



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

June 9, 2020

Mayor Dan Toland called the meeting to order at 6:30 p.m. in a virtual meeting 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; Finance Director Sarah Karlsson; Police Chief Gordon Young; Utility Director Westhuis; Community Development Director Amy Peterson; others

Others Present: Ben Fochs, Patricia LaRue, Neil Gilbertson, Mark Spafford, Sean Lentz, Elizabeth Bowden, Sean Lentz, Marvin Waters, Jeremy Novak, Will Kratt

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

May 12 Workshop Minutes; May 26 Board of Review and Regular Meeting Minutes

MSC Morrissette/Bjerstedt move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$956,689.02

MSC Morrissette/Watson move to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Elizabeth Bowden, no address given - came to make a statement about the state of the nation and about our community. Bowden said she has a statement signed by 66 citizens asking the River Falls Police Department to publicly condemn the tactics used against George Floyd, asking for a statement against racist and/or abusive behavior, and a commitment ensuring officer investigations and full accountability if such actions would occur.

Patricia LaRue, 489 Marcella Court – came to speak about the general development plan for DeSanctis Townhomes. LaRue provided a history about DeSanctis Park. She talked about people’s concerns which included the building locations, the extension of Roosevelt Street, and the corner of Dry Run, Bob White and Division Street.

Neil Gilbertson, Division Street – feels like the City is wrecking the area and green space with the development.

Mark Spafford, Division Street – he talked about a past Council meeting which several residents came to share concerns about development on the east end (which didn’t come to pass). He shared LaRue’s concerns specifically mentioning building placement. Stafford shared a long-time concern about the traffic speed going in and out of town. He encouraged Council to look at a roundabout or four way stop to slow traffic down. He thanked Council for not putting a development in between them.

Neil Gilbertson spoke again in response to Spafford’s remarks about building placement and blocking his view. He asked if the plan does go through to leave it the way it is.

City Administrator Simpson thought that the commenters wanted their remarks to be a part of the public hearing record for the general development plan for DeSanctis Townhomes. It's up to the Mayor if he wants to accept those comments for the public hearing. The Mayor said yes. Simpson said there may be other public comments, and he thought the developers were also available by phone.

PUBLIC HEARING:

Resolution No. 6483 - Approving a General Development Plan for DeSanctis Townhomes

At 6:48 p.m., the Mayor moved into a Public Hearing.

Elizabeth Bowden - she talked about the importance of green space and her concerns about pushing forward new developments when older apartments need attention. She believes green space is being sacrificed for a less public purpose. She felt green space should be a Council priority.

Ben Fochs, 2529 Powell Avenue – he looked at 360's other designs. He talked about the designs being plain. He was wondering if more of a visual texture/pattern could be used. Fochs also talked about Emerald Ash Borer and the prairie design of the site.

Marvin Waters from 360 Real Estate Solutions – he introduced Jeremy Novak from 360 Real Estate Solutions and Will Kratt from ISG. He thanked Council for the invitation to the meeting and the neighbors for their comments. Waters shared some of their thoughts about the development in regard to the public comments. Prairie and food sources are critical, and this is something done in all new developments. Plants sources are sustainable native plants. Healthy garden spaces are incorporated into it. Waters thought prairie fit extremely well into this development. He talked about the plants having either a food or ecology function.

Waters talked about the building designs. He wanted them to reflect more of a traditional home rather than an apartment. He talked about green spaces and porches being important to residents, about the features unique to every floor, and the siding. Waters provided information about the company and background.

With no other comments, the Mayor closed the public hearing at 6:58 p.m. and moved into Open Session. MS Morrissette/Watson move to approve the resolution. The Mayor asked for discussion.

Simpson said both he and Community Development Director Peterson were available for questions. He provided more information and said this was the first step in several steps before the project is approved and the permits issued.

Alderson Downing indicated that he had many conversations with residents in his district. He had four concerns he wanted to share. Downing noted the Plan Commission had not met to discuss the development and the project lacked its oversight. He thought this may have been a good item to wait on to get more community feedback. In serving on the Park Board, Downing has learned that gazebos are high targets of vandalism. He proposed that a pavilion be installed instead. He felt it would meet all the needs of the community and it would be more open allowing people to get outside and be more social. Downing referred to 'Design Elements' on page 16 where it reads: "Site will feature outdoor spaces for residents (e.g. grills, hammocks, gazebo, community gardens)." **Downing made a motion to strike and remove the word 'gazebo' and replace it with 'pavilion'.**

Alderson Odeen felt that would be more appropriate to refer it to the committee. She asked that staff speak on the procedure going forward with the preliminary plan as she would appreciate the background. Alderson Watson agreed thinking that would be helpful and said there would be another meeting on the specific implementation plan and some of the concerns can be addressed at that time.

Alderson Morrissette raised a point of order regarding Downing's motion. Odeen, who is the parliamentarian, noted there wasn't a second. Alderson Gagne asked about calling for a second. The Mayor said there was a first but no second but thought Downing's concern could be discussed at the specific

implementation plan (SIP). Downing asked if this was the foundation plan. Watson asked Simpson to speak to the process.

Simpson clarified this property was not part of the park and was marketed for development. The City purchased it with the idea that it would be developed. Simpson provided history about the property which ultimately resulted in staff doing a request for proposals (RFP) for the property. Staff selected 360 to work with on the project. DeSanctis Park is intended to be one of three regional parks for the community. The RFP asked for higher density single family housing to resolve the access to the regional park, resolve the Dry Run/Bob White intersection issue, and make a connection to the existing pedestrian network coming off of Division Street. Simpson said specific comments are appropriate throughout the process. He clarified that Council is being asked to approve the general overall development plan. He asked Peterson to speak about it.

Community Development Director Peterson talked about the planned unit development saying it is a delicate balance between the GDP and SIP. Staff needs to have enough detailed information in the GDP to ensure the project is feasible and going to function at the location. She clarified that staff is asking for conceptual review and approval. Is this the type of project we are looking for at this location? Once we get through the GDP process, then it will go to SIP - that's where all the details fully come through. She explained that because Plan Commission hadn't met, the Council is getting both the GDP and the SIP.

Watson asked if the Plan Commission had received the information and if she had asked for their review. Peterson said yes, she has received comments on the proposal which were provided in the report. Simpson asked Peterson to speak about the public hearings as he wanted people to understand that hearings were happening at Council as the Plan Commission wasn't meeting. Simpson provided further details.

The Mayor confirmed that Peterson is looking for Council approval on the project. She said yes, she is looking for if the Council feels the concept looks good at that location.

Aldersperson Gagne wanted to speak about the City's housing study in relation to City projects and also the ability for citizens to comment. He said the project came before Council because the Plan Commission isn't meeting. He talked about not delaying projects because Plan Commission isn't meeting. He will be voting in favor of the general development plan.

Downing asked to share his other concerns. He talked about the speed limit and possibly doing a roundabout. The Mayor asked if there was going to be a traffic study done with the project. Peterson believed that City Engineer Crystal Raleigh has reviewed this and has determined that at Dry Run and Division Streets there is not a traffic concern at this time. In regard to a roundabout and speed limit, she would want staff to take a broader look at the area because there is future development possibly coming.

Downing talked about a safety concern regarding a possible road extension at Roosevelt Street. He provided a brief history of the park. He is not in favor of the possible road extension and provided his reasons including kids coming and going and the loss of green space. Downing spoke at length about honoring the green space. He referred to page 15 under 'Goals', and he thought Council should consider an amendment removing the possible connection of Roosevelt Street to Dry Run to eliminate possible dead-end street issue in the Cernohous 1st Addition subdivision.

Downing's last concern was the positioning of the buildings on the seven-acre lot. He doesn't want to wait until the final plan to address the residents' concerns. Downing talked about staggering the placement of the building so it would work for everyone. He talked about a future amendment and provided further details on his reasoning.

Morrisette addressed public comment concerns about the elimination of park space. He thought this site has been zoned R1 from the beginning and asked staff to clarify or correct him. Morrisette said we are not eliminating park space. The number of parks in the City and the commitment to parks and green space speak for itself. He wanted to make sure we clarify that. Morrisette asked Simpson or Peterson to confirm that it was

been zoned for housing since the inception of the park. Simpson could not address the forever zoning but said the development was not part of the park zoned area. Morrisette's point was that this was always intended for another use other than park. Simpson said you can see that extension through the houses that were built to the east. He talked about topography. He doesn't believe it is just easy to move the buildings due to topography and elevation. Simpson thought the developer should speak to it, and he advised Council to clarify it now.

Will Kratt from ISG said in looking at how to best use the property, a number of different concepts have been reviewed. There is significant topography with the property sloping at 4 to 1 in some places to the north equating to a drop of 12-20 feet across the property. Kratt explained why they landed on the concept with eastern most building toward the City. The setback is further away from the private residences, and it makes its elevation 6-7 feet lower than it would have to be even if it was shifted 20 feet to the south if we were to reverse the staggering. He provided more details about the design including how the design opened the view to the park sooner and fit the topography.

The Mayor talked about he and Watson being on the Plan Commission and both agreeing with the design. Watson agreed with what Kratt said and is fine with the location of the buildings. He appreciated people and Mr. Downing providing feedback early in the process. He will follow up with anyone who has questions as he is a representative to the Plan Commission.

Simpson said the development plan is allowing Roosevelt to go through or not go through. It is officially mapped as going through the development. He asked Peterson for comments. She said is not is not going to be a public road. It will be an emergency access to that neighborhood.

Downing asked if the road was going to be smaller, more like a pathway/road. Peterson said yes and talked about possible future plans. She stressed it would be emergency access only. Gagne asked about the location of the connection of Roosevelt to Dry Run. Peterson said it would keep the same location as the current pathway. Gagne asked further clarifying questions. He suggested an amendment with specific language. The Mayor believed that was already in there. Gagne said there isn't specific language about it being an 'emergency access'. He thought it needed to be clarified. Downing volunteered to make a motion. The Mayor asked Peterson if that was possible. Peterson said you can make a motion, or staff can take it as comments.

Simpson talked about amending the resolution and suggested clarification of "Council is not in favor of a through street from Roosevelt in connection with the development." Gagne talked about adding the specification that it is an 'emergency road only.'

MS Watson/Gagne move to amend the resolution with the following wording: "Therefore, be it resolved that the City Council hereby approve the general development plan for the DeSanctis Townhomes on the condition that any extension from Roosevelt Street through the park is primarily for emergency use only." The Mayor asked for discussion.

Gagne clarified that he wanted, "from Roosevelt Street through the park to Dry Run Road." Watson accepted the friendly amendment. Gagne seconded it. Downing asked about clarification regarding foot traffic. Gagne said it was a path already.

Peterson clarified that the emergency access comes from the east end of the development and goes to Roosevelt. If we say all the way to Dry Run emergency access, that's the development's access. The Mayor asked if it shouldn't go all the way to Dry Run. He asked if Watson and Gagne were okay with that. There was further discussion.

Kratt asked to make a clarification. He referred Council to sheet C3-30 which shows emergency vehicle turning movements. He talked about emergency access partially through the development and a fire lane that connects to the walking path. The path is proposed as an emergency fire lane up to Roosevelt. No pavement would be added to the path. Peterson then showed a map of the development and provided an explanation of the locations.

Watson asked Gagne if he was willing to remove the additional wording to the amendment. Gagne provided his reasoning for the amendment, feeling it was fine as is and did not offer to remove it.

For clarification, the Mayor asked Watson to restate the amendment. **Watson said, “Now therefore, be it resolved that the City Council of the City of River Falls hereby approves the general development plan for the DeSanctis Townhomes with the condition that any extension of Roosevelt Avenue to Dry Run Road is for emergency use only.” Gagne seconded.** The Mayor asked for discussion. Downing thanked the Council for the amendment. **The Mayor asked for a roll call vote on the amendment. The roll call vote passed 7-0 with all voting in favor.**

The Mayor asked if there was any discussion on the original motion. Morrissette asked about stormwater and the remnant parcel of land on the other side of the road. Peterson said stormwater will come forward with the SIP. She said the parcel is not being sold to the developer and is not part of this project.

Aldersperson Plunkett asked about sidewalks with continuous access to the downtown. Simpson doesn't believe this will result to a continuous path to downtown. There is missing sidewalk on West Maple and Division Street does not have sidewalk on either side. He talked about infill sidewalk.

Downing asked Simpson to define the process of the plan. Simpson deferred to Peterson. Peterson said the SIP/Developer's Agreement and TIF process comes to Council on August 25.

The Mayor asked for a roll call vote on the original motion. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6484 - Renaming Edenburgh Drive to Kingston Street in Sterling Ponds

At 7:49 p.m., the Mayor moved into a Public Hearing. As there were no public comments, the Mayor closed the Public Hearing and moved into Open Session at 7:49 p.m. MS Downing/Odeen move to approve resolution. The Mayor asked for comments. Morrissette clarified that the only address change was for the park. Simpson said that was correct. **The Mayor asked for a roll call vote on the original motion. The roll call vote passed 7-0 with all voting in favor.**

ORDINANCES AND RESOLUTIONS:

Ordinance 2020-06 - Amending the Official Traffic Control Map of the City of River Falls (Speed Limit on South Main from Cemetery Road north to the UWRF Falcon Center entrance) – First Reading

Gagne thought based on the traffic flow, he thought it was a great safety measure. Downing asked if it was still possible to address the setback of the project to reduce the sound of traffic. There was discussion. Simpson said the setback was part of the Council approval on January 28. Staff is asking for approval on the speed limit. If there is not approval, it could jeopardize the project. Simpson noted this project should not be new to the Council. This was talked about at the SIP, we are just getting around to making the speed limit change.

