



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

February 9, 2021

Mayor Dan Toland called the meeting to order at 6:30 p.m. in a virtual format due to the Covid 19 pandemic. The City Council Chambers was open for public to attend.

City Council Members Present: Todd Bjerstedt, Sean Downing, Christopher Gagne, Scott Morrissette, Diane Odeen, Ben Plunkett, Hal Watson

Members Absent: None

Staff Present: City Administrator Scot Simpson; IT Specialist Jon Smits; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; City Planner Brandy Howe; Community Development Director Amy Peterson; City Engineer Crystal Raleigh, others

Others Present: Gordon Awsumb, Teri Renslow, Jim Renslow

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

January 19, 2021, Joint Workshop Minutes and January 26, 2021, Regular Meeting Minutes

MS Morrissette/Downing move to approve minutes. The roll call vote passed unanimously 7-0 with all voting in favor.

APPROVAL OF BILLS:

Bills: \$2,867,963.63

MS Bjerstedt/Watson move to approve bills subject to the Comptroller. The roll call vote passed unanimously 7-0 with all voting in favor.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Matt Johnson, owner of Bikes and Brews – came to talk about Ordinance 2021-02. He said you cannot have a Class B license and have a brewery at the same time. Johnson clarified that they are brewery and not a brewpub. The Mayor asked if Johnson would be available for later discussion, and he said yes. The Mayor clarified that state statutes would override anything locally as far as licensing goes. City Administrator Simpson affirmed, saying the City cannot pass a law that is in conflict with state law. He said the intent of the ordinance was to provide clarification and consistency; to the extent it doesn't, those would be of interest to staff.

Aldersperson Downing visited Our Neighbor's Place and encouraged other Councilors to do the same. Downing spoke about their services and provided a contact number.

Aldersperson Odeen reminded the public about the spring primary election on February 16 and the early voting offered at City Hall next week.

PUBLIC HEARING:

Ordinance 2021-01 Amending Shoreland Protection Regulations of the Municipal Code – Second Reading and Disposition

At 6:36 p.m., the Mayor recessed into a Public Hearing and asked for comments or questions.

Gordon Awsumb, 1207 River Drive – is a real estate developer who has a contract with Renslows which he said is in accordance with the City's master plan developed by Ayres and Associates. He would like to move forward with the contract. We would ask the Council to give themselves flexibility on this site. It is almost entirely flat and almost everything is gained in protection of the river corridor. We look forward to coming to Council in the future.

Teri and Jim Renslow – Jim hoped the Councilors got out to visit to the land. There is a lot of buildable land. He is hoping with the proper storm sewer and retention ponds, that 75' would be considered or at least move it to 100'. Teri feels it is buildable land because it is so flat.

At 6:42 p.m., Mayor Toland closed the public hearing and moved back into Open Session. MS Morrissette/Watson move to approve ordinance.

Alderson Morrissette noted that in a previous meeting, he talked about exploring the 75' setback and gaining some storm water on site. He is talking about this ordinance as it applies to all properties and not just Renslow's. Today, he talked with City Engineer Raleigh about the 75' setback with stormwater. During the conversation, it became clear to him that with 75', the stormwater would need to be robust. He doesn't think that 75' would be practical as it presents too many challenges to the City and landowner. He feels a 100' setback is appropriate based upon the DNR's recommendation. **MS Morrissette/Gagne move to amend the setback from 120' to 100' setback. The Mayor asked for further discussion.**

Alderson Downing asked about the state's standard for shoreland setbacks. City Administrator Simpson said there are minimum and maximums related to local ordinances. He believes the minimum we can set is 75'.

Alderson Plunkett asked about a potential conflict of interest due to land ownership and if he should abstain from a vote. City Attorney Gierhart advised he did not have a legal conflict of interest. Simpson provided further details saying he could abstain if he desired.

Alderson Odeen asked if someone could speak about what an additional 20' would/would not mean for the Kinni. Community Development Director Peterson said the extra 20' is because we have very steep slopes, greater than 15 up to 25 percent, on those tributaries including the Kinni. The erosion potential is very high so the additional 20' is to protect the slopes. It also allows green space for wildlife and to put in trails for recreation.

Alderson Gagne is cautious about limiting private property owners and their rights. He talked about a taking a balanced approach.

Alderson Watson made his points last week and feels 120' is appropriate. He feels staff did a good job in the diagrams. He talked about rain runoff. He thinks the extra 20' buys the river some protection.

Downing asked if that amendment would create extra bonus stormwater drainage. Simpson said that is not how he understands the amendment. He understands the amendment to shorten the distance from 120' to 100' for the shoreland setback in the pre-1982 area. He said Morrissette didn't think it was practical to include stormwater language in the post-1982 areas.

With no other questions, the Mayor asked for a vote on the amendment. The roll call vote passed 4-3 with Bjerstedt, Downing, Gagne, and Morrissette voting in favor; and Odeen, Plunkett, and Watson voting against.

The Mayor asked for a vote on the ordinance as amended. **The roll call vote passed unanimously 7-0 with all voting in favor.**

Ordinance 2021-02 Creating Chapter 17.117 Breweries, Brewpubs, Wineries, and Distilleries - Second Reading and Disposition

At 6:55 p.m., the Mayor recessed into a Public Hearing. The Mayor asked Community Development Director Peterson to answer questions that Matt Johnson had.

Matt Johnson, W10439 880th Avenue, River Falls, owner of Bikes and Brews – he clarified they are a brewery. He asked about the ordinance requiring them to have a Class B license. He said they are allowed to sell other microbreweries' beer as long as it is a Wisconsin brewery that produces less than 300,000 barrels per year. He asked for clarification.

Simpson provided protocol clarification on accepting the comments into the Public Hearing record. Morrisette asked Johnson where in the ordinance those items were located. Johnson answered.

Plunkett said he called Johnson today with questions. He felt there was some confusion as we are looking at how the ordinance is written is to how Bikes and Brews is licensed. He talked about zoning that is allowed for breweries and suggested a potential solution would be to further define the category of nanobrewery so that Johnson is assured his business is in compliance. Morrisette suggested that the Mayor close the public hearing so Council could have discussion.

At 7:01 p.m., Mayor Toland closed the public hearing and moved back into Open Session. The Mayor asked Peterson about providing an answer for Johnson's questions. Peterson said the intent of ordinance is to keep all current businesses conforming. We were intending them to be classified as a microbrewery as the ordinance states – as state statute states. Peterson noted microbrewery was not listed in the table in the ordinance which we should. She said an amendment could be made if Council is okay with that and also with keeping current businesses conforming as the ordinance goes forward.

The Mayor asked for Council input. Odeen would be more comfortable with more input from staff with something new in front of Council. **MS Odeen/Bjerstedt move to table ordinance. The roll call vote passed unanimously 7-0 with all voting in favor.** The Mayor asked Peterson to review and bring back the ordinance to the next meeting.

REPORTS:

Bi-Annual Strategic Plan Update (2020 3rd and 4th Quarters)

Downing asked about Powell Avenue bridge and its inclusion in the strategic plan initiatives.

Administrator's Report

Simpson said City Hall was open for in person absentee voting next week. He provided details about the February 16 election. He talked about the Glen Park Storm Shelter being open for residents in need due to the cold weather.

Gagne thanked Mike Stifter and City staff for their work regarding a water line break on the weekend.

Plunkett asked Simpson about N95 masks availability for poll workers. Simpson said the guidance the City has received does not include N95s for poll workers but noted the City Clerk said there are N95 masks available for poll workers.

Utility Director Westhuis also gave a shoutout to the water crew for fixing the water leak.

ANNOUNCEMENTS:

Mayor's Appointments

Bid Board

Reappointment of Mike Pepin through December 2023

Plan Commission

Reappointment of Lisa Moody through May 2024

New Appointment of Chris Holtkamp though May 2024

MS Downing/Watson move to approve Mayor's Appointments. The roll call vote passed unanimously 7-0 with all voting in favor.

CLOSED SESSION:

At 7:12 p.m., MS Plunkett/Morrisette to move into Closed Session for § 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 or bargaining reasons require a closed session, to wit: site redevelopment” ***and § 19.85(1)(g) “Conferring with legal counsel for the government body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, to wit: property near City Compost site. The roll call vote passed unanimously 7-0 with all voting in favor.***

Closed Session items were discussed by Council.

RECONVENE INTO OPEN SESSION:

At 8:12 p.m., MS Watson/Bjerstedt move to Open Session. The roll call vote passed unanimously 7-0 with all voting in favor.

Resolution No. 6543 Disallowing Claim by the Common Council for the City of River Falls for Cindy and Robert Furhmann

MS Morrisette/Odeen move to approve resolution. The roll call vote passed unanimously 7-0 with all voting in favor.

At 8:19 p.m., MS Bjerstedt/Watson move to adjourn. The roll call vote passed 7-0 with all voting in favor.

Respectfully submitted,

Kristi McKahan, Deputy Clerk