



## MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, December 1, 2020 at 7:15 pm

Location: Council Chambers, City Hall, 2000 N. Calhoun Road

Members Present: Alderman Gary Mahkorn (Chair), Alderman Brad Blumer, Alderman Bill Carnell, Alderman Jenna Meza, Alderman Mark Nelson

Members Excused: None

Others Present: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Alderman Christopher Blackburn, Alderman Scott Berg

### 1. ROLL CALL

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee to order at 7:15 p.m.

### 2. ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, December 15, 2020.

### 3. MINUTES

**Motion by Alderman Carnell, seconded by Alderman Blumer, to approve the minutes of the November 17, 2020, Legislative & Licensing Committee meeting. Motion carried 5-0.**

### 4. NEW BUSINESS

a. RESOLUTION REGARDING APPLICANTS FOR ORIGINAL BARTENDER/OPERATOR LICENSES.

BEREITER, STEVEN J.

SAUGSTAD MEREDITH J.

**Motion by Alderman Carnell, seconded by Alderman Mesa, to approve Original Bartender/Operator Licenses for the above applicants. Motion carried 5-0.**

b. Legislative Referral: Consider modifications or additions to Municipal Code Section 2.12.100 to provide for City meetings to be held via virtual (electronic) means, allow remote participation by council members in both Council and committee meetings, and adjust meeting quorum requirements for virtual meetings as necessary to ensure the City business can be conducted. (Alderman Meza)

Alderman Meza stated as she is expecting her second child, there may be a few weeks where she will not be able to attend meetings in person. Through the Covid crisis, we should all be safe. She added that virtual meetings would be for special circumstances (ex: pandemic, etc.).

Alderman Blumer was in favor of virtual meetings, especially adjusting the quorum requirements. He asked if meeting is in closed session, could a member participate by phone. Attorney Merten stated 'yes'.

Alderman Blumer was concerned with the technology aspect. He would be more inclined to participate by the Zoom platform. This works better with presentations also. He would like staff to investigate attendance by phone or video teleconferencing.

Robert Scott, Director of Finance, stated we can do anything but not everything. What level do you want staff to invest to try to integrate this. Members participating by Zoom means should also be able to get presentation materials and be seen on screen as well. We have to look at is it worth the time and effort and how frequently is it going to occur. During this time the Mayor's Executive Order regarding Covid, allowed us to do the Zoom meetings and overlooked the code section on the quorum requirement. We need to clean this up.

Alderman Mahkorn suggested giving staff a directive work on attendance options. This is good planning, not just wanting to be 'excused'. Alderman Meza noted there is a fine line between giving a reason to stay home and then requesting too much detail as to why someone is staying home. Alderman Mahkorn feels no one will abuse the process.

Alderman Nelson feels this is a technology issue. When he is in person and another member is on the phone, he cannot always appreciate what the other person is saying, are he or she hearing everything, are they fully engaged or can they be fully engaged. When he has been on the other end, you cannot be fully engaged. We have to come up with a way, with technology, to engage with the absent person and they can engage with those present. In certain circumstances, individuals should be counted in the quorum. Maybe there should be limits on how many people can attend via phone. As Council President, members have to go through him to attend by phone. Alderman Nelson felt he does not have the right to tell a member they cannot attend by phone.

Alderman Mahkorn felt that no members of the council would abuse the procedure. Mr. Scott said starting in March 2020, there was concern and the city did not know what we would be doing or the comfort level, as new council members were in place after the April 2020 election. We wanted to have something in place to insure city business could take place in that time period. Regarding the issue of cause, if we do not have a rationale or theory, we could have some people who stay away and negate the council's ability to act on certain matters. If members just choose to not attend meetings ('Quorum Busters'), then council cannot act on issues.

Alderman Blumer questioned if any council members advocated their duties, is there any recourse for the city beyond waiting for the next election for the individual to not be elected. Attorney Merten indicated the ordinance says 'if you miss three meetings in a row on a board or commission, you may be subject to removal if there is no cause or reason for your absence'. This is something that could be added to city code.

Mr. Scott indicated the Mayor's Executive Order expires at the end of the calendar year. The intention was to have an ordinance in place for the next Legislative & Licensing Committee and Common Council meetings. Alderman Blumer indicated he was fine with Attorney Merten's recommendations noted in her memo. He feels if an entire board or council will be meeting electronically, it needs to be decided by the chairperson.

Attorney Merten noted if a board or committee wants to meet by Zoom platform, the city must publish it. In an emergency, notice must be given 24 hours before the meeting; otherwise, notice should be given by the Thursday before the meeting.

Alderman Nelson felt that if a member wants to participate meaningfully, we need to contact the technology department to look at better technology instead of by phone. Alderman Carnell felt close captioning should be looked at. Alderman Mahkorn said the Information Technology department should

work on these issues. Attorney Merten stated she would work on the ordinance for the December 15, 2020 Legislative & Licensing Committee and Common Council meetings.

There was no motion on this item.

- C. Legislative Referral: Amend 15.04.345.E.1.A for dumpster enclosures located in MSO overlays. (Mayor Ponto)

Attorney Merten noted some dumpsters have a different setback or offset than what is listed in Building Code for dumpster enclosures. This amendment would give the planning department the authority to set up a different setback or offset for the dumpster in the overlay district.

**Motion by Alderman Carnell, seconded by Alderman Nelson, to approve an amendment to 15.04.345.E.1.A for dumpster enclosures located in MSO overlays in an ordinance to be drafted by the City Attorney. Motion carried 5-0.**

## 5. ADJOURNMENT

**Motion by Alderman Blumer, second by Alderman Nelson to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:43 p.m.**

RESPECTFULLY SUBMITTED: RENEE TADYCH, WCPC  
CITY CLERK'S OFFICE, DEPUTY CITY CLERK