



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

April 26, 2022

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

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

Members Absent: None

Staff Present: City Administrator Scot Simpson; City Attorney Chris Gierhart; IT Specialist Jon Smits, Utility Director Kevin Westhuis; Deputy Chief Matt Kennett; Finance Director Josh Solinger; Assistant City Administrator Jason Stroud; City Engineer Todd Nickleski; Public Works Director Mike Stifter; City Planner Emily Shively; IT Manager Mike Reardon; Fire Chief Scott Nelson;

Others Present: Patricia LaRue, Stacy Nelson, several members of the Fire Department

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – April 12, 2022

MSC Morrissette/Downing move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$1,863,167.77

MSC Bjerstedt/Morrissette to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Patricia LaRue, 489 Marcella Court – is the Park Board chair and came to comment on a future ice skating rink being built at a city park. LaRue talked about discussion at the April 12 Council meeting regarding dedicating ARPA funds to build a rink. She spoke about the Park Board meeting the following week saying City Administrator Simpson was present and explained the ARPA funding. Alderperson Downing was in attendance and explained the creation of a rink. LaRue said there was thorough discussion at the Park Board followed by a unanimous vote approving ARPA funds for a rink. LaRue spoke further about the priority of a rink and provided history about the Park Board, its decisions, FEMA grants, City staff and City Council recommendations that shifted the funding priorities to the Glen Park Pavilion improvements, storm shelter creation, roadways and parking areas. She reminded Council the rink was never not a priority.

Alderperson Morrissette talked about the process the Council uses for financial planning saying they prioritize the needs of the City, and when possible, the wants. Councilors are aware of the budgeting process and how it flows to the work and fiscal plans. The items are driven by asking questions, understanding and debating the projects. Once agreed upon, the staff creates a work plan to implement the items the Council then agrees to, and they take priority.

Morrissette noted a redo of Riverwalk has been a priority for him since 2012 but is not a high enough priority on the work plan to be included. When the Glen Park plan was accepted, he added a skating rink and warming shelter to his list of work plan priorities. He approached his rotary group to look at it, but they didn't take it up. He continues to raise both Riverwalk and the ice rink during Council workshops and will continue to do so. He is disappointed that the projects haven't made the final list understanding that they are in some respect wants

and not needs. Morrissette noted the process can be slow and frustrating but allows the Council to be very deliberate. He believes it is important to provide staff clear direction on how and when to proceed which ensures the planning, engineering, budgeting, and bidding is done in an effective manner that ultimately benefits the taxpayers. A pot of money in search of a project is poor fiscal policy. His plea to follow Councilors is to be deliberate when making fiscal policy decisions believing we owe it to the citizens to be judicious with their tax dollars. He talked about the comprehensive park and bike and ped plans hoping the citizens engage in the process which will help the Council to set future priorities. He looks forward to working with the Council and thanked everyone.

Alderson Downing talked about Earthfest being a success. He thanked everyone who made it possible and contributed to making it happen. He thanked the Mayor and City Council for the commitment to Sustainability and the city's community partners. Downing thanked everyone who stopped by his table, River Falls Bee City and Clean Water Advocates who showed their support.

Alderson Bjork spoke about the sad event in Chippewa Falls saying it could happen anywhere and that we should continue to love those that we love.

The Mayor welcomed Alderson Bjork to Council and recognized the re-election of Aldersons Morrissette and Bjerstedt.

Recognition of Fire Chief

The Mayor read a proclamation recognizing Fire Chief Scott Nelson for his service. He presented it to him. Nelson received a standing ovation.

Chief Nelson compared his job to an orchestra conductor working with the Council, Police and Fire Commission, City staff, community members, and Fire Department members whose dedication and commitment amaze him. He acknowledged his division chiefs, Tom Foley, Mike Moody, and Ed Vlack; Justin Wilson; and his wife, Stacy. He said the department is in great hands and thanked everyone for a great run.

CONSENT AGENDA:

Acknowledgement of the following minutes: River Falls Housing Authority – 3/9/22; Plan Commission – 3/1/22; Historic Preservation Commission – 3/9/22; Library Board – 3/7/22; Utility Advisory Board – 2/21/22; Park and Recreation Advisory Board – 3/16/22; West Central Wisconsin Biosolids Facility – 2/17/22; 3/24/22; Bike and Pedestrian Steering Committee – 4/6/22; Police and Fire Commission – 3/1/22

Resolution No. 6669 - Approving the General Development Plan for South Pointe First Addition

Resolution No. 6670 - Awarding Bid for North Water Tower Construction

MSC Odeen/Bjerstedt move to approve the Consent Agenda. Unanimous.

REPORTS:

Comptroller's Report for March 2022

Comptroller Odeen read the following: General Fund revenues through the end of March were \$3,841,271 or 33 percent of total budgeted revenues for the year. Revenues in March include \$75,224 from recreational program revenue, \$8,281 in building permit fees and \$22,686 in personal property tax collections. Year to date expenditures through the end of March were \$2,450,378 or 21 percent of total budget expenditures for the year. As of March 31, 2022, revenues in excess of expenditures were \$1,390,893.

UNFINISHED BUSINESS:

Communication of Mayoral Veto Regarding Resolution Approving ARPA Spending Plan – Discussion and Possibility of Common Council Override of Veto

Mayor Toland read the following regarding the Mayoral Veto of the Resolution Approving ARPA Spending Plan:

On April 14, 2022, I invoked my veto power as per state statute 62.09(8)(c). I object for the following reasons:

- I don't wish for staff to be distracted from current priorities and important projects by adding a \$100,000 ice rink project to the list. I also am not in favor of adding the wage study or transportation utility feasibility to the work plan for 2022.
- We have an established, thoughtful, and proven process of identifying community priorities and getting them implemented. The ice rink project is not on the current priority list.
- \$100,000 can be better spent on items previously identified as current priorities. In fact, I would prefer that amount of money to be used toward Ash tree replacements.
- \$100,000 does not match either the \$700,000 estimate for a warming house/outdoor rink (2014) or the more recent (2022) \$50,000 estimate for a basic outdoor rink
- I would really like to wait for the completion of the comprehensive plan which the city is spending over \$250,000 on for just these sorts of things. The comprehensive planning process is the perfect place like this for something to occur to see if the ice rink remains a priority for the community among the many desired park and recreation investments that may be identified in the outdoor recreation plan.

My objection does not reflect any concerns about eventually constructing an outdoor ice rink. Since election, I have been an advocate for the City's parks. In particular, I was a driving force in prioritizing the master plans of Hoffman and Glen Park and the investment in a significant refresh of Glen Park and Glen Park Pool.

I am in favor of eventually adding a sports court/ice rink, warming house, and large central playground to Glen Park as called for in the master plan. These projects were discussed and identified as future phases. I am in favor of utilizing the ARPA funding primarily for previously identified, near-term, "shovel-ready" projects. The scope of the ice rink project, as included in the amendment, is not well defined or thought out and was not a near term priority identified by the community. It is not ready to be implemented given the current workload and priorities of the City.

I hope the City Council will uphold my veto and then consider adopting a resolution nearer the draft presented originally.

Aldersperson Downing thanked the Mayor and Aldersperson Morrisette for counsel and discussion on this. He appreciated the support for a rink if it is now or in the future. He wanted to speak about something else that wasn't covered previously.

Aldersperson Morrisette raised a point of order asking for a motion before discussion. MS Downing/Carow move to override the Mayoral veto.

Aldersperson Downing thanked the Council for discussion. He thinks highly of what is done as a group and understands it was dropped on the Council. He is asking for help to move the community forward like the ARPA funding suggests saving money in the long run as we go about getting grants using 'save as you go spending' where the current long-term plan doesn't as it relies on taxes and not acquiring community block grants or ARPA. ARPA gives us an opportunity for something to build on while saving money to accomplishing priorities our community is asking for. He has no hard feelings toward other Councilors or the Mayor. We are in a unique position to better our city with ARPA spending for an ice rink which was unexpected. ARPA spending includes community projects which are long overdue. Downing did not expect to get a majority of support in the last meeting but was happy to see that the majority of our elected officials could see this materializing and importance of passing \$100,000 for a community ice rink which would include proper lighting and smaller heated benches facility which would not happen in the immediate otherwise.

Downing asked the Mayor not to veto it. In the last meeting, it was discovered that \$100,000 was more than enough to pay for a rink with \$50,000-\$60,000 enough for a rink with the rest of the money going toward heated

benches, a warming area and the lighting. This was not common knowledge at the time of discussion. This is why Council should change their minds. Downing said it was practical and reasonable but understood he was putting Council on the spot and apologized. He spoke further talking about what the community wants and said basics such as a rink is overlooked. He isn't asking for \$750,000 saying we can do this for \$100,000 which would give our community something. Having an ice rink with basic amenities is better than not having nothing at all.

Downing continued to advocate for an ice rink with basic amenities and spoke further. He talked about a workshop which didn't allow enough time for discussion and the mayor wasn't in attendance. The funding for the project is unique saying we are lucky to have ARPA funding for projects that have not gotten the proper attention that would be something the community could enjoy.

Downing talked about City Administrator Simpson taking one of the least of the city's priorities off of the list saving money while getting an ice rink now instead of waiting 5-8 years. He noted there hasn't been an ice rink for 10 years saying it would be good to bring the community together. The Park Board has prioritized the ice rink and wants the ARPA funding. He said it would replace the item the lowest on our priority list. He said it was more about the time to do the project than about money. Downing repeated the amount of money to do this would be \$100,000 for a rink, lighting, and a smaller heated benches facility. He talked about the warming house coming later explaining possible funding sources. He is asking for Council's generosity for our community saying it is small amount of ARPA funding. He knows he put Council on the spot and did so because it would not materialize soon without Council's support. He is asking for a priority over something not as popular – it's not a question of money; it's a question of priority. This has already been ten years and waiting another five plus whatever it takes to get the grants is a very long time. He has been on the Park Board and knows the importance of an ice rink to the community. For \$100,000, we could have something instead of nothing. If we say we are not open to funding sources like ARPA, should we also apply that to other long-term projects we are looking at? He hopes there is not a double standard going on in the future. Asking for the full amount is why the project has never happened. He said the Park Board Director has been waiting for the money with their hands out for this project. He is asking for an amount of less than playground equipment at Glen Park or a house. He talked about playground equipment being a top priority for the Park Board and that this vote would not remove playground equipment from the list.

Downing concluded his comments by summarizing his previous points. He hoped Council would look kindly at an ice rink. He asked Simpson to clarify what a vote would be for and against as far as the veto goes.

Simpson said there was a motion to override the veto. A vote yes would be to go back to what was passed by the Council on the 4-3 vote with a \$100,000 to be identified for an ice rink with the City Administrator was to identify where that money is coming from out of the other priorities that were identified. A no vote would be to sustain the Mayor's veto and that would eliminate what was passed and staff would bring something to vote on.

Downing clarified a yes vote would say we want an ice rink that's responsibly brought in now as he described, correct? Simpson said responsibly is up to the Council to determine – whether you think it is responsible or not, but the vote would be to identify \$100,000 for an ice rink. Downing thanked Simpson.

Aldersperson Odeen thanked Downing for his thoughts. She said while we may not a lot of time at our ARPA workshop, the Council with staff has had plenty of time to debate projects. We have a biannual budgeting program, a five-year fiscal plan, a capital improvement plan. We spend significant time talking about our various priorities in the city. All those were opportunities to discuss what park priorities are, and it hasn't risen to the surface in any of those meetings. Those meetings have provided some time to talk about park projects and what is a priority. She is very much in favor of an ice rink. She is very much in favor of the multi-use sports field that was in the original Glen Park plan. Odeen provided details about the facility and said the expense \$500,000 or more and would be a significant benefit. She thinks we can get that, and she thinks in some ways as fast as if we set aside \$100,000 for it now. We are currently going through the comprehensive plan process which will give the community and the Park Board plenty of opportunity to get information from interested citizens about what park priorities are. That's ongoing - she can't remember when Council is supposed to get a

report. Odeen can't imagine getting bids for the ice rink should the Mayor's veto be overridden and getting it finished any faster. She trusts our process thinking we do our best work when we get the most information that includes more opportunities for citizens to give us information, more information from staff and the Park Board, more bids before we vote on than backfilling it after. She really wants an ice rink too but thinks we make our best decisions and get the best results when we trust the process that has served us well.

Morrisette said his comments during public comment were a plea for the fiscal process. With regard to this item, he has been a big supporter of the ice arena. He hoped to get it done with public support from a service club. He also feels strongly about Riverwalk and could have launched into carving out \$200,000-\$300,000 for it but he respects the fiscal policy and process that we use. He respectfully disagrees with Downing's timeframe saying he doesn't believe this is eight years out. We get through the comprehensive plans, and we rally the people – he'll be the first one to put his name on the top of the list for an ice rink - in the park plan, he thinks it will float to the top. The ARPA items were structured such that it would allow for a great amount of capacity in the budget to fund these things after Council has had well thought-out planning, budgeting, bidding, and engineering. He asked Council to think about the process. He knows this is one way to try and raise this issue to the top and whether the veto is sustained or overridden, he hopes that the public comes out and goes to the public listening sessions for the comp, park, and bike and ped plans and engages and tells us that's a priority. It's been a priority for him – like Riverwalk has – but this is not the right way to do it.

Aldersperson Carow thanked everyone for a kind and gracious discussion saying he thinks Council seeks to disagree without being disagreeable which is an important virtue to model. He thinks the Council agrees on the goal but not how to get to there. The Mayor does have the right to assert a veto. It's important to know that it is rarely done with only six vetoes in the last 20 years. Carow understands the process can't be trumped over or ignored, and he doesn't disagree, but it is possible that Council has sometimes let progress be stifled by process. We had prior plans for a skating rink which more or less are null and void. We do have the support of the Park and Rec Board.

Carow wanted to bring fresh information saying he has surveyed over 73 Wisconsin municipalities, 10,000-26,000 population, with Wisconsin Bluebook being the source. Around 50 percent, have a rink. Most were outdoor, many were simple, often it was an open area that was flooded created to skate. Many had a warming shelter, some did not; some were occupied, many were left open. A handful had lighting provided until 9 p.m.; some didn't. One goal from this discussion knowing the votes to override the veto probably aren't there is maybe we need to think about what we want from a rink. Does it need to be a \$400,000-\$700,000 project? It isn't for a lot of really good communities in the state so why do we want to do something different? He hopes that we can agree based on this discussion - he respects everyone's opinion - that our goal is to get to where people can skate safely for little expense, and hopefully, support a longer-term four-season vision for our parks. As the complexity and scope of the project increases, the project's completion date and costs become harder. It is not going to the moon in terms of putting water out, having it freeze, and then skating. A lot of other communities do that. ARPA money wasn't designed just as a backfill for all the priorities skillfully laid out by Mr. Simpson and staff, it was also meant to put projects out that could be seen, touched, and enjoyed. He's thankful for how the money has been allocated and the good stewardship of the city on behalf of the citizens. Carow hoped the discussion could create fresh ideas to solve this and to move forward. We don't always know the future and sometimes plans drag on so let's do our best to keep moving toward this in whatever fashion we can.

Aldersperson Mueller has concerns about the veto for two reasons. First, she is concerned that we vetoed the pay equity study. She thinks it is a necessary tool that governments/employers can use to make sure we are paying employees equitably so women, people of color, and other marginalized groups are making relatively the same pay as their counterparts. She thinks it is an important thing for the Council to know that our city is leading the way in equity pay to all employees. That leads her to the point about the ice rink. She is a proud first year parent of a River Falls youth association hockey player and it's not cheap. Hockey and ice skating are expensive sports. There's nowhere in River Falls that you can play hockey or ice skate for free. You have to pay at the university, and you have to be a member of the River Falls Youth Hockey Association in order to use the rink. When we don't have free winter activities for families, it creates an undo financial hardship on families who want to have

their children skate. She thinks it is important and that we need to put it at the forefront of our planning. She doesn't want to see it take a long time to do. All of the feedback she has gotten has been extremely positive. People are very excited that there was a possibility of an ice rink. She thinks people will be a little disappointed that it is overridden. She appreciated everyone's perspectives.

Downing thanked Mueller for talking about fair pay and how it makes a lot of sense to have fair pay. It's important to retain quality staff. It's also important to value cost savings that come with the transportation utility fee. Both of which the City Administrator and staff support. It would be a mistake to not vote yes. A vote yes gets fair pay for city staff. A vote yes gets cost savings for transportation utility and in doing so gets a cost affordable ice rink while replacing something not as important on our priority list. He appreciates everyone's thoughtful comments and kind and good discussion.

Odeen said if the veto is sustained, how to spend the ARPA funding will come before Council in May. We will be able to have additional discussion and get more information. She is also very committed to being a good employer and having fair pay for employees. She sees that as something that will be passed.

Mayor liked what Carow said. We all want the same thing. We all want an ice skating rink. We want this for our community but have different ways to go about it. We have to remember the way we do things here – the process – gives us the ability to get twice as much done as any other city around here in one year. It takes them two years to get done what we do in one because of our process. The Council has to remember that and trust in the process the way we do things. That's why the city is ran so well.

The Mayor addressed wage studies saying the city does wage studies. He's not saying we should never do wage studies. We just did one two years ago. We understand the concept of paying fair wages. That's why we are constantly updating our wage scales and keeping the quality workers we have. The Mayor believed they were done every 3-4 years.

Simpson affirmed. The item in the original resolution that was passed, keeping in mind he has to find \$100,000 of replacement which could include the wage study and transportation feasibility, a yes vote to override the Mayor's veto doesn't necessarily mean that the wage study or transportation utility study will be completed. We have to look at playground equipment estimates to see how we get that. The compensation study was for 2023. We were using ARPA money to move it up. We would still be doing the study but maybe in 2024. He is cautioning Council that a yes vote doesn't mean that those two things get done. He is listening to what the Council is telling him is priority. This is a good spot for you to do this as a group rather than individually.

Mueller talked about language really mattering. She understood the ARPA funding to include pay equity. Pay equity is different than a wage study. A wage study compares if River Falls is keeping up with other like sized communities in terms of wage and benefits. A pay equity study looks at how we are paying people who are marginalized in society (women, people of color, LGBTQ, disabled) versus their male counterparts. Pay equity studies are not necessarily looking at whether we are keeping up with Hudson or how we are doing pay and benefits for certain positions. She thinks it is important to be clear about pay equity.

Simpson said staff's understanding what was included in the resolution was a traditional compensation study not a pay equity study. There are elements now in all compensation studies that typically include equity within the structure. This is not a specific study on gender, race, or any other protected class equity. It was a traditional internal and external equity compensation study. He doesn't recall discussing equity as a specific topic at the workshop and that wasn't our intention. What we budgeted for won't cover what you are talking about. Pay equity is a study we can do but that's not what was anticipated in the resolution. Mueller asked when the last time was the City did a pay equity study. Simpson didn't believe one had been done since he has been with the city. There are elements of it in our current compensation. Simpson talked about a previous study comparing male versus female 'traditional' occupations and provided details.

With no other comments, the Mayor asked for a roll call on the motion. The vote to override the veto failed, 3-3 with Downing, Mueller, and Carow voting in favor of overriding the veto, and Odeen,

Morrisette and Bjerstedt voting against. Alderperson Bjork abstained from the vote. Five votes were needed to override the veto.

ANNOUNCEMENTS:

Police Appreciation Week Proclamation

Morrisette read the proclamation.

Professional Municipal Clerks Appreciation Week Proclamation

Odeen read the proclamation.

Arbor Day Proclamation

Carow read the proclamation.

Downing thanked the Council for the healthy discussion and how the Mayor talked about using some of the funds for our Ash trees. He appreciated River Falls being a tree city. If we do that, let's honor that.

MSC Bjerstedt/Morrisette move to adjourn at 7:28 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk