



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

May 9, 2023

Mayor Toland called the meeting to order at 6:31 p.m.

City Council Members Present: Mayor Dan Toland, Jeff Bjork, Nick Carow, Sean Downing, Alyssa Mueller, Todd Bjerstedt, Scott Morrisette

Members Absent: Diane Odeen

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Jon Smits; Utility Director Kevin Westhuis; Assistant to the City Administrator Jennifer Smith; Fire Chief Steven Cash; Director of Community Development Amy Peterson; Community Services Director/City Clerk Amy White; City Engineer Todd Nickleski; Police Chief Gordon Young; Finance Director Josh Solinger; Management Analyst Ellen Massey; Public Works Manager Erica Ellefson; Public Works Lead Charles Larson; Economic Development Manager Keri Schreiner

Others: Sandy Bowen, others

APPROVAL OF MINUTES

April 25, 2023, Regular Minutes and April 18, 2023, Organizational Minutes

MSC Mueller/Bjerstedt move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$2,321,409.15

MSC Mueller/Bjerstedt move to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Utility Director Kevin Westhuis – noted that it was National Drinking Water Week. He recognized the water and wastewater staff, Luke, Jake, David, Josh, Tim, Brent, Bill, and Dean.

Sandy Bowen, 1027 Falcon Lane – came as a Second Street gardens representative. She asked if the city could do the watering of the gardens. Alderperson Morrisette asked Bowen to reach out to city staff in the back of the room regarding the request. Alderperson Bjork hoped the city could help.

Alderperson Downing recognized May as Mental Health Awareness Month. He provided information.

Alderperson Morrisette thanked Erica Ellefson, Public Works Manager, for her assistance at Veterans Park with spring gardening/clean up.

Historic Preservation Commission Presentation

Heidi Heinze, Historic Preservation Commission Chair, provided a presentation. She talked about the commission's purpose, powers, and duties. Heinze spoke about annual planning and touched on some of their upcoming projects. She talked about public outreach and the new sign installed at Glen Park. She thanked the council for deciding that historic preservation was important in River Falls. Heinze recognized councilors who had served (Bjork) and who would be serving this year (Mueller) on the commission.

PUBLIC HEARING:

Ordinance 2023-08 - Approving the Annexation of Certain Property from the Town of Troy to the City of River Falls (99 Highway 35 and 101 Highway 35 – New Life Worship Center) – Second Reading and Disposition

At 6:47 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:47 p.m. MSC Downing/Bjork move to approve ordinance. Unanimous.

CONSENT AGENDA

Resolution Amending Fee Schedule to Reduce the Environmental Fee to Zero Effective July 1, 2023→→***pulled by Morrisette***

Resolution Supporting the Amendments to Council Bylaws as Agreed to at the City Council Organizational Meeting on April 18, 2023→→***pulled by Carow***

Resolution No. 6782 - Amending Fee Schedule to Reduce the Environmental Fee to Zero Effective July 1, 2023

Morrisette pulled it because of the discussion in the staff memo regarding a policy for interfund loans. He wanted staff to create an interfund loan policy. He thinks we need to memorialize the interfund loans when they occur and pick up the ones we haven't. He thinks we should have a stated interest rate based on what we could get today. Morrisette wants a policy. He was interested in other councilors' thoughts.

Aldersperson Bjork agreed saying we need a schedule on when that is going to be received back. He doesn't think it is appropriate on this. He thinks the fees are improper.

Downing agreed. He said having something more formal makes sense. Aldersperson Bjerstedt clarified asking if it needs to be done before council votes on it.

City Administrator Simpson said council can condition its approval on the fee changes on some other action further by staff or council can direct staff to bring an item back for review. It sounds like there's some consensus to do so understanding that staff has said we're okay not doing a policy. If council wants a policy, staff can draft one for your review. Simpson said the three issues are fee, fund, and financing. The recommendation is to retain the fund, set the fee at zero, and staff were recommending the financing methodology that the city is doing. If you want to set the fee to zero, he doesn't think it needs to be conditioned on the interfund loan issue unless council is concerned about a certain interfund loan.

Morrisette said he's not concerned. He trusts that staff has heard the direction. **MSC Morrisette/Downing move to approve resolution. Unanimous.**

Resolution No. 6783 - Supporting the Amendments to Council Bylaws as Agreed to at the City Council Organizational Meeting on April 18, 2023

Aldersperson Carow's focus was on Section D, item 3. He wasn't at the April 18 meeting (when there was discussion). He wanted to know the history of moving from two to three councilors needed to put an item on the agenda.

Simpson said there wasn't a formal policy – more of an operating procedure understanding by council and staff. The city has a policy for emergency items where it was two. This would be more of general agenda control. As to why it is from two to three, it's up to council. Staff modified it based on where council was leaning. He believes the concern about walking quorums and other meeting law issues can be accommodated whether it's two or three. Carow asked if there was a 'best practice' from the League of Wisconsin Municipalities. Simpson said they vary widely and provided examples. He said

council has a wide ability to set policy. The general thought was that because you are acting as a common council – meaning all your actions are taken as a group not as individuals – that there was some desire at least historically to have a threshold that we aren't going to have whatever individual councilmembers want to discuss at each meeting come up – that there has to be some prioritization. Understanding that in Wisconsin, the mayor doesn't have any threshold. They can put any item on the agenda.

Carow appreciated the answers. He said if there was a problem the last couple of years with councilors putting items on the agenda and then the council having to defeat it, he would feel differently. To get to a veto proof spot, you need five votes and four to pass. What he likes about the two, if there's an issue in the future with a mayor, it allows two councilors to get something on the agenda. With three, it's one extra hurdle. If this was being violated, he wouldn't have pulled it from the agenda. He feels two is crisp and clean.

Simpson asked if Carow was making a motion with an amendment. Carow said his amendment would be to strike three and go back to two. Simpson asked the city attorney if he can do it in one motion. City Attorney Gierhart said that was correct, he didn't need to make a first motion to approve. Amended bylaws would be a correction that it would be two councilors to get an item on the agenda instead of three. Simpson said that is the chair's prerogative to allow Carow to make that motion.

Aldersperson Mueller supported Carow. She hasn't noticed any issues with people putting frivolous things on the agenda. She thinks two is still good.

MS Carow/Mueller move to strike three and go back to two. Morrisette said whether it is two or three - his recollection has been at least three council workshops on this. If it is something that important and the city administrator or mayor won't put it on the agenda, getting three people to affirm that should be relatively easy. Council talked about it at the last meeting, and we had an item that somebody asked to put on the agenda, and he thinks there would have been three or four votes. He thinks there should be a test for it to be that important. Morrisette addressed Carow's point about a possible future mayor that may not want to do it, he thinks it would be easy to get three. Conversely, if there's two people on council who want to run an agenda on their own, they can start throwing things on there. The time that it takes staff to prepare those items to make an informed decision takes up time. He feels it should be something that rises to the importance. Three seems to be the number. He got the indication at the organizational meeting that council was in consensus at three.

Carow countered with a scenario about a councilor putting a 'stupid item' on the agenda and asked how long it would be shut down in open debate. He hears Morrisette's agreement but hasn't seen it happen in two years. He looks at it as an institutional thing. He views one of his roles to fight for whatever power the council has as a body. Because there's not a problem, let's not create a solution to fix a problem that doesn't exist.

Morrisette said his counter is we're making a policy not just for today but for the future. Carow agreed; he feels the same.

With no other discussion, the mayor asked for a vote on the motion which included reducing the number of councilors from three to two. The vote failed 4-2 with Morrisette, Bjork, Bjerstedt, and Downing voting against and Carow and Mueller voting in favor.

MS Morrisette/Bjork move to approve the resolution as proposed in the staff memo. Downing clarified that it would include a formal process that Simpson was talking about earlier.

Simpson said correct. We would provide something. The attorney and I are going to find something that doesn't end up with council walking around in a quorum trying to figure it out. It would likely be a bill sponsor, or you'll come to me and I'll draft a question or whatever you want. We would put it out on

a website for people to say nay or yea to. That is what we are envisioning to make sure there is transparency and not any violation of the open meetings law. Downing was in favor of what the council was doing now.

With no other discussion, the mayor asked for a vote. The vote passed with Morrissette, Bjork, Bjerstedt, and Downing voting in favor and Carow and Mueller voting against.

REPORTS:

Administrator's Report

Simpson provided information on upcoming events. He expressed sympathy for the loss of a St. Croix County deputy that was killed in the line of duty. He thanked law enforcement for their service and let them know that the city is sorry for the loss. He is hopeful all can heal together.

ANNOUNCEMENTS:

Public Works Week Proclamation

The Mayor read the proclamation.

2023 Economic Development Week Proclamation

Morrissette read the proclamation.

Proclamation Designating May as Historic Preservation Month

Mueller read the proclamation.

MSC Bjerstedt/Morrissette move to adjourn at 7:13 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk