



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

May 23, 2023

Mayor Toland called the meeting to order at 6:30 p.m.

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

Members Absent: None

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Jonathon Thoen; Utility Director Kevin Westhuis; Assistant to the City Administrator Jennifer Smith; 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; Economic Development Manager Keri Schreiner; Deputy Clerk Jackie Hanson; Water/Wastewater Superintendent Dean Seemuth; Assistant Director of Community Development Emily Shively

Others: Scott Damiani, Emma Gaustad, Jason Nygaard, others

APPROVAL OF MINUTES

May 9, 2023, Workshop and Regular Minutes

MSC Morrisette/Mueller move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$848,789.24

MSC Bjerstedt/Downing move to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

There were no public comments.

PUBLIC HEARING:

Annual Liquor License and Beer License Renewals – Hearing and Disposition by Motion for each License Class

At 6:31 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:31 p.m.

The mayor asked for the three new agents, Scott Damiani, Emma Gaustad, Jason Nygaard, to come to the podium for questions.

Aldersperson Morrisette asked the agents to answer three questions: do you understand the role of an agent; do you understand if you are not present and if an alcohol violation occurs, you are responsible; and do you have your responsible server's certificate. The three agents all answered yes.

The mayor took a roll call of the current agents in attendance. Agents were present from the following businesses: Aldi, American Legion Post 121, Bob & Steve's Store #4 & #6, Bo Jon's, Broz Sports Bar & Grill, Burrito X.Com, Devine Liquors, Dick's Hometown Liquor, Dollar General, Emma's Bar, Falls Theatre, Holiday Station store, Johnnies Bar, Junior's Restaurant and Tap, Kwik Trip Store #301 and #1104, Lazy River Bar & Grill, Luigi's Pizza, Mariachi Loco, Mel's Midtown LLC, Nutty Squirrel

Sports Saloon, Paddys Pub & Boxty House, River Falls Baseball Council, River Falls Golf Club, Shooters Pub, St. Croix Lanes, Steve's Pizza, Swinging Bridge, Tarnation Tavern, Tattersall Distilling Company, WE Market Co-op, and Westwind Supper Club. Agents from Kwik Trip Store #453 and River Falls Moose Lodge were not present.

After the roll call, the Mayor asked for a motion to grant renewals for the Class "A" Beer Licenses and Class "A" Cider Only licenses contingent that all licensing requirements are met at the time of issuance for Bob & Steve's Store #4 and #6. MS Morrissette/Mueller to grant the renewals. The Mayor asked for comments. With no other comments, the Mayor asked for a vote. The motion passed unanimously.

The Mayor asked for a motion to grant renewals for the Combination "Class A" Liquor and Class "A" Beer Licenses contingent that all licensing requirements are met at the time of issuance for Aldi #49, Devine Liquors, Dollar General, Dick's Hometown Liquor, Family Fresh Market #322, Holiday Stationstores #8, Kwik Trip Store #301 and #1104 (Kwik Trip store #453 was excluded), Bo Jon's, Walgreens #10585, and WE Market Co-op. MS Morrissette/Mueller to grant the renewals.

Aldersperson Carow noted he would refrain from voting due to his employment. The Mayor asked if it needs to be mentioned that Kwik Trip #453 is not included in the motion. City Attorney Gierhart said no as the mayor already stated that Kwik Trip #453 was omitted. **With no other comments, the motion passed unanimously.**

The Mayor asked for a motion to grant renewals for the Class "B" Beer Licenses contingent that all licensing requirements are met at the time of issuance for Luigi's Pizza, River Falls Baseball Council, Steve's Pizza, and Tattersall. MS Downing/Carow to grant the renewals. The Mayor asked for comments – there were none. The motion passed unanimously.

The Mayor asked for a motion to grant renewal of the "Class C" Wine Licenses contingent that all licensing requirements are met at the time of issuance for River Falls Baseball Council and Steve's Pizza. MS Morrissette/Bjerstedt to grant the renewals. The Mayor asked for comments – there were none. The motion passed unanimously.

The Mayor asked for a motion to grant renewals for the Combination "Class B" Liquor and Class "B" Beer Licenses contingent on all licensing requirements being met at the time of issuance for American Legion Post 121, Broz Sports Bar & Grill, Burrito X.com, Emma's Bar, Falls Theatre, Johnnies Bar, Junior's Restaurant and Tap House, Lazy River Bar & Grill, Mariachi Loco, Mel's Midtown, Nutty Squirrel, Paddy's Pub and Boxty House; River Falls Golf Club, (River Falls Moose Lodge was excluded) Shooters Pub, St. Croix Lanes, Swinging Bridge Brewery, Tarnation Tavern, and Westwind Supper Club. MS Odeen/Carow grant the renewals. The Mayor asked for comments – there were none. The motion passed unanimously.

[Ordinance 2023-09 – Creating Section 9.08.080 of the Municipal Code Relating to Camping on Public Property - First Reading](#)

At 6:41 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:42 p.m. for questions from council.

Aldersperson Downing noticed staff isn't recommending the ordinance and asked why. City Administrator Simpson did not read it that way saying staff was asked to draft the ordinance as requested based on council discussion. Staff is neutral. This is a policy decision for council. Downing asked if the ordinance would put an undue hardship on law enforcement to enforce it. Simpson didn't think so and asked Police Chief Young to answer. Chief Young said it would be correct either way; the police department is looking for direction from council. He clarified that there were resources available to enforce the ordinance.

Aldersperson Morrisette asked if this would provide the police with more clear direction for enforcement. Young said either way, it would be a clear direction on what council is looking for.

Aldersperson Mueller asked if the community has enough resources to help people experiencing housing instability. Young said yes and talked about special MOUs in place with organizations but people choosing not to use their services.

Aldersperson Bjork said the ordinance isn't just about homelessness but also applies to people who want to recreational camp on city properties. He looks forward to providing clarity. Young said the police department would help anyone in this situation (homeless) whether it does or doesn't pass. This is not criminal; it's a forfeiture.

Downing asked if a professional psychologist was consulted on best practices when it came to difficult individuals who may be suffering homelessness. Simpson said staff has looked into several aspects of camping. Staff hasn't looked at the city employing those serves as it's not a business we are in. He talked about social service agencies the city has agreements with. Unless staff hears direction from council that is a service line you want the city to move into - that wasn't the intent. Simpson said the intent is - we are starting to get recreational campers on conservation lands – not designated park facilities. He talked about the council letting staff understand their direction for the use of public properties for camping. Staff has looked at some of the housing instability issues related to this, but it is also just an increase in people camping in those areas. Simpson talked further and provided more details.

Morrisette asked about camping designation near the ballpark in Hoffman Park, and if the park and recreation manager could grant tent camping there. Simpson said council could add a city employee or assume the police chief would coordinate with the park and recreation manager. Simpson said this also includes the right of way. He provided a scenario and said campers could be in private driveways but not the street. Downing said designated locations is something council should look at.

Aldersperson Odeen talked about including blankets on Second Street before the River Falls Days parade. We may want to consider the effect of that. Simpson said unless council told staff at the second reading, blankets and chairs left on Second Street for the parade – we would not interpret the ordinance that way.

Bjork asked about a permit process for homeowners to let people park in front of their home. Simpson said council has that authority to do that. Morrisette and Mueller would be comfortable with that.

Odeen's suggestion is to take the ordinance as is and address pain points as they occur. Morrisette talked about issues with enforcement and thought adding RV parking should be included in the next reading.

Odeen didn't see where the ordinance would cover a parked vehicle. Gierhart agreed. Simpson clarified and asked about a sentence in the ordinance referring to a vehicle and if Gierhart would include RVs as a vehicle. Gierhart thought it could be argued that a RV is a vehicle if it is motorized. He said the question for council is do you want to prohibit RV camping, and if so, to what extent.

There was continued discussion on the ordinance. Mayor Toland, Carow, and Morrisette agreed with Odeen's suggestion on leaving the ordinance as written. Simpson summarized what he understood council to say. He hasn't heard a consensus from council to draft any changes to the ordinance. He talked about council making amendments at the second reading. Unless the council directs staff, staff isn't looking to do a permit process.

CONSENT AGENDA

Acknowledgement of the following minutes: Park and Recreation Advisory Board – 4/19/23; Utility Advisory Board – 4/17/23; West Central Wisconsin Biosolids Facility Commission – 4/20/23; Plan Commission – 4/5/23; Historic Preservation Commission – 4/12/23; Library Board – 4/3/23; River Falls Housing Authority – 4/12/23

Resolution No. 6784 - Recommending Approval of the Purchase of a Three-Phase Transformer
Resolution No. 6785 - Authorizing a Contract with Sylvester Stump Grinding for Tree and Yard Debris Grinding Services

Resolution Approving Interfund Loan Policy→→***pulled by Bjork***

MSC Odeen/Mueller move to approve the remainder of the consent agenda. Unanimous.

Resolution No. 6786 - Approving Interfund Loan Policy

Bjork wants a better understanding of this. He has an issue with a line in the policy that states, “For other needs as deemed appropriate by the City Administrator.” He doesn’t think it should be an individual. He would like to strike that line.

Odeen said the council gives the City Administrator the authority in consultation with senior staff to make these kinds of decisions and have oversight. Someone must make that decision, and she doesn’t feel it needs to come to council for approval. Morrissette said there’s a report of the City Administrator’s action to come back to the council later. He worked with staff to draft the policy. Morrissette explained the line is included in the policy if there’s a need for a quicker action than a council meeting will allow. His intent was to memorialize the interfund transfers. Bjork expressed concern about having a single individual to make those decisions.

Finance Director Josh Solinger explained the purchases are ones that council would have already approved. Council still has the authority to approve these expenses. Staff would effectuate that when the time comes by identifying an interest rate to apply when the loan recipient is able to repay it. The intent isn’t to have staff identify things to spend the money on and do interloan funds.

Aldersperson Carow asked if there was anything last year that staff would have wanted to do but without this resolution was unable to do. Solinger said no and provided details. Bjork asked if the policy would be retroactive and asked when the first review would be available. Solinger provided answers.

Downing asked Solinger for an example of a formal process when you approve an inter fund. Simpson said we don’t have a formal process. Downing said that was his point. He said when you look at what Bjork was getting at it – it’s not necessarily about where it goes but is more about having a process with some accountability.

Simpson said there is accountability because the council is authorizing and approving this. This would be authorizing and approving for a second time. Council is approving the borrowing of money at the time of expense. Simpson provided more details saying it is about cash management between funds. It is audited so there’s always been accountability. He spoke in further detail.

Morrissette said his intent with the request was to memorialize these transfers for future councils and to set an interest rate that represents today’s borrowing rates. We have plenty of oversight, and he has no concerns with the auditing process.

Simpson spoke further saying it was a dual process and talked about doing it for future council and staff. He talked about transparency and that the policy is a change on interest. He provided more details. There was further discussion and questions.

Upon completion of discussion, the mayor asked for a motion. MSC Bjork/Bjerstedt move to approve the resolution. Unanimous.

ORDINANCES AND RESOLUTIONS:

Resolution No. 6787 - Creating Tax Increment District No. 19, Approving its Project Plan and Establishing its Boundaries for the City of River Falls, Wisconsin

Economic Development Manager Keri Schreiner and City Engineer Todd Nickleski provided a presentation on the Mann Valley agenda items. She talked about the concept plan, proposed land use, acreage, and stormwater management.

Nickleski talked about the infrastructure including the watermain, sanitary sewer, and roadway construction. He talked about the two construction bids received. Haas Sons, Inc. provided the lowest bid. Staff is proposing to use SEH for engineering services and provided details.

Schreiner spoke about proposed TID 19 including boundaries and value projections.

Nickleski talked about the jurisdictional transfer of County Trunk Highway U from St. Croix County to the city. He said St. Croix County Highway Commissioner, Transportation Committee, and Board of Supervisors are supportive of this project and have passed a resolution to transfer the roadway to the city. Nickleski talked about the importance of the city having control over what goes in the right of way.

Schreiner talked about the purchase of land from Gary Moelter which will allow the roadway going into the corporate park to align with the existing 1047th Street in the Town of River Falls. She talked about the project timeline.

Upon completion of the presentation, the mayor asked for a motion. MSC Odeen/Bjerstedt move to approve resolution. Unanimous.

Resolution No. 6788 - Approving Mann Valley Corporate Park Construction Contract with Hass Sons, Inc.

MSC Morrisette/Bjork move to approve resolution. Unanimous.

Resolution No. 6789 - Approving Mann Valley Corporate Park Construction Engineering Services with SEH, Inc.

MSC Bjork/Morrisette move to approve resolution. Unanimous.

Resolution No. 6790 - Approving Jurisdictional Transfer of a Portion of County Trunk Highway U and Radio Road

MS Downing/Mueller move to approve resolution. Morrisette asked about the condition of Radio Road. Simpson said we would be accepting the road as is. Our observation of the road it that it's new. He provided further information. Nickleski confirmed that roadway is in very good condition and is recently reconstructed. The highway commissioner said the county has spent millions on the road.

Bjork asked about possible renaming of County Road U. Nickleski said there is no intention on changing the name. Simpson talked about the economic benefits of maintaining a county highway designation.

Upon conclusion of discussion, the mayor asked for a vote on the motion. The motion passed unanimously.

Resolution No. 6791 - Approving the Purchase Agreement between the City of River Falls and Gary Moelter

MSC Bjerstedt/Mueller move to approve resolution. Unanimous.

REPORTS:

Comptroller's Report for April 2023

Comptroller Odeen read the following: General Fund revenues through the end of April were \$4,546,474 or 35.5 percent of total budgeted revenues for the year. Revenues in April include \$11,341 from in building permit fees, \$15,411 from public works charges, and \$28,050 from franchise revenues. Expenditures through the end of April were \$3,718,996 or 29 percent of total budget expenditures for the year. As of April 30, 2023, net revenues over expenditures were \$827,478.

2022 Consumer Confidence Annual Water Quality Report

There were no questions on the report.

Bjork noted June was dairy month. Bjerstedt said No Mow May ends soon.

ANNOUNCEMENTS:

Pride Month Proclamation

The mayor read the proclamation.

CLOSED SESSION:

At 7:47 p.m., MS Morrissette/Mueller 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 or bargaining reasons require a closed session, to wit: River Falls Industrial Park, St. Croix County Parcels 276-1041-20-101 and 276-1041-20-111. The roll call vote to move into Closed Session passed unanimously.

RECONVENE INTO OPEN SESSION:

MSC Bjerstedt/Morrissette move to reconvene into Open Session at 8:17 p.m. Unanimous.

MSC Bjerstedt/Morrissette move to adjourn at 8:18 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk