



**City of
RIVER FALLS**
*CITY OF RIVER FALLS, WISCONSIN
COMMON COUNCIL PROCEEDINGS*

June 14, 2016

Mayor Toland called the meeting to order at 6:30 p.m. in the City Council Chambers located in City Hall.

City Council Members Present: Todd Bjerstedt, Jeff Bjork, David Cronk, Christopher Gagne, Scott Morrissette, Diane Odeen, Hal Watson

Members Absent: None

Staff Present: Dan Gustafson, City Attorney; Scot Simpson, City Administrator; Jon Aubart, Deputy Police Chief; Reid Wronski, City Engineer; Julie Bergstrom, Finance Director/Assistant City Administrator; Bridget Hieb, Deputy Clerk; Keri Schreiner, Management Analyst; Terry Kusilek, Operations Superintendent; Tony Steiner, City Planner; Nancy Miller, Library Director; Lu Ann Hecht, City Clerk; Karen Bergstrom, Human Resources Director; Nate Croes, Public Works Maintenance/City Forester; Fire Chief Scott Nelson; Assistant Fire Chief-Inspections Mike Moody; Wayne Siverling, Electrical Operations Superintendent

Others: Jacob Warren, Stephanie Brown, Ann Leake, Judie Cafilisch, others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

May 24, 2016, Regular and Workshop Meeting Minutes

MS Cronk/Morrissette move to approve minutes. Alderperson Morrissette made an amendment in the minutes to show Steve's Pizza as not present. Cronk seconded. The Mayor asked for a vote on the amendment. It passed unanimously. The Mayor asked for a vote on the original motion. It was approved unanimously.

APPROVAL OF BILLS:

Bills - \$1,778,482.29

MSC Cronk/Odeen move to approve bills subject to the comptroller. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Ann Leake, 523 Birch Crest Drive – came in support of Western Wisconsin United to Amend's resolution to be placed on the November ballot. She read a statement offering three reasons why it should be put on the ballot including state legislators being unfairly influenced by money in the political process, the Council shall have power to act in the best interest of the government and for the City, and because 821 residents signed the petition. Leake said Council asked the group to get the necessary signatures - which they have done. She asked the Council to let the people's voices be heard.

Jacob Warren, 122 West Johnson Street – came with a concern regarding a 2014 case which he wanted the Police Department to investigate.

Stephanie Brown, 221 Washington – is opposed to Western Wisconsin United to Amend's request. She wanted Council to vote no.

Change of Agent Request – Kwik Trip Inc. dba Kwik Trip #453, 1238 N. Main Street

MS Morrissette/Cronk move to approve change of agent. Alderperson Morrissette asked Jessica Moulton if she understood the role of an agent. She said she did. Morrissette asked if she had a bartender's license; she does. He asked if she understood that if she is not present and an alcohol related violation occurs, it is her responsibility. Moulton understood. **With no other questions or comments, the Mayor asked for a vote to approve the agent. It was approved unanimously.**

Request for Noise Exemption for Block Party – Disposition by motion

MS Bjork/Gagne move to approve request for block party. The Mayor asked for comments. Alderperson Gagne felt this was an excellent example of getting to know your neighbors. He encouraged residents to do it. **With no other comments, the Mayor asked for a vote. The request was approved unanimously.**

Consideration of Request to Add Petition to November Ballot - Western Wisconsin United to Amend

The Mayor asked City Administrator Simpson to provide information on the request. He noted the City Attorney's opinion which was available in the public packet. The Council has four options to consider. Three resolutions are provided. The Council's options are: 1) the Council may reject the petition as it is not legislative in nature; 2) the Council may place the petition on the ballot or 3) adopt the petition for direct legislation without alteration. The Council may also move onto the next agenda item and take no action. Simpson did not believe the Council should do that. He said the petition is in order and there is nothing to disqualify it. He and the City Attorney are available for questions.

MS Cronk/Watson move to approve request to add the petition to the ballot as state by Western Wisconsin United to Amend. The Mayor asked for questions or comments.

Alderperson Morrisette felt he has made it clear that he is not in favor of this. He is in favor of people communicating with their elected officials through referendum at the correct level. He is in agreement with the City Attorney's opinion. He felt it was not legislative in nature, and it is not something that Council can enact on its own. He is not in favor of the resolution.

Alderperson Odeen is in favor but said that this petition doesn't fall under that statute. It is not a law - it is essentially an opinion to use to make your voices louder. She appreciated their conduct at the meeting and the efforts in getting the 821 signatures. She is in favor of it.

Alderperson Cronk said 821 people have asked the Council to place this on the ballot. He felt whether the Council was in favor or not was immaterial. He felt the Council owed it to the signers to place it on the ballot.

Alderperson Bjerstedt was concerned about setting a precedent. He appreciated the phone calls and efforts in getting all the signatures. He doesn't think this is the correct place to make these decisions.

Alderperson Gagne read a statement saying he would have to vote no as the Council cannot make direct legislation on that something the State or Federal government has already decided. He encouraged citizens to contact their State/Federal representatives to make a change.

Alderperson Cronk suggested to Bjerstedt that setting a precedent isn't always a bad thing.

With no other comments or questions, the Mayor asked for a roll call vote. The motion to approve the resolution to approve the request to add the petition to the ballot failed 4-3 with Alderpersons Morrisette, Gagne, Bjerstedt and Bjork voting against and Alderpersons Cronk, Odeen and Watson voting in favor.

Alderperson Morrisette asked what needed to happen next. City Administrator Simpson said that the Council hasn't acted and haven't provided direction to staff.

MS Gagne/Morrisette moved approval to reject a petition for direct legislation filed under Wisconsin State Statutes §9.20. The Mayor asked for a vote. The motion passed with Gagne, Morrisette, Bjerstedt and Bjork voting in favor and Alderpersons Cronk, Odeen and Watson voting against.

PUBLIC HEARING:

Annual Liquor License and Beer License Renewals – Hearing and Disposition by Motion for each License Class
The Mayor recessed into a public hearing at 6:55 p.m. City Administrator Simpson clarified the Council had two actions. The first is to take a roll call vote of the agents present and the second is to take actions on the new licenses on the agenda.

Aldersperson Gagne had a question for Shaun Bird from Moonshiners regarding having liquor in the basement. Bird said he doesn't store liquor in the basement and did not want to amend his application.

The Mayor took a roll call vote of the following establishments: Luigi's Pizza, Pizza Hut, Steve's Pizza, Moonshiners, River Falls Copper Kettle, Mavericks Corner Saloon, River Falls Golf Club, St Croix Lanes, Dollar General Store, Family Fresh Market, Dick's Hometown Liquor, and Mariachi Loco. Agents were present from all the businesses with the exception of St. Croix Lanes and Mariachi Loco.

The Mayor moved back into Open Session at 7:01 p.m. to consider the new licenses. MSC Morrisette/Bjork move to approve the Class "B" Beer Renewal License for Balazi, LLC (Kinni Café). Unanimous. The Mayor confirmed that the agent was present.

MS Morrisette/Bjork move to approve the Combination "Class B" and Class "B" Beer Renewal License for Dish and Spoon Café, Inc. The agent was not present. It was decided that the license could be issued upon appearance. The Mayor asked for a vote. The motion passed unanimously with the license to be issued upon the agent's appearance at the next Council meeting.

MSC Morrisette/Bjork move to approve the "Class C" Wine Renewal License for Balazi, LLC (Kinni Café). Unanimous. The Mayor confirmed that the agent was present.

Ordinance 2016-06 Amending Chapters 2.20 and 2.52 Regarding the Emergency Medical Service – Second Reading and Disposition

The Mayor recessed into a public hearing at 7:03 p.m. With no questions or comments, the Mayor moved back into Open Session at 7:03 p.m. MS Odeen/Morrisette move to approve the ordinance.

The Mayor asked if the Council was supposed to take any action with the comments provided by Chair Carole Mottaz. City Administrator Simpson said no. He said the ordinance was only modified with comments provided by Council at the last meeting. The Mayor asked for comments from Council.

Aldersperson Gagne moved to amend that the alderperson would not be the vice chair in the absence of the chair and that the board would select a chair. The Mayor clarified Gagne's motion. Watson seconded the motion. Aldersperson Morrisette for asked clarification. Did Gagne mean that the alderperson could not be the vice chair if elected by the board. Gagne said yes; he felt the alderperson should be exclusively the Council representative on the board and that a sitting member appointed by the Mayor/Council should be the vice chair. Morrisette explained his intent was to address the vice chair. He supported the amendment as long as the vice chair was addressed. Gagne clarified his amendment was that the EMS Board appoints the Vice Chair who must be one of the sitting members appointed by the Mayor/Council and it cannot be a City Council member.

With no other comments, the Mayor asked for a vote on the amendment. The amendment passed 6-1 with all voting in favor except for Cronk.

The Mayor asked for a vote on the original motion. All voted in favor except for Cronk.

Ordinance 2016-07 – Amending Municipal Code Regarding Fire – Second Reading and Disposition

The Mayor recessed into a public hearing at 7:07 p.m. With no questions or comments, the Mayor moved back into Open Session at 7:07 p.m. MS Morrissette/Odeen move to approve the ordinance. The Mayor asked for questions/comments.

Aldersperson Bjerstedt asked for consideration of the language specifically the distances of combustibles and putting a cover on it. The Mayor asked for fire staff to come forward. Fire Chief Scott Nelson and Assistant Fire Chief-Inspections Mike Moody came forward. Moody explained the verbiage in the ordinance came directly from the NFPA1 Code. The State of Wisconsin has adopted it which means the City has also. Moody noted the language in the ordinance is to make the terminology the same as in the state code.

Aldersperson Bjerstedt asked if there would be a lot of non-compliant situations. Chief Nelson said the department reacts to complaints. He said if the department sees something very glaring, they would react. He said the ordinance is just common sense. Bjerstedt mentioned the '10 feet'. Chief Nelson said the City has adopted the code. Aldersperson Gagne said he appreciated the department educating people. There was further discussion about education, working with your neighbors, and being called out for complaints.

City Administrator Simpson noted a change was made in the ordinance since the last meeting regarding mandatory 911 dialing from alarms calls. He said the ordinance was supposed to make only technical changes and that was removed from the ordinance. It was felt that was a policy change and not a technical update.

With no other comments, the Mayor asked for a vote. The ordinance passed unanimously.

Ordinance 2016-08 Amending Municipal Code Regarding Utilities – Second Reading and Disposition

The Mayor recessed into a public hearing at 7:12 p.m. With no questions or comments, the Mayor moved back into Open Session at 7:13 p.m. MS Cronk/Morrissette move to approve the ordinance. There were no questions or comments. The Mayor asked for a vote on the ordinance. The vote passed unanimously.

Ordinance 2016-09 Rezoning of Property along Cemetery Road from P (Park) to (R2) Multiple Family (Medium Density) – River Church – Second Reading and Disposition

The Mayor recessed into a public hearing at 7:14 p.m. With no questions or comments, the Mayor moved back into Open Session at 7:15 p.m. Aldersperson Gagne stated he needed to abstain from voting due to a conflict of interest.

MS Morrissette/Cronk move to approve ordinance. Aldersperson Bjork asked if the Council approves the rezoning, would the Council have to approve the building of the church versus a multifamily unit. City Administrator Simpson tried to clarify Bjork's concern. Simpson said this doesn't mean automatic approval of a church. He said it allows the proposed use but may also be dependent upon other factors. Aldersperson Morrissette provided a point of clarification and said the City would need to issue a special use permit as part of the approval process.

After further discussion, the Mayor called for a vote. The ordinance passed.

CONSENT AGENDA:

Resolution No. 6042 Appointing City Forester

Current City Forester Tony Steiner and Nate Croes were present. Steiner was recognized for 26 years of service as the City Forester. The Council welcomed Croes who was being appointed to replace Steiner. Aldersperson Cronk asked Croes about his current responsibilities, education and experience. **MSC Odeen/Bjork move to approve Consent Agenda. Unanimous.**

ORDINANCES AND RESOLUTIONS:

Resolution No. 6043 Regarding Directional Boring Bid – Radio Road

MSC Odeen/Bjork move to approve resolution. Unanimous.

REPORTS:

Library Board Report

Library Board Chair Judie Caflisch provided a presentation on the Library Board. The highlight of the year was the Library winning the Library of the Year. Caflisch talked about the many programs at the library. She thanked the Council, City staff, Library Foundation and Library Board for the support of the library. She noted Library Board members who were not present: Ruth Kuss, Joyce Breen, Jean Ritzinger and Rebecca Ferguson. Caflisch introduced Board members in the audience including Bud Ayres, Jan Johnson and Dave Cronk.

Summer Reading Program

Library Director Nancy Miller talked about the free 2016 summer reading program called, "On Your Mark, Get Set, Read!" She talked about the many programs/events available for all ages. She thanked the Council for its continued support. At the end of the presentation, she answered questions from Council. Alderperson Morrisette asked about a literacy program for kids up to age 6. Mayor Toland encouraged everyone to get involved in the summer reading program.

Administrator's Report

No questions.

CLOSED SESSION:

At 7:36 p.m., Morrisette/Bjork move to recess into Closed Session per Wisconsin State Statutes § 19.85(1) (e) for the following purposes:

"deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive bargaining reasons require a closed session, to wit: purchase and sale of property in River Falls Industrial Park; sale of property in Sterling Ponds Corporate Park and Mann Valley Corporate Park; consideration of developer's agreement for a commercial research facility in Sterling Ponds; consideration of a developer's agreement for an industrial facility in River Falls Industrial Park; and developer's agreement for agriculture research and support facility in Mann Valley."

The roll call vote to move into Closed Session passed unanimously 7-0.

MSC Cronk/Morrisette move into Open Session at 8:08 p.m.

Motion by Cronk to adjourn the meeting at 8:08 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan,
Deputy City Clerk