

CITY OF PLYMOUTH, WISCONSIN
February 25, 2020 Common Council Meeting
Room 302, City Hall, 128 Smith Street

OFFICIAL MEETING MINUTES

1. **Call to order and roll call:** Mayor Pohlman called the meeting to order at 8:00 PM. On call of the roll, the following Alderpersons were present: John Nelson, Greg Hildebrand, Jack Fernsler, Amy Odekirk, Diane Gilson, Jim Wilson, Charles Hansen and Jim Sedlacek. Also present were DPW Director Cathy Austin, City Administrator/Utilities Manager Brian Yerges, City Attorney Crystal Fieber, Police Chief Jeff Tauscheck and Fire Chief Denis Fellows.
2. **Pledge of Allegiance:**
3. **Approval of the Consent Agenda:** Motion made by Wilson/Hildebrand to approve all items as listed. On call of the roll, all voted Aye. Motion carries.
 - A. **Approve minutes of the meeting held on February 11, 2020:**
 - B. **Approve Utility & City Reports:**
 - Utility Uncollectible Accounts – February - \$1,641.69:
 - C. **Minutes acknowledged for filing – Public Works & Utility Committee – Feb. 11th and Plymouth Community Television – Jan. 20th:**
 - D. **Approve Beverage Operator Applications: Robert Xiong (Minit Mart), Sarah Knoll (PickNSave) and Stephanni Mertes (PickNSave) - Approve by the Clerk's Office and Police Department:**
 - E. **Approve Parade Request & Street Use Permit from The Fig and the Pheasant for the annual St. Patrick's Day Parade on Tuesday, March 17th from 10:30 a.m. to 11:30 a.m., beginning at Family Video, proceeding west on Eastern Ave. to Mill Street and south on Stafford St., with request to close Mill St. from the Plymouth Arts Center to Stafford St. and Stafford St. from Mill St. to 52 Stafford St., The Fig and the Pheasant – Approved by Director Austin and Chief Tauscheck – City Clerk:**
 - F. **Approval of Staff Accountant Position Job Description:**
 - G. **Approval of Journeyman Lineman Position Job Description:**
 - H. **Approval of Apprentice Lineman Position Job Descriptions I,II,III,IV:**
4. **Audience Comments:**

Audience sign-in attendance is listed as follows: Shanna Lopez, Jessica Croissant, Rachael Gelhar, Nicole Beyer, Nathan Burbart, Rachel Seil and Patrick O'Toole.

Patrick O'Toole thanked the council and community on the support that they have received since taking over the 52 Stafford Restaurant as The Fig and The Pheasant. Patrick also thanked that council for considering the road closure permit that they had requested to conduct the annual St. Patrick's Day Parade.

Nathan Burhart, Rachael Gelhar and Nicole Beyer questioned the council on Ordinance No. 5 regarding, Smoking Prohibited in the City of Plymouth. Burbart wanted to know how come the citizens were not provided with additional information about the ordinance prior to the council approving it.

A request from Alderperson Hansen was to switch item 4 – Audience comments and item 5 – Ordinance No 5. around on the council agenda so that questions could be answered by the council. Mayor Pohlman felt that was not necessary and the council would continue the agenda items in order as presented.

5. **Ordinances:**

A. No. 5 – An Ordinance Amending Section 8-1-1, Smoking Prohibited, of the City of Plymouth Code of General Ordinances: City Administrator/Utilities Manager Brian Yerges explained that the amendment to the ordinance was to include the following verbiage in Section 8-1-1 (15)(e):

“Smoke or Smoking” means burning or holding, or inhaling or exhaling smoke, **mist, or vapor** from, any of the following items containing tobacco:

- a. A lighted cigar.
- b. A lighted cigarette.
- c. A lighted pipe.
- d. Any other lighted smoking equipment.
- e. **An electronic delivery device, meaning any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, or electronic hookahs.**

An electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV), or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which has the feel of tobacco smoking. They produce a mist rather than cigarette smoke. In general, a heating element vaporizes a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, glycerin, nicotine, and flavorings.

City Administrator/Utilities Manager Yerges also explained that the legislature of the State of Wisconsin enacted in 2009, Wisconsin Act 12. This amended Wisconsin Statutes 101.123, which prohibits smoking in enclosed indoor areas that are public places or places of employment. This took effect July 5, 2010. Administrator Yerges also clarified the 12 foot rule that was adopted in 2013 at the request of the library. Alderperson Sedlacek wanted to clarify with City Attorney Fieber that Ordinance No. 5 only added vaping and e-cigarettes to the ordinance. City Attorney Fieber said that this is correct. Alderperson Hansen thanked the audience for attending the meeting and providing their comments to the ordinance. Motion was made by Hansen to include adding the verbiage “Smoke or Smoking” to the beginning of Section 8-1-1 (15)(e) and to strike out the verbiage in Section 8-1-1 (bb) “tobacco products or electronic delivery devices”. Motion was seconded by Fernsler. Upon the call of the roll, all voted aye. Motion carries.

6. **Resolutions:**

A. No. 5 – A Resolution Authorizing the Interfund Loan Repayment of Advanced Funds for TID No. 6 for Year 2021: City Administrator/Utilities Manager Brian Yerges explained that TID 6 has a negative balance until increment is generated by the development. Administrator Yerges said that it was in the best interest of the municipality to advance money from the general fund on an annual basis to help pay for the administration costs, debt service and miscellaneous cost for the TID. Administrator Yerges explained that the refinancing of the 2011 CURB bond ended up resulting in savings for the TID. The resolution is for the transfer of \$32,399.51 from TID 6 to the General Fund Capital Projects Fund for the year 2021. Motion was made by Nelson/Gilson to approve the transfer of approximately \$32,399.51 from TID 6 to the General Fund Capital Projects Fund. Upon the call of the roll, all voted aye. Motion carries.

7. **Items removed from Consent Agenda:** None.

8. **New Business:**

A. Authorize use of Contingency Funds approximate cost of \$7,989.93 for replacement of engine in K9 squad: Police Chief Jeff Tauscheck told the council that in early February the engine was not working properly. They took the 2014 Dodge Charger in to get looked at and found that there were pieces of metal in the engine. Chief Tauscheck stated that the vehicle is a 2014, however, it was purchased in 2015. Motion was made by Sedlacek/Odekirk to approve the above as stated. Upon the call of the roll, all voted aye. Motion carries.

B. Approve appointment of Carole O'Malley and John Nelson to the Ad Hoc Downtown Design Guidelines Committee: Mayor Pohlman announced the appointments as listed. Motion was made by Hansen/Sedlacek to approve the above appointments. A unanimous aye vote was cast by the council. Motion carries.

C. Approve appointment of Jay Grosshuesch to The Housing Authority, effective 03/29/2020 – Mayor Donald Pohlman: Mayor Pohlman announced the appointment as listed. Motion was made by Sedlacek/Wilson to approve the appointment as stated. A unanimous aye vote was cast by the council. Motion carries.

D. Approve BID proposal for 69 KV Transmission Line removal and retirement from Michels in the amount of \$156,855.25: City Administrator/Utilities Manager told the council that a bid opening was held on February 21st regarding the 69 kV transmission line removal project. The project is the result of the substation no. 2 upgrade and the new transmission line tap that feeds the upgraded substation. Three bids were received for the project, with the lowest bid at \$156,855.25 from Michels. Motion was made by Hildebrand/Nelson to approve the bid from Michels in the amount of \$156,855.25. Upon the call of the roll, all voted aye. Motion carries.

Adjourn to 8:00 PM, Tuesday, March 10, 2020: Motion made by Wilson/Odekirk to adjourn. Motion carries. The meeting adjourned at 8:30 PM.

Minutes approved March 10, 2020.

Sabrina Dittman, Clerk