



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

**September 22, 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; City Clerk Amy White; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; Community Development Director Amy Peterson; Utility Director Kevin Westhuis; Project Manager/Engineer Jason Raverty; others

**Others Present:** Judie Babcock, Duke Welter

The Pledge of Allegiance was said.

**APPROVAL OF MINUTES:**

September 8, 2020, Meeting Minutes

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

**APPROVAL OF BILLS:**

Bills: \$932,067.39

**MS Plunkett/Morrissette move to approve bills with the exception of the charges from General Communications Inc. for three portable radios and chargers in the amount of \$4,740.02 (pulled for discussion) subject to the Comptroller.**

Aldersperson Plunkett noted the amount was \$259 below the competitive bidding threshold but the Purchasing Policy stated there should be a comparison of two to three close competitive quotes which we don't have on this item. He wanted to bring it forward for the board's review.

The Mayor asked City Administrator Simpson for information. Simpson believed it was for police radios. The City is part of several networks for bids. It was bid through the National Association of State Procurement Officials. It is a mass competitively bid contract for items. Plunkett asked for clarifying information about the policy. Simpson talked about national/state bidding sources which counts as the bid. Aldersperson Gagne asked if it was intergovernmental or private purchase. Simpson said this was a purchase by the City. He provided further clarification.

**The Mayor asked for a vote on all the bills with the exception of the charges from General Communications. The roll call vote passed unanimously 7-0 with all voting in favor.**

**The Mayor asked for a motion on the charges from General Communications. MS Odeen/Bjerstedt move to approve the bill. The roll call vote passed 6-1 with all voting in favor except for Plunkett. Gagne voted yes with the understanding that this item would come back to Council with a justification of that policy.**

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

Update from KinniCC

Duke Welter and Judie Babcock from KinniCC provided a presentation for Council. Welter talked about the charge of the committee and being a partner to the City for fundraising and raising awareness of the Kinni Corridor plan. He provided a brief background of the committee's work this year.

Welter talked about flooding in June and the damage to the Powell Falls dam. The extent of the damage is unknown. FERC has ordered the City to submit a plan and schedule by October 9 for a possible drawdown. Welter expressed concern that further heavy rain events could cause further damage to the dam including a catastrophic breach.

Welter summarized the short- and long-term funding needs. The cost estimates for demolition/removal. The corridor restoration for Powell Falls could be at a mid-range of \$1.2 million with a +/- of 50%. Last evening at the Utility Advisory Board meeting, Ayres Engineer/Project Manager Peter Haug thought the costs will be in the \$1.7-\$1.9 million-dollar range.

The short-term needs include \$65,000 for studies which the KCC is working on now. They have obtained a Wisconsin DNR planning grant and River Falls Community Foundation.

Welter talked about the schedule. The schedule sets the fundraising process. He talked in detail about grant opportunities from private businesses including Trout Unlimited. Welter also talked about interest from Native American tribes. The group has been busy but not publicly prominent. He gave kudos to the fundraising committee and the KCC Board. He is looking forward to the success of the fundraising effort and the project. Upon conclusion of the presentation, Welter fielded questions.

Gagne thanked Welter for the great presentation and for their work. Plunkett also appreciated the work that people are doing. He asked if a specific plan was adopted and approved. Welter provided background about the reports being prepared by the City's engineering consultant, Ayres and Associates. They are preparing a final plan to go FERC next year. Welter spoke in more detail about reports, timelines, and drawdown.

Plunkett asked if a final decision was made about dam demolition and the final course of the river. He asked about the possibility of saving money by following Minneapolis' example with Mill Ruins Park by leaving up part of concrete rebar structure as a historical aspect of the City and to go through the limestone as a new channel for the river.

Welter said the initial decommissioning report called for the removal of the dam and to have a free-flowing river. City Administrator Simpson said the initial study from February 2020 left some of structure around where the powerhouse is for a pedestrian bridge abutment across the river but the current proposal from Ayres is to remove most of the concrete dam. Simpson talked further about the dam's construction and how that will affect its removal and also stakeholder comments.

Plunkett talked again about going through the limestone to create a free-flowing river which he believe would result in a significant savings to taxpayers. Judie Babcock responded saying we need to understand the removal of the bluff and going through the limestone would disturb natural areas. It could a consideration but right now the proposal is removal.

Alderson Morrissette talked about concern about damage to the dam due to the flood. He talked about removal of the dam coinciding with the useful life of the dam. He supports removal of the dam.

Utility Director Kevin Westhuis talked about visible damage done to dam. He talked about drawing down to see the damage. Tomorrow Westhuis is meeting with the DNR to talk about the dam and options. Welter talked about the impact of the draw down on the process of removal.

Plunkett inquired again about the possibility of saving thousands of dollars by rerouting the river around either side of the dam. He provided further details. He doesn't understand why we have chosen the most expensive option.

Babcock said the concern is the structure is aging and is likely to fail. It is not a safe structure to leave in place. Babcock offered to meet with Plunkett and an engineer at the site to talk about the geology. Plunkett felt Babcock was intentionally obstructionist of someone who is on the Council and is responsible for taxpayer dollars. He didn't appreciate that attitude. Babcock apologized and said she was trying to be respectful of his comments.

The Mayor said decisions can't be made tonight. He talked about drawdown and having a bigger picture of what can be done. He wanted to wait on discussion and asked if there were any questions on what the KinniCC was doing right now.

Gagne agreed with the Mayor's comments. He talked about looking at the best option moving forward and a drawdown giving a better idea of the damage and how to move forward. He spoke further.

The Mayor asked for other questions. Alderperson Watson asked Welter what he needed from Council that would help facilitate the ask from the DNR or legislature.

Welter said we have been operating on the schedule provided from FERC. If you can get a drawdown okayed to make damage assessment and then decide on a repair, they could work with Ayres and FERC on the next steps forward. Welter offered to come back in the future to provide updates.

#### Public Comments

There were no comments from the public. Alderperson Morrissette talked about the cancellation of the Fire Department Open House due to Covid. He talked about the current recruitment for new firefighters. He urged interested persons to take a look at that online. Morrissette thanked everyone from the Fire Chief down to the newest firefighter for their service.

#### **CONSENT AGENDA:**

Acknowledgement of the following minutes: BID Board – 7/14/20; 3/10/20; UAB Workshop – 8/17/20; Plan Commission – 8/4/20; Police and Fire Commission - 5/6/20; Library Board – 8/3/20

Resolution Accepting the Public Improvements for Highview Meadows 5th Addition→→ ***Pulled by Gagne***

Resolution Accepting Public Improvements (Sterling Ponds Cottages) →→ ***Pulled by Gagne***

Resolution No. 6514 - Appointing Mike Noreen as the City Forester

Resolution No. 6515 - Authorizing Urban Forestry Grant Application

**MS Odeen/Morrissette move to approve the remainder of the Consent Agenda.** The Mayor asked for comments. Odeen appreciated Mike Noreen's multi talents and was delighted to have someone shepherding the City trees especially with the challenges with Emerald Ash Borer. She was appreciated the City had someone in house with the skills to do it. She welcomed him as forester. Gagne agreed with Odeen's comments and felt the City has done a good job managing Emerald Ash Borer. He talked about the City replacing the trees as they are removed.

**With no other comments/questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6516 Accepting the Public Improvements for Highview Meadows 5th Addition

Resolution No. 6517 Accepting Public Improvements (Sterling Ponds Cottages)

Gagne asked why the City has to accept public improvements. Community Development Director Amy Peterson said the City inspects the infrastructure installed by the developer (water, sewer) before the rest of the infrastructure is put in. Gagne asked what a public improvement is and who has to pay for it. Peterson said it is water, sewer, and streets. When a developer requests a final approval, City staff makes those inspections and puts together a punch list provides that goes back to the developer, and they make modifications as necessary. The infrastructure needs to meet City code and that is paid for by the developer.

Aldersperson Downing asked about Highview Meadows and problems with water pressure. He asked if that was covered under the warranties. Simpson said that a water pressure issue is not likely related to public improvement construction unless the right size of watermain wasn't installed. He explained the warranty period is intended to cover things like failure of concrete or settling issues related to manholes. There was further discussion about the warranty period, public improvements, and water pressure.

**MS Gagne/Watson to approve items 4 and 5 on the Consent Agenda. With no other comments/questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

**ORDINANCES AND RESOLUTIONS:**

Ordinance 2020-08 to Rezone and Amend Future Land Use Map for South Wasson Lane Lot 1 - First Reading

There were no questions.

Ordinance 2020-09 Amending Chapter 16.10 Extraterritorial Subdivisions of the Municipal Code - First Reading

Downing asked for an explanation for the viewing public regarding amending this chapter of the municipal code. Community Development Peterson said a few months ago there was a request for waiver from our extraterritorial subdivision boundary. The request went to both the Plan Commission and the Council. Through a legal review during that process, it was recommended that we review our code and look at amendments that strengthen our code and showed that we were not limiting development based on use. That what this amendment is putting forward.

Aldersperson Watson understood the change in language in the preamble and taking out use as a reason and metric for approving or denying subdivisions, but he is not clear on the change from 35 acre and 5-acre subdivision to the 10-acre subdivision allowance in the proposal. He would like to get some information on the reasoning behind it. Peterson said staff would take a look and pull together information for Council.

Resolution No. 6518 Amending Total Project Cost for the Police Department Remodel and Addition Project

**MS Watson/Downing move to approve the resolution.** Gagne asked if we are doing anything to alleviate ice damming. Project Manager/Engineer Jason Raverty said nothing is being done currently to alleviate the ice dams. He believes with the newer building being constructed on the west end where the water drains off the roof, that will be a better insulated building. He thinks ice dams will not be an issue. If they continue to be, we could put heat tape on that section of the building. Gagne talked about putting heat tape working at his home. **With no other comments, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

**REPORTS:**

Administrator's Report

Simpson recognized the extraordinary work being done by City staff and volunteers on preparing absentee ballots all while continuing to serve the public. There are drop boxes at City Hall for the public to use. There were no questions.

Comptroller's Report for August 2020

Comptroller Odeen read the following: General Fund revenues through the end of August were \$8,296,913 or 76% of budgeted revenues. Revenues in August include \$2,372,673 from the final tax settlement and \$257,438 in state grants as part of the Routes to Recovery program: designed to reimburse Wisconsin municipalities for unplanned COVID-19 related expenses. Expenditures for the same period were \$6,230,437 or 57% of budgeted expense. Expenditures for the month include \$46,755 in street maintenance costs. Net revenues over expenditures for the period ending August 31, 2020 are \$2,066,477.

**ANNOUNCEMENTS:**

Mayor's Appointment to the Library Board

**MS Downing/Gagne move to approve new appointment of Michael Metro through July 2021 (to fill remainder of term from Robert Wing vacancy). The roll call vote passed 7-0 with all voting in favor.**

**At 7:55 p.m., MS Bjerstedt/Downing move to adjourn. The roll call vote passed 7-0 with all voting in favor.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk