



CITY OF DODGEVILLE

100 E Fountain St
Dodgeville, WI 53533

Regular Meeting

~Final Minutes ~

Wednesday, February 20, 2019
5:30 PM

Common Council

Council Room

PUBLIC NOTICE is hereby given to the public and to the news media pursuant to Wis. Stat. Sec. 19.84, that the Common Council will hold their Regular Meeting of the City of Dodgeville on Wednesday, February 20, 2019, commencing at 5:30 PM in the Council Room, 100 East Fountain Street, Dodgeville, WI 53533. The agenda is as follows:

A Regular Meeting was called to order at 5:30 PM by Mayor Todd Novak

1. Call to Order

Also Present: Greg Lee, Vickie Stangel, Meghan Dudle, Steve Genoway, and Chris Henshue from Bug Tussel Wireless.

PRESENT: Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne, Novak

ABSENT:

2. Minutes

1. Common Council - Regular Meeting - Feb 5, 2019 5:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Meuer, Alderperson
SECONDER:	Jerry Johnson, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

3. Citizen or delegation presentations, requests or comments and discussion of same, pursuant to Wis. Stat. Sec. 19.83 (2) and Sec. 19.84 (2). Ten minute limit except by consent of council. No action will be taken on any item that is not specifically listed on the agenda.

1. Introduce New Recreation Director Meghan Dudle

Mayor Novak introduced the new Recreation Director Meghan Dudle to the Council. Meghan stated she worked with Forklore Village for 8 years prior to taking the Rec Director position. She has her Masters Degree in Park & Recreation. Meghan is excited to work with the City of Dodgeville on their summer programs and developing some new options. She also previously worked for the City of St. Paul, Minnesota. Meghan expressed appreciation to Kathryn Heimerl for her assistance with the transition. The Council welcomed Meghan to the City.

RESULT:	STATEMENT
----------------	------------------

4. Reports/Recommendations

A. Mayor/Council President & Clerk

1. Unofficial Spring Primary Results

Clerk Lisa Riley provided the Council with the Unofficial Spring Primary Election results for Dodgeville School District Board Member. She stated the day ran smoothly, including the six other jurisdictions who came to vote here (Town of Clyde, Town of Eden, Town of Highland, Town of Linden, Town of Mineral Point, and Town of Wyoming). There was a low voter turnout as the City only had 213 voters.

RESULT:	VIEWED
----------------	---------------

2. February Tax Settlement

Clerk Lisa Riley provided the February Tax Settlement with Iowa County for informational purposes to the Council.

RESULT:VIEWED

- 3.2019 League of WI Municipalities Local Government 101
- Riley provided the registration form and material for the upcoming League of WI Municipalities Local Government 101 in Madison on May 31st at the Holiday Inn Madison at the American Center. She asked any interested Council members to contact her if interested in attending. She will also look into the potential of a DVD option for those unable to attend in person.

RESULT:VIEWED

B. Historic Preservation Commission

1. Historic Preservation Comm Minutes - January 8, 2019

RESULT:VIEWED

2. Historic Preservation Comm Agenda - February 12, 2019

RESULT:VIEWED

C. Administration and Personnel

1. Permission to Hire Summer Help

Public Works Director Greg Lee has sent correspondence to last years' employees inquiring if they plan to return for this season. Motion by Ald. DeVoss to grant permission to Greg Lee to advertise and hire summer help, as needed. Second by Ald. Meuer. Motion passed unanimously.

RESULT:APPROVED [UNANIMOUS]
MOVER:Tom DeVoss, Alderperson
SECONDER:Dan Meuer, Alderperson
AYES:Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

2. Summer Public Works Intern

Motion by Ald. DeVoss to approve contacting UW-Platteville for a Public Works summer intern again this year. Second by Ald. Meuer. Motion passed unanimously.

RESULT:APPROVED [UNANIMOUS]
MOVER:Tom DeVoss, Alderperson
SECONDER:Dan Meuer, Alderperson
AYES:Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

D. DTV Committee

1. Change Order to Add Additional Audio and Video Output

Motion by Ald. Tremelling to approve the DTV Change Order from AVI Systems Inc. for \$1,323.94 to add additional audio and video output to the Cablecast System that Charter will utilize at the Dodgeville High School site. Second by Ald. Forseth. Motion passed unanimously.

RESULT:APPROVED [UNANIMOUS]
MOVER:Lawrence C Tremelling, Alderperson
SECONDER:Larry Forseth, Alderperson
AYES:Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

E. Economic Development

1. Economic Development Report 12.5.18-2.19.19

Economic Development Specialist Steve Genoway presented his Activity Report for the timeframe December 5, 2018 - February 19, 2019. Steve stated he has interested people seeking rental space, which can be a challenge.

Mayor Novak updated the Council that Prem Meats is still planning on building this year. They are just trying to finish their Spring Green project first, which was a larger project than initially planned.

RESULT:VIEWED

F. Finance Committee

1. Reinvestment of Funds

RESULT:VIEWED

2. Ehlers Investment Partners Portfolio Review

RESULT:VIEWED

5. Old Business

1. Cloud 1 Lease Agreement

Chris Henshue, Business Development Representative for Bug Tussel, presented the following Tower Site Highlights with the Council:

Tax Parcel - 216-1074.3A4 located on Well Street

Tower Specifics

- Total tower height = 199'*
- 195' tall self-support tower with a 4' tall lightening rod*
- Tower is under 200' tall and therefore will not have a lighted beacon*

Contractual Ground Lease Area

- 100' X 100'*
- Day one they will be fencing off a 50' X 50' section at the base of the tower*
- In the event that they need more ground support equipment, they have the option to expand the base of the tower (compound) fenced in area out to 100' X 100'*

Tower Equipment

- Bug Tussel Wireless Broadband, AT&T mobile and FIRSTNET (Nationwide Network for Police/Fire/EMS)*
- Bug Tussel Wireless Broadband system will be able to service customers with broadband internet access outwardly for a range of about 3-5 miles depending on the topography of the surrounding area*
- AT&T mobile and FIRSTNET system shall reach outwardly about 7-8 miles depending on the topography of the surrounding area*

Tower Access

- A 10' wide gravel road will be placed coming north off of Wells Street to the base of the tower*
- 6' tall chain link fencing with an additional 2' of barbed wire will surround the tower compound*

Build Date

- Approximately 6-8 months from today. This is an important tower for Bug Tussel, as well as a needed infrastructure piece for the FIRSTNET system. Accordingly, they have every intention in building the tower site in 2019.*

Christ also stated Bug Tussel has been in business for 14 years and he lives in Verona. The initial term of the lease shall be five (5) years and will automatically renew, with a total of a 40 year contract. The rent will be \$400 per month, with an additional \$100/month for subsequent co-locators. Chris lives in Verona and will be the representative for our site. The company is Midwest based, at this time. They are concentrated in the Appleton area and the western side of the State.

Motion by Ald. Tremelling to approve the Site Lease Agreement with Cloud 1, LLC/Bug Tussel, as presented. Second by Ald. Forseth. Roll Call: Ald. Forseth - Aye, Ald. Sersch - Aye, Ald. DeVoss - Aye, Ald. Mainwaring - Aye, Ald. Meuer - Aye, Ald. Johnson - Aye, Ald. Borne - Aye, Ald. Tremelling - Aye. Motion passed 8-0 on a roll call vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lawrence C Tremelling, Alderperson
SECONDER:	Larry Forseth, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

6. New Business

1. New 2 Yr Operator License for Chantelle Josie Richmond (Ends June 30, 2020)

Motion by Ald. Mainwaring to approve a New 2 Year Operator License for Chantelle Josie Richmond (Ends June 30, 2020). Second by Ald. Johnson. Motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Cody Mainwaring, Alderperson
SECONDER:	Jerry Johnson, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

2. AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 9.041 AND 9.042 OF THE MUNICIPAL CODE OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN RELATING TO THE SALE OR GIFT OF TOBACCO AND VAPOR PRODUCTS TO MINORS AND TO THE POSSESSION OF TOBACCO AND VAPOR PRODUCTS AND TO AMEND SECTION 25.04 OF THIS CODE WITH RESPECT TO PENALTIES FOR VIOLATIONS

Motion by Ald. Meuer to approve Ordinance #1380 An Ordinance to Repeal and Recreate Sections 9.041 and 9.042 of the Municipal Code of the City of Dodgeville, Iowa County, Wisconsin Relating to the Sale or Gift of Tobacco and Vapor Products to Minors and to the Possession of Tobacco and Vapor Products and to Amend Section 25.04 of This Code with Respect to Penalties for Violations. Second by Ald. Mainwaring. Roll Call: Ald. Sersch - Aye, Ald. DeVoss - Aye, Ald. Mainwaring - Aye, Ald. Meuer- Aye, Ald. Johnson - Aye, Ald. Borne - Aye, Ald. Tremelling - Aye, Ald. Forseth. Motion passed 8-0 on a roll call vote.

ORDINANCE NO. 2019 - 1380

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 9.041 AND 9.042 OF THE MUNICIPAL CODE OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN RELATING TO THE SALE OR GIFT OF TOBACCO AND VAPOR PRODUCTS TO MINORS AND TO THE POSSESSION OF TOBACCO AND VAPOR PRODUCTS AND TO AMEND SECTION 25.04 OF THIS CODE WITH RESPECT TO PENALTIES FOR VIOLATIONS

THE COMMON COUNCIL OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I. Section 9.0401 of the Municipal Code of the City of Dodgeville is hereby repealed and recreated to read as follows:

“9.041 USE OF CIGARETTES, TOBACCO AND VAPOR PRODUCTS

(1) STATEMENT OF PURPOSE.

(a) *The purpose of this ordinance is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.*

(b) *Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as “electronic cigarettes,” “e-cigarettes,” “e-cigars,” “e-*

cigarillos,” “e-pipes,” “e-hookahs,” or “electronic nicotine delivery systems,” which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.

(c) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer’s specifications, and many manufacturers make nicotine-free solutions.

(d) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

(e) The use of e-cigarettes and similar devices has increased significantly in recent years.

(f) Existing studies on electronic smoking devices’ vapor emissions and cartridge contents have found a number of dangerous substances including chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium as well as PM 2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.

(g) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.

(h) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.

(i) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

(j) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverses the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

(k) It is the intent of this Council, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

(l) Therefore, the Common Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the City’s best interest and will promote public health, safety, and welfare.

(2) *DEFINITIONS. For the purpose of construction and application of this section, the following definitions shall apply:*

(a) *“Cigarette” has the meaning given in Wis. Stat. sec. §139.30(1).*

(b) *Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.*

(c) *“Law Enforcement Officer” has the meaning given in Wis. Stat. sec. §30.50(4s).*

(d) *Tobacco Products. The meaning given in §139.75(12), Wis. Stats.*

(e) *“Minor” means an individual who is less than eighteen (18) years of age.*

(f) *“Person who sells vapor products at retail” means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.*

(g) *“Possession of a tobacco product” shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located*

(h) *“Public place” means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or a school.*

(I) *“Tobacco product” has the meaning given in Wis. Stat. §139.75(12).*

(j) *“Use a tobacco product or vapor product” means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.*

(k) *“Vapor product” means 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 vapor from the product.*

(3) *PROHIBITED CONDUCT. Except as provided in sub. (5) below, no minor may do any of the following:*

(a) *Purchase or attempt to purchase any cigarette, tobacco product or vapor product.*

(b) *Possess or attempt to possess a cigarette, tobacco product or vapor product.*

(c) *Use a cigarette, tobacco product or vapor product in a public place.*

(d) *Falsely represent his or her age for the purpose of receiving any cigarette, vapor product or tobacco product.*

(4) *SCHOOL PROPERTY. No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a cigarette, tobacco product or vapor product while on school property.*

(5) *EXCEPTIONS. A person under 18 years of age may purchase cigarettes, vapor products or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.*

(6) *ENFORCEMENT.* A law enforcement officer shall seize any cigarette, vapor product or tobacco product involved in any violation of sub. (3) or (4) above committed in his or her presence.

(7) *PENALTY.* An individual who violates this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.”

Section II. Section 9.0402 of the Municipal Code of the City of Dodgeville is hereby repealed and recreated to read as follows:

“9.042 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES, VAPOR PRODUCTS OR TOBACCO PRODUCTS (1) *DEFINITIONS.* The definitions set forth in §134.66(1) and sec. 9.041 of this Code are hereby adopted by reference and made apart hereof.

(2) *RESTRICTIONS.* (a) No retailer may sell or give cigarettes, vapor products or tobacco products to any person under the age of 18, except as provided in §48.983(3), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(b) 1. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette, vapor product or tobacco product to a person under the age of 18 is unlawful under this section and §48.983, Wis. Stats.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under §48.983, Wis. Stats., and that the purchaser is subject to a forfeiture not to exceed \$25.

(c) No person may place a vending machine within 500 feet of a school.

(d) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes, vapor products or tobacco products for nominal or no consideration to any person under the age of 18.

(3) *DEFENSE OF RETAILER.* Proof of all of the following facts by a retailer who sells cigarettes, vapor products or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (2)(a) above:

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(4) *PENALTIES.* (a) 1. In this subsection, "violation" means a violation of sub. (2)(a), (c) or (d) above.

2. A person who commits a violation is subject to a forfeiture of:

a. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

3. A court shall suspend any license or permit issued under §§134.65, 139.34 or 139.79, Wis. Stats., to a person for:

- a. Not more than 3 days if the court finds that the person committed a violation within 12 months after committing one previous violation; or

b. Not less than 3 days nor more than 10 days if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
4. The court shall promptly mail notice of a suspension under subpar. 3. above to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.
- (b) Whoever violates sub. (2)(b) above shall forfeit not more than \$25.”

(5) AUTHORITY. This section is adopted pursuant to §134.66, Wis. Stats.

Section III. Section 25.04 of the Municipal Code of the City of Dodgeville is hereby amended as follows:

“25.04 PENALTY PROVISIONS

* * * * *

(5) SCHEDULE OF PENALTIES

The following shall be the schedule of penalties for violations of this Code.

Ordinance Number	Ordinance Violation - Guidelines	Forf Amou nt
9.041(3)(a) (b)(c)	Use of Cigarettes, Tobacco Products and Vapor Products Prohibited	50.00
	2nd offense	200.00
9.041(4)	Use of Cigarettes, Tobacco Products and Vapor Products by Students on School Property Prohibited	50.00
	2nd offense	200.00 "

Section IV: This ordinance shall be effective upon passage and publication as required by law.

Adopted and approved this 20th day of February, 2019.

Todd D. Novak, Mayor

ATTEST:

Lisa A. Riley, City Clerk

Date Adopted: 2-20-2019

Date Recorded: 2-21-2019

Date Published: 2-28-2019

Effective Date: 3-01-2019

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Meuer, Alderperson
SECONDER:	Cody Mainwaring, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

7. Approval of Claims

1. 2.20.2019 - Farmer's Saving Bk Claims

Claims amounting to \$3,049,572.44 (General - \$3,031,434.75, Sewer - \$8,025.28, Water - \$10,112.41) were presented. Motion by Ald. Borne to approve the claims as audited. Second by Ald. Johnson. Motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Borne, Alderperson
SECONDER:	Jerry Johnson, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

2. 2.20.2019 - Marine Credit Union Claims

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Borne, Alderperson
SECONDER:	Jerry Johnson, Alderperson
AYES:	Tremelling, Forseth, Sersch, DeVoss, Mainwaring, Meuer, Johnson, Borne

8. Any other business as allowed by law

9. Closed Session - Pursuant to Wis. Stat. Sec. 19.85 (1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Lieutenant Contract
Motion by Ald. Mainwaring to adjourn to Closed Session - Pursuant to Wis. Stat. Sec. 19.85 (1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Lieutenant Contract. Second by Ald. Meuer. Roll Call: Ald. DeVoss - Aye, Ald. Mainwaring - Aye, Ald. Meuer - Aye, Ald. Johnson - Aye, Ald. Borne - Aye, Ald. Tremelling - Aye, Ald. Forseth - Aye, Ald. Sersch - Aye. Motion passed 8-0 on a roll call vote. Convened to Closed Session at 5:58 p.m.

1. Proposed Lieutenant Contract

RESULT:	VIEWED
---------	--------

10. Reconvene to Open Session: Any Action Needed as a Result of Closed Session
Motion by Ald. Meuer to Reconvene to Open Session. Second by Ald. DeVoss. Motion passed unanimously. Reconvened to Open Session at 6:16 p.m.

Motion by Ald. Tremelling to approve the following changes to Police Lieutenant Brandon Wilhelm's contract: salary increase to \$65,000, retroactive to January 1, 2019 and 4 weeks vacation available to be used January 1, 2021. Second by Ald. DeVoss. Roll Call: Ald. Mainwaring - Aye, Ald. Meuer - Aye, Ald. Johnson - Aye, Ald. Borne - Aye, Ald. Tremelling - Aye, Ald. Forseth - Aye, Ald. Sersch - Aye, Ald. DeVoss - Aye. Motion passed 8-0 on a roll call vote.

11. ADJOURNED AT 6 : 17 PM

Motion by Ald. Tremelling to adjourn the meeting. Second by Ald. Meuer. Motion passed unanimously. The meeting adjourned at 6:17 p.m.

Lisa Riley, City Clerk-Treasurer