



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

**June 13, 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 (virtual), Todd Bjerstedt, Scott Morrissette, 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; City Engineer Todd Nickleski; Deputy Police Chief Matt Kennett; Economic Development Manager Keri Schreiner; Assistant Director of Community Development Emily Shively

**Others:** Pat Armstrong, Joe Munson, Ben Miller, Doug McKinney, Geri McKinney, Carolyn O'Brien, Thomas Soderberg, Arlene Soderberg, Paul Whiteside, Susie Baker, others

**APPROVAL OF MINUTES**

May 23, 2023, Board of Review and Regular Meeting Minutes

**MS Morrissette/Bjork move to approve minutes.** The Mayor said he would be doing roll call votes since Alderperson Mueller was remote. He asked for a roll call vote. **The roll call vote to approve the minutes passed unanimously.**

**APPROVAL OF BILLS:**

Bills: \$1,560,642.98

**MS Downing/Bjerstedt move to approve bills. The roll call vote to approve the bills passed unanimously.**

**PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:**

Pat Armstrong, 424 Kennedy Street – came to complain about a sidewalk that the city wants to put on Kennedy Street. She expressed concern about the sidewalk being close to their house and having people look in and about losing trees. She wants the council to vote no to the sidewalk.

Alderperson Downing wished everyone a 'Happy National Pollinator Week'. He provided information about pollinators and pollinator week.

Joe Munson, 100 Kennedy Street – he talked about the road being wide and felt there was not a need for a sidewalk.

Susie Baker, 106 Kennedy Street – she talked about losing trees to the Emerald Ash Borer and losing trees if the sidewalk is installed. She doesn't see a lot of people going to the park. She talked about the street being wide and just needing a bike path.

Ben Miller, 444 Kennedy Street – doesn't see a need for a sidewalk. He feels like it would be a disruption. He is opposed to a sidewalk.

Douglas and Geri McKinney, 400 Kennedy Street – have lived there since 1995. She hasn't seen a problem with people walking in the streets. She talked about losing her timber planters, retarring their driveway, and losing mature trees.

Angela Lewis, 506 Kennedy Street – she opposes the sidewalk for the same reasons her neighbors stated. She has lived there for 21 years and doesn't feel there is a need for a sidewalk. She talked about the loss of parking, having to maintain a sidewalk, and losing a tree.

Thomas Soderberg, 436 Kennedy Street – has lived there for 47 years. Now we have to put up with a sidewalk and the removal of a nice Maple tree.

Carolyn O'Brien, 440 Kennedy Street – talked about a lot of seniors living in the neighborhood. She was concerned about her (older) husband having to shovel the sidewalk if it was installed, and she doesn't like the loss of the trees.

Paul Whiteside, 120 Kennedy Street – has lived there for 50 years. He doesn't feel the neighborhood needs sidewalks. He talked about the loss of the trees and needing a sign to let people know to slow down. There hasn't been a problem with people walking because the street is so wide.

#### **PUBLIC HEARING:**

Ordinance 2023-09 – Creating Section 9.08.080 of the Municipal Code Relating to Camping on Public Property – Second Reading and Disposition

**At 6:45 p.m., the mayor moved into a public hearing and asked for comments. As there were none, the mayor moved back into open session.**

**MS Morrissette/Bjerstedt move to approve the ordinance.** The mayor asked for comments. Alderperson Odeen said there was a concern at the first reading about the ordinance covering RVs parked on the street. **Odeen proposed an amendment in Section A3 to strike 'and all public right-of-ways'**. She has talked with the city attorney and has looked at city ordinance. She thought it would clarify that this is just property owned by the city. **Morrissette seconded the amendment.**

**The mayor asked for a roll call vote on the amendment. The roll call vote passed unanimously. The mayor asked for a roll call vote on the original motion.** City Administrator Simpson asked council if they felt the current ordinances regulating use of right-of-way are adequate without additional ordinances. Odeen felt current ordinances are adequate to deal with the problem of recreational vehicle parking on streets. Simpson clarified she wasn't encouraging camping on streets.

**With no other comments, the mayor asked for a roll call vote. The roll call vote passed unanimously.**

#### **CONSENT AGENDA**

Resolution No. 6792 - Approving the ADA/Title IV Plan Updates to Receive Federal Grants

Resolution Approving Development Agreement between City of River Falls and White Birch LLC→→**pulled by Morrissette**

Resolution Approving Purchase Agreement with White Birch LLC→→**pulled by Morrissette**

**MS Odeen/Downing move to approve the remainder of the consent agenda. The mayor asked for a roll call vote. It passed unanimously.**

Resolution No. 6793 - Approving Development Agreement between City of River Falls and White Birch LLC

Resolution No. 6794 - Approving Purchase Agreement with White Birch LLC

Aldersperson Morrissette said he had a conflict of interest with his employer and White Birch LLC and needed to abstain from voting.

**MS Bjork/Bjerstedt move to approve both resolutions that were pulled by Morrissette. The mayor asked for a roll call vote. The roll call vote passed unanimously.**

**ORDINANCES AND RESOLUTIONS:**

Resolution Approving Event Requests for River Falls Community Arts Base Music in the Park at City Hall Plaza

**MS Bjerstedt/Downing move to approve resolution. Mayor Toland asked for comments.**

Aldersperson Odeen was not in favor of this. She is a big fan of CAB and Music in the Park but noted the events conflict with an obligation the city has which is municipal court. Municipal Court is held on Thursday nights in the chambers at overlapping times. She explained Municipal Court is an elected judge who deals with violations of city ordinances. The offenders are frequently young and often its their first time involved in the legal system. She takes that obligation seriously and doesn't think it would be appropriate to have a party outside of the courtroom when court is in session. She said there are other nights and places in town to have this. She doesn't think Thursday night in front of City Hall is the right place.

Aldersperson Bjork noted he rarely agrees with Odeen, but he does in this case. He seconded exactly what she had to say and agreed completely with it.

Aldersperson Morrissette said it would be a challenge to hold it because of the court. He doesn't support it as presented.

Aldersperson Carow asked how many people end up in court that night. City Administrator Simpson said it varies widely. He spoke further providing more details. He doesn't think he has observed court when there's less than 12-15. He's been at court when there are 35 or 40 people. He doesn't know what the docket looks like. Staff can request that information, but the judge doesn't have total control over it either. He apologized for not having a better answer.

Carow appreciated it. He sees there's a weight in terms of not having it and he hears that and is receptive. His only thought was it possible that council has this valid point and then have one person (for court) that evening. His other thought in other large cities, court is happening all the time - there are still festivals happening. He hears where council is at as three members have spoken.

Odeen's opinion is even if there is one person, she believes the judge is in chambers and is present during the evening and doing work even if it's not a hearing.

Aldersperson Downing encouraged CAB to come back with different dates and let city staff know so they can work together on the project.

Bjork said whether there's one or four, we won't know until the week before. Odeen said maybe the night of.

Simpson said respectfully, this is their request. He wouldn't anticipate council sending this back to staff, and staff works with CAB. They have their plan, and they will have to figure it out. They are requesting these dates under these terms. Council can determine yes or no. If it is no, council should assume it is a no, not they will just move it to another date. They could come back and request, but he doesn't want to make it seem like this was CAB's first choice and they have a backup plan.

Carow asked when this was being developed on their end, did CAB think about this part? Was this communicated early enough in the process or were the dates picked by their organization and then given to us with this challenge?

Assistant City Administrator Jason Stroud said it was the latter. He said CAB had informed us they had already picked the dates and at a previous event took the opportunity to get the word out. Through the process of them submitting a request, the city clerk did let them know there was court and staff had a concern about that.

**With no other comments, the mayor asked for a roll call vote. Simpson clarified there was a motion and second to approve the requests. Voting yes would approve the requests. The roll call vote failed with all voting against.**

The mayor said he would act on the two other resolutions for the record even though council denied the event requests.

Resolution Approving Requests for Open Container Exemption for River Falls Community Arts Base Music in the Park at the City Hall Plaza

**The mayor asked for a motion. Motion by Mueller to approve the resolution. The motion failed due to a lack of a second.**

Resolution Approving Requests for Noise Control Exemption for River Falls Community Arts Base Music in the Park in the City Hall Plaza

**There was no motion to advance the resolution.**

**REPORTS:**

Administrator's Report

Simpson provided updates and information on upcoming events.

**ANNOUNCEMENTS:**

Mayor's Appointments to the Plan Commission

Appointment of Robert Gormanson through May 2026 (replacing Michael Woolsey)

Reappointment of Rebecca Prendergast through May 2026

**MS Morrissette/Bjerstedt move to appoint mayor's appointments. The roll call vote to approve the mayor's appointments passed unanimously.**

**MSC Bjerstedt/Morrissette move to adjourn at 7:01 p.m. The roll call vote to adjourn passed unanimously.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk