



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

August 14, 2018

Mayor Dan 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, Sean Downing, Christopher Gagne, Scott Morrissette, Diane Odeen, Michael Page, Hal Watson

Members Absent: None

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Julie Bergstrom; City Attorney Dan Gustafson; Police Chief Gordon Young; Utility Director Kevin Westhuis; Operations Director Mike Stifter; Management Analyst Fellow Brandt Johnson; Management Analyst Fellow Jason Rohloff; Management Analyst Keri Schreiner; Communications Manager Mary Zimmermann; City Treasurer Susan Langer; City Engineer Reid Wronski; Senior Planner Brandy Howe; Electric Meter Technician Brian Hatch

Others Present: Judie Foster Babcock, Robert Chambers, Jeff Bjork, Bill Hanson, Francis Ogden, Lauren Kaminski, William Hansen, others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

July 24, 2018, Meeting Minutes

MSC Morrissette/Odeen approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: **\$832,906.23**

MSC Watson/Downing move to approve bills subject to the comptroller. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Judie Foster Babcock, President of Kinnickinnic River Land Trust – provided Council a copy of her remarks and submitted a resolution passed by the KRLT. The KRLT board urged the Council to consider alternative/parallel tracks. She recommended pursuit of a license extension with an eventual surrender. Babcock provided further details of KRLT's suggestions. She urged the Council to consider the recommendation.

Robert Chambers, N82903 1130th Street – he congratulated the City and Kinni Corridor Committee on their accomplishment for the future of the Kinni. He talked about the process to get there. Chambers supports the resolution before Council. He talked about second path which he thought would be easier and less costly. Chambers encouraged Council to consider one of the other pathways with settlement agreement.

Jeff Bjork, 759 River Ridge Road – talked about being a resident, a fisherman, and kayaks destroying the lower Kinni. As a former Councilor, he spoke about the Council's 7-0 vote in February to approve the relicense of the dams with the realization that they would be removed in the future. He talked about possible removal dates at no cost to the citizens and private funding paying for it. Bjork provided more background and spoke about the revenue being created from the dams. Bjork felt financially it makes no sense to remove the dams. As a historian, he would love to see the cascades of the Kinni. He talked about the wildlife habitat changing with dam removal. Bjork wanted to revisit where the Council's position was six months ago when the resolution was approved and hoped Council would continue on that path and relicense again.

Bill Hanson, 32 Pine Ridge - he recapped attending the February Council meeting and watching 7-0 vote. Hanson talked about Councilors' changes to the resolution resulting in agreement that no tax money would be used, dam removal and stream bed restoration would be funded by private money, the City would have complete ownership of the dam removal project. Hanson said it is time to wrap this up and move onto other issues.

Francis Ogden, 710 Valley View Drive – encouraged the Council to do as recommended by Utility Board and pass the resolution.

Lauren Kaminski, 1110 Wasson Circle – speaking as a community member and as a representative of Friends of the Kinni. Friends of the Kinni are in support of the resolution and are asking the Council to follow the most fiscally responsible route to reach the end goal of dam removal by the agreed upon dates.

William Hansen, Town of River Falls – came to speak about hydro production and benefits to the City including depreciation, PILOT calculation, net revenues, and corridor planning. He felt it was a good business. He was in favor of expanding hydro production.

With no one else wishing to make a public comment, the Mayor asked Lesley Brotkowski, Senior Consultant, TRC Environmental if she wanted to clarify any statements. She did not.

Aldersperson Downing thanked everyone who voted in the primary for participating in the political process. The Mayor noted the polls were open until 8 p.m. and there was still time to vote.

CONSENT AGENDA:

Resolution No. 6289 Approving 2017 Auditors' Report

Resolution No. 6290 of Support for UW-RF Science and Technology Innovation Center

Resolution Amending Fee Schedule→→***Pulled by Downing***

MSC Morrisette/Odeen move to approve remainder of Consent Agenda. Unanimous.

Resolution No. 6291 Amending Fee Schedule

Aldersperson Downing asked if the same fee applies to the new pavilion which will be built in Glen Park. The Mayor thought it was different. Assistant City Administrator Bergstrom thought it was the same amount.

Aldersperson Watson said both the storm shelters in Hoffman and Glen Park were listed with the same amount of \$75. **With that clarification MSC Downing/Watson move to approve resolution. Unanimous.**

ORDINANCE AND RESOLUTIONS:

Ordinance No. 2018-09 - An Ordinance Repealing Section 2.04.130, Committee of the Whole-First Reading
There were no comments or questions.

Ordinance No. 2018-10 - An Ordinance Repealing Section 10.24.080, Snowmobile Renters License-First Reading

There were no comments or questions.

Ordinance No. 2018-11 - An Ordinance Repealing Section 10.20, Bicycles-First Reading

There were no comments or questions.

Ordinance No. 2018-12 – An Ordinance Amending Chapter 2.64 Utility Advisory Board – First Reading

Aldersperson Morrisette suggested changing the titles from President and Vice President to Chairperson and Vice Chairperson to be uniform with other City committees. Alderspersons Watson and Downing agreed. There was discussion about making the change now or with an amendment at the next meeting. Morrisette said he would be happy if staff just changed it.

Aldersperson Gagne asked if the Chair and Vice Chair were not in attendance at the meeting who would lead the meeting. Morrisette said that the ordinance was only dealing with title changes. City Administrator Simpson said Roberts Rules of Order would be used. He said there may also be a question of quorum.

Resolution No. 6292 Regarding Federal Energy Regulatory Commission (FERC) Hydro Relicensing MS Gagne/Morrisette move to approve resolution.

Aldersperson Watson thanked everyone who came to comment. He felt it was important to hold each other accountable. Watson said FERC gave feedback to the City staff indicating that there are other options. Some of those options are related to what we are trying to accomplish. If the City could have a 15-year extension and not have to relicense, it would be a cheaper option. When those ideas come forward, we are trying to keep the taxpayer in mind and narrow down the road forward. Watson is supportive of a parallel path of an extension and directing staff to continue exploring an extension with FERC. He does support an integrated licensing process with a settlement agreement.

Watson talked about getting it done at the lowest price. He read some information from the report and talked about what a settlement agreement meant as it is a critical piece in the process. Watson thanked Aldersperson Odeen who made a good motion at the UAB providing more time to have further research done by staff.

Aldersperson Odeen is in favor of the resolution. FERC is a federal commission that the City has no control over but drafting a settlement agreement between the City and the stakeholders is something that we have total control over. Odeen sees that as where we make promises to each other and hold each other accountable.

Morrisette agreed with Watson and Odeen. It would be great if FERC would give a 15-year extension. He would consider being in support of a parallel path if he thought FERC would change its mind. He thought the settlement agreement was good to make sure everyone is on the same page. He is in favor of the resolution and may be in favor of what Mr. Watson was talking about if he understood the costs.

Aldersperson Gagne thanked everyone involved in the process. He talked about community involvement in the process. Gagne feels this resolution is the best way forward. He is not in favor of shortening the process. As it is written, he is in favor of it.

Aldersperson Page is in favor of pursuing a parallel path. He felt the City should have an idea of the costs. Page talked about the history of applying for a license extension with FERC. He feels there is no harm and highly recommends pursuing a parallel path of a license extension. He absolutely cannot support the resolution as he feels the integrated license process is the most expensive course. Page feels the most straight forward path and the least expensive option is license surrender leaving the dams in place. He said numerous stakeholders recommended this option to the City Council. Page quoted amounts for leaving the facilities in place. The cost of surrendering the license will cost us now or in the future. He talked more about finances and thanked everyone for listening to his comments.

Aldersperson Downing read from the packet for to provide information for the public saying, "...FERC staff stated in their opinion that relicensing was the only viable process option for the project given the proposed timelines of staggered hydrologic facility decommissioning." Based on FERC's staff input at the July 23 UAB meeting, TRC strongly recommends that UAB follows FERC's guidance and move forward with relicensing as opposed to pursuing options FERC staff deemed unviable. Downing said that is why he is in favor of the resolution.

The Mayor read a prepared statement. He thanked the citizens, City staff, the Kinni River Corridor Committee, the stakeholders group, the River Falls Utility Advisory Board and the City Council for all their dedication. The Council put a lot of thought and hard work into the decision part of which was to relicense the hydros. He talked about continuing to trust each other to move forward down the path with the vision that was outlined in February.

The Mayor said in July, the Utility Advisory Board recommended that the City Council affirm the February 27, 2018, resolution and direct staff to proceed in the integrated licensing process and settlement agreement. He felt this is the only logical path the City has as it would be very costly and time consuming for staff to pursue any of the other options since FERC said it will not entertain the other alternatives that we thought might be helpful to implement the February resolution. The settlement agreement can be helpful and is recommended to be part of the solution but does not provide ultimate clarity.

He said it has been a long and emotional process for everyone. A lot of thought and hard work has been put into it. Now is the time to continue to work together to make sure everything that we have done so far won't be undone. A plan has been put into motion to serve the community well. The Mayor encouraged everyone to guard against people rehashing old arguments and unreasonably second guessing the outcome of the process. He is looking forward to working with everyone on the next step of the process.

With no other comments, the Mayor asked for a vote. The vote was 6-1 with all voting in favor except for Page.

REPORTS

Report from the Historic Preservation Commission

Historic Preservation Commission Chair Heidi Heinze provided a presentation for Council on the commission. Heinze talked about the commission's purpose, powers and duties, past achievements, and activities this past year. She talked about the inventory of City-owned artifacts. Heinze talked about public outreach including walking tours and postcard. She talked about the River Falls Academy and historic building plaques.

Heinze talked about the swinging bridge achieving landmark status. Its recognized as both a Wisconsin and national landmark. The commission plans on plaquing the bridge.

Heinze finished by talking about the HPC retreat, strategic planning for 2019, and exploring a historic interpretive riverfront walking tour. She stood for questions.

Aldersperson Morrissette asked what is stored at Larson Park and if there was anything else on the National Register. Heinze provided answers.

Aldersperson Downing talked about being excited to see the swinging bridge reach landmark status. He asked Heinze to talk about a vacancy on the board. She provided information.

Administrator's Report

City Administrator Simpson shared upcoming important dates. He also said that the lawsuit with the Town of Troy has been dismissed.

Closed Session

At 7:29 p.m., MS Watson/Morrissette move to recess into Closed Session per Wisconsin State Statutes for the following purposes: §19.85(1)(e) "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to wit: sale of property in Sterling Ponds and purchase of property by the Sewer Utility." The roll call vote to move into Closed Session passed unanimously 7-0 with all voting in favor.

At 7:49 p.m., MS Gagne/downing to return to Open Session. Unanimous.

MSC Morrissette/Page to approve Resolution No. 6293 Authorizing the Purchase of Lot 11 CMS 22/5383 by the Sewer Utility. Unanimous.

At 7:50 p.m., MSC Watson/Bjerstedt move to adjourn. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk