



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

July 28, 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; Utility Director Kevin Westhuis; City Clerk Amy White; Assistant City Administrator Jason Stroud; Police Chief Gordon Young; City Attorney Chris Gierhart; Water/Wastewater Superintendent Ron Groth; others

Others Present: Bonnie Jones Witthuhn, Barb de Souza, Eric Amundsen, Linda Semi, Dan Semi, Greg Peters, Connie Foster, others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

July 14 Regular Meeting 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: \$490,166.44

MS Bjerstedt/Watson 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:

Bonnie Jones Witthuhn, N7494 950th – presented a petition with 2,124 signatures in favor of indoor mandatory mask use. She talked about wearing masks in businesses, how masks help stop the spread of Covid 19 and more. She is in favor of mask usage.

Barb de Souza, 620 W. Walnut – she talked about being an older, active individual. If people do not wear masks, she stays in and is afraid to go out. She talked about mandating mask usage so the UWRF students wear them too. She also talked wearing masks in businesses.

Eric Amundsen, 500 Marcella Court – he is opposed to mandating masks in the City. He talked about data supporting either side and about shaming. He feels this is a state or federal issue.

Linda Semi, 517 N. 8th Street – she noted the number of cases and deaths in Wisconsin. She talked about wearing masks to keep others safe and asked people to wear a mask. She is taking her business to Minnesota because she doesn't feel safe here. It's about a health crisis – it's not about politics. She asked the Council to help.

Dan Semi, 517 N. 8th Street – is a 34-year resident. This is about a pandemic. Anything we can do to help and advocate for health consciousness is great. He talked about being at risk and protecting others by wearing a

mask. When the economic downturn began, he supported local businesses by ordering takeout. He talked about spending his money in Minnesota because some local businesses are not requiring mask usage. Semi asked Council to be heroes to protect and defend the community.

Connie Foster, Interim UWRF Chancellor, 410 S. 3rd Street – she said UWRF is committed to keeping employees, students and the community safe. She talked making hundreds of modifications to operations and fostering a community wide culture of health and safety emphasizing three main points: wash your hands, maintain safe distances, and cover your face. Foster talked further about the face masking requirements on campus and hoped that the local businesses would follow suit with face masks.

Alderson Morrissette received emails from people who wanted their comments read into the record. He was wondering how it would be addressed tonight. The Mayor hoped that those people had emailed the Council, so Councilors would have seen the comments. The Mayor asked the Council if anyone had a comment they needed to read. No one responded.

Alderson Gagne talked about emails he had received. He said they were split pretty evenly on both sides of the issue. The Mayor experienced the same thing.

Alderson Plunkett asked to make a statement. He received several threatening emails today. He noted one specifically asking, “if he would like to meet my God and know how to get to heaven permanently,” and several other online comments threatening to rearrange his dental work. Plunkett said if this is how the opposition to mask ordinances chooses to behave, he has great questions about their behavior and everything they are stating.

Alderson Odeen said like Mr. Gagne, she also received several emails today. She thanked the Mayor for encouraging people to write to Council. She felt they had a better opportunity to express themselves and the Council had a better opportunity to listen to their concerns. We hear you and appreciate your feedback.

Eric Amundsen, 500 Marcella Court – he is disgusted by some of the things he has seen and read from Councilmember Plunkett. Amundsen feels he is bullying city residents and certain businesses. Amundsen came to speak as both a citizen and an agent for Broz Sports Bar. Amundsen said Plunkett has called citizens, “rancid tubs of ignorant contagion.” Amundsen said Plunkett has also called residents, “festering piles of pestilence spreading disgusting diseases.” He talked about following CDC guidelines at his business and going above and beyond. He shared that Plunkett feels he can threaten Amundsen’s license and business and shared Plunkett’s quote, “some in the industry are forgetting that privilege will go bye-bye possibly permanently for many servers, owners, and agents if this continues.”

The Mayor interrupted and asked Amundsen permission to cut in. He said Council is aware of Mr. Plunkett’s comments and encouraged Amundsen to contact the City and create a formal complaint. He understands Amundsen’s passion. Amundsen would do that and explained that he came because he wanted his remarks to be on the record.

Greg Peters, 586 Hamilton Court – talked about the Council being representatives of the residents and taking an oath. He believes Alderson Plunkett has violated ethical standards by using his position to intimidate and bully residents and business owners. Peters shared Plunkett’s quote from a Facebook page saying, “A liquor license is a privilege and not a right. Some in this industry are forgetting this fact. That privilege will go bye-bye possibly permanently for many servers, owners, and agents if this continues. Just like I give people in this group warnings, I am giving those in your industry a big warning now. Your license is at risk. Stop playing around.” Peters shared another communication from Plunkett to a local resident stating, “I urge to stop being rancid of ignorant contagion and start acting like you care about life and the health of about others.”

Peters talked about Plunkett’s rhetoric saying it is intimidating, abusive and the lists of incidents are many. This is not a mask issue – this is an issue concerning the behavior of an elected official. He ended by asking the Council two questions: 1) is Mr. Plunkett’s behavior abusing his position to intimidate and bully residents

breaking ethical guidelines he swore by oath to uphold as a City Councilmember, and 2) if Mr. Plunkett has violated ethical standards, what is the Council's recourse for actions? He appreciated the opportunity to speak. The Mayor encouraged Peters to file a complaint.

CONSENT AGENDA:

Acknowledging the following minutes: River Falls Housing Authority – 6/10/20; Park and Recreation Advisory Board – 2/19/20

Resolution Regarding the 2019 Compliance Maintenance Annual Report (CMAR)→→*pulled by Downing*

Resolution No. 6495 Designating Official City Newspaper

Resolution No. 6496 Disallowing Claim

Resolution No. 6497 Approving \$500,000 WPPI Loan for Electric Utility

Resolution No. 6498 Ratifying Chief of Police Proclamations

Resolution No. 6499 Adopting Findings of Fact and Conclusion of Law for Special Use Permit

MS Morrissette/Watson move to approve the remainder of the Consent Agenda. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6500 Regarding the 2019 Compliance Maintenance Annual Report (CMAR)

Aldersperson Downing asked Utility Director Westhuis to speak on where we are today and what we are working toward. Westhuis asked Water/Wastewater Superintendent Groth speak and provide updates.

Groth talked about influent loading dropping for the last three years. It is due to the development in the community. It hasn't affected our effluent treatment. It is in good shape. We are treating the water we discharge into the river as well as we ever have. In April, a plant upgrade began. Groth talked about the updates. It is scheduled to be finished by the end of the year. After the upgrades are complete, it should take us through 2040 before we have to worry about another update regarding our BOD loading.

Westhuis summarized by saying the wastewater treatment plant is in very good shape, our product into the river is good, our solids are down going to Ellsworth. The area of concern was how much oxygen we were getting into the product. The new blowers and systems will rectify the issue. We should get our letter grade back up to an "A" next year. Westhuis thanked Council for the investment to ensure that facility is top notch.

Downing said the "A" rating is the objective we have back working toward. He appreciated the help of Westhuis and Groth and the Council's support. Westhuis thanked Downing for his interest in infrastructure.

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

ORDINANCES AND RESOLUTIONS:

Resolution No. 6501 Recommending the Use of Face Coverings in Public in the City of River Falls

MS Morrissette/Downing move to approve resolution. The Mayor asked for discussion.

Aldersperson Odeen appreciated that the resolution reinforces that businesses are allowed make their own rules and can ask people to leave, and if they don't, they can be cited for trespassing. Second, she is glad it includes some city time and effort in creating an education and compliance campaign. The goal is for people to wear masks – there are many ways to achieve that and one of the best ways is education and peer pressure.

Odeen had two amendments to offer. **Motion by Odeen to add the following amendments: "Whereas, mask-wearing and social distancing are important tools to slow the spread of COVID-19 in River Falls, thereby, keeping hospitals stable, saving lives, and keeping local businesses open" and in section 7, the effective date and expiration date. Add the phrase "amended or" to ". . .unless specifically amended or rescinded." And then at the end of that section, this sentence: "Unless rescinded, this resolution will be reviewed by the City Council, in light of data regarding the spread of COVID-19 in the City and St. Croix and Pierce Counties following the adoption of this resolution, at the Council's regularly scheduled meetings in August of 2020, and thereafter at least monthly." Morrissette seconded the motion.**

Odeen talked about her reason for the amendment saying mask wearing and social distancing are tools we can use. Our goal is to save lives, promote public health, and our economy. Odeen said the purpose of the second part of the amendment to keep it top of mind for the Council - to keep the Covid data that staff is distributing to us on the Council agenda and also to see if the resolution is working and if there are other steps we wish to take.

Morrisette talked about a dashboard. He would like to see the information on the hospitalizations on a more local level. He talked about the number of beds available and the occupancy level. City Administrator Simpson cautioned against relying on the microdata. He talked about Covid patients being moved around wherever the care can be provided including the Twin Cities. Simpson talked about adding a better metric for Twin Cities data.

Assistant City Administrator Stroud was fairly confident that staff could provide capacity data for northwest Wisconsin healthcare.

Alderman Bjerstedt said the last sentence Odeen read broke up and he didn't hear it. Odeen reread her amendments.

Downing was in favor of the amendments but doesn't feel the resolution goes far enough. He would like an ordinance. Downing spoke about the dangers of Covid 19, Minnesota residents coming to Wisconsin because of their ordinance, college students returning, and schools reopening. He feels that something can be done to satisfy public health for our citizens. Odeen thought there may be an ordinance in the future.

Plunkett asked for a point of order – to vote on the amendments and come back to the comments. The Mayor asked for a vote on the amendments. The roll call vote passed 7-0 with all voting in favor.

The Mayor asked for comments on the resolution. Plunkett feels a strong recommendation will not be adequate to encourage and enforce the behavior necessary to prevent further pandemic damage. He wanted to speak to the exemptions in the resolution. Plunkett talked about risk in indoor versus outdoor locations. He feels face covering resolution should be limited to indoor areas in the City, but we should not provide a broad degree of exemptions. He feels university and school district employees and students should be protected by the actions that Council is taking. Plunkett talked about exemptions addressing exercising and eating and drinking and pandemic spread.

Downing talked about CDC recommending the use of face coverings and the spread of Covid 19 through aerosol droplets. He talked about how masks can reduce transmission.

Morrisette said people are tired of the divisive attitudes that everybody is taking over this topic and others. He talked about being kinder to people and listening to other's point of view. He hoped the Council could have civil conversations and not bully and name call. He is disgusted by the social media barrage and by some of the emails he has received.

Morrisette talked about the appointment of the City's health officer, Pierce and St. Croix Counties Health Departments, at the April organizational meeting. He talked about needing more direct information from them to provide Council with advice. Morrisette talked about receiving several phone calls and emails on both sides of the issue. He agreed with Odeen about keeping an eye on the numbers. The public is looking for the Council to provide some direction, and we have to be thoughtful on how to move forward. The resolution is a good step. He trusts people to make the right decisions. He encourages them to consider the resolution and using the masks and requiring them in their business.

Downing said his experience with the public was remarkably non-partisan which makes him not afraid to back an ordinance. He said community leaders from all walks of life reached out to him. He talked about an ordinance with an unpredictable timeframe. He appreciated the people who reached out to him.

Bjerstedt talked about working in Minnesota which requires the use of a facemask. He notices that when people wear a mask, they congregate like there's nothing wrong. He is concerned that the forced use of masks

emboldens people get within the social distancing area. Before we have a mandate, he needs to know how it would be enforced. He doesn't believe we can have the Police can enforce it.

Watson echoed Morrisette's comments about maintaining an atmosphere of hospitality toward each other. He has had heard from community leaders from across the spectrum and communications have been about 2 to 1 margin he has received, support a mask requirement. He reminded Council received a petition tonight with over 2,000 signatures supporting a mask ordinance. It is his understanding that almost universally health officials believe that masks can slow the virus's spread. If everyone would wear a mask in public, the virus could be under control most likely in one to two months. In his opinion, everyone has got to get on board with a wearing a mask. Masking a mask is not a political statement. It is a sign of respect and caring for others in the community. Watson doesn't believe that mandating a mask would be government overreach. He feels a primary purpose of government is to promote and protect the health and welfare of the citizenry. Watson provided examples and doesn't feel enforce would be a game stopper. He supports the resolution and is pleased there is a public education campaign piece in the resolution.

Gagne is in a support of this. He feels masks are a benefit in close proximity. He said it is up to the individual business owners and patrons. He talked about mask wearing as being an individual right. Gagne spoke about businesses being privately owned. They get to choose whether they want to support masks, or they don't. He would not be in favor of an ordinance. Gagne has received communications with about equal support minus the petition today. He said it is hard to decipher if all the signatures are City residents. Gagne spoke about the emails he has received. He is not going to mandate people to wear masks. He will be voting in favor.

Downing talked about the practicality of enforcement with a strong ordinance making it easier to do so.

Plunkett moved to add an amendment removing exemptions I, J, and K. He feels that I and J remove the effectiveness of the resolution. For item K, it talked about people causing risk to others. **Downing seconded the amendment.** The Mayor asked for comments on the amendment.

Odeen won't be supporting this. She feels item J would be hard to encourage. If someone is eating or drinking, they should be able to take their mask off. She also doesn't believe in interfering with religious beliefs.

Downing said regardless of religion, it doesn't give us the right to infringe on other's pursuit of life, liberty, and happiness. Plunkett looked through the City code and can't recall another instance where we have issued an exemption from other items in the City code regarding religion. Has he missed something?

City Administrator Simpson is not aware of any specific exemptions related to religious practices. If there was an ordinance the City passed that somehow infringes on a constitutional protected right, it would be invalidated. The constitution trumps any ordinance invalidated by that. Simpson talked about the construction of the resolution being a mixture of actions by governing bodies mainly across Wisconsin. From policy prospective, it is up to Council whether they want to include that or not. If the goal is to strongly recommend like the resolution says, staff felt providing some level of clearly stated exceptions was helpful in people not summarily dismissing the resolution. No individual Councilmember or the Mayor directed exemptions.

City Attorney Gierhart was not aware of any particular ordinance that has exemptions for first amendment issues. Given the litigation surrounding these types of issues, he feels it is prudent to have such an exemption. Because the resolution is a strong suggestion rather than a mandate, and it is of less concern if it is removed. He thinks it provides the public with some of flexibility if you are hoping to encourage voluntary compliance. He would have more concerns if there wasn't a first amendment gathering exemption from an actual ordinance which would be enforceable.

With no other comments, the Mayor asked for vote on the amendment. The roll call vote failed 5-2 with all voting in against except for Downing and Plunkett.

The Mayor asked for discussion on the original motion. Gagne said if an ordinance came before Council, he would like to have bona fide evidence that masking in a long-term setting doesn't cause harm to an individual of

any age. He was just in Florida and Georgia for two weeks and talked about mask wearing as being brutal. He talked further social distancing and sanitizing in establishments. He will be voting in favor of the resolution.

Downing appreciated Gagne's prospective even though it was different than his. **With no further comments, the Mayor asked for a vote on the resolution. The roll call vote passed 7-0 with all voting in favor.**

The Mayor expressed his thoughts on the resolution. He talked about having meetings with business owners. He expressed his support for business owners. After meeting with the business owners, it made it easier for him to be okay with the resolution. Most business owners are not in favor any kind of ordinance. The Mayor shared discussions with the business owners. Business owners know that if their business looks and feels safe for customers, this is the best financial decision. He talked about businesses being affected by UWRP and the school district. The Mayor talked about a creating a webpage that has centralized business information on it.

The Mayor also addressed Councilors bringing up being more civil toward each other. He makes him feel bad that we need to remind people of this. This is River Falls. This is a town that shows compassion, kindness, and respect. He doesn't think we need to berate our citizens that they have to do this. Most people know this is a good way to operate and he encourages everyone to keep doing it.

Plunkett raised a point of order and asked is this a time to make random statements about our feelings. The Mayor said he listened to Plunkett speak, now he is speaking and giving his opinion on the resolution. The Mayor continued. He understands both sides of the mask wearing issue and provided examples and spoke further.

Upon completion of the Mayor's remarks, Plunkett requested a point of personal privilege. He felt the Mayor's remarks regarding civility was addressed toward him and wanted to reply. He felt it was extremely uncivil to act in a way that causes pandemic spread and spreads a festering pile of pestilence through the community.

REPORTS:

Bi-Annual Strategic Plan Update (1st and 2nd Quarters 2020)

Odeen appreciated these regular reports. They keep us on track. There were no questions.

Administrator's Report

There were no questions.

Comptroller's Report for June 2020

Comptroller Odeen read the following report: General Fund revenues through the first half of the year were \$4,635,719 or 42 percent of budgeted Revenues. Revenues in the month of June included \$41,472 in building permit fees. Expenditures for the same period were \$4,501,872 or 41 percent of budgeted expenses. Expenditures for the month of June included \$9,447 in COVID response expenditures. The net of revenues over expenditures as of June 30 is \$133,919.

CLOSED SESSION:

At 7:56 p.m., MS Watson/Morrisette move to recess into Closed Session per Wisconsin State Statutes § 19.85(1)(g) for the following purposes: "To confer with legal counsel for a governmental body that is rendering oral or written advice concerning strategy with respect to litigation require a closed session; to wit: Subdivision Review."

Simpson said the expectation is that the Council will not return to Open Session to take any action. This will conclude the public portion of the video. The Council will come back into Open Session to adjourn.

The Mayor asked for a roll call vote to move into Closed Session. The roll call vote passed 7-0 with all voting in favor.

At 8:27 p.m., MS Morrissette/Downing move to reconvene in Open Session. The roll call vote passed 7-0 with all voting in favor.

At 8:28 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