



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

January 24, 2023

Mayor Dan Toland called the meeting to order at 6:30 p.m.

City Council Members Present: Todd Bjerstedt, Jeff Bjork, Nick Carow, Sean Downing, Scott Morrissette (virtual), Alyssa Mueller, Diane Odeen

Members Absent: none

Staff Present: City Administrator Scot Simpson; City Attorney Chris Gierhart; IT Specialist Jon Smits; Police Chief Gordon Young; City Engineer Todd Nickleski; Management Analyst Ellen Massey; Economic Development Manager Keri Schreiner; Deputy Clerk Jackie Hanson; Finance Director Josh Solinger; Assistant Director of Community Development Emily Shively; Utility Director Kevin Westhuis; Assistant City Administrator Jason Stroud; Assistant to the City Administrator Jennifer Smith

Others: Patricia La Rue, the Royal Ambassadors, Jeffrey Powers, others

APPROVAL OF MINUTES

January 10, 2023, Workshop and Regular Minutes

MSC Odeen/Mueller move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$4,913,951.28

MSC Mueller/Bjerstedt move to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Patricia La Rue, 489 Marcella Court – read a statement in support of the resolution reducing the number of election inspectors.

The Royal Ambassadors introduced themselves and thanked the City Council for their support. Alderperson Morrissette said he has been the MC for the Royal Ambassadors for the past few years saying it is a wonderful, rewarding program. He thanked them for their time.

Alderperson Bjork expressed sympathy for the loss of Wayne Beebe who was a former Council member and teacher.

PUBLIC HEARING:

Request for Combination “Class A” Liquor and Class “A” Beer License for Bo Jon’s Flowers and Gifts, 222 N. Main Street

At 6:36 p.m., Mayor Toland moved into a public hearing. With no public comments, the mayor closed the public hearing and moved into Open Session and asked if council had questions.

MS Downing/Bjerstedt move to approve license.

Alderperson Morrissette asked the agent, Jeffrey Powers, to come forward to answer questions. Morrissette explained he asks the same three questions to new agents. He asked Powers if he understood the role of an agent; if he understood that if an alcohol related violation occurs even if he’s not present, it’s his responsibility; and if he held his responsible server’s license. Powers answered yes to the questions.

Morrisette thought this was an unusual application and asked Powers what steps he was going to take to ensure that a bouquet with alcohol is not delivered to a minor. Powers said there would not be delivery of alcohol as it is against Wisconsin Statute. It would only be sold in store.

Alderson Odeen asked about a question on the application regarding if 'initial and ongoing training will be provided to employees' which was answered no. Odeen asked Powers if he would be training his employees on the standards for the sale of alcohol. Powers said yes; he redid the form and submitted it with 'yes'. He said all employees will be trained. Some will be required to complete the server training. Odeen asked how he planned to market this – how do you plan to combine these sales with the sale of flowers. Powers said it is as simple as wine and roses. He talked about date night and Father's Day baskets.

The mayor asked if there were other questions. Odeen asked if the police department signed off on the application. The mayor said yes. **With no other comments, the mayor asked for a vote. The motion passed with all in favor.**

Ordinance 2023-01 Repealing and Recreating Section 12.12.010 - Street Excavations – Second Reading and Disposition

At 6:40 p.m., Mayor Toland moved into a public hearing. With no public comments, the mayor closed the public hearing and moved into Open Session and asked if council had questions. MS Odeen/Bjerstedt move to approve ordinance. The mayor asked for questions.

Downing asked how often the permits are renewed. City Administrator Simpson asked City Engineer Nickleski to provide an answer. Nickleski said the city right of way permits are typically a one-time permit. He talked about the process and warranty period. They don't typically renew.

Downing asked if the city retains the legal rights to terminate a permit in violation of the city's law-based interpretation of the user. City Attorney Gierhardt said yes, if the permit is violated the city could terminate it, but the applicant could reapply and potentially get it back, but they would have to comply with the terms of the ordinance. Downing asked a clarifying question.

With no other questions, the mayor asked for a vote. The motion passed unanimously.

Ordinance 2023-02 Repealing and Recreating Title 18 Cable Franchise Ordinance – Second Reading and Disposition

At 6:43 p.m., Mayor Toland moved into a public hearing. With no public comments, the mayor closed the public hearing and moved into Open Session and asked if council had questions. MS Downing/Bjork move to approve ordinance. The mayor asked for questions. There were none. The mayor asked for a vote. The motion passed unanimously.

CONSENT AGENDA

Acknowledgement of the following minutes: Historic Preservation Commission – 12/14/22; River Falls Housing Authority – 11/10/22; Park and Recreation Advisory Board – 10/19/22; Utility Advisory Board – 10/17/22 regular meeting; 11/2/22 special meeting; West Central Wisconsin Biosolids Facility Commission – 10/20/22, 11/10/22; Library Board – 12/5/22; BID Board – 11/8/22; Plan Commission – 11/1/22 workshop and regular meeting

Resolution No. 6734 - Approving the General Development Plan for a 106-unit Multifamily Development on Radio Road

Resolution Approving City Administrator Annual Performance Review Process →→ **pulled by Carow**

Resolution No. 6735 - Approving Lease Between City of River Falls and Dan and Annette Johnson (Whitetail Ridge Corporate Park property)

Resolution No. 6736 - Approving Lease Between City of River Falls and Peterson Family Dairy, Inc. (County Road FF property)

Resolution No. 6737 - Approving Reduction of Election Inspectors at Polling Locations

Resolution No. 6738 - Approving Submission of Vibrant Spaces Grant

Resolution No. 6739 - Approving a Privilege License in the Street Agreement to Allow a Private Driveway in a Portion of City Right-of-Way to Provide Access to a Parcel (PID 022010310100)

Resolution No. 6740 - Approving Development Agreement between City of River Falls and Oppidan Investment Company

Resolution No. 6741 - Recognizing the Park Inventory

MSC Odeen/Mueller move to approve remainder of Consent Agenda. Unanimous.

Resolution No. 6742 - Approving City Administrator Annual Performance Review Process

Aldersperson Carow was curious about how the process works. He has been through it in his first term on council and wants to understand it better. Carow understands that Simpson has been through a 360 review in 2014 and will have another in 2024. He stressed this has nothing to do with Simpson or his performance. He was curious about how the committee was created. He said it looks like the comptroller and council president (council officers) have served for the last seven years. Carow sees nothing wrong with that – he has high esteem for both Morrisette and Odeen but wondered about adding an additional voice. He knows the review comes back to council. The mayor said it is decision that council could make.

Carow made a friendly amendment to add one more member to the committee if that is not in violation of an open meeting. Bjork would second if it is legal. City Attorney Gierhardt said the council has seven members so three would not be a quorum, but they need to only discuss the performance evaluation. The mayor asked how council would decide who that person would be. Carow said it would subject to mayoral appointment.

Morrisette has been on the committee for quite a while and has no problem with that. He said all the committee is doing is making a recommendation to the full council. In the past, there have been times when it has been modified. He is not offended by adding another person.

Odeen isn't offended either; she has served on the committee for some time. She said what the smaller committee does is review comparable materials and meet with the Human Resources Director to talk details and make a recommendation. Another voice would be just fine if we don't run into quorum problems.

Carow was glad there was no offense taken. He looks at process stuff as really about when things aren't perfect. He thinks there is a very component council, a very good administrator, a good system in place but maybe someday that won't be true. He would like to make sure council is being mindful. He thanked council for taking it up.

The mayor reiterated the motions for the amendment. Deputy Clerk McKahan noted there was not a motion on the original resolution. The mayor asked for a motion.

MS Carow/Bjork moved to approve the resolution with an amendment of an additional mayoral appointment from council. Morrisette asked about the council affirming the mayor's appointment. There were questions about the process. Gierhardt said to approve the motion on the table and there were mayoral appointments at the end and council can appoint the additional member then.

