ORDINANCE REVIEW COMMITTEE
May 6, 2024 | 5:00 p.m.

Mayor Fischer called the meeting to order at 5:00 P.M.

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey (arrived late), Council Member Staudt

ALSO PRESENT: Victor Cardenas, City Manager
Thomas Schultz, City Attorney
Erick Zinser, Director of Public Safety/Chief of Police
Cortney Hanson, City Clerk

APPROVAL OF AGENDA:

ORCM 24-05-01 **Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**

To approve the agenda as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from August 8, 2023:

ORCM 24-05-02 **Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:**

To approve the Ordinance Review Committee meeting minutes from August 8, 2023

Mayor Fischer suggested they discuss item 3 first since Mayor Pro Tem Casey was not yet present.

3. Discussion on a potential Overlay Ordinance.

Member Staudt said he wanted to see all types of requests at the Council level before they went to the Planning Commission, just like we do with PRO's. He asked what the process for a straight re-zoning was. City Attorney Schultz said an application would go to the Planning Commission where a public hearing would be held, and the to City Council for 2 readings. Member Staudt said that wouldn't need to change.

Member Staudt asked about PUD's. City Attorney Schultz said those are a recommendation from a planning consultant during the Master Plan process. Member Staudt said the only thing Council doesn't review early on are overlays. Mayor Fischer said there are only a few of them. Member Staudt reiterated that if a development would eventually be approved by Council, he wants Council to see it early on. Mayor Fischer agreed that Council should have an early look at a project if it's one Council has discretion on approving or disapproving.

*Member Casey arrived.

2. Discussion on a proposed Fireworks Ordinance.

City Manager Cardenas said there were numerous requests for fireworks displays last year from both the private and public sector. City Attorney Schultz said the city has a normal fireworks ordinance that recognizes most fireworks are preempted by state law. There is no provision for display fireworks though. State law says if someone asks for a permit from the state, the local agency may approve it, which doesn't mean you have to. He said he researched communities and found many don't regulate display fireworks. He said the proposed language would be for commercial displays and the idea would be to have language about the kinds of things Council would approve or disapprove of. For example, they can determine that if a proposed display is too close to residential, unreasonably disruptive, not related to a commercial or civic event, it wouldn't be approved.

It was asked if the state law provides a permit process, can we say no to all? City Attorney Schultz said state law requires local approval and you may approve it, which means you may also not approve it, but it has to be reasonable and not completely arbitrary.

Member Staudt said there appeared the options were to do nothing, have an ordinance that mostly prohibits, or an ordinance with an application process. Mayor Pro Tem Casey said Council can still say no even if there is no display ordinance in place, but an ordinance would back it up if they say no.

City Attorney Schultz said there were options on what conditions to consider such as the sheer numbers of displays is too many, only allow fireworks when it's part of a larger event such as the State Fair or allow when it's submitted by a civic organization. Those were just examples.

The Committee gave direction to continue working on a draft ordinance that has non-arbitrary points and possibly consider an application fee.

The meeting was adjourned at 5:42 p.m.

Recorded by: Cortney Hanson
City Clerk