

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

**April 12, 2011**

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

**City Council Members Present:** Tom Caflisch, David Cronk, Bob Hughes, Randy Kusilek, Scott Morrissette, Jim Nordgren, David Reese

**Staff Present:** Bill Thiel, City Attorney; Scot Simpson, City Administrator; Roger Leque, Police Chief; Carl Gaulke, Utility General Manager; Jeff Rixmann, Ambulance Director; Buddy Lucero, Community Development Director; Wes Arndt, WPPI Energy; Julie Bergstrom, Finance Director

**Others Present:** Mike Peters, President and CEO of WPPI Energy; Kristan Kimmes; Raymond Egan; Rosanne Bump; Chad Halvorson

**APPROVAL OF MINUTES:**

March 22, 2011, Regular Meeting Minutes

**MSC Cronk/Nordgren to approve minutes as submitted. Unanimous.**

**APPROVAL OF BILLS:**

City – \$743,377.62

Utility – \$1,328,755.57

**MSC Morrissette/Nordgren move to approve the bills subject to the comptroller. Unanimous.**

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

Council Member Kusilek asked about getting a link on City website to inform the public about why City flags are flown at half staff. The Mayor thought it was a good idea.

Mike Peters, President and CEO of WPPI Energy, came and gave a presentation updating Council on WPPI Energy. After the presentation, Peters entertained questions from Council.

**PUBLIC HEARING:**

Combination “Class A” Liquor and Beer License, DeVine Liquor LLC, 703A N. Main Street, Kristan Kimmes, Agent - Disposition

**Mayor Richards recessed Council at 6:55 p.m. and went into a public hearing.** Kristan Kimmes provided new information regarding the license application. She said Chad Halvorson, the owner, proposed that she rent 703B in the building instead of 703A. Kimmes also shared a letter from New Adventures Learning Center which is currently occupying 703B and will be vacating the building. The Mayor asked why the change in location. Kimmes said there is more room.

Chad Halvorson, owner, said the daycare wanted to exit before their lease was up. He said if the license was granted, the daycare would not occupy any space in the building. There was further discussion about the daycare. Attorney Thiel asked if Halvorson had a written termination of lease agreement with the daycare. Halvorson said no and that is why he asked them to provide him a letter to Council. Thiel recommended if the Council looked favorably upon the request, it should be subject to the submittal of a written termination lease agreement between Mr. Halvorson and the daycare center. There was further discussion about the status of the daycare.

Morrissette asked about parking. Halvorson has spoken with City staff. Discussion continued regarding parking. Lucero said Halvorson has to meet zoning no matter what the business is. He said if parking becomes an issue, Halvorson would need to come back to the City.

Reese was concerned about all the extenuating circumstances and asked if tabling the item for two weeks would be a deal breaker. Halvorson felt the daycare owner wanted to have things expedited. He felt these issues would exist no matter who the tenants were. There was further discussion.

When the discussion ended, the Mayor asked if there was anyone else wanting to make a comment.

Raymond Egan, 1722 Windflower Street – has a child who attends the daycare and was concerned about a daycare next to a liquor store. He said because the daycare is closing, his concerns may be moot. He stated concerns about one entry into the business but most of his other points were related to a daycare next to a liquor store. Hughes asked if Egan was against the license if there wasn't a daycare in the building. He said he was not against the license.

**At 7:21 p.m. with no one else wishing to speak for or against this issue, Council reconvened into Open Session for disposition. MS Cafilisch/Hughes move to approve license.**

Kusilek felt it was presumptuous that a lease was signed in advance of the license being issued. Reese thought it was probably conditional upon a liquor license. Kusilek said it was like it was taken for granted that a license was going to be issued. Thiel said that issue was a private matter but clarified that a license could only be issued to someone who had control of the premises by ownership, lease or another legal relationship.

Cafilisch said when the original information was provided he was against the license due to the location of the daycare. Now with the daycare issue resolved, he is now in favor of the license.

Nordgren expressed concerns about approving a license in advance of having all the issues resolved. Thiel provided further clarification that the license was tied to a premises and the agent must be in control of the premises in order to receive the license.

Hughes asked about the possibility of a daycare returning in the vacant space. Thiel said a different business could move in and the license holder would not have to come back before Council. Hughes asked about if stipulations could be put on the license, and Thiel said they could not.

**With no further discussion, the Mayor asked for a vote on the motion. The motion passed 6-1 with Kusilek voting against.**

**CONSENT AGENDA:**

Resolution Approving Whitetail Ridge Corporate Park Property Lease →→*Pulled by Hughes*

Resolution No. 5457 - Approving River Falls Chamber Request Letter for 2011 Summer Events

Resolution No. 5458 - Accepting 2010 River Falls Fire Department Annual Report

Resolution No. 5459 - Regarding Sale of Surplus Equipment

**MSC Cafilisch/Nordgren move to approve remainder of Consent Agenda. Unanimous.**

Resolution No. 5460 - Approving Whitetail Ridge Corporate Park Property Lease

Hughes felt the City should be charging more in rental for the land lease. He also compared this lease to the "Grow to Share" lease and felt it wasn't equitable. Hughes thought the City should consider leasing it to a non-profit.

The Mayor asked Simpson for comments. Simpson said he is aware of land rental fees and said due to lack of accessibility and soil conditions, the City wouldn't be able to charge a high rate for rental. He said as a condition of the lease, the lessee has to limit farming operations and maintain the bike trail. Simpson has spoken with at least five other individuals to see if there was interest in renting this property, and there was not. He felt it was a fair agreement. He said the City was looking to eliminate the maintenance of this property while trying to keep the land from becoming overgrown. He looked at it as a cost savings to the City because staff wouldn't be maintaining the property. Simpson understood Hughes' concerns but felt this was a fair deal and recommended approval. There was further discussion by Council about the agreement. Morrissette asked about

how much the land cost the City in maintenance in a year. Simpson thought maybe a \$1,000. Discussion continued.

**The Mayor asked Hughes what he wanted to do with the resolution. Hughes moved to table the resolution to see if something could be worked out with Grow to Share regarding this lease. The motion died for lack of a second.**

**Cafilisch called the question. The Mayor asked for a vote. It was approved unanimously. MS Nordgren/Kusilek move to approve resolution. The resolution passed 6-1 with Hughes voting against.**

**ORDINANCES AND RESOLUTIONS:**

Ordinance 2011-04 - Amending Chapter 17.61, (SZ) School Zone District to Allow "Technical Colleges" as Permitted Use - First Reading

No comment.

Ordinance 2011-05 - Request by Chippewa Valley Technical College to Rezone Property from (R3) Multiple Family High Density and (B-2) Limited Commercial to SZ (School Zone) in the 400 and 500 blocks of South Wasson Lane – First Reading

Hughes asked why it wasn't zoned as a University. Lucero said it did not fit that type of zoning and said the school zone was more appropriate due to the size. Hughes asked how the zoning affects the property use. Lucero said the property is restricted to certain uses as defined by the zone. There was further discussion.

**REPORTS:**

2010 Annual Highlights for City of River Falls

Simpson gave a presentation which reviewed the major 2010 events for the City.

City Administrator's Report

There were no comments.

**CLOSED SESSION:**

**MS Morrissette/Nordgren move to recess into Closed Session per Wisconsin State Statutes § 19.85(1)(c),(e), and (g) for the following purposes:**

“Consideration of employment, promotion, compensation and performance evaluation data of any public employee over which the governmental body has the jurisdiction or exercises responsibility; to-wit:

- City Administrator Employment Agreement; and

Deliberating or negotiating the purchase 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:

- Sale of industrial park lot to and amendment of development agreement for Dennis K., LLC, and
- Purchase of land for industrial park
- Development by the City of strategy with which to bargain a possible Boundary Agreement with the Town of Troy under Sec. 66.0307, Wis. Stats; and

Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; to-wit:

- Room tax collection litigation and
- Jeffrey Linehan litigation. ”

**The roll call vote to move into Closed Session passed unanimously.**

**MSC Hughes/Nordgren move to reconvene into Open Session. Unanimous.**

**MS Cafilisch/Morrissette move to approve Resolution No. 5461 Approving City Administrator Employment Agreement with City Administrator Simpson. Unanimous.**

**MSC Morrissette/Nordgren move to approve to sell property to Dennis K., LLC, and to approve Resolution No. 5462 Amending Development Agreement with Dennis K., LLC. Unanimous.**

**Motion to adjourn by Nordgren.**

Respectfully submitted,

Kristi McKahan, Deputy City Clerk