City of Reedsburg
134 South Locust Street, P.O. Box 490
Reedsburg, WI 53959
Ph. 608-524-6404 Fax. 608-524-8458
www.reedsburgwi.gov

COMMON COUNCIL AGENDA

October 28, 2019

REEDSBURG CITY HALL COUNCIL CHAMBERS

7:00 PM

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

THE COUNCIL WILL RECEIVE INFORMATION ON NON-AGENDA TOPICS BROUGHT BEFORE THE COUNCIL BY MEMBERS OF THE PUBLIC. THE COUNCIL WILL NOT DISCUSS THESE TOPICS, AND WILL NOT TAKE ACTION ON ANY OF THEM AT THIS MEETING.

I. CONSENT AGENDA (ONE MOTION APPROVES ALL ITEMS)::

1. Approve minutes for the meeting held on October 14, 2019

II. MAYOR PROCLAMATIONS, PRESENTATIONS, APPOINTMENTS:

1. Approve/Deny: Appointment of Kristina Rego to the Community Development Authority.

III. GENERAL BUSINESS:

IV. RECOMMENDATIONS FROM BOARDS, COMMITTEES AND COMMISSIONS:

1. Airport Commission: Approve/Deny: Ordinance 1892-19 Chapter 185 Airport Minimum Standards, 2nd Reading and Public Hearing.
2. Joint Review Board: Approve/Deny: Resolution 4382-19 Acknowledging the Filing of the Annual Tax Incremental District reports with the Wisconsin Department of Revenue.
3. Ordinance Committee: Approve/Deny: 1st Reading and set a Public Hearing for November 11, 2019 on Ordinance 1897-19 - Chapter 315-9 Smoking in Certain Areas.
4. Plan Commission: Approve/Deny: 1st Reading and set a Public Hearing for November 25, 2019 on Ordinance 1896-19 - Rezoning 420 Plum Street, parcel #276-1640-00000, from Government to R-3 Residential.
5. Plan Commission: Approve/Deny: 1st Reading and set a Public Hearing on November 25, 2019 on Ordinance 1894-19 regarding the Annexation of parcels 042-0753-00000 & 042-0758-00000, approximately 20.16 acres of City-owned land, from the Town of Winfield to the City of Reedsburg.

V. CITY ADMINISTRATOR REPORTS:

VI. COMMISSION, COMMITTEE, BOARD AND STAFF REPORTS:

The City of Reedsburg does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (608) 524-6404. To be able to meet the needs of a request for a different format contact the City Clerk-Treasurer at 134 S. Locust Street, Reedsburg, WI at least 48 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

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1. 2nd Meeting Committees: Ordinance Committee, Parks & Recreation, RICDC, Public Works, Utility Commission, Plan Commission, Historic Preservation, Library Board, Zoning Board, CDA (any other committees or commissions with report).

VII. OFFICE OF THE MAYOR:

VIII. ADJOURN:

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City of Reedsburg Meeting of the Common Council
October 14, 2019

Present: Mayor Dave Estes, Aldermen Craig Braunschweig, Dave Moon, Jason Schulte, Mike Gargano, Calvin Craker, Phil Peterson, Dave Knudsen, and Tom Seamonson.
Absent: Brandt Werner.
Others Present: Tim Becker, Jacob Crosetto, Pat Cummings, Brian Duvalle, Derek Horkan, Steve Zibell, Matt Scott, Citizens, Press.

Mayor Estes called the regular session of the Common Council to order at 7:00 p.m. in the Common Council Chambers.

Approve Consent Agenda: consisting the minutes from the Common Council meeting held on Sep. 23, 2019; Application for Temporary Class B/Class B Retailer's License for St John's Lutheran Church, 307 6th Street, for Joyful Taste Festival on October 19, 2019 4pm - 7pm; September 2019 paid bills; and September 2019 monthly Building Permit report.

Motion: Craker, Second: Braunschweig to approve the consent agenda. Motion carried 8-0.

MAYOR PROCLAMATIONS, PRESENTATIONS, APPOINTMENTS

A. Appointment: Jean Polk to the Reedsburg Arts Committee
    a. **Motion: Peterson, Second: Gargano to approve the appointment as presented. Motion carried 8-0.**

B. Appointment: Dana Westedt to the Library Board
    a. **Motion: Seamonson, Second: Schulte to approve the appointment as presented. Motion carried 8-0.**

RECOMMENDATIONS FOR BOARDS, COMMITTEES, AND COMMISSIONS

A. Plan Commission: Approve/Deny: Certified Survey Map for parcel 2736-2 to divide parcel and existing duplex into two tax parcels using zero lot line, 2017 & 2019 Retzlaff Drive
    a. **Motion: Craker, Second: Knudsen to approve the CSM as presented. Motion carried 8-0.**

B. Airport Commission: First Reading and set a Public Hearing for October 28, 2019 on Ordinance 1892-19 - Chapter 185 Airport Minimum Standards.
    a. **Motion: Gargano, Second: Schulte to set the public hearing for Ordinance 1892-19 for October 28, 2019. Motion carried 8-0.**

C. Ordinance Committee: First Reading and set a Public Hearing on October 28, 2019 for Ordinance 1889-19 - Chapter 608 - Vehicles, All-Terrain authorizing ATV/UTV traffic on all City streets with specific limitations.
    a. **Motion: Moon, Second: Peterson to set the public hearing for Ordinance 1889-19 for October 28, 2019. Motion carried 8-0.**

D. Plan Commission: First Reading and set a Public Hearing for November 11, 2019 on Ordinance 1895-19 - Chapter 690 Extra Territorial Farm Sales and Accessory Buildings.
    a. **Motion: Gargano, Second: Knudsen to set the public hearing for Ordinance 1895-19 for November 11, 2019. Motion carried 8-0.**

E. Personnel Committee: Approve/Deny the proposed 2020-2021 Collective Bargaining Agreement with the Reedsburg Professional Police Association/Wisconsin Professional Police Association, authorizing the City Administrator to sign the successor CBA and attached MOU.
    a. **Motion: Peterson, Second: Seamonson to approve the 2020-2021 Collective Bargaining Agreement with the Reedsburg Professional Police Association and Wisconsin Professional Police Association, authorizing the City Administrator to sign the successor CBA and MOU. Motion carried 8-0.**

Motion: Knudsen, Second: Schulte to enter into closed session, under section 19.85(1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically discussing an employee retirement package.

Motion Carried 8-0. Time: 7:19 PM.

Motion: Knudsen, Second: Braunschweig to reconvene in open session.

Motion Carried 8-0. Time: 7:31 PM.

Motion: Peterson, Second: Braunschweig to approve early retirement package for Employee A.

Motion Carried 8-0.

Motion: Knudsen, Second: Seamonson to adjourn.

Motion carried 8-0. Meeting adjourned at 7:32 p.m.

Respectfully submitted,

Jacob Crosetto
City Clerk-Treasurer/Finance Director

Citizen Participation Packet/Application

Dear Mayor and Members of the City Council, Date: 10.22.19
I am a City of Reedsburg resident and interested in serving on the following boards, commissions or committees.

Please place a "X" in the box for the committees for which you are interested:

Committees	X
Airport Commission – manages the Reedsburg Airport	
Block Grant Committee – provides housing and small business loans	
Board of Review – considers appeals of property assessments	
Board of Zoning Appeals – considers hardship variances to the Zoning and Building Codes	
City Plan Commission – plans and manages the growth and development of the City and extraterritorial areas	
Community Development Authority – economic development body of the City, works on redevelopment of properties for economic development	✓
Ethics Committee – advise employees and elected officials about application of the ethics code	
Finance Committee – review bills, set financial policies	
Historic Preservation Committee – advise the Mayor and City Council regarding historic properties	
Industrial Development Commission – direct development of Reedsburg's Industrial areas	
Library Board – manage the library	
Ordinance Committee – advise the Mayor and City Council about new laws and review applications for various licenses	
Parks and Recreation Committee – advise on the operation of park, recreation and forestry programs	
Personnel Committee – set personnel policies, participate in labor negotiations	
Police and Fire Commission – civil service body for the Police and Fire Departments	
Public Safety Committee – advises the Mayor and Common Council on matters regarding the Police, Fire, Ambulance and Emergency Management Departments	
Public Works – advise the Mayor and City Council about streets, sidewalks, wastewater treatment plant and other facilities	
Reedsburg Arts Committee – art policy development	
Room Tax Commission – manage the room tax funds for tourism promotion and development	
Utility Commission – manages the water, electrical & telecommunications utility	

Name: Kristina Rego **Telephone:** 608.434.3886

Address: 425 N. Locust Reedsburg, WI, **Reedsburg, WI 53959** **Email:** KKRego3@gmail.com

Qualifications/Special Interest:

Return this application to: **Mayor's Office**
City of Reedsburg
134 S. Locust St., PO BOX 490
Reedsburg, WI 53959-0490

For more information call City Hall 608-524-6404 or email us at cityhall@ci.reedsburg.wi.us

ORDINANCE NO. 1892-19
(Chapter 185 Airport Minimum Standards)

The City of Reedsburg, Sauk County, does hereby ordain as follows:

SECTION I: PURPOSE:

(a) The City of Reedsburg owns operates a municipal airport and has minimum insurance requirements per the attached schedule.

SECTION II: PROVISION AMENDED:

City of Reedsburg Code Chapter 185 – Airport Minimum Standards - Attachment 1 – Addendum A is amended as attached.

SECTION III: VALIDITY:

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED:

All ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE:

This Ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code Chapter 185.

Adopted this 28th Day of October 2019.

_____
David G. Estes
Mayor

ATTEST:

_____
Jacob Crosetto
City Clerk-Treasurer

Public Hearing Noticed:	October 17, 2019 & October 24, 2019
2nd Reading at Council/Public Hearing:	October 28, 2019
Published, Enactment Date:	October 31, 2019

Reedsburg Municipal Airport

Minimum Insurance Requirements

Classification	Aircraft Liability		Premises Liability**	Auto Liability	Workers Compensation	Hangarkeepers Legal	Remarks
Air Charter							
Passenger Capacity 1 - 4	$ 2,000,000		$ 1,000,000	$ 500,000	Statutory		
Passenger Capacity 5 - 9	$ 5,000,000		$ 1,000,000	$ 500,000	Statutory		
Passenger Capacity 10 +	$ 15,000,000		$ 1,000,000	$ 500,000	Statutory		
Air Cargo	$ 5,000,000		$ 1,000,000	$ 500,000	Statutory		
Aircraft Operations							
Flight Operations	$ 1,000,000	$ 100,000	$ 1,000,000	$ 500,000	Statutory		
Rental	$ 1,000,000	$ 100,000	$ 1,000,000	$ 500,000	Statutory		
Specialized Flying Services (1)	$ 1,000,000	$ 100,000	$ 1,000,000	$ 500,000	Statutory		
AOA Tenants							
FBO			$ 5,000,000	$ 500,000	Statutory	$ 1,000,000	Products & Comp Ops
Aircraft Repair/Maint/Parts Sales			$ 1,000,000	$ 500,000	Statutory	$ 500,000	Completed Operations
Aircraft Hangar/Tie Down Leases	Not Applicable		$ 1,000,000	$ 500,000	Statutory		
Aircraft Sales	$2,000,000	$ 100,000	$ 1,000,000	$ 500,000	Statutory		Products
Restoration Services	Not Applicable		$ 1,000,000	$ 500,000	Statutory	$ 500,000	Products
Non-AOA Tenants							
Concessions	Not Applicable		$ 1,000,000	Not Applicable	Statutory		
Restaurants/Liquor	Not Applicable		$ 2,000,000	Not Applicable	Statutory		Products/Liquor Liability
Ground Transportation							PUC - Motor Vehicle
6 seats or less	Not Applicable		$ 1,000,000	$ 1,000,000	Statutory		
7-14 seats	Not Applicable		$ 1,000,000	$ 5,000,000	Statutory		
15 or greater seats	Not Applicable		$ 1,000,000	$ 10,000,000	Statutory		
Parking/Valet			$ 1,000,000	Not Applicable	Statutory		Garagekeepers Liability
Aircraft Owner/Lessee (non-commercial/aviation/activity/other)			$1,000,000 (combined single/aggreagate)	$500,000***	Statutory		***Separate auto liability policy if not included in Premises Liability.
Airport Vendors							
Security Services	Not Applicable		$ 5,000,000	Not Applicable	Statutory		Personal Injury Liability

Janitorial Services	Not Applicable	$ 1,000,000	Not Applicable	Statutory		
Maintenance Providers	Not Applicable	$ 1,000,000	$ 500,000	Statutory		
Architects/Engineers	Not Applicable	$ 1,000,000	$ 500,000	Statutory		Professional Liability
Contractors	Not Applicable	$ 5,000,000	$ 500,000	Statutory		Contractors Protective

(1) Defined as sightseeing tours, aerial photography, aerial survey, crop dusting and aerial advertising, etc.

**comprehensive general property, injury and auto liability

22.05(4) Addendum A

File No. 4382-19

JOINT REVIEW BOARD
RESOLUTION ACKNOWLEDGING FILING OF ANNUAL REPORTS AND COMPLIANCE WITH ANNUAL MEETING REQUIREMENT
CITY OF REEDSBURG

WHEREAS, Wis. Stat. § 66.1105(4m)(f) requires that the Joint Review Board ("JRB") meet annually on July 1, or when an annual report under Wis. Stat. § 66.1105(6m)(c)(intro.) becomes available, to review the annual report and to review the performance and status of each district governed by the JRB; and

WHEREAS, the City has filed an annual report with the Wisconsin Department of Revenue for the following districts:

Tax Incremental District No. 3
Tax Incremental District No. 4
Tax Incremental District No. 5
Tax Incremental District No. 6
Tax Incremental District No. 7
Tax Incremental District No. 8
Tax Incremental District No. 9; and

WHEREAS, copies of the annual reports have as been provided to each overlying taxing jurisdiction; and

WHEREAS, the JRB met on October 15, 2019 to review the annual reports and the performance and status of each of the districts governed by the JRB.

NOW, THEREFORE, BE IT RESOLVED that the City has complied with its reporting requirements under Wis. Stat. § 66.1105(6m)(c)(intro.) and requirement to hold an annual JRB meeting under Wis. Stat. § 66.1105(4m)(f).

Passed and adopted this day of October 15, 2019.

Joint Review Board	**Representing**
Elizabeth A. Brughegan	Sauk County
Cary Woolever	School District of Reedsburg
Linda Spencer	Madison Area Technical College District
	City of Reedsburg
	Public Member

ORDINANCE NO. 1897-19

(Smoking in Certain Areas)

The City of Reedsburg, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION 1: PURPOSE.

The purpose of this ordinance is to amend the current ordinance to recognize that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This section is adopted pursuant to the authority provided in Wis. Stats. § 101.123(4m) for the purpose of protecting the public health, safety, comfort and general welfare of the people of the city, especially recognizing the health interests of nonsmokers, who constitute a majority of the population

SECTION II: PROVISION ADDED.

City of Reedsburg Code Section 315-9 is hereby amended in its entirety and shall read as detailed in the Reedsburg Code of Ordinances Chapter 315-9.

SECTION III: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 315.

Dated this 11th day of November 2019.

David G. Estes, Mayor	Jacob Crosetto, Clerk/Treasurer
1st Reading at Council:	October 28, 2019
Public Hearing Noticed:	October 31, 2019
2nd Reading at Council/Public Hearing:	November 11, 2019
Published, Enactment Date:	November 21, 2019

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 315-9 ~~**Use of tobacco products prohibited.**~~ **Smoking Prohibited in Certain Areas**

~~A. It shall be unlawful to use any tobacco products on and/or within 20 feet of premises owned by the Reedsburg School District within the City of Reedsburg.~~

~~B. Smoking prohibited. This section adopts § 101.123, Wis. Stats., prohibiting smoking in places of employment and public places.~~ ~~**[Added 6-28-2010]**~~

A. Purpose. The common council of the city recognizes that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This section is adopted pursuant to the authority provided in Wis. Stats. § 101.123(4m) for the purpose of protecting the public health, safety, comfort and general welfare of the people of the city, especially recognizing the health interests of nonsmokers, who constitute a majority of the population.

B. Wis. Stats. § 101.123, to the extent that it requires any act to be performed or prohibited, is hereby adopted, and incorporated by reference as if fully set forth herein, as a part of this section.

C. Definitions. The definitions set forth in Wis. Stats. § 101.123(1) are hereby adopted and incorporated by reference as if fully set forth herein, provided that the term "enclosed place," defined in Wis. Stats. § 101.123(1)(ak), shall be deemed to include any enclosed indoor area as defined in this subsection. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. Day care center means a facility operated by a child care provider that provides care and supervision for four or more children under seven years of age for less than 24 hours a day.

2. Electronic Smoking Device means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately.

3. Employment means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged.

4. Enclosed indoor area means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

5. Person in charge means the person who ultimately controls, governs or directs the activities

aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person's status as owner or lessee.

6. Place of employment means any enclosed indoor area that employees normally frequent during the course of employment, including an office, work area, elevator, employee lounge, restroom, conference room, meeting room, classroom, hallway, stairway, lobby, common area, vehicle or employee cafeteria.

7. Private club means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

8. Public place means any enclosed indoor area that is open to the public, regardless of whether a fee is charged, or a place to which the public has lawful access or may be invited.

9. Restaurant means an establishment defined in Wis. Stats. § 254.61(5).

10. Retail establishment means any store or shop in which retail sales is the principal business conducted.

11. Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. Smoking includes the use of an Electronic Smoking Device.

D. Prohibition against smoking. Except as otherwise provided, it shall be unlawful for any person to engage in smoking in a sports arena, bus shelter, public conveyance or any of the following enclosed places:

(1) Residence halls or dormitories owned or operated by a college or university.

(2) Child care centers, including outdoor areas on the premises when children are present.

(3) Educational facilities, outdoor spaces, or grounds.

(4) Inpatient health care facilities.

(5) Theaters.

(6) Restaurants.

(7) Taverns.

(8) Private clubs.

(9) Retail establishments.

(10) Common areas of multiple-unit residential properties.

(11) Lodging establishments.

(12) Municipally-owned buildings.

(13) Areas in city parks as posted and so designated by the board of park commissioners, including, but not limited to, the athletic field/bleachers and dugouts, playground and swing set areas, and park restrooms.

(14) City-owned or leased motor vehicles and equipment.

(15) Public forms of transportation, including, but not limited to, motor buses, taxis, or other public passenger vehicles.

(16) All enclosed places, in addition to those listed above, that are places of employment, or that are public places.

(17) Within 20 feet of premises owned by the Reedsburg School District within the City of Reedsburg

E. Exceptions. The prohibition against smoking does not apply in the following places:

(1) All outdoor places not identified in Wis. Stats. § 101.123(2)(d).

(2) A private residence.

(3) A room used by only one person in an assisted living facility as his residence.

(4) A room in an assisted living facility in which two or more persons reside if every person who lives in the room smokes and has made a written request to the person in charge of the facility to be placed in a room in which smoking is allowed.

(5) Designated outside areas located on the premises of a restaurant, tavern, private club, or retail establishment.

F. Responsibility of persons in charge.

(1) No person in charge may allow any person to smoke in violation of this section at a location that is under the control or direction of the person in charge.

(2) No person in charge may provide matches, ashtrays, or other equipment for smoking at any location where smoking is prohibited.

(3) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

a. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

b. Refusing to serve a person, if the person is smoking in a restaurant or tavern.

c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

d. If a person refuses to leave the location after being requested to do so, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(4) A person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area located a reasonable distance from any entrance where smoking is permitted.

G. Uniform signs. All properties and establishments regulated by this section are required to post no smoking signs in accordance with the rules and regulations of the state department of commerce to notify all persons of this section.

H. Inspection and enforcement. The county health department, the county sheriff's department, the city police department, the city zoning administrator or designee agency shall have the power to enter any

premises within its jurisdiction that are subject to the smoking ban to ascertain whether the premises are in compliance with this section and to take appropriate enforcement action pursuant to this section or Wis. Stats. § 101.123, including, in the case of the sheriff or any law enforcement agency, issuing citations for any violation.

I. Penalties.

(1) Forfeiture. Any person, agent, firm or corporation violating subsection (d) of this section shall, upon conviction, forfeit an amount established by the city.

(2) Forfeiture. An person, agent, firm or corporation violating subsection (f) of this section shall, upon conviction, forfeit an amount established by the city.

(3) Maximum forfeiture. For violations of subsection (f) of this section, no person in charge may be required to forfeit more than the total amount established by the city for all violations occurring on a single day.

J. Clean indoor air; intent and construction. The city finds that it is in the interest of the health, safety and welfare of the community to adopt by reference Wis. Stats. § 101.123. It is the intent of the common council of the city that where there may be a conflict between Wis. Stats. § 101.123 and this section, that the most restrictive section shall apply.

K. Nuisance, injunction. The repeated violation of this section is hereby declared to be a public nuisance. In addition to any other relief provided under this section, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction,

Electronic Smoking Devices and Secondhand Aerosol

Electronic smoking devices (or ESDs), which are often called **e-cigarettes**, heat and vaporize a solution that typically contains nicotine. The devices are metal or plastic tubes that contain a cartridge filled with a liquid that is vaporized by a battery-powered heating element. The aerosol is inhaled by the user when they draw on the device, as they would a regular tobacco cigarette, and the user exhales the aerosol into the environment.

"If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins." Dr. Stanton Glantz, Director for the Center for Tobacco Control Research and Education at the University of California, San Francisco.

Current Legislative Landscape

- As of October 1, 2019, **892 municipalities, 19 states, and two territories include electronic smoking devices** as products that are prohibited from use in 100% smokefree environments.

Constituents of Secondhand Aerosol

Electronic smoking devices (ESDs) do not just emit "harmless water vapor." **Secondhand aerosol (incorrectly called vapor by the industry) from ESDs contains nicotine, ultrafine particles and low levels of toxins** that are known to cause cancer.

- ESD aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.[1]
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.[2]
- ESD aerosol particles are smaller than 1000 nanometers, which is a similar size to tobacco smoke and diesel engine smoke, and bystanders can be exposed to this aerosol. "The exact size distribution depends on the chemical composition of the electronic cigarette liquid, the e-cigarette device operation, and user vaping preferences."[3]
- At least 10 chemicals identified in ESD aerosol are on California's Proposition 65 list of carcinogens and reproductive toxins, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. The compounds that have already been identified in mainstream (MS) or secondhand (SS) ESD aerosol include: **Acetaldehyde (MS), Benzene (SS), Cadmium (MS), Formaldehyde (MS,SS), Isoprene (SS), Lead (MS), Nickel (MS), Nicotine (MS, SS), N-Nitrosonornicotine (MS, SS), Toluene (MS, SS).**[4,5]
- **ESDs contain and emit propylene glycol**, a chemical that is used as a base in ESD solution and is one of the primary components in the aerosol emitted by ESDs.
    - Short term exposure causes eye, throat, and airway irritation.[6]
    - Long term inhalation exposure can result in children developing asthma.[7]
- Even though propylene glycol is FDA approved for use in some products, the inhalation of vaporized nicotine in propylene glycol is not. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen.[8]

- There are **metals in ESD aerosol, including chromium, nickel, and tin nanoparticles**.[9]

- FDA scientists found detectable levels of carcinogenic tobacco-specific nitrosamines in ESD aerosol.[10]

- People exposed to ESD aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.[11]

- **Diethylene Glycol**, a poisonous organic compound, was also detected in ESD aerosol.[12]

- **Exhaled ESD aerosol contained propylene glycol, glycerol, flavorings, and nicotine, along with acetone, formaldehyde, acetaldehyde, propanal, diacetin, and triacitine.[13]**

- Many of the elements identified in the aerosol are known to **cause respiratory distress and disease.** The aerosol contained particles >1 µm comprised of tin, silver, iron, nickel, aluminum, and silicate and nanoparticles (<100 nm) of tin, chromium and nickel. The concentrations of nine of eleven elements in ESD aerosol were higher than or equal to the corresponding concentrations in conventional cigarette smoke.[14]

- ESDs cause exposure to different chemicals than found in conventional cigarettes and there is a need for risk evaluation for both primary and passive exposure to the aerosol in smokers and nonsmokers.[15]

- Short term use of ESD has been shown to increase respiratory resistance and impair lung function, which may result in difficulty breathing.[16]

- The first study to look at exposure to aerosol from ESDs in real-use conditions found that non-smokers who were exposed to conventional cigarette smoke and ESD aerosol absorbed similar levels of nicotine.[17]

- The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) has concluded that ESDs emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking. The "E-cigarettes do not produce a vapor (gas), but rather a dense visible aerosol of liquid sub-micron droplets consisting of glycols, nicotine, and other chemicals, some of which are carcinogenic (e.g., formaldehyde, metals like cadmium, lead, & nickel, and nitrosamines)."[18]

- ESD aerosol is a source of high doses of particles being deposited in the human respiratory system.[19]

- ESD exposure damages lung tissues. Human lung cells that are exposed to ESD aerosol and flavorings—especially cinnamon—are show increased oxidative stress and inflammatory responses.[20]

- Concentrations of formaldehyde are higher than concentrations of nicotine in some samples of ESD aerosol. Formaldehyde is created when propylene glycol and glycerol are heated to temperatures reached by commercially available ESDs operating at high voltage.[21]

- Flavorings are a largely unrecognized potential hazard of ESDs. Diacetyl and acetyl propionyl are present in many sweet-flavored ESDs, and are approved by the FDA for food use (ingestion), but are not evaluated and approved for heating and inhalation, and are associated with respiratory disease when inhaled.[22] High doses of diacetyl, used to flavor buttered popcorn, have been shown to cause acute-onset bronchiolitis obliterans, a severe and irreversible obstructive lung disease when inhaled by workers exposed to particulate aerosolized flavorings containing diacetyl.[23] Therefore, these chemicals cannot be deemed "generally recognized as safe" for inhalation.

- Nanoparticles in ESD aerosol are much smaller than the particles in tobacco smoke and are present in much higher concentrations. Toxic chemicals attached to nanoparticles may have greater adverse health effects than when these toxins are attached to larger tobacco smoke particles.[24] Nanoparticles are more easily and deeply breathed into the lungs of the user and bystander.

- ESD aerosols contain carbonyls at levels which can have cardiovascular toxicity. While ESD aerosol has lower levels of toxins than tobacco smoke, toxins from the aerosol may still have a significant cardiovascular impact because cardiovascular disease has a nonlinear dose-response, which means that high risk is possible with relatively low exposure.[25]

- Human lung cells exposed to ESD aerosol and copper nanoparticles show signs of inflammatory stress and DNA fragmentation.[26]

- ESD use alters the physical appearance of airways and may impact the development of chronic lung disease. The airways of people who use ESDs appear redder than the airways of both people who smoke and nonsmokers.[27]

- ESDs that operate using a single-coil heating element produce much higher levels of toxins than double-coil devices across different e-liquids. Double-coil devices produce aerosol at lower temperatures while single-coil devices produce aerosol at higher temperatures.[28]

- Daily ESD users have double the risk of heart attack, and the dual use of ESDs and conventional cigarettes—which is the most common use pattern among ESD users—is more dangerous than using either product alone.[29]

- There is a risk of thirdhand exposure to nicotine released from ESD aerosol that deposits on indoor surfaces.[30]

- Chemicals from ESDs can drift through multi-unit buildings and deposit on surfaces in spaces where ESDs are not being used.[31]Overall, ESDs are a new source of **Volatile Organic Compounds (VOCs) and ultrafine/fine particles in the indoor environment,** thus resulting in "passive vaping."[32]

- The World Health Organization (WHO) recommends that ESDs not be used indoors, especially in smokefree environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smokefree laws.[33]

- The National Institute for Occupational Safety and Health (NIOSH) recommends that employers "establish and maintain smoke-free workplaces that protect those in workplaces from involuntary, secondhand exposures to tobacco smoke and airborne emissions from e-cigarettes and other electronic nicotine delivery systems."[34]

- The American Industrial Hygiene Association (AIHA) also recommends that ESDs be included in smokefree laws: "**Because e-cigarettes are a potential source of pollutants (such as airborne nicotine, flavorings, and thermal degradation products), their use in the indoor environment should be restricted,** consistent with current smoking bans, until and unless research documents that they will not significantly increase the risk of adverse health effects to room occupants."[35]

- The American Public Health Association adopted a resolution, "Supporting Regulation of Electronic Cigarettes," that outlines seven action steps including, "States and municipalities [should] enact and enforce laws…prohibiting the use of e-cigarettes in all enclosed areas of public access and places of employment. These standards should be incorporated into existing clean indoor air laws."[36]

- The American Association for Cancer Research and the American Society of Clinical Oncology supports prohibiting the use of ESDs in smokefree spaces until the safety of second- and thirdhand aerosol exposure is established.[37]

ESD aerosol is a new source of pollution and toxins being emitted into the environment. We do not know the long-term health effects of ESD use and although the industry marketing of the product implies that these products are harmless, the aerosol that ESD emit is not purely water vapor.

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3837/1
MDK:amn

2019 SENATE BILL 442

September 23, 2019 – Introduced by Senators JACQUE, RISSER, BEWLEY, CARPENTER, DARLING, JOHNSON, LARSON, OLSEN, RINGHAND, SCHACHTNER and WANGGAARD, cosponsored by Representatives MURSAU, KOLSTE, ALLEN, ANDERSON, BILLINGS, BOWEN, CABRERA, CONSIDINE, DOYLE, FIELDS, GOYKE, HEBL, HESSELBEIN, HORLACHER, MILROY, L. MYERS, NEUBAUER, OHNSTAD, OLDENBURG, POPE, RAMTHUN, RODRIGUEZ, ROHRKASTE, SINICKI, SPIROS, STUBBS, SUBECK, C. TAYLOR, TITTL, TUSLER, VINING, VRUWINK and ZAMARRIPA. Referred to Committee on Government Operations, Technology and Consumer Protection.

AN ACT ***to renumber*** 101.123 (1) (h) 1., 101.123 (1) (h) 2., 101.123 (1) (h) 3. and 101.123 (1) (h) 4.; ***to amend*** 101.123 (1) (h) (intro.); and ***to create*** 101.123 (1) (h) 2m. and 101.123 (1) (k) of the statutes; **relating to:** restrictions on the use of products used for inhaling or exhaling vapor.

Analysis by the Legislative Reference Bureau

This bill specifies that the term "smoking," for purposes of the general prohibition under current law against smoking in indoor locations, includes inhaling or exhaling vapor from a "vapor product," which the bill defines as any noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from a solution or other substance. The bill specifies that "vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Also, a product satisfies the definition of "vapor product" regardless of whether the product contains nicotine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.123 (1) (h) (intro.) of the statutes is amended to read:

101.123 **(1)** (h) (intro.) "Smoking" means ~~burning~~ any of the following:

1m. Burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

SECTION 2. 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h) 1m. a.

SECTION 3. 101.123 (1) (h) 2. of the statutes is renumbered 101.123 (1) (h) 1m. b.

SECTION 4. 101.123 (1) (h) 2m. of the statutes is created to read:

101.123 **(1)** (h) 2m. Inhaling or exhaling vapor from a vapor product.

SECTION 5. 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h) 1m. c.

SECTION 6. 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h) 1m. d.

SECTION 7. 101.123 (1) (k) of the statutes is created to read:

101.123 **(1)** (k) 1. "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance.

2. "Vapor product" includes all of the following:

a. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

b. Any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(END)

City of Reedsburg
134 South Locust Street, P.O. Box 490
Reedsburg, WI 53959
Ph. 608-524-6404 Fax. 608-524-8458
www.reedsburgwi.gov

STAFF REPORT

AGENDA ITEM: _____

To: Common Council
By: Brian Duvalle, Planning/Building
Date of Meeting: October 28, 2019

Subject: Rezoning request from Government to R-3 Residential; ORD 1896-19 (1st Reading)

BACKGROUND AND REQUEST

The South School property has an interested developer for multi-family housing of the former school building. Subsidized funding is required, and the application deadline is Dec 1. R-3 zoning is a requirement for that deadline.

APPLICANT: City of Reedsburg
LOCATION: 420 Plum St; parcel #1640
PROPOSED LAND USE CHANGE: Rezoning

FINANCIAL IMPACT

NA

STAFF RECOMMENDATION

Plan Commission recommends approval.

ACTION:

If the Mayor and City Council are ready, the following action may be made:

Motion to approve/deny – 1st Reading of Ordinance 1896-19 & set public hearing for 11/25/19.

Attachments: Ordinance 1896-19, map

Calendar of Actions:

1st Reading at Council:	October 28, 2019
Public Hearing Noticed:	November 7, 2019 & November 14, 2019
2nd Reading at Council/Public Hearing:	November 25, 2019
Published, Enactment Date:	December 5, 2019

ORDINANCE NO. 1896-19
(Zoning Change – 420 Plum St; Parcel #1640)

The City of Reedsburg, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION 1: PURPOSE.

The purpose of this ordinance is to rezone the South School property to R-3 to allow for the possible development of multi-family housing.

SECTION II: PROVISION AMENDED.

The zoning map for the City of Reedsburg as set forth in the official map provided for in the Ordinances for the City of Reedsburg is hereby permanently amended so as to zone the territory listed below in the manner set forth below.

SECTION III: PROPERTY ZONING

Parcel #276-1640-00000 – 420 Plum St, Reedsburg, Wisconsin, is hereby zoned R-3 Residential

A property map may be obtained or accessed from the City Clerk at Reedsburg City Hall, 134 S. Locust St, Reedsburg, WI; (608) 524-6404; www.reedsburgwi.gov .

SECTION IV: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 17.

Dated this 25th day of November 2019.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1st Reading at Council:	October 28, 2019
Public Hearing Noticed:	November 7, 2019 & November 14, 2019
2nd Reading at Council/Public Hearing:	November 25, 2019
Published, Enactment Date:	December 5, 2019

City of Reedsburg GIS

DISCLAIMER: The City of Reedsburg does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 139 '

CITY OF REEDSBURG
134 S. Locust Street
PO Box 490
Reedsburg, WI 53959
608-524-6404

Print Date: 10/16/2019

ORDINANCE NO. _____-2019
(Annexation – Parcel Numbers: 042-0753-00000 and 042-0758-00000)

Section 1. Recitals. This ordinance annexes land owned by the City of Reedsburg pursuant to Wis. Stat. sec. 66.0223. The law provides a streamlined procedure for the "Annexation of territory owned by a City or Village"; i.e. adoption of an annexation ordinance without petition and notice requirements. The annexation is not subject to review by the Department of Administration but the Department, and City Clerk, must receive copies of the annexation ordinance and plat. The area annexed is in the extraterritorial zoning area and shall continue to have the same zoning; i.e. A-Agriculture.

Section 2. Territory Annexed. In accordance with Wis. Stat. sec. 66.0223 the following territory owned by and lying contiguous to the City of Reedsburg, Wisconsin, is annexed to the City of Reedsburg, Wisconsin. See Exhibit A attached. Said parcel contains 20.16 acres (878,302 square feet more or less.) Current population of the territory is 0.

Section 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 2 shall be part of the City of Reedsburg for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Reedsburg.

Section 4. Temporary Zoning Classification. The territory annexed to the City of Reedsburg by this ordinance is temporarily designated to be A-Agriculture for zoning purposes and subject to all provisions of the zoning ordinance of the City of Reedsburg relating to such district classification and to zoning in the city.

Section 5. Ward Designation. The annexed territory described in Section 2 of this ordinance is hereby made a part of City of Reedsburg Ward 14 Aldermanic District 2. The City of Reedsburg petitions the Sauk County Board of Supervisors to move the annexed territory from Supervisor District 4 to District 6.

Section 6. Validity. Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 7. Conflicting Provisions Repealed. All ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in force from and after its introduction and publication as provided by statute.

Section 9. Part of Code. This ordinance becomes part of the zoning map of the City of Reedsburg.

Section 10. Filing. The City Clerk shall file seven (7) certified copies of the Ordinance with the Wisconsin Secretary of Administration together with seven (7) copies of the Plat showing the boundaries of the annexed territory.

CITY OF REEDSBURG

David G. Estes, Mayor

Jacob Crosetto, City Clerk-Treasurer

ADOPTED: _____, 2019
PUBLISHED: _____, 2019

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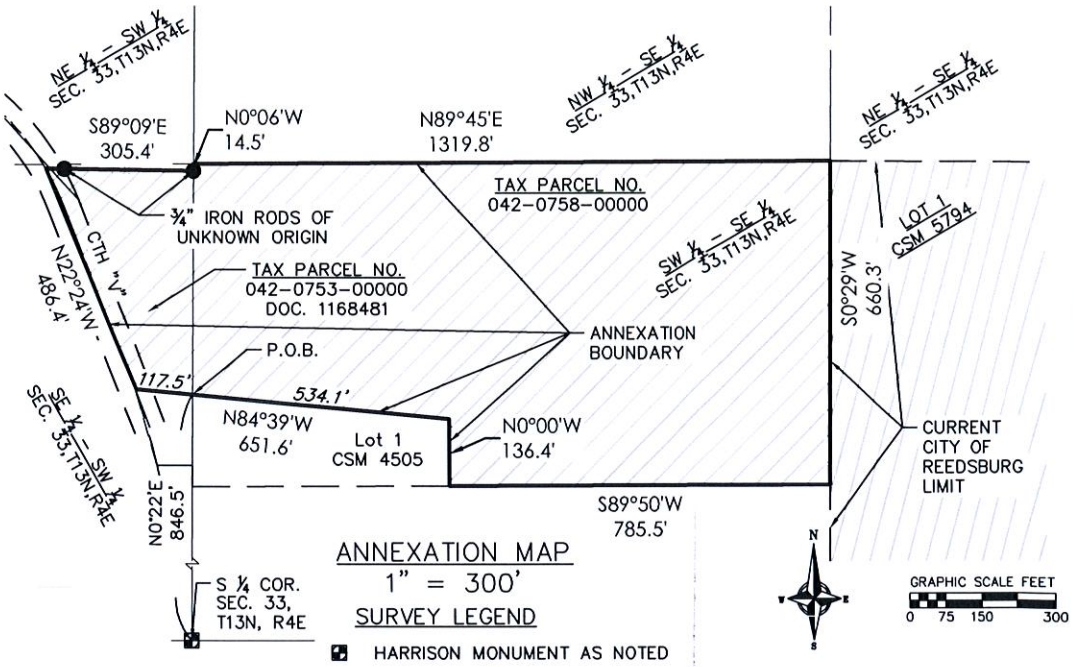
ANNEXATION EXHIBIT

PART OF THE SE ¼ – SW ¼ & PART OF THE SW ¼ – SE ¼, SEC. 33, T13N, R4E, TOWN OF WINFIELD, SAUK COUNTY, WISCONSIN



ANNEXATION MAP

1" = 300'

SURVEY LEGEND

- HARRISON MONUMENT AS NOTED
- FOUND 3/4" ø IRON ROD

LEGAL DESCRIPTION

Lands located in part of the Southwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter, all in Section 33, Town 13 North, Range 4 East, Town of Winfield, Sauk County, Wisconsin, bound by the following described line:

Commencing at the South Quarter Corner of Section 33, Township 13 North, Range 4 East;

Thence, N00°22'E, along the west line of the Southwest Quarter of the Southeast Quarter of said Section 33, 846.5 feet, more or less, to the north line of Lot 1 of Sauk County Certified Survey Map No. 4505 and the Point of Beginning of this description;

Thence, N84°39'W, along the said north line of Lot 1 of Sauk County Certified Survey Map No. 4505, 117.5 feet, more or less, to the centerline of Sauk County Highway "V";

Thence, N22°24'W, along the said centerline of Sauk County Highway "V", 486.4 feet, more or less, to its intersection with the north line of lands described in Sauk County Register of Deeds Document No. 1168481;

Thence, S89°09'E, along a line between two found ¾ inch diameter iron rods of unknown origin and its westerly extension being the north line of said lands described in Sauk County Register of Deeds Document No. 1168481, 305.4 feet more or less, to the northeast corner thereof and the west line of the Southwest Quarter of the Southeast Quarter of said Section 33, Town 13, North, Range 4 East;

Thence, N00°06'W, along the said west line of the Southwest Quarter of the Southeast Quarter of said Section 33, Town 13, North, Range 4 East, 14.5 feet, more or less to the northwest corner thereof;

Thence, N89°45'E, along the north line of the said Southwest Quarter of the Southeast Quarter of said Section 33, Town 13, North, Range 4 East, 1319.8 feet, more or less, to the northeast corner thereof and the northwest corner of Lot 1 of Sauk County Certified Survey Map No. 5794;

Thence, S00°29'W, along the east line of Southwest Quarter of the Southeast Quarter of said Section 33, Town 13, North, Range 4 East and the west line of said Lot 1 of Sauk County Certified Survey Map No. 5794, 660.3 feet, more or less, to the southeast corner of the north half of the Southwest Quarter of the Southeast Quarter of said Section 33, Township 13 North, Range 4 East;

Thence, S89°50'W, along the south line of said north half of the Southwest Quarter of the Southeast Quarter of said Section 33, Township 13 North, Range 4 East, 785.5 feet, more or less, to the southeast corner of said Lot 1 of Sauk County Certified Survey Map 4505;

Thence, N00°00'W, along the east line of said Lot 1 of Sauk County Certified Survey Map 4505, 136.4 feet, more or less, to the northeast corner thereof;

Thence, N84°39'W, along the north line of said Lot 1 of Sauk County Certified Survey Map 4505, 534.1 feet, more or less, returning to the Point of Beginning;

Annexation contains 20.16 Ac., (878,302 Sq. Ft.), more or less.

As Described in Souk County Register of Deeds Document No. 1168481

The North One–half of the Southwest Quarter of the Southeast Quarter (N 1/2 SW 1/4 SE 1/4) Section Thirty–three (33) Township Thirteen (13) North Range Four (4) East; Also a parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Section Thirty–three (33) Township Thirteen (13) North, Range Four (4) East, bounded by the following described line: Commencing at the South quarter corner of Section 33, T13N, R4E; thence North 658.74 feet along the North–South quarter line of said Section 33 to the Southwest corner of the North half of the Southwest Quarter of the Southeast Quarter (N 1/2 SW 1/4 SE 1/4) thence continuing North 44.00 feet along said North–South quarter line of Section 33 to the Point Of Beginning of this description; thence continuing North 600.00 feet along said North–South quarter line of Section 33; thence West to a point in the centerline of CTH "V"; thence Southeasterly along said centerline of CTH "V" to a point which bears West, 52 feet, more or less, from the Point of Beginning;

thence East 52 feet, more or less, to the Point of Beginning; Town of Winfield, Sauk County, Wisconsin. EXCEPTING THEREFROM Lot One (1) Certified Survey No. 4505 as recorded in the office of the Register of Deeds for Souk County, Wisconsin, in Volume 24 of Certified Surveys, Page 4505.

22 Oct 2019 - 9:56a R:\Reedsburg, City of\190276 - Winfield Annexation\CADD\Annexation Description.dwg by: mlon

vierbicher
planners | engineers | advisors
Phone: (800) 261-3898

REVISIONS	SCALE 1" = 300	SHEET
	CHECKED sdls	1 OF 1
	DRAFTER mlon	
	FILE 190276.dwg	
JOB NO. 190276	DATE 9/30/2019	

- Exhibit A -