain a motion to go into open session:** Motion was made by Tauscheck/Hildebrand to go into open session. Upon the call of the roll, all voted aye. Motion carried.
10. **Discussion and possible action on Closed Session item/s:** No action was taken.
11. **Adjourn to 7:00 PM on Tuesday, November 12, 2024:** Motion was made by Nelson/Hildebrand to adjourn the meeting. A unanimous aye vote was cast. Motion carried.