



**CITY OF RIVER FALLS, WISCONSIN
COMMON COUNCIL ORGANIZATIONAL MEETING**

April 20, 2021

Mayor Toland called the meeting to order at 6:30 p.m. in the Council Chambers in City Hall.

Members Present: Alderpersons Todd Bjerstedt, Nick Carow, Sean Downing, Scott Morrisette, Alyssa Mueller, Diane Odeen, Ben Plunkett

Staff Present: Scot Simpson, City Administrator; City Attorney Chris Gierhart; Assistant City Administrator Jason Stroud; others

Mayor Toland announced that Oaths of Office for the newly elected Council officials have been taken within the 10 days as required by *Wisconsin Statutes* Alderpersons at Large Diane Odeen; Sean Downing, District 1; Nick Carow, District 2; and Alyssa Mueller, District 3.

The Mayor shared an email from City Administrator Scot Simpson regarding the verdict of Derek Chauvin which he aloud. The email talked about the importance of local government, racial justice and equity, and the importance of the City's police department.

ELECTION OF COMMON COUNCIL OFFICERS:

Council President

MS Odeen/Bjerstedt nominate Scott Morrisette as Council President. The roll call vote was 7-0 with all voting in favor.

Comptroller

MS Morrisette/Bjerstedt to nominate Diane Odeen as Comptroller. The roll call vote was 7-0 with all voting in favor.

Deputy Comptroller

Comptroller Odeen appointed Todd Bjerstedt as Deputy Comptroller.

Parliamentarian

The Mayor appointed Diane Odeen as Parliamentarian.

ELECTION OF COUNCIL MEMBER TO PLAN COMMISSION:

MS Morrisette/Bjerstedt nominate Diane Odeen to Plan Commission. The roll call vote was 7-0 with all voting in favor.

APPOINTMENTS BY MAYOR/CONFIRMATION BY COUNCIL:

Mayor Toland recommended the following appointments:

Historic Preservation Commission	Nick Carow
Library Board	Alyssa Mueller
Parks and Recreation Board	Sean Downing
Design Review Committee	Ben Plunkett
Utility Advisory Board	Scott Morrisette
Housing Authority	Todd Bjerstedt
River Falls Creates Public Art	Dan Toland

MS Morrisette/Bjerstedt move to approve the Mayor's appointments. The roll call vote

was 7-0 with all voting in favor.

APPOINTMENTS OF OTHER CITY OFFICIALS

City Attorney – Chris Gierhart, Weld Riley S.C.

City Forester – Mike Noreen

Health Officer – Pierce and St. Croix County Health Departments

MS Odeen/Morrisette move to approve the Mayor’s appointments of City officials. Alderperson Plunkett asked for discussion regarding the health officer. He felt the City just experienced a stress test having multiple health officers. He suggested having a single health officer.

The Mayor asked Simpson to speak on the topic. Simpson thinks it is a possible to appoint a single health officer. He is not sure what the consequence would be saying it would be symbolic if the Council appointed one officer. It doesn’t have to be either of the two health departments. Simpson said there are a variety of things a health officer does that is not related to the pandemic. He spoke about other duties including enforcing local ordinance issues. Simpson spoke further talking about how it is currently handled. He also talked about receiving a letter in the past from the Pierce County Health Officer discouraging the City from appointing a medical doctor as the health officer. Simpson asked Attorney Gierhart if he recalled the letter.

Attorney Gierhart did not. He said because the City does not have its own health department, each county would retain some jurisdiction over the areas of the City in their respective parts of the county regardless of who is the health officer. Simpson talked about an option with state law which allows the City to request counties which have a City Administrator form of government (St. Croix County does; Pierce County does not), to have the County Administrator delegate the health officer authority in the City which crosses in two counties to the other county. Simpson tried this in the past with St. Croix County, and it was denied. He doesn’t suggest the current system broken but it is not ideal. It requires a lot of cooperation. Simpson spoke further providing more details.

Attorney Gierhart said the primary purpose of the health officer is to enforce Chapter 8 removing someone from their home when it is dangerous or uninhabitable. If that had to be done, the health officer would be acting under the City’s statutes not under county ordinances.

The Mayor asked the Council’s interest in doing something different. Alderperson Morrisette remembers when this started, and he expressed concern about having two health officers. He has some frustration having two county health directors. He defers to Simpson and Gierhart about the practicality of the application of law. Morrisette is willing to listen to solutions.

Mayor Toland asked about researching options and laying them out for the Council. Simpson said the old appointment would stand until a new appointment is made. He talked about the scenarios for appointments. **MS Odeen/Morrisette moved to amend motion to approve the appointment for City Attorney and City Forester but not City Health Officer.** Alderperson Downing felt the City should be looking for consistency. **With no other comments, the Mayor asked for a vote. The roll call vote was 7-0 with all voting in favor.**

Resolution No. 6565 – Designating Public Depositories for Public Monies Held by the City of River Falls
MS Downing/Bjerkstedt move to approve the resolution. Alderperson Morrisette said he would abstain from voting because his employer was included in the resolution. **The roll call vote was 6-0 with all voting in favor except for Morrisette who abstained.**

REVIEW OF OPEN MEETINGS LAW

City Attorney Gierhart provided a presentation on the open meetings law. He explained all meetings must

be open to the public, the Council determines its procedures and has adopted Robert's Rules of Order with respect to its parliamentary procedure. Gierhart explained the definition of a governmental body and meeting. He talked about public comments saying it is advisable to defer extensive discussion on them until specific notice of the subject matter can be given to the general public for discussion at a future meeting. Gierhart said it is critical that Closed Session items are not be discussed in public.

Gierhart talked about the City's ethics code saying public officials and employees are agents of public purpose and hold office for the benefit of the public. Councilors need to uphold the Constitution of the United States and the State of Wisconsin. Councilors should treat everyone equally, be honest, be loyal, don't exceed your authority, and don't use public property for private use. Gierhart spoke about conflict of interest in respect to financial and personal interest. He said you can always abstain if you feel you have a conflict. Gierhart also talked about the disclosure of interest in legislation. He also spoke about the state's ethics code and provided an ethics scenario. Gierhart stood for questions upon completion of the presentation.

Simpson asked Gierhart to speak on a common question which is: doesn't everything I do affect me as a Councilor and property owner? Gierhart noted that every Council member by definition has to be a resident of the City. Those broad impacts, while they may affect you, they are not directed at you and they are not a conflict.

BOARD OF REVIEW

The Board of Review meeting date was set for May 25, 2021, at 6:15 p.m. but will adjourn to September 23, 2021, at 4 p.m. as when the assessment roll is completed.

CLOSED SESSION:

At 7:14 p.m. MS Downing/Bjerstedt move to recess into Closed Session per Wisconsin State Statutes §19.85(1)(e) for the following purposes:

“deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to wit: site redevelopment”.

Simpson noted an addition of “South Main Street” to the Closed Session for transparency purposes.

Alderson Plunkett asked if the notice that was issued was sufficient for the public to be informed of the Closed Session topic. Attorney Gierhart believed it was but his preference was to have a general location. He is comfortable moving forward because the Council is not taking action tonight.

With no other questions, the Mayor asked for a roll call vote. The vote was 6-1 with all voting in favor except for Plunkett who voted against. Simpson said the Mayor should confirm with Gierhart if the Council can go into Closed Session due to the vote. Gierhart said yes; it does not have to be a unanimous vote.

At 8:05 p.m., MS Mueller/Odeen to move back into Open Session. The roll call vote passed 6-0 with all voting in favor. The meeting moved into Open Session at 8:05 p.m.

MS Bjerstedt/Mueller moved to adjourn at 8:06 p.m. The roll call vote passed 6-0 with all voting in favor.

Respectfully submitted,
Kristi McKahan, Deputy City Clerk