



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

August 11, 2020

Mayor Dan Toland called the meeting to order at 6:36 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; City Clerk Amy White; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; Sarah Karlsson, Finance Director, others

Others Present: AZ Snyder

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

July 28 Regular Meeting Minutes

MS Morrissette/Watson move to approve minutes. The roll call vote passed unanimously 7-0 with all voting in favor.

APPROVAL OF BILLS:

Bills: \$1,713,782.59

MS Downing/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 comments from the public.

Aldersperson Morrissette shared that the Delta Company of the National Guard which is stationed in River Falls will be returning from Afghanistan. He asked if you see any of soldiers, please thank them for their service.

CONSENT AGENDA:

Resolution Approving the Renewal of the City's Insurance Policy with Traveler's →→*pulled by Downing*

Resolution No. 6502 - Adopting Disaster Damage Aids Petition

Resolution Ratifying Chief of Police Proclamations→→*pulled by Gagne*

MS Morrissette/Odeen move to approve the remainder of the Consent Agenda. Gagne noted he pulled the wrong item. He wanted to pull item 4.

Morrissette and Odeen withdrew their motion. MS Morrissette/Odeen move to approve the remainder of the Consent Agenda. The roll call vote passed unanimously 7-0 with all voting in favor.

Resolution No. 6503 - Approving the Renewal of the City's Insurance Policy with Traveler's

Downing asked about discounts for loyalty rewards and if there were any bids that were close. City Administrator Simpson said it was not put out for bids. We worked with them to get the best price and staff recommends renewal. Downing asked if there was price consideration for the City as a returning customer.

Simpson said the price reflects this is Travelers' knowledge of us as a customer. He noted there is a dividend for the good claims history for Workers Comp. Normally, we secure a rate for two years but now companies are not eager to do that. Downing did not feel comfortable without a competitive bid process. He will be voting no.

Morrisette said we don't get competitive bids annually. He has gone through that emotion previously. That doesn't create a good relationship in the marketplace with your vendors, and it is a monumental task for the staff to undertake. Morrisette said his commercial clients are seeing rates similar to this and there is a long-term uncertainty in the marketplace in banking as well as insurance. He respects Downing's position and hope this background helps.

Simpson clarified that the City is working with a broker. We believe that this is a favorable rate. Downing again said he was uncomfortable not having a bidding process.

Alderson Odeen asked Simpson to clarify the City's bidding process. Simpson talked about the scenarios of a formal bidding process. There was discussion about the last time the City went out for bids in 2017, the former insurance carrier, and the advantages of staying with Travelers.

MS Odeen/Morrisette move to approve resolution. The Mayor asked for comments. Downing felt there should be a process which Council goes over what industry standards. Alderson Plunkett asked about the bids from the last process. Simpson said that the numbers are available, but he did not have them at the moment. He ventured to guess it would be \$50,000 less than the highest bid.

Plunkett inquired if he could discuss a policy in place for alderpersons to bring items to the agenda or if it was not appropriate. Simpson said if it was related to the item that Council is discussing, it could be mentioned.

Alderson Gagne appreciated the protection and accountability from Downing but was concerned about having a policy in place. He shared his thoughts and strategy on what was in the City's best interest. Downing talked about success in shopping around for insurance but is in favor of a policy.

Mayor Toland shared his understanding of the City's competitive bid process. There was further discussion about standards and policies. Plunkett was concerned about the City being liable in the future for potential Covid spread. He would be more comfortable having a policy in place that covers that liability. Downing asked a clarifying question about the bidding process. Morrisette talked about the City having a broker whose job is to find a competitive bid.

Upon conclusion of discussion, the Mayor asked for a vote. The roll call vote passed 6-1 with all voting in favor except for Downing.

Resolution No. 6504 - Ratifying Chief of Police Proclamations

Gagne felt this was a great opportunity for the downtown businesses to get people outside. He would like the no alcohol to be reviewed as he thinks it is possible. Gagne would like to see this long-term. He thinks this is inviting. **MS Gagne/Bjerstedt move to approve resolution. The roll call vote passed 7-0 with all voting in favor.**

ORDINANCES AND RESOLUTIONS:

Ordinance 2020-07 Amending the Comprehensive Plan and Future Land Use Map – First Reading

Downing expressed his concern about the plan skipping the Plan Commission and lack of community engagement. He is not comfortable with the DeSanctis Mills plan but is in favor of a plan that would keep it more of a nature park. He talked about the Gerard Corporation plan and was in favor of it. He thinks the Plan Commission did a good job of getting Three Sixty but doesn't think it is a correct fit.

Morrisette raised a point of order. He thought the Council was talking about the Mann Valley Plan and not DeSanctis Park. Downing said both are in there. The Mayor asked Downing if he was against the

Comprehensive Plan and Future Land Use Map. Downing said yes, if it makes it difficult to get a decent project in there. He was concerned that the community may not welcome the project. He asked Simpson for input.

Simpson provided clarification on the future land use map. He said the action that would be taken with approval is indicating that the long-term plan is a higher-level density on what was shown in the original Comprehensive Plan and future land use map. Staff has prepared that based on direction from the Plan Commission and Council over the last number of years related to increasing infill density; in particular, that was a strategic initiative the Council suggested staff undertake. Simpson provided further details and clarification. He said that this process, which was approved by the Plan Commission, is to indicate to the community that this is a spot the Council believes is good for higher density than single family housing and that's the plan for the future land use.

Downing has mixed feelings about the process and project.

Odeen raised a point of order. She said we are not talking about a development; we are talking about the Comprehensive Plan and will be voting on it in two weeks. Odeen has been on the Council for some time and appreciates the process by which we have developed the vision for expanding in Mann Valley. It's nice to see a proposal for what it might look like. The Mayor clarified that even though the plan didn't go to the Plan Commission, it was provided to all the members for their input. A couple of the members had concerns, but all were fine going forward.

Plunkett appreciated the amount of open space and protected land and mixed use. He asked about the commercial business park which is close to the City. He wondered if there was a more appropriate area a little further out for a business park.

Alderson Watson talked about updating the Comprehensive Use Plan which is 10 years old. The amount of conservancy land which is coming in is really significant. There's going to be a give and take in all of the plans. The give here is high density on the southern edge of DeSanctis Park. Watson said we will see significant benefits financially to the amenities of the park. He feels there is room for this park to become a regional park. He thinks we are moving in the right direction. Watson encourages residents who are concerned to step back and look at the whole picture. This area will develop. No one who lives here will live on the 'edge of the City'. Watson is for as much conservancy as possible. He thinks this is smart play for us.

Downing spoke again reiterating his views. The Mayor asked for other comments. There were none.

Resolution No. 6505 - Granting A Waiver to the City's Extraterritorial Subdivision Review Authority in the Town of Troy for the E.W. Homes Subdivision

MS Odeen/Bjerstedt move to approve resolution. Morrissette reminded Council they represent the residents of the City and not the Town of Troy. What advantage/benefit would be gained by approving this action? If the answer is good will with the Town of Troy, that is something they don't want to provide. This lies inside the current boundary. Either we have a boundary, or we don't. He thinks in the future someone will come and ask for the same kind of waiver. Morrissette feels this demotivates the Town of Troy into entering into boundary discussions. He said we have been told there's a possibility for legal action. Acting under the duress of legal action is a trouble way to govern. He talked about Town of Troy residents telling their elected officials that they want an agreement with the City of River Falls to do this. He is opposed to this.

Gagne normally agrees with Morrissette but noted we do have an agreement with them and are trying to work on a boundary agreement the Town of Troy. The property is considerably outside of the City and will take a long time to get out there. Do we want little pocket communities when we grow? He talked about future growth of the City and area. He is in favor of it and will be voting yes.

Downing asked Morrissette if a yes vote would give Troy undue say in the future. Morrissette said the boundary was put into place for a specific reason. We are now being asked to allow an exception. He talked about it being a motivation for boundary agreement talks.

Odeen said this is on the edge of the City's extraterritorial zone. She understands that a boundary was put into place for a reason, but a lot has changed since then including the enforcement of ETZs. While she is in favor of this, she is also in favor of looking at ETZs to ensure they compile with the law and gives the City the most rights possible. She sees this as a little piece of this and would like to tighten the ETZs up in the future.

Downing expressed concern about setting a precedence. He said that it may discourage the ability to work with extraterritorial zoning in the future. He felt Morrissette brought up a good point. He will be voting against this.

Alderson Bjerstedt appreciated everyone's point of view but this is at the perimeter of the City's zone. There is already houses all around it. He doesn't see the City needing this property. He feels it is unfair to punish the developer over the actions of the town board. As a matter of fairness, this is exactly why we have a process in place. If someone comes to us in the future, we can say no. It doesn't mean we have to say yes, every time. He is in favor of this and feels it is a good way to move forward and get past some old issues.

Plunkett asked for Watson's opinion. Watson agrees with Ms. Odeen. In thinking about the changes in the interpretation of ETZ law and weighing that against the fact that this project is almost completely outside of the ETZ boundary, he thinks it is reasonable to cede our decision-making process to the Town of Troy and let them decide if they want this development. Watson said we need to look at and tighten up our ETZ ordinance. He is for this.

Simpson said there is a representative of the developer there for questions. Plunkett asked if a representative was there from the Town of Troy. There was not.

With no other comments, the Mayor asked for vote on the resolution. The roll call vote passed 4-3 with all voting in favor except for Downing, Morrissette, and Plunkett.

Resolution No. 6506 to Censure Alderson

The Mayor provided an introduction. Before and after the previous Council meeting, community members expressed their outrage over Mr. Plunkett's interactions with some citizens. Of particular note were multiple complaints about the language used with one resident and comments that were perceived as threatening of a liquor license. The Mayor asked the City Attorney for language for possible discipline of elected officials in office including removal. He received the complaints along with the attorney's advice and requested that the City Attorney draft a resolution for censure to present to the Council. The resolution, if passed, would publicly censure Mr. Plunkett which amounts to a public acknowledgement that the behavior of the Councilmember does not reflect the expectations that Council has for its members. It is one of the limited actions a Council can take in this situation.

The Mayor hoped that each Councilor would state their position on this resolution during the discussion portion. Discussion should focus on the matter at hand and matters raised in the resolution. The Mayor said Councilors will have more time to discuss general conduct, expectations, social media, and other forms of communications with residents at an upcoming workshop.

MS Morrissette/Bjerstedt move to approve the resolution. The Mayor asked for comments.

Morrissette has been on the Council the longest serving with 20-25 different people over the years. During that time, there have been many differences of opinions between Councilmembers. It's never been personal, threatening, or contentious. It has been respectful of another person's point of view – that's what the residents expect. They expect the Council to be civil and polite especially when we are dealing with different points of view. There are so many different topics in society now and it's so divisive, and he has to tell Plunkett that he did not find his comments anywhere near being able to heal that divisiveness.

Morrissette talked about people asking him over the years why he voted the way he did. He is disheartened when people don't reach out beforehand to tell him what their point of view was so he could understand a

different perspective. We need resident feedback, and he believes that Plunkett's comments have hurt this interaction with the citizens.

Gagne said within the week after the comments, he had people calling his cell phone not just from River Falls but from other communities. He quoted one asking, "What is going on in River Falls?" They sent a link to a River Falls Facebook page with a bunch of these links that people were blowing up on. He doesn't think that Plunkett's actions were professional or responsible. He doesn't think that anyone would want a family member talked to in the manner that he saw Alderperson Plunkett speak to another person whether in person or by email. He thinks those words were vulgar. He understands the sentiment, but we have to watch how we act and speak in the community. His biggest concern is when people look at River Falls, what are they looking at. Are they looking at the City's growth and family environment or that we have to shield our kids from seeing this? It doesn't go to play for a family atmosphere.

Gagne also talked about numerous people asking how we get this guy out of office. He talked about a petition circulating with 487 signatures to hold Alderperson Plunkett accountable. He feels that if Plunkett were in office for more than a year, he'd be removed. Gagne feels there is enough support to have him removed. It's sad; he doesn't want to see anyone removed because they believe something differently.

Alderperson Plunkett raised a point of personal privilege. He asked Gagne to point to what word he used that was vulgar. He said at no point has he sworn, cursed or used profanity. At best, he is being accused of failing to find a more diplomatic phrasing of "rancid tubs of ignorant tubs of contagion." He asked Gagne to point to specially point to vulgarity. Gagne thinks the comment he just made is pointing to a specific individual and other community members and is vulgar. If it was a general statement that would be different, but Plunkett was pointing to people that live in the community that are taxpayers. Just because a person disagrees, it doesn't give us the right to be vulgar. Gagne also didn't believe that people should do that on Plunkett's social media. He finds that wrong too, but they aren't on City Council.

The Mayor asked for other comments. Bjerstedt was really disappointed.

Odeen said expectations of good behavior from elected officials are there for a reason – it helps get stuff done. We need to work with people who may not believe or see things the same things we do but if we can work with them civilly, we can hope to get things done and focus on the things that are best for most of the citizens of River Falls. When we purposely insult people, call them rancid and ignorant, it is meant to be insulting, belittling, and degrading. That is just not appropriate when you have been elected by these same folks.

Plunkett said what he finds inappropriate is that today there is a newspaper article about residents and staff testing positive at Comforts of Home. Gagne interjected and felt this was off topic. The Mayor agreed and asked Plunkett if he had something to say about the resolution. Plunkett said yes. The behavior he was addressing is the behavior that has led to death and spreading of contagion in the community. People may disagree with his words, but he finds they are the right words to use. He is incredibly disappointed that people threatened the City and other residents with acting in a way that causes the spread of filth, contagion, and disease that has led to the death of three people.

Downing noted that Plunkett just reasonably said that he should have said before without calling any names. He knows Plunkett is able to be direct without calling any names. At a local government level, we are capable of following ethics codes that federal and state representatives fail at miserably. He talked about those representatives being bad role models. He talked about ethics codes being like "good fences" which make good neighbors. That ethics code applies to all without exception and that's why people trust their local governments more. He generally agrees with Plunkett's point. Downing spoke further about name-calling being inappropriate and the Council needing to be civil and set a good example whether we agree or disagree.

Watson said the example we set on the City Council is an example that is followed by our constituents in the community. It behooves all of us to communicate with each other in this and other public forums when we are dealing with the public in a manner that allows for everyone to be heard and respected. With the statements that

are a part of this resolution, that respect is diminished, and people do not feel that they can be heard in a respectful manner. He supports this resolution.

Plunkett wanted to talk about people being heard. He said two Councilors wanted a mask ordinance placed in the agenda but was removed at the Mayor's request.

The Mayor said comments should be about the resolution, and we will keep comments to that. Plunkett requested to speak. He finds the removal of the ability of Councilmembers to speak to an issue and then to come back and try and restrict their ability to speak to an issue that has killed members of our community due to wanton negligence and disrespect of other members of the community is not acceptable.

The Mayor felt Plunkett was confused. The Mayor told Plunkett he is free to give his opinion, but the Council didn't like the way he expressed his opinion to the citizens, and we won't stand for that. Plunkett asked for the floor. The Mayor ask for him to stay on topic. Plunkett asked what specific items is he supposed to respond to? Or is it to respond to the laundry list of people who do not want a mask ordinance who want to be free to spread disease and contagion to our community? Frankly, he is incensed.

MS Morrissette/Odeen called to question. The Mayor asked for a vote. The roll call vote passed 7-0 with all voting in favor. The Mayor asked for a vote on the original motion. The roll call vote passed 6-0 with all voting in favor except for Plunkett who abstained because it was a matter directed at him and would not be appropriate for him to vote.

REPORTS:

Administrator's Report

Gagne asked about the hearts behind Simpson on the windows. Simpson said they are thinking of other people in the community placed by City staff. Gagne loves what staff does. They do a great job.

Bjerstedt thanked Assistant City Administrator Stroud. He appreciated his situation reports.

Downing asked Simpson to update the public on what is available for recreation use. Simpson provided updates. Odeen provided an update on the library. She also extended thanks to the City staff for their work on the partisan primary. There was further conversation about the elections and drop box.

Review of Resolution No. 6501 - Resolution Relating to the Covid-19 Public Health Emergency; Recommending the Use of Face Coverings in Public in the City of River Falls

Assistant City Administrator Stroud provided updates. He met with River Falls Area Hospital leadership this morning. They will provide him with stoplight data – red, yellow, green – related to their ability to provide appropriate initial care and transfer of any critical care. The Pierce County Health Director has now started to include on her dashboard hospital bed availability for the Northwest Healthcare Emergency Readiness Coalition. Stroud talked about the local outbreak at Comforts of Home.

Gagne asked about a notation on page 89. Stroud provided an explanation.

Odeen asked Stroud asked about contact tracing. Stroud said that Pierce County Health Director AZ Snyder was available for questions. Snyder said contact tracing has been going well. She provided specifics and talked about two people being hired to assist and also a team for UWRF students. Snyder noted a concern. Earlier in the pandemic, it was easier to identify sources. Now the number of community transmissions from unknown source has grown rapidly. She said it means one of two things - either there are asymptomatic cases that aren't getting tested or people are not telling the truth about where they were over the last 14 days.

Plunkett asked about the number of cases that were involved in indoor dining or drinking outside of their home in commercial establishments. Snyder did not have that data, and it would be difficult to pull that from the state

surveillance system. She provided further clarification. Plunkett asked about the supply chain and getting PPE to the public.

Stroud said in terms of responders, we are doing okay. He provided further details.

Morrisette thanked Snyder and City staff for their constant communication. He asked Snyder if she could provide direct communication to the Council in certain circumstances. Morrisette spoke further. Snyder would be happy to do that at Stroud and Simpson's direction.

Downing talked about being a health care worker, being tested, and waiting for 14 days for the results. He talked about asymptomatic spread. He asked about when contact tracing may become ineffective. Snyder thought we will always do contact tracing. She said testing is a problem on the federal level. It should not take a week or more to get test results. Snyder said this is an allocation of resources problem, and as a country, we are unprepared for testing in the fall. She urged the Council to raise their voices at the state and federal levels to advocate for testing resources. It is vitally important. Downing asked about rapid tests. Snyder provided a detailed response and talked about this type of testing being ineffective. There was further discussion about testing.

Plunkett asked about Snyder's concerns with schools reopening. Snyder talked about UWRF being very well-prepared to open. She provided further information and talked about K-12 schools. Gagne asked about the long-term goal with Covid. Snyder said that is the million-dollar question and what public health is struggling with. She talked about herd immunity not working in Sweden. She said the only way that would work is through a well-functioning vaccination implementation program. Snyder's goal is to keep community transmission down so she can prevent it from getting into facilities like Comforts of Home. There was further discussion. The Mayor thanked Snyder for her help. There were no other questions.

At 8:44 p.m., MS Watson/Odeen move to adjourn. The roll call vote passed 7-0 with all voting in favor.

Respectfully submitted,

Kristi McKahan, Deputy Clerk