

**CITY OF PLYMOUTH, WISCONSIN**  
**February 24, 2009 Common Council Meeting**  
**MINUTES**

1. **Call to order and roll call:** Acting Mayor Charles Hansen called the meeting to order at 8:05 PM. Present: Anderson, Dobratz, Lade, Davis, Meyer, Fernsler, Sedlacek. Absent: Mayor Pohlman.
2. **Pledge of Allegiance.**
- 2A. The Acting Mayor amended the agenda to delete the Police Union Contract from item #6 and add #6A – Street Union Contract and #6B – Library Union Contract.
3. **Acceptance of minutes of the regular meeting held February 10, 2009:** Anderson/Lade made a motion to approve as stated. Motion passed.
4. **Audience:** Ron Lade asked the Council to consider putting the Fire and Police Addition Expense Summary from Bill Immich on the City's website and having it available at the Clerk's office for public viewing. Sue Feick introduced herself to the Council as one of the candidates running for the Plymouth School Board in-town position.
5. **Public Hearing:**
  - A. **An Ordinance Creating Sections 13-1-69(g) and 13-1-61(d) and Amending Section 13-1-69(a)(4) of the Municipal Code of the City of Plymouth With Respect to Conditional Use Permits (No. 4) (Second Reading) – City Attorney:** The Acting Mayor declared the Public Hearing open. Mark Schwibinger read a statement to the Council stating that he felt the proposed ordinance will do little to protect the City against litigation and, in fact, may be challengeable in court. Schwibinger suggested the City should do its own due diligence to determine if ordinances will stand up in court, should impartially enforce the City's existing zoning ordinances, and should insist that Attorney Damp carry out the City Attorney duties listed in the Municipal Code and stop retaining outside attorneys at high rates. There being no other comments, the Acting Mayor declared the Public Hearing closed. Davis/Meyer made a motion to approve the ordinance as read. Dobratz asked for a statement from Attorney Damp. Damp replied that the City should not have to bear the cost of benefits received by a conditional use permit applicant. On call of the roll, all voted Yes.
6. **Approve final 2009-2011 union contracts – Mayor Pohlman:**
  - A. **Street Union:** Anderson/Davis made a motion to approve the Street Union contract. All voted Yes.
  - B. **Library Union:** Anderson/Davis made a motion to approve the Library Union contract. All voted Yes.
7. **Approve the Flexible Benefits Program with the effective date of January 1, 2009, authorize the City Clerk to execute the program document, and reaffirm Prairie States Enterprises, Inc., Sheboygan, Wisconsin, as the program's administrator – City Clerk:** Lade/Anderson made a motion to approve as stated. Motion passed.
8. **Plymouth Utility Reports:**
  - A. **Manager's – February, 2009**
  - B. **List of Vouchers – January, 2009:** Lade/Anderson made a motion to authorize payment of the January vouchers. All voted Yes.
  - C. **Collection Statement – January, 2009**
  - D. **Uncollectible Accounts – February, 2009 (\$4,560.22):** Anderson/Meyer made a motion to approve the February Uncollectible Accounts. All voted Yes.

9. **Other Business:**
  - A. **Minutes acknowledged for filing: Safety Committee – December 17, Community Television – January 19.**
  - B. **Announce committee positions available for citizens of the City of Plymouth – Study Committee for Funding Non-Profit Groups – 3 citizens, City Administrator Ad Hoc Committee – 5 citizens, and Zoning Board of Appeals – 1 regular citizen member and 2 alternate citizen members.**
10. **Adjourn to 8:00 PM, March 10, 2009:** Meyer/Lade made a motion to adjourn at 8:37 PM. Motion passed.

Minutes stand official upon Common Council approval.

**Patricia Huberty, Clerk**