The mayor asked for a vote on the amendment. Simpson wanted to clarify. He believed there was a motion and a second but there's no amendment. A yea vote would be to adopt the process with the additional council member. The mayor said the vote would be on the original motion with an additional council member. The vote was unanimous.

REPORTS:

Environmental Fee Report

The mayor asked if there were questions. Alderperson Bjork thought there was going to be a presentation. Simpson said the report was on the agenda for discussion. Bjork felt there was a lot that needs to be discussed on this. He talked about a 63-cent monthly fee the city has been collecting. Bjork has an issue collecting money for a fee that is not required. He talked about the expenses going down in connection with the groundwater. If the city is going to have the fee, the purpose needs to be shared. Bjork talked about it being put into a slush fee. The mayor asked Simpson to give an explanation.

Simpson said the city has an environmental fee fund connected with a landfill operated in the 1960-1970s. The landfill was closed in 1977 as part of a consent order where they identified responsible parties other than the city. Settlement monies were collected from other parties. The city had its responsibilities for closure fees. At the time, there were some concerns about the unknown future maintenance of the property. The DNR had indicated that the city would have ongoing responsibility after the closure including environmental and groundwater monitoring and any related remediation and assistance to any impacted properties. The concern about water contamination has shrunk. Annual maintenance has been done.

Simpson provided history and talked about past expenditures and the reduction of fees. He asked for a review of all the city's funds which needs to be done periodically. Simpson noted the city does not have slush funds. The analysis was completed on time but after the budget was settled and the fee structure set up. The recommendation was that there were adequate reserves in the fund. There were some options for the funds. Simpson's recommendation is to keep the fund in place but reduce the fee to zero. He wouldn't get rid of the fund in case there was an obligation. Simpson said it was a policy question for council. He talked about reviewing the fees at a future meeting. Simpson spoke further providing other details about the use and the amount in the fund, loans from the fund, and future risks. Bjork asked about the loans. Simpson gave details.

Alderperson Bjerstedt is in no rush to change this. He worries about what happens in Washington DC saying we could get a big surprise. Morrisette agrees with Bjerstedt. He is glad we are looking at this but has concerns about what might pop up. He isn't in favor of taking any action today. Odeen agrees. Landfills are forever and talked about the city being liable in the future. She isn't in favor of eliminating the fund; we could adjust the fee. She wants to give that some thought. Bjork wants to keep the fund but look at adjusting the fee at the April meeting. Mueller asked if the funds would gain interest on the balance. Simpson said yes, but the interest would be low and provided further explanation. There was further discussion. Simpson asked about council's interest in setting a borrowing schedule. Morrisette would be in favor of formalizing the two loans and spoke further. Bjork agreed.

Simpson talked about past research done to see if the city could use the cash accumulated in the fund to purchase a transfer liability. We could not find a match that's why we loaned the money out to other funds. Mueller said her comment about interest was about changing the fee amount to zero and the balance staying at \$3 million. If something happens in 10 years, \$3 million would not be enough to cover the city's liability. Simpson talked about future scenarios and what the analysis has shown. He said it is never not going to be the city's responsibility.

The mayor confirmed everyone agreed about waiting until spring to review the fees and Simpson could get some information together about the two loans.

Comptroller's Report for December 2022

Comptroller Odeen read the following: General Fund revenues through the end of December were \$11,470,918 or 98 percent of total budgeted revenues for the year. Revenues in December include \$18,948 in building permits, and \$10,997 for public works charges related to sidewalk improvements and snow removal. Year to date expenditures through the end of December were \$11,734,794 or 101

percent of total budget expenditures for the year. As of December 31, 2022, net expenditures over revenues were \$263,876.

Final revenues and expenditures for Fiscal Year 2022 are subject to review and revision over the course of the year-end and audit processes.

ANNOUNCEMENTS:

Mayor's Appointments

Historic Preservation Commission

Reappointment of Heidi Heinze through January 2026

Appointment of Nick Carow to the City Administrator Review Board for his compensation

MSC Morrissette/Odeen move to approve appointments. Unanimous.

MSC Bjerstedt/Mueller move to adjourn at 7:21 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk