



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

June 8, 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, Nick Carow, Sean Downing, Scott Morrissette, Alyssa Mueller, Diane Odeen, Ben Plunkett

Members Absent: None

Others Present: Chris Plamann, Marsha Dawley, Tom Bentz, Stu Janis, Patricia LaRue

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Jon Smits; Community Development Director Amy Peterson; others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – May 25, 2021, 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: \$1,245,375.18

MS Morrissette/Bjerstedt 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:

There were no public comments.

Revaluation Presentation from Accurate Appraisal

Chris Plamann and Marsha Dawley from Accurate Appraisal were in attendance to provide a presentation on the City's revaluation process.

Plamann said River Falls is contracted with a blended service plan. Revaluations are done about every six years (last done in 2006 and 2015). Maintenance is performed during the other years. During revaluation, every property is revalued to market value. He talked about the assessed values being brought to market level, Open Book, and Board of Review dates.

Plamann talked about compliance saying every municipality is required by law to be within 10 percent of equalized value. Once out of compliance, a revaluation is needed within five years. The equalized value is set by the Department of Review. The value for each community is based on market value of valid sales on the open market. The ratio is assessed value plus equalized base value.

Market value is determined by sales of property on the open market between a willing seller and willing buyer free from undue pressure. Market value is based on natural occurrences in market.

Market revaluation means all property will be reviewed and revalued to market value. The City does not collect more taxes just because a market revaluation is done. Plamann explained the reason to do a revaluation is to ensure all market sectors are fair and equitable.

Plamann talked their education plan to inform the public of the revaluation. Their customer service is tracking all correspondence with the community and assessors are using computers.

Upon completion of the presentation, Plamann stood for questions. Alderperson Mueller requested a copy of the PowerPoint presentation for reference.

Music in the Park Presentation

Tom Bentz and Stu Janis gave a presentation on Music in the Park. Bentz said Music in the Park has been a fixture for 25 years and is produced by CAB (Community Arts Base). He talked about the stage and bench area. The bench needs to be repaired. He feels the bench is an asset to the City and asked if the City would pay for all or part of the amount to repair it. Janis provided further details on the possible amount needed from the City.

Mayor Toland asked them to set up an appointment to talk with him about it at another time. Alderperson Morrissette asked if they had approached the BID Board or Rotary Club for solicitations, and if not, suggested that they do so. The Mayor asked them for more information about the series. Alderperson Plunkett asked about the impact on the 'to go' alcohol sales in the park. Bentz was unsure saying they only had one concert, and they may know more later in the year.

PUBLIC HEARING:

Ordinance 2021-04 Repealing and Replacing Section 17.104.040 of the Municipal Code Relating to Special Use Permits– Second Reading and Disposition

At 6:54 p.m., Mayor Toland recessed into a Public Hearing.

Patricia LaRue, 489 Marcella Court –said the ordinance came before Plan Commission on May 4. At that time, she disagreed with replacing the current ordinance and moving the decision-making regarding special use permits (SUPs) to the Plan Commission feeling the decision was best left to City Council. She said she was wrong. After researching the law, she knows the express intent was to lessen the discretion and control of local governments when considering SUPs. As long as the applicant agrees to abide by the requirements, there is little discretion allowed on the part of the local government. The law further restrains what the local government can include as requirements and conditions in our ordinance. It would now be easier because of the law for an applicant to be guaranteed the issuance of the SUP regardless of how the community feels. The staff is trying to provide the City the ability to maintain what little control the statute allowed. With the Plan Commission in control, the process would go smoother. She asked the Council to consider a moratorium on accepting any new SUPs to allow for research on what other communities have done.

At 6:57 p.m. with no other comments, Mayor Toland moved back into Open Session and asked for a motion. MS Morrissette/Bjerstedt moved to approve the ordinance.

Downing said the ordinance stops unnecessary lawsuits and gets the City into compliance with state law. He appreciates the work of the Plan Commission but feels there is a big problem with moving forward – the loss of a public comment at a Council meeting. He feels as this is written, there would be a loss of community engagement and suggested keeping an informational meeting for a special use permit followed by public comment. Downing continued providing further clarification comparing his proposed process to the Board of Review. He is considering voting in favor as long as we can send it back to the Plan Commission to include an informational meeting. Downing asked if a straw poll could be taken on having an informational meeting. The Mayor said no to the straw poll but there can be discussion.

Alderperson Odeen noted in the ordinance under 'Procedure' C.2. it states, "The Plan Commission shall hold at least one public hearing thereon." She asked if there was anything in the new ordinance which prevented doing what Downing asked. City Administrator Simpson believed the ordinance didn't prevent it, but we need to be

thoughtful about the quasi-judicial nature of the Plan Commission's decision regarding not collecting evidence or data so the public comment portion would have to be thoughtful also.

City Attorney Gierhart said nothing in the ordinance prevents staff from holding a meeting with the public. The concern is if evidence is gathered at the meeting, we need to make sure it doesn't spoil the quasi-judicial hearing. Anything discussed in the meeting should not be in the record. The Plan Commission can only make decisions based on what is stated and is entered into the record at the public hearing. The concern is that Plan Commission members attend the community meeting outside of the public hearing. The developer or applicant could argue that they are bringing in something outside of the record into the process. It can happen but we have to be careful.

Odeen would vote on the ordinance as it stands but would want an amendment to the ordinance in writing.

The Mayor asked for confirmation that the public hearing would remain. Gierhart said yes. The Mayor asked if in the past citizens had complained that they didn't know what it is and didn't have a chance to express their feelings. Community Development Director Peterson did not recall that happening. Simpson thought it probably happened at least once but could not provide a specific example.

Downing suggested sending this to the Plan Commission for review before coming back to the Council. Simpson talked about other tools for public engagement. He spoke further about the state's intent and staff having to work through it.

Alderson Morrissette agreed with Odeen. He doesn't want to explore anything today. The public comment provision is in there; mailing to residents 300' or less is part of ordinance. He doesn't know how much latitude Council has to amend this and is unclear if we want to or not. He is confused to why we would create another meeting if we already have a public hearing. He asked for information about what the Council can do.

City Attorney Gierhart said some communities have these staff meetings before a public hearing. If the Council wants to consider a change in the proposed ordinance, it will need to go back to the Plan Commission because it deviates too much from what was recommended and what information the first reading was on.

The Mayor asked about options. Gierhart said the ordinance could be adopted today and amended in the future.

Plunkett asked where we would stand on moratorium on special use permits. Simpson believed the City may have limited ability to do moratoriums. Gierhart is not aware of statutory prohibitions but property owners have the right to use their property for how it is allowed under the zoning code. His preliminary assessment is that the City cannot prohibit someone from applying for a special use permit when state law allows that use if you agree to meet certain conditions.

Downing asked about sending it back to the Plan Commission. He asked Simpson for confirmation about items that SUPs didn't include signage and changing the notification area. Simpson said the 300' radius was added – it wasn't included in state law and there is language that the Plan Commission can impose and why it would do so. Simpson thought Downing's list would need to be compared to state law in order for a determination to be made. Downing had further questions about signage. Simpson responded providing specific examples saying it is a policy decision for Council or the Plan Commission. Downing is in favor of signage. Simpson asked a clarifying question of the City Attorney regarding noticing procedure for amending the ordinance. Gierhart provided an answer. The items Council Member Downing had discussed would be sent back to the Plan Commission for review.

There was further discussion by Council. Upon completion of discussion, the Mayor asked for a vote on the ordinance. The roll call vote passed unanimously 7-0 with all voting in favor.

CONSENT AGENDA:

Resolution Rescinding Emergency Declaration for the City of River Falls→→*pulled by Downing*

Resolution Awarding Bid for the City's Janitorial Services to FBG Service Corporation→→*pulled by Downing*

Resolution No. 6574 - Rescinding Emergency Declaration for the City of River Falls

Downing asked if people who are struggling to pay their electric bill could still apply for help. Simpson said rescinding a locally declared emergency would not change their qualification for those programs. There was further discussion. **MS Downing/Bjerstedt move to approve the resolution. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6575 - Awarding Bid for the City's Janitorial Services to FBG Service Corporation

Downing asked if there was a competitive bid - asking who participated and was the bid close. Both Mayor Toland and Alderperson Odeen noted the information was in the packet. Simpson said there were 10 interested parties with two bids which were not close. He thanked staff for helping with cleaning and provided further details.

Downing asked if local bidders were involved in the process such as Oh So Clean. Assistant City Administrator Stroud made sure that company knew about the process, but it opted out. **MS Downing/Mueller move to approve the resolution. The roll call vote passed unanimously 7-0 with all voting in favor.**

ORDINANCES AND RESOLUTIONS:

Resolution No. 6576 - Approving Developer's Agreement with Lot 1 Wasson Properties, LLC. (Wasson Townhomes)

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

REPORTS:

Administrator's Report

Simpson talked about library hours, staff being back in the office, masking requirements, and returning in person Council meetings. Simpson fielded a question from Morrissette asked about an item on the June 22 meeting regarding liquor licenses. Downing asked about resources for helping people struggling with utility bills. Simpson encouraged customers to contact the City directly. Plunkett shared Wisconsin income guidelines for home energy assistance.

ANNOUNCEMENTS:

Mayor's Appointments

Park and Recreation Advisory Board

Reappointment of Patricia LaRue through May 2024

Utility Advisory Board

Reappointment of Kellen Wells-Mangold through May 2024

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

At 7:43 p.m., MS Bjerstedt/Morrissette move to adjourn. The roll call vote passed 7-0 with all voting in favor.

Respectfully submitted,

Kristi McKahan, Deputy Clerk