

CITY OF PLYMOUTH, WISCONSIN
City Hall, 128 Smith Street
January 31, 2012
Committee of the Whole and Common Council Meeting
AGENDAS

7:00 PM **Room 302 - Committee of the Whole Meeting:**

1. **Call to order and roll call:**

2. **Presentation of an Update on WPPI Energy by Mike Peters, President/CEO, WPPI Energy – John MacKinnon:**

7:30 PM

3. **Public Hearing – Regarding the proposed application for the 2011 Community Development Block Grant (CDBG) funds – Mayor Pohlman:**
 - A. **Identification of total potential funds.**
 - B. **Eligible CDBG activities:**
 1. **Economic Development**
 2. **Public Facilities**
 3. **Housing**
 - (a) **Rehabilitation**
 - (b) **Homebuyer Assistance**
 - (c) **Special Housing Projects**
 - C. **Presentation of identified housing and community development needs.**
 - D. **Identification of housing and community development needs by public.**
 - E. **Presentation of activities proposed for CDBG application, including potential residential displacement.**
 - F. **Citizen input regarding proposed and other CDBG activities.**

4. **Adjourn:**

8:00 PM **Room 302 – Council Meeting:**

1. **Call to order and roll call:**

2. **Pledge of Allegiance.**

3. **Acceptance of minutes of the regular meeting held January 10, 2012:**

4. **Audience: Citizen 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 at the back of the Council Chambers prior to the start of the meeting:**

5. **Resolutions:**
 - A. **A Resolution Authorizing Submission of the Application Relating to the City of Plymouth’s Participation in the Wisconsin Community Development Block Grant Housing Program for Small Cities (No. 1) – Mayor Pohlman:**

 - B. **A Resolution Adopting a Non-Violent Demonstration Policy for Submission of a Community Development Block Grant (No. 4) – Mayor Pohlman:**

- C. **A Resolution Authorizing Borrowing of \$42,000.00 from Bank First National for the purchase of two police squad cars and equipment (No.2) – Director Yerges:**
- D. **A Resolution Authorizing a Transfer of Funds from Plymouth Utilities to TID No. 6 for 2011 Administrative Expenses (No. 3) – Director Yerges/Clerk Huberty:**
- 6. **Appointments:**
 - A. **Committee on Aging – Mayoral appointment – Council approve - John Nelson – to fill unexpired term to May 15, 2013**
 - B. **CDBG Citizen Participation Committee – Mayoral appointment – Council approve – Todd Neils, David Williams, Mayor Don Pohlman**
- 7. **Approve the Workplace Violence Policy – Director Yerges:**
- 8. **Approve the Employee Injury/Illness Reporting & Investigation Policy – Director Yerges:**
- 9. **Approve 2011-2012 Tavern Operator Licenses for (K-Mart – Gerald Burkart, Brenda Eisentraut, Janet Graebel, Ashley Kaiser, Debra Lutzke, Natalie Markelz, Suzanne Marquardt, Ronald Meyer, Joseph Oosterhaus, Jennifer Rizzi, Holly Schafer, Jeremy Schuessler), (Turner Hall – Joan Schuttey, Kyle Marohl, Jaclyn Curtiss), (Eagles – Mary Thede), (Q-Mart – Sarah Grunow) - Approved by Chief Jeff Tauscheck – Clerk Huberty:**
- 10. **Utility Reports:**
 - A. **List of Vouchers – December, 2011 (Authorize payment of December vouchers)**
 - B. **Collection Statement – December, 2011**
 - C. **Uncollectible Accounts – January, 2012 (\$14,127.11) (Approve January Uncollectible Accounts)**
- 11. **Other Business:**
 - A. **Minutes acknowledged for filing: Community Television – Financial report only, Committee on Aging – Jan. 10th, Finance & Personnel Committee – Jan. 10th, Public Works & Utilities Committee – Jan. 10th & Jan. 23rd.**
- 12. **Adjourn to 8:00 PM, February 14, 2012:**

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. .Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Patricia Huberty, Clerk, at 128 Smith Street, Plymouth, WI or call 920-893-1271.

City of Plymouth EXHIBIT A RESOLUTION No. 2 of 2012

Prepared and intended for use by commercial banks in transactions governed by Wisconsin Law.

(Adopted at an Open Meeting held January 31, 2012)

WHEREAS, the City of Plymouth, Sheboygan County, Wisconsin (hereinafter called the "City"), is presently in need of funds aggregating \$ 42,000.00 for public purpose(s) of: (1)

Purchase of two police squad cars and equipment for such.

; and WHEREAS, the Council deems it necessary and in the best interests of the City that, pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, the sum of Forty two thousand Dollars (\$ 42,000.00) be borrowed for such purposes upon the terms and conditions hereinafter set forth:

NOW, THEREFORE, BE IT RESOLVED, that for the purposes hereinabove set forth the City, by its Mayor (or City Manager), and Clerk, pursuant to Section 67.12(12), Wisconsin Statutes, borrow from Bank First National

("Lender"), the sum of \$ 42,000.00, and, to evidence such indebtedness, said Mayor (or City Manager) and City Clerk shall make, execute and deliver to the Lender for and on behalf of the City the promissory note of the City to be dated January 31, 2012, in said principal amount with interest at the rate of two and five hundredths percent (2.05 %) per annum and payable as follows:

[Check (a), (b), (c) or (d); only one shall apply.]

- (a) Single Payment. In one payment on ... PLUS interest payable as set forth below.
(b) Installments of Principal and Interest. (2) In ... equal payments of \$... due on ... and on ... the same days(s) of each ... month thereafter ... every 7th day thereafter ... every 14th day thereafter, PLUS a final payment of the unpaid balance and accrued interest due on ... All payments include principal and interest.
(c) Installments of Principal. In 3 equal payments of principal of \$ 14,000.00 due on February 1, 2013, 2014, 2015, and on ... the same day(s) of each ... month thereafter ... every 7th day thereafter ... every 14th day thereafter, PLUS a final payment of the unpaid principal due on ... PLUS interest payable as set forth below.
(d) Other. Interest: February 1, 2013 = \$ 875.35, February 1, 2014 = \$ 581.97, February 1, 2015 = \$ 290.99

Interest is payable on ... and on ... the same day of each ... month thereafter, ... every 7th day thereafter, ... every 14th day thereafter, and at maturity, or, if box (b) is checked, at the times so indicated. Interest is computed for the actual number of days principal is unpaid on the basis of a 360 day year 365 day year. (2)

Said interest to be payable on the dates set forth above on the outstanding principal balance, with no prepayment privileges prepayment privileges on any principal or interest payment date on or after February 1, 2014

A copy of the promissory note shall be attached to this resolution.

(1) Here describe each purpose in detail. If the purpose is meeting general and current municipal expenses or refinancing obligation of the City, so specify.
(2) Section 67.12(12), Wisconsin Statutes, does not place any restrictions on the basis of interest rate calculations.
(EXHIBIT A) RESOLUTION WBA200B Page 1 of 2

BE IT FURTHER RESOLVED, that there be, and there hereby is, levied on all the taxable property of the City, a direct annual irrevocable tax sufficient in amount to pay the principal and interest on said note as the same becomes due and payable, said tax to be in the following minimum amounts: (4)

| Amount of Tax (principal and interest) | To Meet Note Payments Due On | Year of Levy (must be in year(s) prior to due date) |
|---|---------------------------------|--|
| \$ 14,875.35 | February 1 | For the year 2013 |
| \$ 14,581.97 | February 1 | For the year 2014 |
| \$ 14,290.99 | February 1 | For the year 2015 |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |
| \$ _____ | _____ | For the year _____ |

If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said note when due, the requisite amount shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

In the event that the City exercises its prepayment privilege, if any, then no such direct annual tax shall be included on the tax rolls for the prepayments made and the amount of direct annual tax hereinabove levied shall be reduced accordingly for the year or years with respect to which said note was prepaid.

In each of said levy years, the direct annual tax so levied shall be carried into the tax rolls each year and shall be collected in the same manner and at the same time as other taxes of the City for such years are collected; provided, that the amount of tax carried into the tax roll may be reduced in any year by the amount of any surplus in the debt service account for the note. So long as any part of the principal of, or interest on, said note remains unpaid, the proceeds of said tax shall be segregated in a special fund used solely for the payment of the principal of, and interest on, said note.

BE IT FURTHER RESOLVED, that there be and there hereby is established in the treasury of the City, if one has not already been established, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for Promissory Note dated JANUARY 31, 2012", which account shall be used solely for the purpose of paying principal of and interest on said note. There shall be deposited in said account any accrued interest paid on said note at the time it is delivered to the Lender, all money raised by taxation or appropriated pursuant hereto, and such other sums as may be necessary to pay principal and interest on said note when the same shall become due.

BE IT FURTHER RESOLVED, that the proceeds of said note shall be used solely for the purposes for which it is issued, but may be temporarily invested until needed in legal investments, provided that no such investment shall be in such a manner as would cause said note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or the Regulations of the Commissioner of Internal Revenue thereunder; and an officer of the City, charged with the responsibility for issuing the note, shall certify by use of an arbitrage certificate that, on the basis of the facts, estimates and circumstances in existence on the date of the delivery of the note, it is not expected that the proceeds will be used in a manner that would cause said note to be an "arbitrage bond."

BE IT FURTHER RESOLVED, that the projects financed by the note and their ownership, management and use will not cause the note to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, and that the City shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the note.

BE IT FURTHER RESOLVED, that the City Clerk shall keep records for the registration and for the transfer of the note. The person in whose name the note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such note to the extent of the sum or sums so paid. The note may be transferred by the registered owner thereof by presentation of the note at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his legal representative duly authorized in writing. Upon such presentation the note shall be transferred by appropriate entry in the registration records and a similar notation, including date of registration, name of new registered owner and signature of the City Clerk, shall be made on such note.

BE IT FURTHER RESOLVED, that the note is hereby designated as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations. (5)

BE IT FURTHER RESOLVED, that the City officials are hereby authorized and directed, so long as said note is outstanding, to deliver to the Lender any audit statement or other financial information the Lender may reasonably request and to discuss its affairs and finances with the Lender.

BE IT FURTHER RESOLVED, that said note shall be delivered to the Lender on or after the date of said note, upon receipt of the total principal amount of the loan evidenced thereby, plus accrued interest, if any, to date of delivery, provided that, if this is a refinancing, the refunding note shall be immediately exchanged for the note being refinanced.

(4) First tax levy should be for the current year unless tax roll has already been delivered for collection, and amount of levy should be sufficient to meet all principal and interest payments coming due prior to date for collection of next succeeding tax levy.

(5) Delete this paragraph if the City will be issuing more than \$10,000,000 of tax-exempt obligations in the calendar year. In that case, banks will not be entitled to deduct, for federal income tax purposes, interest expense that is allocable to carrying or acquiring the note.

**CITY OF PLYMOUTH
RESOLUTION No. 1 of 2012**

Authorizing Submission of the Application
Relating to the City of Plymouth's participation in the Wisconsin Community
Development Block Grant housing program for Small Cities.

WHEREAS, Federal monies are available under the Wisconsin Community Development Block Grant housing program, administered by the State of Wisconsin, Department of Administration, Division of Housing, for the purpose of housing activities; and

WHEREAS, after public meeting and due consideration, the City Council has recommended that an application be submitted to the State of Wisconsin for the following projects:

**OWNER-OCCUPIED HOUSING REHABILITATION
RENTER-OCCUPIED HOUSING REHABILITATION
HOME BUYER HOUSING REHABILITATION**

WHEREAS, it is necessary for the City Council, to approve the preparation and filing of an application for the City to receive funds from this program; and

WHEREAS, the City Council has reviewed the need for the proposed projects and the benefits to be gained therefrom;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Plymouth does APPROVE and authorize the preparation and filing of an application for the above-named projects; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign all necessary documents on behalf of the City; and

BE IT FURTHER RESOLVED, that authority is hereby granted to Housing Committee to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

ADOPTED on this ____ day of _____, 2012.

CITY OF PLYMOUTH

Donald O. Pohlman, Mayor

Patricia Huberty, Clerk-Treasurer



Wisconsin's Heartland . . . On the Grow

RESOLUTION NO. 3 of 2012

A RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FROM PLYMOUTH UTILITIES TO TID No. 6 FOR 2011 ADMINISTRATIVE EXPENSES

WHEREAS, the City of Plymouth, Sheboygan County, Wisconsin (the "Municipality") TID No. 6 account expects to have a negative balance until sufficient increment is generated by the development of TID No. 6; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from it utility funds on hand on an interim basis to pay the administrative costs for TID No. 6; and

WHEREAS, it is the intention of the Municipality to reimburse the utility once sufficient tax increment has been generated by TID No. 6;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Plymouth authorizes the transfer of funds from Plymouth Utilities unrestricted-cash as follows:

| | Account Name | Amount | Amount |
|-------|--|---------------|---------------|
| TO: | General Fund/TID No. 6 | \$8,302.57 | |
| FROM: | Utilities Unrestricted-Cash Reserve | | \$ 8,302.57 |
| | December 31, 2010 balance due to Utilities Unrestricted-Cash Reserve | | \$30,012.82 |
| | December 31, 2011 balance due to Utilities Unrestricted-Cash Reserve | | \$38,315.39 |

Adopted: January 31, 2012

CITY OF PLYMOUTH

Donald O. Pohlman, Mayor

Patricia Huberty, Clerk-Treasurer

**CITY OF PLYMOUTH
RESOLUTION No. 4 of 2012**

Adopting a Non-violent Demonstration Policy
for submission of a Community Development Block Grant

WHEREAS, Federal monies are available under the Wisconsin Community Development Block Grant housing program, administered by the State of Wisconsin, Department of Administration, Division of Housing, for the purpose of housing activities; and

WHEREAS, the program requires that units of Government receiving these funds adopt and enforce the following:

The City of Plymouth hereby agrees to enforce applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent and civil rights demonstrations within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Plymouth does APPROVE and authorize the adoption and enforcement of the aforementioned policy.

ADOPTED on this ____ day of _____, 2012.

CITY OF PLYMOUTH

Donald O. Pohlman, Mayor

Patricia Huberty, Clerk-Treasurer