



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

**October 13, 2020**

Mayor Dan Toland called the meeting to order at 6:32 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; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; Planner Sam Wessel; Utility Director Kevin Westhuis; Chief of Police Gordon Young; others

**Others Present:** Patricia LaRue, Diana Smith, Jerome Rodewald, Connie Foster, Beth Schommer

The Pledge of Allegiance was said.

**APPROVAL OF MINUTES:**

September 22, 2020, 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: \$2,692,336.55

**MS Watson/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:**

Patricia LaRue, 489 Marcella Court – provided an update and information on voting for the general election.

Diana Smith, from Town of River Falls – came to speak at the public hearing for Ordinance 2020-09 Amending Chapter 16.10 of the City's Municipal Code.

Jerome Rodewald, Zoning Administrator for the Town of River Falls - came to speak at the public hearing for Ordinance 2020-09 Amending Chapter 16.10 of the City's Municipal Code.

**University of Wisconsin-River Falls Operation Update**

Interim Chancellor Connie Foster and Chief of Staff Beth Schommer provided a presentation on how the University of Wisconsin-River Falls was handling Covid 19. Foster talked about being focused on community care. They are requiring mandatory face coverings, enforcing strict social distancing, and 2/3 of the courses are either online or a hybrid. They are educating students on the risks of Covid 19 and their responsibilities. Foster talked about a spike in cases in September which resulted in a two-week shelter in place and online course delivery only. She talked about testing students for the virus, contact tracing and case management, and the creation of an on-campus isolation housing. Foster provided information on the latest active number of cases. She talked about UWRF's educational mission, the economic impact on UWRF and the City, and being thankful for supportive partnerships. Foster fielded questions from the Council at the conclusion of the presentation. The Council asked questions about testing for the virus, about the science building, the number of on campus

resident students, and virus testing for on and off campus students. The Mayor thanked Foster and Schommer for the presentation.

**PUBLIC HEARING:**

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

**At 7:01 p.m. the Mayor recessed into a Public Hearing. As there was no one wishing to comment, the Mayor closed the Public Hearing and moved back into Open Session at 7:02 p.m. MS Morrissette/Odeen move to approve the ordinance.**

Aldersperson Gagne asked what the zoning was for the buildings across the street. City Planner Sam Wessel shared his computer screen which showed a map of the location. The zoning is R2 which is consistent for the area. Gagne asked about a shared driveway. Wessel provided details and explained that the developer will offer a proposal which staff will review. Gagne asked follow-up questions which Wessel answered. **As there were no further questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

Ordinance 2020-09 Amending Chapter 16.10 Extraterritorial Subdivisions of the Municipal Code – Second Reading and Disposition

**At 7:07 p.m. the Mayor recessed into a Public Hearing.**

Jerome Rodewald, Town of River Falls – asked the Council to table the ordinance until the towns involved had a chance to review it with their legal counsel. He said the ordinance took them by surprise. He felt there was no notification to the citizens. He understands that the Council feels it is just a platting ordinance, but he felt it was a use ordinance. Rodewald has known this ordinance was incorrect for some time and was hopeful for a change but the town was blindsided by it. He specifically addressed a new section 16.10.160 “Division into Small Lots”. Rodewald talked further about the section and again asked Council to table it.

Diana Smith, Town of River Falls – she thought Rodewald explained the concerns well. The town has concerns that they didn’t know about this and felt they should have been given an opportunity for their boards and residents to review.

**As there was no one else wishing to comment, the Mayor closed the Public Hearing and moved back into Open Session at 7:13 p.m. MS Watson/Morrissette move to approve the ordinance.**

City Administrator Simpson said the City feels this is a platting chapter and this focuses on land division criteria. The official map is not a use map – it is different than a future land use map. The language that was added was intended to clarify that it is land division criteria. He said this is not the ETZ which has been mentioned a couple of times – it is a plat review and land division which is an exclusive right of the City in order to have orderly development. Simpson stated in the opinion of the City’s attorney, there isn’t any reason for further review. The towns have been invited on multiple occasions that if they wish to discuss this and other topics that would subject to a boundary agreement, they are invited to do so but have suggested that at this point they are not interested in doing so. Simpson concluded saying this is a technical revision based on case law and the best advice of our attorney is to proceed with it.

Aldersperson Morrissette asked if there was a reason that we decided on ten acres. Simpson said the intention was to indicate that this was for land divisions. It was a discussion between planning staff and the attorneys on what kind of number to use to give some understanding of what divisions are at stake. Simpson said the Council could change the number. He thought if the number was reduced to five acres, our attorney would be fine with it. Morrissette clarified that he wasn’t looking to change the number; he just wanted to methodology on how it was decided.

Aldersperson Watson responded that originally there was a five-acre and a thirty-five acre and that was the end of the divisions on a lot. The five-acre had a lot of restrictions. Watson would like to have the ten-acre number

higher but given what our counsel is saying that he believes is a defensible division; he has to follow what counsel has said. Watson would rather it be higher because he thinks the smaller lot developments will make it harder or the City to plan for future growth.

Aldersperson Gagne asked why this was brought back on the table for us now. Simpson said we had the circumstance to be corresponding with this attorney about other things. We talked with the attorney about drafting this, so we went forward. It does have to do with the case law regarding land division. Gagne asked about the ETZ in the Town of Troy. Simpson said the ETZ would be a separate issue.

Aldersperson Bjerstedt asked about in the event of a future boundary agreement wouldn't this be all negotiable – both inside and outside? Simpson said in the case of the Town of Kinni Boundary Agreement, all the lines have been molded into one boundary line. He talked further about the advantages of boundary agreements.

The Mayor talked about specifications being subject to different boundary agreements.

Aldersperson Downing asked if five acres developments were more flexible for the City. The Mayor said small developments are better for the City moving forward. Simpson said the primary concern is the division of the land interferes with orderly development of your water, wastewater, and streets. The smaller the number the more likely the division is going to interfere with those future developments.

Watson noted that within a boundary agreement, the City has the right to say yes or no at any time on whether we want to accept a parcel or not. Gagne pointed to the E. W. Homes requesting a waiver which initiated this process.

Aldersperson Plunkett asked if this was time critical or could we put it off to allow other entities to understand what we are doing. Simpson said it was a decision of the Council but suggested that the City has gone through the process and has publicly noticed this and made our intentions known of exercising the power the Council has to clean up an ordinance. It is up to the Council.

**As there were no further questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6519 - Authorizing Special Assessment Police Powers under Section 66.0703 Wisconsin Statutes for the Benefit of the River Falls Business Improvement District

**At 7:29 p.m. the Mayor recessed into a Public Hearing. As there was no one wishing to comment, the Mayor closed the Public Hearing and moved back into Open Session at 7:29 p.m. MS Morrissette/Odeen move to approve the resolution. Aldersperson Odeen remembered that when she moved to River Falls in 1992, the downtown looked shabby. She feels the BID District leadership and the active participation of the property owners has made a huge difference in what River Falls looks like for the better. The Mayor agreed. As there were no further comments, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

**CONSENT AGENDA:**

Resolution No. 6520 - Approving Renewal of Health and Dental Insurance (HealthPartners)

Resolution Ratifying Chief of Police Proclamation Related to COVID-19→→ ***Pulled by Gagne***

Resolution No. 6521 - Approving Contract for Services Between the City of River Falls and the River Falls Library Board

**MS Odeen/Watson move to approve the remainder of the Consent Agenda. With no other questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6522 - Ratifying Chief of Police Proclamation Related to COVID-19

Gagne said he needed to abstain from the vote. **MS Morrissette/Odeen move to approve the resolution.**

Downing asked how Police Chief Gordon Young felt about the proclamations and the direction we are going. Chief Young said the proclamations that have been put in place have been working to the best of our abilities and through the direction of the City Administrator, Assistant City Administrator, and Public Health. As we go through uncharted waters, we will move them as we see what's best for the community. He is pleased with how they are working so far. Downing thanked Young for the work he does. **With no other questions, the Mayor asked for a vote. The roll call vote passed unanimously 6-0 with all voting in favor except for Gagne who abstained from the vote.**

**REPORTS:**

Administrator's Report

Simpson said attached from the Wisconsin Policy Forum is a report on how cities are reimbursed. Simpson said a letter will be sent to the Governor asking him to look favorably upon increasing the amount of reimbursement the City receives toward State facilities. Simpson said River Falls would be happy to host the University even if we received zero dollars in reimbursements but not all cities have taken that stand. He said there are a lot of benefits beyond the money we get but it would be helpful if the State would fund closer to the 100 percent of services the City provides. He said it has to do with fairness and equity.

Morrissette asked for a preliminary timeframe or when a report would come to Council on the lower dam regarding the damage. Simpson expected it would first go to the Utility Advisory Board but thought it would be the first meeting in November.

Utility Director Kevin Westhuis said a mini presentation at UAB meeting to give people an update on the draw down and some potential decisions the Council will be faced with. Downing asked about the recycling event. Westhuis provided information on the upcoming event. Morrissette asked about a fee. Westhuis referred people to the website for list of acceptable items but said it is generally a free service. Simpson clarified that residents pay a Core fee that funds the event. Mayor Toland said the information was included in his weekly video.

**ANNOUNCEMENTS:**

Mayor's Appointments

Board of Appeals

New appointment of Kellen Wells-Mangold through October 2023

Park and Recreation Advisory Board

Reappointment of Brandon Dobbertin through May 2023

**MS Downing/Morrissette move to approve the Mayor's appointments. The roll call vote passed 7-0 with all voting in favor.**

**At 7:43 p.m., MS Bjerstedt/Gagne move to adjourn. The roll call vote passed 7-0 with all voting in favor.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk