



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

**January 11, 2022**

Mayor Dan Toland called the meeting to order at 6:33 p.m. in the City Council Chambers at City Hall.

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

**Members Absent:** None

**Staff Present:** City Administrator Scot Simpson; City Attorney Chris Gierhart; IT Specialist Jon Smits; Utility Director Kevin Westhuis; Police Chief Gordon Young (virtual); Deputy Chief Matt Kennett; Senior Accountant Sam Hosszu; City Clerk Amy White; Community Development Director Amy Peterson; Assistant City Administrator Jason Stroud; Interim City Engineer Todd Nickleski; Assistant to the City Administrator Jennifer Smith; Human Resources Director Karen Bergstrom; Administrative Assistant Ellen Fredrich

**Others Present:** Matt Hieb, Tom Schumacher, Julianne Chalupsky, others

The Pledge of Allegiance was said.

**APPROVAL OF MINUTES:**

Approval of Minutes – December 14, 2021, Minutes

**MS Morrissette/Downing move to approve minutes.** Alderperson Plunkett asked the Mayor what words he used to introduce a presentation at the December meeting. The Mayor didn't recall. Plunkett found the introduction to be dismissive in regard to the approach of the City toward dealing with the issues that Stroud raised. He felt they should be reflected in the record. The Mayor apologized saying he didn't mean to offend anyone with what words he might have said. **With no other comments, the Mayor asked for a vote on the minutes. The motion passed 6-1 with all voting in favor except for Plunkett.**

**APPROVAL OF BILLS:**

Bills: \$211,425.98

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

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

There were no public comments.

The Mayor read a statement of support for Law Enforcement Day and specifically support and appreciation for the City of River Falls Police Department.

**PUBLIC HEARING:**

Ordinance 2021-12 –Relating to Creating Section 16.04.090 of the Municipal Code Relating to Applicability of Title 16 of the Municipal Code to Condominiums-Second Reading and Disposition

**At 6:39 p.m., the Mayor moved into a public hearing.**

Matt Hieb from ACA Engineering representing EW Homes was present. He asked if the ordinance was passed, that the Council grant 120 days before it is enacted to allow them to finish a condominium project that was started summer 2021. The project is located in the southwest quadrant of Highway 35 and Glover Road. It is a commercial park with condominium garages and assisted living. The additional 60 days will allow them to finalize the process. Hieb provided a history of discussion between his firm and City staff. He said City staff

told him that they would recommend a 60-day extension to the Council. Hieb said 60 days does not allow them enough time to complete the project and respectfully asked for 120 days.

Hieb provided a brief description of the project and showed site plan slides. He believes the project will be an asset to the community. The project will be heavily bermed, provide screening and landscaping, and stormwater management will provide an additional buffer. The buildings will be attractive. They have been designing the project so in the future it will accommodate the City's sanitary sewer and water. The design meets the City's slope and stormwater design standards. Hieb said they have made a formal application for rezone PUD and condominium approval. They need to work through township and county approvals. He thanked Council for its consideration. Hieb stood for questions.

Aldersperson Odeen asked how many garages would there be? Hieb said it would depend on the side but approximately 190 of them. Odeen asked about the population of the assisted living. Hieb said 24 in each building.

The Mayor asked Hieb if their biggest concern was that 60 days isn't enough time to complete the paperwork and work with the county, townships, and City. Hieb said yes, and explained they need to attend public hearings, multiple public hearings, and go through the county board as a final step.

Attorney Tom Schumacher from Bakke Norman was present representing property owners. He provided history saying the property came into existence as a parcel in 1991 and was established as a condominium, but it has since changed to a planned unit development. About that same time, St. Croix County made some changes and did away with its ordinance. Since then, some of his clients have bought parcels there and have constructed homes. When his clients came to him, it was about a title issue. There are no planned unit developments under the St. Croix County zoning ordinance. He talked about proceeding with a preliminary plat for a subdivision working with the Town of Troy and going through that process. The City's view of the subdivision was generally not favorable. He spoke with the City Attorney saying he didn't believe the ordinance addresses condominiums. He wanted to proceed with a condominium plat.

Schumacher said the City has looked at it and proposed the 60-day change in effective date which they are okay with. His concern is straightening out the title issues. A couple of the property owners are older and want to sell. He provided some history. He said 60 days will help resolve the title issue for his clients. He provided more details and thanked the Council.

**With no other public comments, the Mayor closed the public hearing and moved back into open session at 6:53 p.m. for questions.** The Mayor asked Community Development Director Amy Peterson if she had any information she wanted to provide to the Council.

Peterson would be happy to answer questions. She said staff is not looking to block either development. They have found a loophole in the City's ordinance and staff is looking to close it. They are simply asking for additional time. The only issue she could see from the City's perspective is if a condominium application was received within the 60 or 120 days, that the City would have to potentially honor it. She thought that was a slim chance.

**The Mayor asked for a motion. MS Morrissette/Odeen move to approve the ordinance.** Aldersperson Bjerstedt has developed land before, and 60 days is not very long. He said if something goes wrong, you're out of luck. **MS Bjerstedt/Downing move to amend the deadline to 120 days from 60 days.**

Aldersperson Morrissette asked if someone would come back with a plat, he believed the Council wouldn't have ETZ oversight. Peterson said that was correct. **With no other questions, the Mayor asked for a vote on the amendment. The amendment passed unanimously. The Mayor asked for a vote on the ordinance. The ordinance passed unanimously.**

**CONSENT AGENDA:**

Kwik Trip #453 Change of Agent →→→*pulled by Morrissette*

Resolution No. 6642 - Approving the Public Participation Plan for the Comprehensive Plan, Bicycle and Pedestrian Plan and the Outdoor Recreation Plan

Resolution Approving Sterling Ponds 4<sup>th</sup> Addition Final Plat →→→*pulled by Morrissette*

Resolution Approving an Addendum to the Developer's Agreement between the City of River Falls and Arcon Development for Sterling Ponds →→→*pulled by Morrissette*

**MS Odeen/Bjerstedt move to approve remainder of Consent Agenda.**

**Kwik Trip #453 Change of Agent**

Morrissette wanted to ask his normal questions of the agent. He asked agent Julianne Chalupsky if she has taken the responsible server's program, if she understood the role of an agent, and if she understood that if alcohol related violation occurs even if she is not on the premises, it is her responsibility. Chalupsky answered yes to all.

**MS Morrissette/Bjerstedt moved to approve change of agent. The Mayor asked for questions and then a vote. The motion passed unanimously.**

Plunkett had a question. He was wondering what the process was for a change of agent. Once the existing agent leaves who is the responsible person? He asked if the establishment is continuing to sell alcohol without an agent.

City Clerk White said once staff are notified that an agent is leaving, a name is provided. That individual immediately takes responsibility until formally appointed by Council. The person is acting as the agent until formal approval. Plunkett appreciated the clarification.

**Resolution No. 6643 - Approving Sterling Ponds 4<sup>th</sup> Addition Final Plat**

Morrissette pulled the resolution because he needed to abstain from the vote. **MSC Downing/Odeen move to approve the resolution. All voted in favor except for Morrissette who abstained.**

**Resolution No. 6644 - Approving an Addendum to the Developer's Agreement between the City of River Falls and Arcon Development for Sterling Ponds**

**MSC Odeen/Bjerstedt move to approve the resolution. All voted in favor except for Morrissette who abstained.**

**REPORTS:**

**Administrator's Report**

City Administrator Simpson provided an update on Christmas tree pickup, Covid booster clinics, community testing at UWRP, new staff, Martin Luther King Day, and Council Chamber renovation.

Aldersperson Mueller asked about Covid hospitalization numbers this week. Simpson said the last official update was last week and didn't have a new number. He talked about the cases being up. The last update said the hospitals were tight but still able to treat. Simpson encouraged people who had a medical emergency to seek treatment.

**ANNOUNCEMENTS:**

**Mayor's Appointments**

**HOUSING AUTHORITY**

Appointment of Jacob Proue to fill vacancy (Nick Carow) through December 2026

**UTILITY COMMISSION**

Appointment of Adam Gierl to fill vacancy (Matt Berning) through May 2023

**MSC Morrissette/Bjerstedt move to approve the Mayor's appointments. Unanimous.**

**MSC Bjerstedt/Morrissette move to adjourn at 7:09 p.m. Unanimous.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk