

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

September 9, 2008

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

City Council Members Present: Wayne Beebe, Tom Caflisch, Dave Cronk, Bob Ebert, Joleen Larson, Jim Nordgren and Michael Woolsey

Staff Present: Bernie Van Osdale, City Administrator; Bill Thiel, City Attorney; Carl Gaulke, Utility General Manager; Reid Wronski, City Engineer; Dave Hovel, Building Inspector; Buddy Lucero, Planning Director

Others Present: Linda Kirk, Jean Smith, Peter Bloch, River Falls Royal Ambassadors Abby Lindevig and Alyssa Redick, Ashley Grundtner, Joanie Branigan, Elaine Baker, Andy Huppert, Jerome Rodewald and others

APPROVAL OF MINUTES

August 26, 2008, Regular Meeting Minutes

MSC Cronk/Woolsey to approve minutes as submitted. Unanimous.

August 26, 2008, Workshop Minutes

MSC Woolsey/Nordgren to approve minutes as submitted. Unanimous.

APPROVAL OF BILLS

City – \$593,310.65 Utility - \$201,535.17

MS Caflisch/Cronk approve the bills subject to comptroller. Nordgren noted that \$239,100 of the City's bill was to Greystone. **The bills were unanimously approved.**

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

The Mayor read a letter from Deb and Steve Freeman thanking the City for making the parks look great. The Mayor thanked the Freemans for their letter.

Recognition of Service – Library Board Members

The Mayor presented plaques to Linda Kirk and Jean Smith in recognition for their many years of dedicated service to the Library Board.

Linda Kirk said it was a pleasure and thanked the City and Council for their support over the years.

River Falls Royal Ambassadors Funding Request

Representatives from River Falls Royal Ambassadors, including 2008 Royal Ambassadors Abby Lindevig and Alyssa Redick, came before Council to talk about the program and to request \$1500 in ongoing funding.

The Council proceeded with discussion because the request was not listed on the agenda for action.

Caflisch recommended the request for funding be put on the agenda for the next meeting. He felt it was a worthy cause that promoted the City. He also noted that funding would need to be decided on a year-to-year basis. There were more questions and discussion from Council.

Lighthouse Coffee Change of Trade Name

Lighthouse Coffee notified the Council that it changed its name to Dish and the Soup Café.

Artwork for New City Hall

Peter Bloch came to speak to the Council of behalf of his wife, Bonnie Rubinstein, who is an artist and is considering applying for a grant to create glass artwork for the new City Hall. Bloch showed the Council a slideshow of her artwork. There would not be a cost to the City for the artwork.

Woolsey asked Bloch about the success of getting a grant. Bloch discussed past experiences with grants. Caflisch requested that pictures of the potential artwork be brought back to Council for review. Larson felt the topic of artwork for City Hall should be discussed by Council before any decisions were made.

Bloch said the grant would be approximately for \$7500 which doesn't buy a lot of glass artwork so this project wouldn't overshadow other artwork in the building.

The Mayor thanked Peter for thinking of the new City Hall and for offering this contribution.

Andy Huppert, 554 N. Dallas Street, came to ask about the signage for County Road M in the City. Wronski explained that within the City limits County M is Division Street.

Ashley Grundtner, 245 Foster Street, came to ask the Council's permission have a 5K race on City streets to benefit her sorority's philanthropy which is arthritis and juvenile arthritis research. The race would be held on Saturday, October 11, at 9 a.m. and would begin in Veteran's Park. Grundtner showed Council a map of the race route. She said if it were approved, they would distribute flyers to the neighborhood residents to inform them about the race.

Larson clarified that she was not asking for street closures. Grundtner said she was not. Ebert suggested putting flyers on the doors. The Mayor thanked Grundtner for her efforts on behalf of arthritis research. Attorney Thiel noted this item was not on the agenda for action. Caflisch suggested putting it on the next agenda.

PUBLIC HEARING:

Ordinance 2008-26 – Amending the Municipal Code for Front Yard Setback for Residential Areas – Second Reading and Disposition

Mayor Don Richards recessed Council at 7:09 p.m. and went into a public hearing. At 7:10 p.m. with no one wishing to speak for or against this issue, Council reconvened into Open Session for disposition. **MS Cronk/Nordgren move to approve ordinance.**

Larson asked how many setbacks were done and how many were denied. Hovel said nine were filed and two were denied. There was discussion about past setback requests.

Larson asked how the fees were determined. Lucero said fees were set after researching the amount of staff time spent and also the cost of publishing the notice in the paper.

Larson was not in favor because she didn't feel there was a need for this. She was concerned when the City started changing setbacks. She felt people could come and ask for a variance. Hovel said there was no guarantee that it would be approved.

Lucero said that many people didn't go through the process because they had to prove they had a hardship and they knew they wouldn't get approval. He said this is something they keep hearing so they brought it forward. Further discussion continued.

With no further discussion, a roll call vote was taken. The motion to approve the ordinance passed with a 4-3 vote with Beebe, Cronk, Ebert and Nordgren all voting in favor of it and Woolsey, Larson and Caflisch voting against.

CONSENT AGENDA:

Resolution No. 5163 Accepting Crime Initiative Office of Justice Assistance Grant #2007-DJ-01-3621 for Police Department Equipment

MSC Beebe/Larson move to approve resolution. Unanimous.

ITEMS FOR DISCUSSION:

Direction on Proposed Amendment within the Extraterritorial Subdivision Area

At the last Council meeting, Lucero said staff was directed to look at the possibility of providing lot splits in the extraterritorial area. He said last year the City passed an extraterritorial subdivision (1 in 35) ordinance. All lots must be 35 acres in size and the only exceptions given were for agricultural land.

He said one of the ideas was to allow lot splits in subdivisions. He also talked about minor subdivisions. He said when it was presented to the Plan Commission a couple of ideas arose. One idea was to focus on locating it in the City's Comprehensive Plan in the urban area boundary. He said it could be done but then there is nothing covering the outside area of the urban area boundary.

He said they could develop standards for a lot split. Lucero said he wasn't sure how far the Council wanted him to go with this.

Cronk felt there could be problems with any of the options as some people would be happy and others would not.

Jerome Rodewald, N7578 910th Street, sees it as a simpler issue. Rodewald referred to the Comprehensive Plan and said the plan supported it. He felt it should be done.

The Mayor clarified what Rodewald was saying. Rodewald said he was supporting Lucero's second option which was to allow lot splits in areas of very low infill.

Larson said she spoke to Attorney Thiel earlier in the afternoon and had asked him to make some comments.

Attorney Thiel said what is before Council is a potential amendment to an existing ordinance. He said uniform standards would have to be adopted that would be applicable throughout the entirety of the extraterritorial subdivision control zone. He said as Lucero eluded to there could be a third exception created which would allow further land splits in the extraterritorial subdivision jurisdiction.

Larson said the areas for consideration are across the street from the City. She feels the goal is to have density near the City. She would like the City to use the Comprehensive Plan.

Cronk brought up the Council's hard work on the 1 in 35 Ordinance.

Larson said the 1 in 35 Ordinance was to address brand new, large subdivisions not existing subdivisions. She didn't feel it was a problem if another house was added in a very low-density area. She said if she were to give Lucero direction, she said take the Comprehensive Plan and make it work. Further discussion continued and Lucero tried to clarify Larson's intent. Lucero said the map was designed for urban development. He said if splits were to occur, when water and sewer are available, the owners need to hook up. He said if they don't hook up, that would defeat the purpose.

Larson said the City needs to give and take and find a way to make it work. She would welcome future updates.

Caflisch said that proposed ordinance regarding the water and sewer should go before Plan Commission at the same time along with the item they were discussing.

Lucero said he would go back and work with Carl Gaulke and the Plan Commission and bring it back before Council at a later time.

Statewide Ballot for Healthcare Benefits

Thiel said this item was on the previous Council agenda for consideration. It was to possibly put a referendum question on the November ballot which said to the effect: "Shall the State Legislature adopt the legislation on or before December 31, 2009, providing healthcare benefits at least as great as those afforded to State Legislators to all people in Wisconsin?"

He said it was framed as a question and a number of electors in the City signed the petition. The petition was filed with the City Clerk, and she asked Thiel if it needed to be placed on the ballot. Thiel previously advised the Council that based upon the wording of the petition, it was a discretionary action upon the part of the City Council and it did not fit within the realm of direct legislation. Action was taken at the last City Council meeting to deny placement on the ballot.

Thiel said since that time, the petitioners have asked that the issue be framed differently and rather than raising a question to be placed on the ballot, it would be worded to the effect that "Be it resolved by the Common Council of the City of River Falls that the following question should be placed on the ballot for consideration by the electors in the November 2008 election."

Thiel said this is a gray area and he consulted with the attorney for the State Elections Board and he confirmed that there is no case law regarding it. Thiel said there were problems with how the petition was framed and he doesn't think that it is correctable. However, he said that he has talked with the attorney representing the group and they may bring a mandamus action to force it to be placed on the

ballot. He said the cost of the printing the ballots would be \$1500; the cost of litigation would far exceed that amount.

The Mayor objected because he didn't want the City to spend \$1500 to put the question on the ballot. He asked Thiel about the City's chances if it would go to court. Thiel said he could not advise them because there is no case law in this area. Thiel went over the different types of referendum questions – mandatory, direct legislation and discretionary. He felt this question was discretionary.

Cafilisch asked what happened if this was put on the ballot and was passed. Thiel said nothing happens. Cafilisch felt that it couldn't possibly be legal to change the wording after all the people had signed the petition. Thiel said there is a law allowing a petition to be corrected by an affidavit. Further discussion continued by Council and Attorney Thiel.

Ann Parks from Healthy Wisconsin River Falls, spoke on behalf of the petition and reminded it was an advisory petition which states the will of the people.

Larson felt this should be a statewide referendum and not a City referendum. Woolsey felt placing the question on the ballot was using it for political purposes. There was further discussion by Council. Cronk asked if the Council wanted to fight it in court. Cafilisch asked if cities would ban together to fight this in court and Thiel said no. Cronk said the City might incur a substantial legal fee if the group chose to pursue it. There was further discussion and Thiel read the wording changes. Cronk said it still boils down to whether the Council wants to spend \$1500 now or risk paying more if the City gets sued over the petition.

MS Woolsey/Cronk move to remove item from table. A roll call vote was taken and the motion to approve removing the item from the table passed with a 6-2 vote with Cafilisch, Cronk, Ebert, Larson, Nordgren and Woolsey all voting in favor of it, and Beebe and Nordgren voting against.

MS Woolsey/Cronk move to submit the question to the ballot. A roll call vote was taken and the motion to submit the question to the ballot passed with a 4-3 vote with Beebe, Cronk, Ebert, and Woolsey all voting in favor of it, and Cafilisch, Larson and Nordgren voting against.

ANNOUNCEMENTS:

Mayor's Appointments to Boards, Commissions and Committees

Mayor Richards asked consideration of the following appointments:

Library Board

Appointment of George Ayres through July 2011

MSC Cafilisch/Larson move to approve committee appointment. Unanimous.

MSC Cronk/Larson move to adjourn at 8:19 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan
Deputy City Clerk