



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

**April 25, 2023**

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

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

**Members Absent:** none

**Staff Present:** City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Sterling Hackney; Utility Director Kevin Westhuis; Assistant to the City Administrator Jennifer Smith; Fire Chief Steven Cash; Assistant Director of Community Development Emily Shively; Community Services Director/City Clerk Amy White; Library Director Tanya Misselt; City Engineer Todd Nickleski; Police Chief Gordon Young; Finance Director Josh Solinger; Management Analyst Ellen Massey

**Others:** Melissa Abdouch, Daniel Suffield, others

**APPROVAL OF MINUTES**

April 11, 2023, Regular Minutes

**MSC Morrissette/Carow move to approve minutes. Unanimous.**

**APPROVAL OF BILLS:**

Bills: \$1,430,126.95

**MSC Bjork/Bjerstedt move to approve bills. Unanimous.**

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

Melissa Abdouch, 829 Brentwood Circle – came representing River Falls Business Leaders regarding the requests for Taste of River Falls.

Aldersperson Morrissette shared he recently went on a ride along with Officer McGinty from the River Falls Police Department. He talked about the benefits of doing a ride along and recommended it to other councilors. He wanted to thank the police publicly.

Aldersperson Downing is an Earth Fest plan committee member. He thanked attendees and everyone who signed his pledge for a toxic free DeSanctis Park.

**PUBLIC HEARING:**

Ordinance 2023-06 - Amending the Extraterritorial Zoning Map to Rezone a Parcel from A-1 Exclusive Agriculture to A Agriculture (PID 022010310100) – Second Reading and Disposition

**At 6:36 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:37 p.m. There were no questions from the council. MSC Morrissette/Bjerstedt move to approve ordinance. Unanimous.**

Ordinance 2023-07 – Amending Section 8.40.040 – Weeds and Noxious Growth – Second Reading and Disposition

**At 6:37 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:37 p.m. There were no questions from the council. MS Downing/Bjork move to approve ordinance.**

City Administrator Simpson noted one councilor was remote. He said current bylaws do not require roll call votes, but the draft bylaws will require roll call votes when a member is attending remotely. Council can practice tonight – the chair can run the meeting how he wants. **The mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Ordinance 2023-08 - Approving the Annexation of Certain Property from the Town of Troy to the City of River Falls (99 Highway 35 and 101 Highway 35 – New Life Worship Center) – First Reading  
**At 6:39 p.m., Mayor Toland moved into a public hearing and asked for comments. As there were none, Toland moved back into Open Session at 6:39 p.m.**

### **CONSENT AGENDA**

Acknowledgement of the following minutes:

River Falls Housing Authority – 3/8/23; Utility Advisory Board – 2/20/23; West Central Wisconsin Biosolids Facility Commission – 2/16/22; 3/7/23, 3/16/23; Plan Commission – 3/7/23; Library Board – 3/6/23; ETZ Committee – 3/27/23; Historic Preservation Commission – 3/8/23

Resolution Approving Consulting Service Agreement with Merchant McIntyre and Associates, LLC for the Period of May 1, 2023 – June 30, 2024, in the Amount of \$8000 Per Month→→**pulled by Bjork**

Resolution No. 6772 - Approving Amendment to the Purchasing Policy for Projects Using Federal Awards and Sub-awards

Resolution Adopting a Goal to Reduce Traffic Related-Fatalities and Serious Injuries and Supporting a Vision Zero Policy in the City→→**pulled by Downing**

Resolution Approving a Development Agreement with River Falls Development III, LLC (Thompson Storage) →→**pulled by Bjork**

Resolution Approving River Falls Business Leaders Request for Street Closure for Taste of River Falls→→**pulled by Morrisette**

Resolution Approving River Falls Business Leaders Request for Open Container Exemption for Taste of River Falls→→**pulled by Morrisette**

Resolution Approving River Falls Business Leaders Request for Noise Control Exemption for Taste of River Falls→→**pulled by Morrisette**

Resolution Approving River Falls Business Leaders Request for City Assistance for Taste of River Falls→→**pulled by Morrisette**

Resolution No. 6773 - Authorizing the Application of a DNR Stewardship Grant for the Mann Valley Recreational Trail

**MS Odeen/Bjerstedt moved to approve the remainder of the Consent Agenda. The mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Resolution No. 6774 - Approving Consulting Service Agreement with Merchant McIntyre and Associates, LLC for the Period of May 1, 2023 – June 30, 2024, in the Amount of \$8000 Per Month

Aldersperson Bjork clarified that there's no guarantee that the city will get funding. Simpson confirmed that was correct.

Aldersperson Odeen said Merchant McIntyre is a federal lobbyist in Washington DC that is helping the city apply for federal grants. We are the only city in Wisconsin they represent. We have had productive meetings with our representatives. The city has applied for over \$5 million in federal funds. If we succeed in one of them, it is money well spent. She also thinks it is important to let people in Washington DC know how their policies affect local government.

Mayor Toland said there's more money out there than there's ever been for cities to go after. This is a great way to do it – to have somebody with feet on the ground that works with this all day. We do a good job of applying for grants here, but federal grants are a whole another deal.

Bjork isn't opposed to this but just wants to make sure people realize that this doesn't guarantee that we will receive one penny. If we don't give it a try, we won't get anything. There is a risk in this.

Aldersperson Carow appreciated the different points of view. It is an interesting program. He said Mr. Simpson deserves credit for creating the strategy and executing it. If it fails, the council won't be happy. Based on discussions and updates we have had, it seems like a fruitful way to get money back to the local community which is ours – we have already spent this money as taxpayers – we are trying to this get allocated back to us. He appreciated the discussion and felt this was a good thing going forward.

Bjork echoed Carow's comments saying it is our tax money, we are just trying to get back what's ours.

**MS Bjork/Morrisette move to approve the resolution. The mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Resolution No. 6775 - Adopting a Goal to Reduce Traffic Related-Fatalities and Serious Injuries and Supporting a Vision Zero Policy in the City

Downing is in favor. He asked about the composition of the committee mentioned in the packet. Simpson said we have yet to determine the final implementation strategy. The committee that's (required) in federal code, we believe can be accomplished through the work that the Comprehensive Plan Steering Committee has done. He is hoping to use the community engagement and referred to the bike and pedestrian plan which identified unsafe intersections and accident data. We must comply with the U.S. Department of Transportation rules. He provided further details. Downing enjoyed the planning aspect, and it meets our comprehensive plan.

**MS Downing/Bjerstedt move to approve resolution. The mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Resolution No. 6776 - Approving a Development Agreement with River Falls Development III, LLC (Thompson Storage)

Bjork asked if the development would close Chapman Drive and the location of the driveway. Simpson thinks the entrance is off old Chapman and not Melgaard Court. City Engineer Todd Nickleski confirmed that was correct. He said the water main plans haven't been approved. They are in staff review. The proposed driveway would be from old Chapman Drive – they haven't been approved yet. It's likely construction will require emergency access on old Chapman. Bjork asked further questions.

**MS Bjork/Morrisette move to approve resolution.** Morrisette is a no on this property as he doesn't feel this is a good use for the site. Council needs to be deliberate about the four corners and doesn't think a storage unit is a good use for the site. Bjork agreed but said the property was sunk and

hid down in the valley, so he was less opposed to it. He doesn't think it creates an eyesore. He said Melgaard's, the adjacent property owner, was in favor.

**The mayor asked for a roll call vote. The vote passed 5-2 Carow, Bjork, Bjerstedt, Mueller, and Odeen, voting in favor and Morrissette and Downing voting against.**

Resolution No. 6777 - Approving River Falls Business Leaders Request for Street Closure for Taste of River Falls

Morrissette had a response to the public comments made by Abdouch. He said the high school graduation is at the same time. He asked her to collaborate with the high school on street closure/detours. He asked who is training the roaming volunteers and would like to hear more. From a city support standpoint, the city collects 30 percent of the room tax revenue that is to be used toward tourism. He views this as a tourism type of event. He is supportive of city assistance, but it doesn't begin to cover our costs. Morrissette is not in favor of open container. He thinks the space is too big. He is supportive of the other requests.

Abdouch said they will work with the high school. She provided training details about the volunteers. Regarding open container, Abdouch said they had past events with no alcohol incidents. Regarding open container, they would consider reducing the space (removing Riverwalk from the request) if that is the reason council wouldn't approve it.

Daniel Suffield from Shooters Pub talked about street closing for the car cruises in the past. He said it was the same area and it was open container. It was done responsibly and without trash issues.

Aldersperson Mueller supported the requests. She thinks it is an exciting event to showcase city businesses. We allow open container exemptions for other non-profit groups and events. She talked about few incidents happening and the event being during the day. Mueller thought council should continue to follow their precedent.

Downing asked Police Chief Young why he wasn't recommending the event. He talked briefly Wisconsin Alcohol Policy Project. Chief Young didn't recommend this because of the alcohol policy group. The group studied the alcohol abuse in kids, and this just contributes to it. The more events held; the more chances kids see it - especially with parents. The chance of them being addicted to alcohol increase. Downing clarified asking if it's the accessibility and the perceived 'okay-ness' of drinking. Young said yes. Downing will be voting against this.

Aldersperson Bjerstedt asked if this was an all or none. If we say no to the open container, would this (event) be off? Abdouch thought they would move it to a brewery or winery. She reiterated that none of their events had incidents. She spoke in greater detail about their willingness to work with the police department, using marked cups and wristbands, and working with their volunteers.

Bjork said normally he does not favor of open container exemptions but due to the short duration and if Riverwalk was eliminated from the request, he would be in favor. There was discussion.

Carow appreciated the different perspectives saying if you look at the Wisconsin Alcohol Policy and read it in depth, you will notice that if you are going to do an event that they are doing all the steps articulated. This makes sense. Their history is important too. He talked about using wisdom to be in favor of the event. He is also in favor of a more confined space. He talked about the rules being enforced for River Falls Days and trusting people to do what they are supposed to do. He thinks the council should be in favor of this.

Morrissette said open container requests have been shrunk. Those other requests have included the engagement of the River Falls Police Reserves. That is not being asked for – there's a difference in what the council is being asked to do. He talked about a difference in seeing an officer versus

volunteer. The size bothers him from an open container standpoint. There's a history that you have of good events. Morrissette spoke in further detail. He noted his main concerns were the precedent council will set (if the event is approved), the lack of engagement with the River Falls Police Department Reserves, and the size.

Abdouch was not aware that she should request police reserves. She said we are willing to adapt the location to exclude Riverwalk; we want to work together with the council and police department. She talked about the Chamber being in support of the event. She said the precedent has been set. They are a non-profit - as the Chamber is making the same request in a shorter time span earlier in the day.

Morrissette countered saying that's not what the application says. The application said no alcohol will be sold. Abdouch said the individual businesses will be selling the alcohol. There was discussion about carrying liability insurance for the event. Abdouch said the insurance policy has not been signed because council approval hasn't been given yet. Morrissette appreciated her position but said the submitted application is what the council has to act on. The box for insurance and alcohol served boxes aren't checked. He talked about chamber's events bringing a level of confidence due to process and planning. There was further discussion about the submitted application.

Carow posed a hypothetical scenario regarding an accident due to alcohol resulting from the event and asked who would be responsible. Abdouch did not know the answer. She talked about the bars working together and not overserving. Carow talked about the police reserves providing an extra level of confidence.

Downing asked if there was a reason for cities' picking a central location for "taste" events. Simpson tried to clarify the question. He provided an answer talking about community events and the selling of alcohol in a central location.

Simpson spoke further saying there's no policy, direction, or boxes to check for people doing events. He said the form the council has is not law; it's much different than a liquor license. The form is more of a guide for people who want to do events. He talked about council's options with the application.

City Attorney Chris Gierhart provided instruction on what the council could do with the application. He said the requests are all resolutions so council can approve, modify, or deny the resolutions. Council has broad authority. It's a guide. Regarding the liability questions, Wisconsin doesn't have a dram shop law meaning people who do the drunk driving are responsible. Drunk people are responsible for their own actions.

Odeen appreciated what Abdouch was doing and for answering their questions. She thought council should give them a chance. She was delighted the event was moved downtown. It's good for business. Odeen sees this event as similar to the car cruises. She understood why there isn't a central location and the bars being the best ones to sell alcohol. She understands the concerns but would like to give them a chance. Abdouch responded to the comments that were made and provided further details.

**With no other questions or comments, Mayor Toland asked for a motion. MS**

**Morrissette/Odeen move to approve resolution.** Bjork asked about amending the resolution to exclude the closure of Riverwalk. There was discussion about the street closure and open container exemption resolutions. Abdouch said it would be helpful for Riverwalk to remain closed and provided details.

**Motion by Bjork to remove 'Request the closure and use of Riverwalk Blvd from Maple to the bridge/Veterans Park on Sunday, June 4 from 10AM to 6PM to allow for the setup of vendors and delivery of city owned infrastructure including picnic tables, garbage cans, etc.' The motion failed as there was not a second.**

Abdouch clarified why the street closure was needed. She also talked about the open container exemption. **With no other questions/comments, the mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Resolution No. 6778 - Approving River Falls Business Leaders Request for Open Container Exemption for Taste of River Falls

**MS Odeen/Mueller move to approve resolution. MS Bjork/Odeen move to amend resolution to exclude Riverwalk in the open container request.** Simpson clarified that Veterans Park would still be included in the open container request. Bjork asked Abdouch if she would be able to police it if the park was left in the request. She said yes. There was further clarifying discussion.

**The mayor asked for a roll call vote on the amendment. The vote passed 7-0 with all voting in favor.**

**The mayor asked for a roll call vote on the resolution as amended. The vote passed 5-2 with Carow, Bjork, Downing, Mueller, and Odeen voting in favor, and Morrisette and Bjerstedt voting against.**

Resolution No. 6779 - Approving River Falls Business Leaders Request for Noise Control Exemption for Taste of River Falls

**MS Morrisette/Odeen move to approve resolution. The mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

Resolution No. 6780 - Approving River Falls Business Leaders Request for City Assistance for Taste of River Falls

**MS Morrisette/Bjerstedt move to approve resolution.** Simpson asked for a point of clarification for staff that council would allow reasonable amendments for staff based on other actions council has taken this evening. The mayor said yes. Simpson said staff would do it administratively and would not bring it back to council. **With no other comments, the mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

**ORDINANCES AND RESOLUTIONS:**

Resolution No. 6781 - Authorizing Year-end Budget Adjustments for Fiscal Year 2022

Finance Director Josh Solinger gave a brief presentation about the budget amendments. He provided background. Amending budgets for fiscal year 2022 will rebalance and comply with state statutes. No new expenses are being made as Fiscal Year 2022 has ended. Solinger gave an overview of the amendments, provided summary sources and uses and a breakdown of the general fund.

**Upon the conclusion of the presentation, the mayor asked for a motion. MS Morrisette/Carow move to approve the resolution.** Bjork asked what 'leisure' was. Solinger said recreation and swimming. He provided further information about the functional areas. **With no other questions, the mayor asked for a roll call vote. The vote passed 7-0 with all voting in favor.**

**REPORTS:**

Comptroller's Report for March 2023

Comptroller Odeen read the following: General Fund revenues through the end of March were \$3,716,526 or 29.0% of total budgeted revenues for the year. Revenues in March include \$5,476 from court penalties/forfeitures and \$29,700 in building permit fees. Expenditures through the end of March were \$2,654,095 or 20.7% of total budget expenditures for the year. As of February 28, 2023, net revenues over expenditures were \$1,062,431.

**ANNOUNCEMENTS:**

Police Week Proclamation

Morrisette read the proclamation.

Clerk Week Proclamation

Odeen read the proclamation.

Mayor's Appointment

Utility Advisory Board - Appointment of Dean Bartels June 2023 through May 2026

**MS Downing/Bjerstedt move to the mayor's appointment. The roll call passed 7-0 with all voting in favor.**

**MSC Bjerstedt/Morrisette move to adjourn at 7:48 p.m. The roll call vote passed 7-0 with all voting in favor.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk