

**CITY OF PLYMOUTH, WISCONSIN  
TUESDAY, OCTOBER 12, 2021 COMMON COUNCIL MEETING**

**UNOFFICIAL MEETING MINUTES**

1. **Call to order and roll call:** Mayor Don Pohlman called the meeting to order at 7:00 PM. On call of the roll, the following Alderpersons were present: John Nelson, Diane Gilson, Bob Schilsky, Greg Hildebrand, Jim Wilson, Jerry Matzdorf and Amy Odekirk. Also present were: City Administrator/Utilities Manager Jordan Skiff, DPW Director Cathy Austin, Police Chief Jeff Tauscheck, Fire Chief Ryan Pafford, Finance Manager Kim Ross, and City Attorney Crystal Fieber.
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 made by Hildebrand/Wilson to approve all items listed. Upon the call of the roll, all voted aye. Motion carries.
  - A. **Approve minutes of the meeting held Tuesday, September 28, 2021 and October 5, 2021**
  - B. **Approve City and Utility Reports:**
    - I. **List of City & Utility Vouchers dated 9/1/21-9/30/21**
  - C. **Minutes acknowledged for filing – Finance & Personnel / Public Works & Utilities Committee: September 28 – Library Board: September 13 – Police and Fire Commission: September 28 – Plan Commission: September 2**
  - D. **Building Report for September 2021 – 27 permits estimated at \$3,601,358**
  - E. **Approve request from Plymouth Chamber of Commerce to hold annual Plymouth Holiday Gathering Parade on Friday, November 26 beginning at 7PM. Parade line- up will start at 6PM.**
  - F. **Approve Temporary Class B Alcohol License for Plymouth Historical Society Wine & Cheese at the Museum on November 18, 2021 from 4PM – 9PM. Underage persons are not requested on premise.**
4. **Introduction of New Fire Chief, Ryan Pafford:** Police Chief Tauscheck introduced the new Fire Chief, Ryan Pafford. Chief Pafford thanked the council for giving him the opportunity to serve the City of Plymouth.
5. **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.** Julia Griffin made comments about the upcoming voting of the turner hall rezoning to make them record of topics to be taken into consideration. The first topic she discussed was the application submitted to Plan Commission and recommended to the Council. Griffin stated some key elements were left out; principal uses of neighboring properties, spot zoning, no plat of survey was with the application, and the proposed use of the structure was not included in the application. Griffin asked how the Plan Commission could make a decision without knowing this. Griffin stated that the Pathways attorney

warned the Pathways use is protected under the Americans with Disability Housing Act and supersedes the City's zoning rules and authority. Griffin pointed out that the ADA calls for municipalities to provide reasonable modifications to the municipal code and not base a decision on anything to be viewed as discriminatory. Griffin provided the Council examples of case law that include the Pathways attorney. The common theme with the cases was the conditional use permit, discrimination, existing B2 changes, but there was nothing about rezoning or rezoning to accommodate a tenant. Griffin stated that a reasonable person would argue that it is not reasonable to zone a lot that is in a residential neighborhood creating a precedent in other districts. Griffin referred to spot zoning and several reasons why spot zoning wouldn't be appropriate. Griffin stated that nothing that has been submitted to the Council has been discriminatory in nature. The primary concern as a community is what the rezoning of this lot could affect the community and property values in the long run, with a B2 lot it could be anything. Griffin stated that the proposed use is that of a tenant not an owner and with that could come the turnover of the business. Then the city would not have a say in what a business could be. Griffin did not find any case law that provides an example of spot zoning or reasonable accommodation to be required by tenant or business owner. Griffin brought up what was stated at a previous meeting about parking. Griffin gave an example of Amore's parking lot. In the past there was a modification made to accommodate more parking. Griffin asked if it was really intended to be in compliance with any part of the municipal code pertaining to parking. Does the council really want them to find a loophole? Griffin asked the council to question that part of the zoning and potential issues. Griffin stated that she is a concerned community member and asks the Council to vote no.

Kristin Sipple is a resident of Smith St. and is against the rezoning on Elizabeth St. because of its inevitable exposure to second hand smoke which will create a public and private nuisance especially for people like Sipple and people who have disabilities. Sipple referenced the zoning code about permitted general and commercial uses that do not generate noise, smoke or odor that would create a public or private nuisance. Sipple said that the owner has already stated that the tenants will need a place to smoke. There is no yard for the tents to go. Sipple stated that the smoke will lead to a nuisance with 15 people smoking directly across from a school and daycare. People living in neighboring houses including herself will be affected by the smoke. At a previous meeting the Pathways lawyer stated that if the property is currently a bar and it couldn't be any different. Sipple stated that it is different. Currently the bar is only open in the evening when school is out of session there also isn't close to 15 people out smoking at one time. Sipple stated that she has asthma and the smoking will affect her greatly, if she smells smoke, she will have an asthma attack. Sipple stated that she feels this qualifies as a nuisance and the American Disability Act does provide protection against second hand smoke for people like her who have certain severe conditions. This ADA law does protect her and as well as all the children. Sipple also brought up her concern with the accessibility to the building.

Debra Rizzi is also a resident of the area to be rezoned on Elizabeth St. she also has asthma and has the same concerns as Sipple about the second-hand smoke. Rizzi stated that she has lived next to Turner Hall for 25 years and has felt safe, she no longer feels safe to live there. Rizzi stated that a family member's apartment was broken into by someone high on

drugs. Rizzi said if one of the tenants decided to get high on drugs and brake into her home, she wouldn't be able to fight them off. Rizzi stated that these people can't be trusted. If they can't hold a job and become viable in society. She emphasized how much this is scaring her, and she never felt that way towards the bar.

Jane Meyer is a resident of the City of Plymouth she reminded the Common Council that they have been entrusted by their residents and uphold the city ordinance. Meyer referenced the zoning code section 13-1-3 the general purpose of the chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the people of the City of Plymouth. Meyer asked the Council to vote no on the rezoning.

6. **Items removed from Consent Agenda:** None
7. **Resolutions:**
  - A. **No. 10 - Resolution Authorizing City Clerk to Submit Amended Voting Ward Plan to County Clerk:** City Clerk Anna Voigt explained to the Council the County has sent their tentative supervisory redistricting plan for approval. The county needs municipalities to provide proposed ward changes to the County by October 19. Tonight, the Council is being asked to approve the proposed ward changes to submit to the County. The Council will see the ordinance to reflect the approved changes on November 9. Voigt explained that the city was in 2 of the County's supervisory districts. Wards 1 & 2 were in County District 16 and City District 3 & 4 were in County District 17. Each of the Aldermanic District are made up of 3 wards. Each of those wards need to have a population between 300-1,000 for our city's size. Ward 12 was the only ward that didn't fall within that population due to the Greystone development. To make ward #12 within the that population we shifted quite a bit of the population from #12 to #11 in anticipation that ward #12 will continue to grow. Motion made by Nelson/Odekirk to approve the resolution as presented. Upon the call of the roll, all voted aye. Motion carries.
8. **Entertain a motion to go into closed session for the following:** Motion was made by Nelson/Hildebrand to go into closed session. Upon the call of the roll, all voted aye. Motion carries.

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 claim from Tony Stewart Racing
9. **Entertain a motion to go into open session:** Motion was made by Nelson/Hildebrand to go into open session. Upon the call of the roll, all voted aye. Motion carries.
10. **Discussion and possible action on closed session item:** Motion was made by Hildebrand/Schilsky to approve the claim from Tony Stewart Racing in the amount of \$9,368.10. Upon the call of the roll, all voted aye. Motion carries.

11. **Entertain a motion to go into closed session for the following:** Motion was made by Wilson/Odekirk to go into closed session. Upon the call of the roll, all voted aye. Motion carries.  
pursuant to Wis. Stat. 19-85 (1)(c) considering employments, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding City Administrator / Utilities Manager
12. **Entertain a motion to go into open session:** Motion was made by Nelson/Odekirk to go into open session. Upon the call of the roll, all voted aye. Motion carries.
13. **Adjourn to 7:00 PM on Tuesday, October 26, 2021:** Motion was made by Hildebrand/Schilsky to adjourn. Motion carries.

Minutes approved October 26, 2021

Anna Voigt, Clerk