



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

January 26, 2021

Mayor Dan Toland called the meeting to order at 6:30 p.m. in a virtual meeting format due to the Covid 19 pandemic. The City Council Chambers was open for public to attend.

City Council Members Present: Todd Bjerstedt, Sean Downing, Christopher Gagne, Scott Morrissette, Diane Odeen, Ben Plunkett, Hal Watson

Members Absent: None

Staff Present: City Administrator Scot Simpson; IT Specialist Jon Smits; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; City Planner Brandy Howe, Operations Director Mike Stifter, City Engineer Crystal Raleigh, Planner Sam Wessel, Community Development Director Amy Peterson, others

Others Present: Gordon Awsumb, Teri Renslow, Jim Renslow

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

January 12, 2021, Minutes

MS Morrissette/Downing move to approve minutes. The roll call vote passed unanimously 7-0 with all voting in favor.

APPROVAL OF BILLS:

Bills: \$4,909,912.36

MS Watson/Bjerstedt move to approve bills subject to the Comptroller. The roll call vote passed unanimously 7-0 with all voting in favor.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Gordon Awsumb, 1207 River Drive – has a contract with Renslows for development of their land. In October 2019, alternative plans were presented to the Plan Commission for the Broadway district redevelopment. The proposal was for townhomes or apartments. All fit with flatland with the 75 or 100' setback but 75' setback is preferred in order to get density. It is consistent with the Maxwell and Ayres and Associates studies. He feels this ordinance is a one size fits all. The site is important for the City's future.

Teri and Jim Renslow – emailed Council a document last night. They have lived in River Falls for 30 years and have owned residential and rental units. Jim talked about selling all units but two parcels on the river. There was a fire loss at 121 Cascade Court which they have not done anything with. Renslow talked about being patient and being told of several different versions of buildable options. He talked about tearing down the house at 641 S. Main. He said that a 100' setback would not provide an additional shoreland benefit per DNR studies. Jim spoke further about setback and drainage. He asked the Council to reconsider the setback, and hopefully, to choose 75'. He thanked the Council for letting him speak.

Teri talked about specifics of the property. She thinks there is perfectly good buildable land which would not affect the river. She doesn't understand the different setback scenarios. She talked about each lot having a different slope. She feels if there's a certain amount of slope, there should be a certain setback. She feels the

land is being taken away from them. Renslow encouraged the Council to look at the properties which are 641 S. Main and 141 Cascade Court. She thanked the Council for letting them comment.

Snow and Ice Removal Program Update

Operations Director Mike Stifter provided a presentation on the City's snow and ice removal program. He talked about winter maintenance goals, levels of service, priorities, the uniqueness of each storm, salt storage and use, anti-icing operations, the crews, available equipment, and other. Upon conclusion of the presentation, Stifter fielded questions.

Aldersperson Morrissette asked about the icy situation on walking paths. Stifter talked the ice buildup from the last storm. Staff doesn't treat all City streets with salt much less the trails. He talked about the environmental impact. A little spot treatment was done last week but that is limited due to the environmental impact. Once the ice is bonded, it takes mother nature to melt it unless staff would get really aggressive.

Mayor Toland asked if it is average, or about or below year for snow. Stifter said it is about average. He talked about the October snow being a surprise. He noted that February a couple of years ago was one of the snowiest months recorded.

Presentation on Ordinance 2021-01 Amending Shoreland Protection Regulations

City Planner Brandy Howe provided a presentation. Staff has been working on the Ordinance 2021-01 for over a year. A draft went to the Plan Commission in November and was reviewed in January and recommended for approval. Howe talked about the existing ordinance from 2003 and provided details. She said changes in state law make the current ordinance non-compliant. She noted two important changes to the law: 1) shoreland and shoreland wetland zoning cannot be tied together in an ordinance; and 2) the shoreland regulations in the area of a City that was annexed after 1982 cannot be regulated more restrictively than the state shoreland regulations. Howe said to address these factors, the current ordinance needs to be repealed and replaced. The proposed draft separates the shoreland from the shoreland wetland into two unique chapters. The shoreland chapter creates two districts – pre and post 1982 annexation areas.

Howe said the shoreland-wetland ordinance regulates land use of wetlands within 300' of the ordinary high watermark in the river. The ordinance is derived from the DNR ordinance but is tailored to River Falls.

The shoreland ordinance uses the model the DNR created. There are seven minimum statewide standards (minimum lot size, building setback, building height, vegetation, filling, grading, dredging, ditching, lagooning, impervious surfaces) which we have incorporated. Our ordinance is different in building setback and impervious surface regulations. Howe provided some examples in the City showing pre and post 1982 annexation areas. She talked about nonconforming structure within the setback and the requirements. Howe stated the proposed ordinance will reduce nonconformities, simplify shoreland zoning for homeowners, increase the amount of developable land and protect slopes and waterways. At the conclusion of the presentation, the Mayor said Council would hold questions until the item came up on the agenda.

CONSENT AGENDA:

Acknowledgement of the following minutes: Library Board – 11/2/20; 12/7/20; UAB Workshop – 11/17/20; UAB – 11/19/20; West Central Wisconsin Biosolids Facility Commission – 10/15/20; 11/17/20; Police and Fire Commission – 8/24/20; Park and Recreation Advisory Board – 12/16/20; Plan Commission – 11/16/20; River Falls Housing Authority – 10/21/20; 11/11/20; 12/9/20; BID Board – 12/8/20

Resolution No. 6540 - Approving City Administrator Annual Performance Review Process

Resolution No. 6541 - Approving Room Tax Grant

Resolution No. 6542 - Approving Donation of EMS Equipment and Supplies

MS Odeen/Morrissette move to approve the Consent Agenda. The roll call vote passed 7-0 with all voting in favor.

ORDINANCES AND RESOLUTIONS:

Ordinance 2021-01 Amending Shoreland Protection Regulations of the Municipal Code – First Reading

The Mayor asked for questions. Alderperson Bjerstedt had a question regarding wording saying the building may be expanded vertically by 35'. Howe said it was a limit of 35' – not that the building could be expanded by 35'. Bjerstedt thought the wording should be clarified. He also asked where the measurement was coming from – the front or back of the building. Howe said there is a building height definition which specifies where on the structure it should come from. Bjerstedt wanted everyone to understand the wording. Howe said she would be amenable to an amendment.

City Administrator Simpson said staff could take direction as it is a first reading with the understanding that the intent is a maximum of 35'. Simpson confirmed the location of the language in the ordinance, reading “it may be vertically expanded up to 35’”. He said a nonconforming structure would not be able to be taller than 35'. A conforming property could go up to 45' maximum height.

Alderperson Plunkett ask about stump harvesting and prohibited uses. Howe said stump harvesting is ‘disturbing to the ground’.

Alderperson Morrissette attended the Plan Commission meeting and felt they did a good job on the ordinance. He struggles between the 100' versus 120' setback. He would like to consider 75' with stormwater. He would like to see it across the City and thinks stormwater management is more valuable than a setback. He talked about the Aldi project and their stormwater management. He is willing to consider bringing it back from 120' to 100' and outside downtown core and 75' if they put in stormwater management. He noted we all want to do what is right for the Kinni.

Alderperson Downing asked if the City Attorney had any concerns regarding the language. He asked about using stormwater management language in future if adopted. City Attorney Gierhart has reviewed the ordinance and has no particular concerns about the language. He talked about most ordinances being modeled after the DNR ordinances and their standards.

Alderperson Gagne seconded what Morrissette said. He didn't want to be overly restrictive for builders, developers, and property owners but didn't want to impact the Kinni or South Fork negatively.

Alderperson Watson thanked City staff for the great job on the ordinance. He reminded that this ordinance is a major pullback from where we were before in allowing uses next to river. We are allowing a lot more to happen next to river than we intended years ago. He feels this is a big accommodation to landowners and developers. The existing ordinance has a variable setback depending on slope. It is confusing. He did go see the Renslow property and felt the setback marked on property is perfectly appropriate for that section of river. He is not in favor of making changes to ordinance as it was presented.

Plunkett asked Watson to speak about the larger setback. Watson said the main issue is the slopes, the viewshed from the river, and buffer. He talked about removing regulations from tributaries and river corridors being migration and green arteries of the City. A lot of wildlife and birds are moving through these areas.

Plunkett asked if we do remove protections from tributaries would we have problems added them back in the future if needed. Howe said the missing restriction is limiting impervious surfaces. If there was a change, it would come back to Council for an amendment or we would continue to encourage dedication of those lands to be conservancy areas.

Planner Wessel clarified that on smaller tributaries we are not removing protections; there still is the 75' setback. They do not have the impervious surface 200' buffer that the main channels do.

The Mayor has made some of the same comments that Morrisette did regarding the 75' and 100' and stormwater. Council has two weeks to review the ordinance. Everyone should do some studying and get out and look at areas.

Wessel is not sure that stormwater is feasible post 1982 because of what state statutes allows. He provided further details regarding not being stricter than state statutes.

Simpson provided a summary saying there may be pre 1982 properties for which a 'stormwater bonus' could be applied which have been included in downtown which is entirely pre 1982. If Council is only interested in reducing setback to 75' with stormwater understand that staff doesn't believe it could be done across the City. At best, it would be limited to pre 1982 areas. Simpson provided further options and clarification for Council.

There was further discussion from Council regarding a deadline and clarification of setback areas. City Engineer Raleigh provided a point of clarification on extra stormwater. In downtown and outside of downtown, everyone has to do stormwater no matter what. If you want to move your building closer than the setback, you can go up to 75' with additional stormwater measures. She explained additional stormwater measures are based on additional infiltration for small runoff events. It doesn't protect against scour and erosion for bigger storm events.

Ordinance 2021-02 Creating Chapter 17.117 Breweries, Brewpubs, Wineries, and Distilleries - First Reading

The Mayor asked for questions. Plunkett asked for a definition for barrel size for micro distillery or nanobrewery.

Community Development Director Peterson said as staff was drafting the ordinance, they took a close look at the definitions. The state statute defines the brewpub by barrels, but it was decided not to include it in the other definitions. She explained that some businesses may be making a small amount as a side business so that is why it is why not included in the definitions.

Gagne clarified that this is not impacting the homeowner that is doing home brewing. Peterson said it is commercial only.

Plunkett asked about distilleries and brewpubs being in the B1 and B2 districts and neighborhood districts. He felt there was the potential for a large number of barrels. He asked about conflict with districts. Plunkett wondered if it should be in manufacturing instead.

Peterson said both Swinging Bridge and Bikes and Brews have a brewpub license, and they operate in B1. Plunkett asked about distilleries allowing it in General Commercial B1 district which is most of downtown. He wondered about potential issues with flammable liquids. Peterson said there are architectural standards by state code that are required because of flammable materials. Staff included in B1 district because there is the potential for that type of operation. Plunkett felt up to a certain size would fit in; otherwise, he thought it should be light industrial.

Watson said even though the traditional neighborhood district name sounds like R1 residential, it actually is a mixed-use neighborhood. It isn't like a brewpub would be in between two houses. He provided further details.

Plunkett asked about the possibility of converting a house in Sterling Ponds to a brewpub. There was discussion but Peterson said it is considered residential at this time and didn't feel it there was a possibility that it would be modified to commercial.

REPORTS:

Administrator's Report

Simpson talked about the partnership with UWRF for continuing the surge Covid testing. Assistant City Administrator Stroud provided further details about the testing. Simpson talked about the favorable December Comptroller's Report especially in light of the pandemic.

Plunkett talked about the Covid variants and asked if there was any way the City could provide proper safety equipment like NS95 masks to the public.

Simpson said staff could look into it, but he is not sure that we are the practical solution provider for that given supply chain issues at the federal level. We are not actively looking at it. We are looking to the state and counties to provide direction. He is not sure the City is best equipped to deal with it. Simpson provided further information.

Watson thanked Simpson and staff for continuing the testing effort with the university. He talked about personally using the resource and getting an answer quickly.

Comptroller's Report for December 2020

Comptroller Odeen read the following: preliminary year end General Fund revenues were \$11,137,419 with expenditures of \$9,790,949 resulting in a net surplus of \$1,346,470. Some of the excess funds will be used to pay down a portion of the City's outstanding debt. Please note that the 2020 accounting period is still open and year end adjusting entries are still being made. Additional revenues and expenses will be allocated to 2020 as final invoices and expenses are received and recorded. All numbers listed herein are preliminary and are subject to change prior to the close of the accounting period.

At 8:16 p.m., MS Bjerstedt/Downing move to adjourn. The roll call vote passed 7-0 with all voting in favor.

Respectfully submitted,

Kristi McKahan, Deputy Clerk