Plunkett asked about a phased in speed limit. Simpson said staff are in regular communications with the State of Wisconsin about the City's concern with the speed limit going out of town. We have not been completely successful in convincing them of our concerns. He believes there may be a step down, but it may only be 5 mph. Simpson noted this was the state's jurisdiction.

Resolution No. 6485 - Approving Final Plat for Sterling Ponds 2nd Addition

MS Morrissette/Odeen move to approve the resolution. With no comments, the Mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6486 - Approving Final Plat for Sterling Ponds Cottages

MS Downing/Bjersstedt move to approve the resolution. With no comments, the Mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6487 - Amending Sterling Ponds Developer's Agreement

MS Odeen/Watson move to approve the resolution. The Mayor asked for comments. Plunkett expressed concerns about the amount of concrete and its effects on water filtration by adding sidewalks on both sides. Watson said there was discussion at Plan Commission. In our code, in any new neighborhood, sidewalks are supposed to be on both sides of the streets. It serves to build community and make it more walkable. Watson talked about anticipating more young families living in the area. He appreciated Plunkett's comments. **With no other comments, the Mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.**

Resolution No. 6488 - Awarding the Sale of \$5,740,000 General Obligation Corporate Purpose Bonds, Series 2020A

MS Odeen/Downing move to approve the resolution. Sean Lentz from Ehler's provided a presentation. He referred to the sale day report. He talked about the City's bond rating which is AA2. He talked about ways to improve the rating and ways that could decrease it. Lentz talked about the bidders with the winning bid going to Northland Securities, Inc. He reviewed the winning bid and talked about the interest rates. Lentz talked about being able to issue less bonds due to a premium paid to the City by Northland Securities resulting in a lower overall cost to the City. He explained that by the Council approving the resolution, it would lock in the interest rates for 20 years.

Morrisette asked about being able to prepay the bond. Lentz said it is a 20 years fixed issue with a maturity in 2040. He said on March 1, 2028, the City can prepay in whole or part.

MS Odeen/Downing move to amend the resolution in the amount of \$5,740,000 which is the amount reflected in the sales report. With no other comments, the Mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6489 - Ratifying Chief of Police Proclamations

Gagne stated he would abstain on the vote due to a work conflict. **MS Morrisette/Bjerstedt move to approve resolution. With no comments, the Mayor asked for a roll call vote. The roll call vote passed 6-0 with all voting in favor and Gagne abstaining from the vote.**

REPORTS:

Administrator's Report

Downing asked Simpson to speak about what our Police Chief and City is doing regarding George Floyd/police brutality and how we are addressing it.

Simpson said an initial review of existing policy manuals has been completed by staff, a review has been done on the 21st policing task force in relation to our policies, and a review of the 'Eight Can't Wait' campaign. The Mayor made a statement in his video. He talked about information posted to the City's website. Simpson said the video is appalling - it is not acceptable police nor acceptable human behavior. This is not how our staff is trained.

Downing asked for information about 'Eight Can't Wait.' Simpson has reviewed it in a format sent from the ACLU. There are eight policies that they recommend police implement that are evidence-based. Simpson said the City has those policies in place, and he listed and talked about them.

Downing asked if there was any specific policy the Police Chief was reviewing currently. Simpson didn't think so and said policies were reviewed regularly - perhaps the body cam policy. Downing asked for comments from Police Chief Young.

Young agreed with Simpson that the video of George Floyd's death was appalling. Those officers' tactics would not be tolerated in River Falls and are against our policies. Currently, a lot of policies are being reviewed especially with the 'Eight Can't Wait.' Lexipol, the City's policy provider, is also reviewing their policies in

connection with 'Eight Can't Wait.' Young said a yearly policy review was done to make sure they meet the community's and Police Department's needs.

Simpson reiterated his thanks for Council support. Odeen appreciated that the Police Department's policies are on the City's website.

Gagne asked about second choices for an officer who used unjustified use of force. Young said it depends on the officer and the extent of injury. Gagne asked if there was disciplinary action if it is an unjustified use. Young said yes, most definitely. Gagne commended Young and his officers saying he has heard nothing but good comments from the community. You do a great job of representing the community. He talked about support for local police who protect us day in and day out. Bjerstedt said based on our actions tonight, you can tell we are not planning to defund the Police Department.

ANNOUNCEMENTS:

Mayor's Appointments

Library Board

Reappointment of Rebecca Ferguson through July 2023

Reappointment of Kari Heinselman through July 2023

Plan Commission

Appointment of Craig Hofland through July 2023

MSC Morrissette/Odeen move for approval of the Mayor's appointments. With no comments, the Mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

MSC Bjerstedt/Downing move to adjourn at 8:35 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk