

**COMMITTEE ON HEALTH  
MARSHFIELD, WISCONSIN  
MINUTES OF AUGUST 9, 2010**

Meeting called to order by Deputy City Clerk Panzer at 5:00 p.m., in the Common Council Chambers of City Hall Plaza.

**PRESENT:** Alderpersons Alanna Feddick, John Spiros and Ed Wagner

**ABSENT:** None

**ALSO PRESENT:** Dr. Steven Kirkhorn and Deputy Clerk Panzer.

Nominations were held for Chairperson.

Alderson Wagner nominated Alderson Feddick for Chairperson. There being no further nominations:

**CH10-001** Motion by Wagner, second by Spiros to close the nominations and cast a unanimous ballot for Alderson Feddick for Chairperson.

**Motion carried**

Alderson Spiros nominated Alderson Wagner for Vice Chairperson. There being no further nominations:

**CH10-002** Motion by Feddick, second by Spiros to close the nominations and cast a unanimous ballot for Alderson Wagner for Vice Chairperson.

**Motion carried**

Alderson Feddick assumed the chair.

Chairperson Feddick welcomed Dr. Steven Kirkhorn. His appointment to the Committee on Health will be voted on by the Council at Tuesday evening's Common Council meeting.

Wagner suggested the Committee on Health Ad Hoc Committee include the four Committee on Health members plus three additional members; which consist of a representative for the No Smoking Coalition, a representative for the Tavern League and a distinguished citizen or business owner.

Feddick and Spiros agreed that seven members (four being the Committee on Health members and three additional members) would be adequate.

The following people were named to serve on the Ad Hoc Committee:

Chris Jockheck, representative for the No Smoking Coalition

Marvin Duerr, representative for the Tavern League

John Miner, distinguished citizen (business owner)

Andy Martin, alternate distinguished citizen (business owner) if John Miner declines

Alderson Wagner will contact John Miner and Deputy Clerk Panzer will contact Chris Jockheck and Marvin Duerr to see if they are willing to serve on this Ad Hoc Committee. If John Miner declines, Alderson Wagner will contact Andy Martin.

**CH10-003** Motion by Feddick, second by Spiros that the people that the Committee on Health members have named be part of the Ad Hoc Committee.

**Motion carried**

Questions the Committee on Health members feel the Ad Hoc Committee needs to answer for the Council:

1. What are the significant differences between the City Code and the State Law and which are most restrictive and which are less restrictive?
2. Which of those provisions must by law apply?
3. What are the possible solutions to reconcile those differences?
4. What happens if the State law is repealed? What if it is amended? How can the mandates of the referendum be preserved? Can they be preserved in the face of state law?
5. Can the proposed changes be enforced by law enforcement, code enforcement, and fire inspection?
6. What do other communities do?
7. What can we do as a municipality under state law?
8. What did the referendum really say? What did the voters vote on?

Alderspersion Spiros said we need to come to an understanding of what the differences are between our law and state law as far as which ones have to apply; state law or ours and come up with a solution being legal that abides by state law. We need to try to make this as simple as possible along with abiding by state law with that code, but trying to make it as easy for businesses as possible. The whole idea behind this is the goal of the smoking ordinance, which is so that there is no secondhand smoke within public areas where there is food. We need to make sure that the goals stay the same and that they don't change.

Chairperson Feddick said we have to balance the equities for business owners in order to help them stay in business and yet protect the health of the public.

Alderspersion Wagner said Police Chief Jepsen and the City Attorneys have been already working on outlining the differences between the two ordinances.

The following people were named to be called as potential witnesses at a public hearing:

Police Chief Gary Jepsen

Assistant City Attorney Harold Wolfgram or City Attorney John Hutchinson

Building Inspector Dick Pokorny

Deputy Fire Chief Ed Erickson

Public Information Director from the City of Oshkosh

Representative of the State Department of Commerce

Medical Professional

No Smoking Coalition

Tavern League

It was suggested to have two public hearings, one for the No Smoking Coalition and one for the Tavern League.

The next meeting date was tentatively scheduled for Monday, August 30<sup>th</sup> at 5:00 p.m.

Motion by Spiros, second by Wagner to adjourn at 5:31 p.m.

**Motion Carried**

Lori A. Panzer

Deputy City Clerk