

Judiciary and Ordinance Review Committee Minutes
January 30, 2017

A. CALL TO ORDER & ROLL CALL

Chairperson Beer called the meeting to order. Present at roll call were Alderpersons Beer, Koch, and Marsh. Also present were Asst. Admin. Shanks, Mayor Armstrong, City Clerk Stamm, Bridget Cooke of the Monroe Times, and one citizen. City Atty Bartholf arrived late. Alt. Alderperson Thoman was absent.

B. CORRECTION OF MINUTES

None

C. BUSINESS

1. ORDINANCE REPEALING AND RECREATING SMOKY ROW SUB-DISTRICT DEFINITION IN 5-2-1 OF THE MONROE CITY CODE

Asst. Admin Shanks explained that the City was approached by Foreign Type Cheesemakers in December about an expansion to their facility. The expansion configuration presented would not work with the current yard and setback requirements set forth for the Smoky Row district. Asst. Admin Shanks and Zoning Administrator Lindsey worked together to come up with a creative solution to help facilitate the expansion. They found an exemption in the yard requirements for the Smoky Row sub district and offered to the Plan Commission the expansion of the Smoky Row sub district to encompass some of the adjacent blocks, including the Foreign Type Cheesemakers facility. Asst. Admin Shanks explained that he does not think the expansion would have a negative impact on the neighborhoods and environment already in place, and also speaks to some of the things the City has been talking about with the zoning code rewrite, particularly providing more flexibility with older neighborhoods to allow businesses and property owners to invest in properties. Marsh asked if this would fit within the parameters of the new zoning code. Shanks explained that the Smoky Row sub district should be okay with the new zoning code, but will probably be replaced with a district that is more accommodating, such as a neighborhood business district. City Attorney Bartholf arrived during this discussion. Marsh motions to approve and recommend to Common Council, seconded by Koch. Upon voice vote, motion carried.

2. ORDINANCE REPEALING AND RECREATING ANIMALS IN PUBLIC PLACES IN 9-2-13 OF THE MONROE CITY CODE

Clerk Stamm explained that this is due to the proposed dog park. Stamm was giving everything a final once-over before passing to Council with a resolution for final approval and she remembered there were some restrictions on animals being in parks in the animal control section of the code in title 9. Stamm requested that Atty Bartholf draft the proposed ordinance, in which the words "no animals shall be permitted in any City park except Forest Prairie park and any other park designated by the Council". Atty Bartholf explained that there wasn't a formal name for the dog park. Koch asked if service animals were allowed, and Atty Bartholf explained that service animals have always been allowed by an exception in another area of the code. Discussion took place about walking dogs on public property, and Stamm clarified that this is specific to parks and cemeteries. Motion by Koch to approve the ordinance repealing and recreating Animals in Public Places in 9-2-13 of the Monroe City Code, seconded by Marsh. Upon voice vote, motion carried.

3. ORDINANCE REPEALING AND RECREATING TAXICAB DEFINITION IN 3-8-2 OF THE MONROE CITY CODE

Clerk Stamm explained that a discussion took place several years ago regarding Uber and Lyft, which are transportation companies that arrange rides. Stamm believes that there is or may have been one of these companies in town so she did some more research. According to the statutes, the City cannot regulate anything except if they want to license them for service out at the airport. The code needed to be revised, as it stands, the definition of taxi cab does encompass what these Uber cars are. Atty Bartholf wrote an ordinance to change the definition of taxi cab in the code to exclude transportation network companies as defined in section 440.465 of the state statutes. Since we cannot regulate these transportation network companies, the code needs to be updated. Discussion took place. Koch motioned to approve the ordinance repealing and recreating taxicab definition in 3-8-2 of the Monroe City Code, seconded by Marsh. Upon voice vote, motion carried.

4. ORDINANCE REPEALING AND RECREATING VARIOUS PORTIONS OF TITLE 2, CHAPTERS 1, 8, 9, 10, 11, AND 12 OF THE MONROE CITY CODE: COMPOSITION OF BOARD OF PUBLIC WORKS, FINANCE AND TAXATION, PUBLIC SAFETY, JUDICIARY AND ORDINANCE, LICENSE, AND SALARY AND PERSONNEL COMMITTEES

Clerk Stamm explained an idea that she came up with that instead of having three committee members and one alternate, as a way that more alders can be involved in the committees; just make everything four regular members, so at least four people can participate in the meetings. In addition, assigning the duty of coordinating the City Administrator's annual evaluation to the chair of the Salary and Personnel Committees, which is being done already, but this spells it out in the code. Stamm explained that Administrator Rath had concerns about what would happen in the event of 2-2 tie votes, and suggested language whereby if it's a 2-2 tie vote, it will automatically move the matter to the full council for consideration, which is sometimes what committees do now if they aren't able to make a decision on the vote. Quorum for all committees would be two members, and this will be effective April 18th, which is the day the new council is seated. Mayor Armstrong commented that part of this has come about due to the desire to have more people on committees. We had tried to do this through enlarging the council, which did not happen, so Clerk Stamm suggested getting rid of the alternate and increase in that way. He also commented that it should mention a 1-1 tie if only two members are present. Regarding concerns about sending ties to council, special rules can be made within the standing City Code that can be followed that can supersede this. Clerk Stamm read concerns from Alder Boyce, "allowing an item to pass out of committee on a tie is contrary to Robert's rules of order and is exactly like a majority vote. There is no need to change the ordinance to allow a tie vote to pass, just follow the rules regarding the voting rights of the chair as established in Robert's rule of order", and explained that if there was a special rule in the code, that rule would trump Robert's rules of order. Koch also commented that he had the same concerns. Beer commented that there are a lot of big decisions that are made in these committees and it is not a good idea to make decisions with only two people. Koch commented that any vote ending in a tie should automatically go to council. Discussion took place about negative quorum and how anything that needs 2/3 vote could be a violation of open meetings law. Further questions and answers took place. Marsh voiced concern about other alders being able to participate in meetings. Further discussion took place. Koch motioned to approve and send to council as amended the ordinance repealing and recreating various portions of Title 2, Chapters 1, 8, 9, 10, 11, and 12 of the Monroe City Code: Composition of Board of Public Works, Finance and Taxation, Public Safety, Judiciary and Ordinance, License, and Salary and Personnel Committees, seconded by Marsh. Upon voice vote, motion carried.

D. BUSINESS PRESENTED BY MEMBERS

Alder Marsh requested discussion on closed meetings on the next agenda.

E. ADJOURNMENT

Motion to adjourn made by Alderperson Koch and seconded by Alderperson Marsh. Motion carried.

Transcribed by Arianna Meier