



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

**August 8, 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; City Attorney Chris Gierhart; IT Specialist Jon Smits; Utility Director Kevin Westhuis; Police Sergeant Logan Dohmeier; Assistant Director of Community Development Emily Shively; Management Analyst Fellow Sara Kasel; City Engineer Todd Nickleski; Management Analyst Ellen Massey; Economic Development Manager Keri Schreiner; Community Development Director Amy Peterson; Finance Director Josh Solinger

**Others:** Dana Linscott, Krista Cleary, Eric Amundsen, Sean Lentz, others

**APPROVAL OF MINUTES**

July 25, 2023, Meeting Minutes

**MSC Downing/Morrisette move to approve minutes. Unanimous.**

**APPROVAL OF BILLS:**

Bills: \$2,002,811.79

**MSC Mueller/Bjerstedt move to approve bills. Unanimous.**

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

Krista Cleary, 880<sup>th</sup> Avenue, Town of Clifton – came to speak against an ordinance the Council previously passed regarding camping.

Dana Linscott, 11395 County Road M – came to speak against an ordinance the Council previously passed regarding camping.

**Presentation by Merchant McIntyre**

Tristan Southard and Brent Merchant from Merchant McIntyre came to provide a federal funding update. Southard began by talking about the process they use working with the city. He spoke about grants that have been awarded, are submitted, or are pending. These grants include a Rural Businesses Development Grant, Community Project Funding (CPF) Request, Safe Streets and Roads for All (SS4A) Grant Program, and Assistance to Firefighters Grant (AFG).

Merchant continued talking about opportunities they are actively working on which include a Rural and Tribal Assistance Program, EDA Public Works Economic Adjustment Assistance, and Kinni Corridor Project Advocacy. Southard spoke about upcoming funding under consideration. They are looking at grants for Rebuilding American Infrastructure Sustainability and Equity, Congressionally Directed Spending/Community Project Funding Request, Body-Worn Camera Policy and Implementation Program, and Charging and Fueling (CFI) Infrastructure Program. They thanked City Administrator Simpson and the Mayor and Council. They stood for questions. Alderperson Downing noted the new innovation grants that were discussed in the joint workshop and said they should be looked at.

**PUBLIC HEARING:**

Ordinance 2023-11 – Creating Title 17 Zoning; Chapter 17.50 – Corporate Park Zoning District – Second Reading and Disposition

**At 6:52 p.m., the mayor moved into a public hearing. As there were no comments, the mayor closed the public hearing and moved back into open session at 6:53 p.m. The mayor asked if council had questions. There were none. MSC Morrissette/Bjork move to approve ordinance. Unanimous.**

Ordinance 2023-12 – Amending Official Traffic Control Map (No right turn on red - Division Street to Main Street) – Second Reading and Disposition

**At 6:53 p.m., the mayor moved into a public hearing.**

Eric Amundsen, 500 Marcella Court – had a couple of concerns. He liked the grant and what is being done at the intersection. He wondered why there is a no right on red when attempting to turn south on Main Street from Division. He was wondering if that is part of the grant. Amundsen thought it would be restrictive and cause a traffic back up. He asked Council to consider taking out the no right on red.

**As there were no other comments, the mayor closed the public hearing and moved back into open session at 6:57 p.m. The mayor asked for a motion. MS Odeen/Bjerstedt move to approve the ordinance.** Mayor Toland asked City Engineer Todd Nickleski for information about the no right on red.

Nickleski said the no right on red was a recommendation from the consultant who prepared the Pedestrian and Bike Study. The intent was to ensure that as cyclists are staged to cross the street when the light turns green, there aren't cars trying to get around them and take a right turn on southbound Main Street. The corner is an acute angle and when drivers are turning right, they tend to brush the right side of their vehicle close to the curb which pushes cyclists up onto the sidewalk. Nickleski said it was a demonstration project; if it doesn't work, it's undoable.

Simpson said the demonstration project doesn't require a no right no red. The Council can decide if they don't want to do that. He talked about the Bike and Pedestrian Plan. A corner was selected that would have the highest impact. He said it was a high impact/low-cost trial.

Morrissette asked about a timeframe for the project. Simpson said there isn't anything on the calendar unless Council chooses to direct staff. He provided more information. He talked about doing trials before doing the downtown plan. Simpson said the treatments are for inconveniencing traffic for the convenience of a cyclist, pedestrian, or other. He talked about the project having either some increased perception of safety or real increase in safety. Nickleski talked further about the intersection.

Bjork had a question on the right turn. If there's a no right turn, that means traffic/bikes are waiting. When the green light happens, the cars go. Are the cars and bikes going already? If you had a right turn on red, the bikes would wait, and the cars could go getting out of the way for the bikes. Bjork feels it is more hazardous to have a no right turn there. He would like to see an amendment to what is proposed. He thinks it is less safe.

Odeen said speaking as a bicyclist, she disagreed. As a pedestrian or cyclist, it is one of the hardest intersections to cross and feel safe. She is in favor of slowing traffic down. Anything we can do to make it feel safer is something we should try.

Downing asked about the criteria for success. Simpson said Council gets to decide that. He spoke further and provided more details. This is a sample for people to see.

Downing asked when it would come back to Council again. Simpson said this demonstration is likely less than 12 months. He provided a couple of options for Council to consider. Downing wanted to know if there is an uptick in accidents on the no right turn.

Simpson asked about making an amendment to the ordinance. City Attorney Gierhart felt an amendment was not necessary; a report back to Council in six months would suffice.

Morrisette felt the St. Bridget's side was more of a challenge. He would like to see a report back in May after a full school year.

Aldersperson Carow shared Morrisette's concerns because he has kids at St. Bridget's. He asked Nickleski if he knew the timeframe of the highest density of traffic while school is in session. Nickleski didn't.

Simpson heard Council wants a December update with more comprehensive information within 12 months – spring/summer. There was continued discussion. **Upon completion of discussion, the mayor asked for a vote on the motion. The ordinance passed 6-1 with all voting in favor except for Downing.**

### **CONSENT AGENDA**

Resolution Approving an Intergovernmental Agreement for 879<sup>th</sup> Avenue with the Town of River Falls  
→→***pulled by Morrisette***

Resolution Revoking the License Agreement for Property Located at 235 Highway 35 N. →→***pulled by Downing***

Resolution No. 6813 - Approving an Intergovernmental Agreement for 879<sup>th</sup> Avenue with the Town of River Falls

Morrisette thought this was a great solution to the concerns expressed by residents on 879<sup>th</sup>. He wanted to recognize the good work that happened. He was concerned about how the City was going to pay for it as in the packet it said it was to be determined. Before any work proceeds, he asked staff to return with a completed sources and uses table. He asked Gierhart for confirmation.

City Attorney Gierhart said by adopting the intergovernmental agreement, Council is committed to performing these actions. Where the money is coming from is to be determined. Council can ask staff to prepare a report.

Morrisette asked staff to prepare a report before any dollars are spent. He targeted a 60-day window. Bjork and Odeen agreed. **MSC Morrisette/Downing more to approve the resolution. Unanimous.**

Resolution No. 6814 - Revoking the License Agreement for Property Located at 235 Highway 35 N.

Downing asked Simpson for a brief history for the recommendation. He said it sounds like the person is between a rock and a hard place, but they understood knew what they were getting into.

Simpson was not going to speak for the property owner but can share his perspective. The Council has entered into a developer's agreement for the sale of the lot. Part of that is to not have other encumbrances on the lot. To satisfy what Council has agreed to, the Council needs to take action to revoke the license. Simpson is not recommending further actions as part of the revocation; the Council can direct if it is concerned about the property owner's access through other parts of the City's property. Simpson provided further details. He talked about the history, past actions, and multiple communications.

Downing asked if there was an example of why we might provide access. Simpson said yes, if the property owner could purchase access on a different part of the lot, the property owner could sell the

lot, the property owner could ask for a permanent easement. Simpson suggests that we have certainly about what we need to do with what was agreed to in the developer's agreement. The City has never had the responsibility to provide access to the property – we have done it as a neighborly thing. He suggests making the action to remove this and then deal with what you have after.

Downing asked if Simpson was suggesting they could work with the City afterward. Simpson is open to it on Council's behalf but hasn't heard Council say they are not interested in working with the property owner. Downing wants to make sure we are being fair.

Odeen was looking at the license agreement. She understood the City provided the access cost free for the land locked property. Simpson said yes, there's no money being exchanged.

Morrisette said we are obligated to deliver a lot free and clear of encumbrances. Simpson agreed saying that was his understanding. Morrisette said the only way we can do that is to remove the easement. That doesn't preclude the landowner from going back to the new owner, or coming to the City, or coming the property owner to the south, to ask for access. They have other options for access they must explore. The City must perform on the developer's agreement and provide a lot free and clear. Simpson said we are also performing on the license agreement. It was anticipated in the license agreement that in the future the City was going to sell the lot and we are going to rescind the license agreement. Council is essentially performing on two documents. Simpson is not providing a recommendation of 'now what'. He spoke further about the situation.

**MS Downing/Odeen move to approve the resolution. Bjerstedt would be abstaining from the vote due to a family connection. With no other comments, the Mayor asked for a vote. The vote passed unanimously except for Bjerstedt who abstained.**

#### **ORDINANCES AND RESOLUTIONS:**

##### Resolution No. 6815 - Approving 2024-2028 Capital Improvement Plan

Finance Director Josh Solinger gave a presentation on the plan. He talked about the items included and the funding amounts and sources. Solinger talked about the largest projects included in the plan which are Kinni Corridor Implementation, fire station, Mann Valley Corporate Park, biosolids facility, S. Wasson Lane reconstruction, North Substation Transformer, well #7, DeSanctis Park Shelter, electric transformers, and Main Street reconstruction. He talked about the levy support and mill rate. Solinger talked about the general obligation borrowing and the levy requirement. He talked about projects that were not included in the plan. Solinger talked about 2024 projects by department/fund and funding sources.

Morrisette asked Solinger to talk about opportunity for grants for funding of the largest projects. Simpson said there are significant grant opportunities and community fundraising for the library. He talked about retiring debt. Simpson continued talking about the projects and various funding sources. He said the fire station would have the greatest impact on potential tax implications.

Solinger talked about the police station roof, Main Street reconstruction, and vehicles. When you look at levy backed borrowing, the fire station is the bulk of it.

**With no other questions, the Mayor asked for a motion. MSC Morrisette/Mueller moved to approve the resolution. Unanimous.**

##### Resolution No. 6816 - Providing for the Sale of an Approximately \$5,030,000 Water System Revenue Bond Anticipation Note

**MSC Bjork/Mueller move to approve the resolution. Unanimous.**

**REPORTS:**

Administrator's Report

Simpson provided updates.

**MSC Bjerstedt/Morrisette move to adjourn at 7:40 p.m. Unanimous.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk