



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

**February 23, 2021**

Mayor Dan Toland called the meeting to order at 6:30 p.m. in a virtual 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; Community Development Director Amy Peterson; City Engineer Crystal Raleigh, others

**Others Present:** Matt and Stephanie Johnson, Russ Korpela, Duke Welter

The Pledge of Allegiance was said.

**APPROVAL OF MINUTES:**

February 9, 2021, Workshop and Regular Meeting Minutes; February 9, 2021, Closed Session Minutes

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

**APPROVAL OF BILLS:**

Bills: \$7,685,669.00

**MS Downing/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:**

Matt Johnson, owner of Bikes and Brews – expressed a concern about the definition of nano brewery. He clarified that they are a small batch brewery and not a micro or nano brewery. In Table A in the ordinance, he said his business cannot be in the B1 District. Mayor Toland said Community Development Director Peterson would address the question at that point on the agenda.

Alderperson Bjerstedt wanted to publicly thank the Fire Department staff for its response to the recent house explosion in the City. His daughter lives next door and the Fire Department saved her house from catching on fire and burning down. He appreciated it.

**CONSENT AGENDA:**

Acknowledgement of the following minutes: Police & Fire Commission Meeting – 12/9/20; Library Board – 1/4/21; Plan Commission – 1/5/21; River Falls Housing Authority – 1/13/21; West Central Wisconsin Biosolids Facility Commission Special Meeting – 1/7/21; BID Board – 2/1/21

Resolution Awarding ArcGIS Migration Consulting Contract to MSA→→***pulled by Downing***  
Resolution No. 6544 - Approving Sale of Surplus City Vehicle – 1989 Ford 1250 GPM Pumper  
Resolution No. 6545 - Approving 2021 Legislative Priorities

Resolution No. 6546 - Approving Representatives to the Sterling Ponds Corporate Park Architectural Review Committee

**MS Odeen/Morrisette move to approve remainder of Consent Agenda. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6547 - Awarding ArcGIS Migration Consulting Contract to MSA

Alderson Downing asked how this software program would be stored. He inquired about the City's cloud storage system noting he read about the potential for misconfiguration errors. City Administrator Simpson said the City has multiple backup systems for depositories. He isn't sure he can answer the question tonight but can get an answer to him. Downing wants to ensure that the City will have the proper backup system. Simpson said he wasn't sure what the particular cloud format will be as the project will determine that. He spoke in further detail. **MS Downing/Watson move to approve resolution. The roll call vote passed unanimously 7-0 with all voting in favor.**

IT Specialist Jon Smits noted there a person wishing to make a public comment and asked if he could do so. The Mayor allowed the public comment. Duke Welter, Vice Chair from the Kinni Corridor Collaborative, thanked the Council for decisions on the dam. He introduced himself and talked about the legislative priorities resolution on the agenda and also dam removal videos which will be added to the KCC Facebook page.

**ORDINANCES AND RESOLUTIONS:**

Resolution No. 6548 - Approving Request for City Support for the River Falls Area Chamber of Commerce and Tourism Bureau's 2021 Events

Russ Korpela, River Falls Area Chamber of Commerce and Tourism Bureau Executive Director, provided a presentation on the planned 2021 events. The events are being planned in three ways: 1) as festivals would normally be held; 2) a scaled back version with smaller crowd limitations and extra Covid protocols; 3) not conduct events at all – only virtual events. Chamber staff will work with City staff and Pierce County Health officials. Korpela talked briefly about the events noting a significant change is the bluegrass festival. In the past, it was basically a pub crawl. The event has moved to Memorial Day weekend, and the Chamber is proposing outdoor stages for this year. He provided further details about this event. **MS Morrisette/Downing move to approve resolution.**

Alderson Downing felt it was great to look at outdoor events. He thinks pushing back the date is a good idea and asked how the date was decided.

Korpela said the money for the event comes from room tax dollars. We want people to spend the night and April was picked because of low occupancy. Memorial Day may be a more popular event weekend. He talked about the benefits to the City, local businesses, and the Chamber when people spend the night in hotels.

Alderson Plunkett appreciated the effort, planning, and mitigating the harm from the pandemic. He talked about what he viewed as positives regarding the events – he especially liked hearing about doing more of the events outdoors – which he feels is probably the biggest safety factor. He asked what can Council do from a perspective of risk reduction to encourage more events being outdoors.

Korpela provided a background of the bluegrass festival and why it was held in April. He talked about volunteer burnout. He said having the bands in bars results in the bar staff and not volunteers doing the work. Korpela talked about adding events in 2022. They are looking at art crawls, wine walks, saying any new events would be mostly outdoors. He talked about the challenge of winter events. The Chamber works well with the City staff. The events won't be held unless it is safe to do so.

Plunkett asked if there is anything we can do for liquor licensing to allow for temporary outdoor service for the bars in tents? Korpela doesn't know the answer. He addressed doing better outreach to get more volunteers and talked about partnering with larger nonprofits.

Plunkett asked for more information about the beer sales at the events. Korpela explained the process saying the volunteers are trained and there is always a licensed bartender onsite at all alcohol locations. There was further discussion.

Simpson said he could get back to Plunkett offline or at a future Council meeting regarding options related to the licensed premises. He spoke further, and said if interested, he could get the information back to the Council. Korpela clarified the Chamber would only be interested in beer and wine at the festivals – not liquor.

**With no further discussion, the Mayor asked for a vote on the motion. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6549 - Approving Sterling Ponds 3rd Addition Final Plat  
**MS Morrissette/Watson move to approve resolution.**

Gagne asked what the minimum park acreage was for this type of development and if we were meeting the minimum. Community Development Director Peterson affirmed that yes, we are meeting the minimum. The park requirements have been met for Sterling Ponds and were met previously. There were some adjustments were made in the Sterling Ponds Park Plan which was adopted a year ago by both the Park Board and Council.

Gagne asked if we are splitting the park; and if yes, how are we maintaining the access. Peterson said the park is not being split and access is not changing.

Morrissette talked about a joint Plan Commission/Park Board meeting along with Sterling Pond residents. Sterling Ponds is unique. The developer was going to do a much larger plan and it didn't go through. The residents years ago were left in the lurch. The City stepped in and had a workshop with residents to talk about amenities. He talked about how amenities typically get added through impact fees, but in this case, the City 'pre-bought' amenities for the park. He wanted people to know the park was planned and continues to have impact by the residents. Gagne appreciated the history and said the park was highly used.

Plunkett asked who owns and is responsible for the berm. Peterson said the City has an easement and is responsible. She didn't have the parcel map available to see if the City owns it. Plunkett asked if staff has looked at the potential of having a trail system connect down through Arrow Court up to Sterling Ponds Park. Peterson pointed to the Kinni Corridor plan. There is a trail plan coming up Huppert or County U and taking Old Jersey Road in. There was further discussion about trail locations and lots.

Alderson Watson talked about lots extending to the road and asked Peterson to speak about it. Peterson explained staff was looking at park land acreage and made the case there is a lot of park land access/green space. She talked about dedicated park land in the original plan, but a decision was made to not to use it as parkland. She said access was not needed.

Simpson have been some tendency on development plats where the City gets leftover land. The land is irregularly shaped and becomes a maintenance issue. It is not a publicly beneficial property. The trail issue is a good one to raise. Simpson spoke further about trail connections including potential locations. The idea is to get connections from one neighborhood to all the other neighborhoods. Morrissette spoke about easements which fed into the park. Simpson said this plan reflects adopted Sterling Ponds Park plan.

Downing responded to a question that Council received via email about a dog park. He said through an amendment he made to the plan, there was a small dog park that was included and there is the potential for connector piece with the disc golf course. There has been a delay because of Covid.

Alderson Odeen said it was nice to see Sterling Ponds filling in.

Simpson said there are some things in narrative that do not have a location such as the dog park. There isn't an exact location for everything. Things have to be funded over time through the Capital Improvement Plan and

Aldersperson Morrissette is correct. The City has funded a lot of the improvements before the impact fee money was there. This was a decision by Council. We are paying for that with some of the lots that are going in now.

**With no further discussion, the Mayor asked for a vote on the motion. The roll call vote passed unanimously 7-0 with all voting in favor.**

Resolution No. 6550 - Approving General Development Plan for Dawes Place

**MS Morrissette/Odeen move to approve resolution.** Morrissette had a conversation with Community Development Peterson regarding provision for municipal services. He thinks the way it reads it makes it sound like there will be a private well and sewer system that serves the development. He has concerns about that and asked if Peterson could clarify it for Council.

Peterson said it is private water and sewer laterals connecting to the RFMU system mains. There are some fire hydrants that need to be located within the development which will probably change what the system looks like when it is submitted for the specific implementation plan. We are anticipating what it is going to be is the public water and sewer located under private streets. It does not mean that there would be a private water and sewer system on location.

Gagne asked if the City infrastructure be in an easement under a private road. Peterson said yes. He asked if it would make sense to change the wording? Peterson said to continue to read the remainder of the sentence which says, "private water and sewer system that serves the development which connects to the City system." The intent was that was going to be private water and sewer laterals which connect to the City system. It was never intended to be private well and sewer. She said it would come through on the specific implementation plan. Peterson doesn't feel the wording needs to be changed. Gagne noted the comments are on public record which adds a good description for anyone looking for it. **With no further discussion, the Mayor asked for a vote on the motion. The roll call vote passed unanimously 7-0 with all voting in favor.**

**REPORTS:**

Administrator's Report

Downing asked Simpson to talk about the policy on how we treat people and our shelter. Simpson talked about the temporary shelter at Glen Park. He explained that in the past, the City provided temporary shelter at Hoffman Park in times of extreme cold. For the recent cold stretch, the City made the Glen Park shelter temporarily available. There is not a formal policy for using the shelters for warming. This was an administrative decision done by City staff and supported by the Mayor. Simpson talked about working with Our Neighbor's Place to assist shelter guests with connecting with other resources for services and sheltering. Simpson provided further details.

Downing thanked Simpson for providing clarity and asked if the people at the shelter all were given assistance through Our Neighbor's Place. Scot said he doesn't know if they were all given services, but services were offered. We can't compel people to take services.

Gagne thanked City staff for going well above and beyond the call. He talked further about donating to community organizations that provide services to persons in need.

Simpson said the library opened for limited hours and capacity restrictions. Staff is planning for a somewhat normal summer recreation programming schedule. He provided further details. Simpson also talked about the state budget in connection to the legislative priorities resolution that the Council passed. He talked about the opening of the new Police station and what is happening with former location.

Plunkett asked about the wastewater monitoring in regarding to Covid. He asked if this has proved to be useful. Simpson said that data is not being used to make local decisions. He provided further details. Plunkett said the data doesn't match up with reported cases. There was further discussion.

Comptroller's Report for January 2021

Comptroller Odeen read the following report: General Fund revenues through the end of January were \$696,943.49 and include the January property tax settlement and state streets aid. Expenditures for the same period were \$665,149.82, for net revenues over expenditures of \$31,793.67.

**UNFINISHED BUSINESS:**

Ordinance 2021-02 Creating Chapter 17.117 Breweries, Brewpubs, Wineries, and Distilleries – Tabled

The Mayor noted the ordinance was table at the prior meeting. He would entertain a motion to take the ordinance off the table if desired. **MS Odeen/Morrisette move to take the ordinance off the table. The roll call vote passed unanimously 7-0 with all voting in favor.**

The Mayor asked Peterson to speak about the ordinance. Peterson said this is not a typical ordinance. It is from a land use perspective – it is not from a licensure perspective. We are not regulating the licensing of these establishments. There is a state definition for brewpubs which sets it at about 10,000 gallons. There is not a state definition for a brewery, a microbrewery, or nanobrewery. She suggested going online to google definitions. There are blogs from distilleries. Amounts range all over the board. She provided examples of definitions that she found. There are no specifics from state law.

Peterson has talked to establishments in City. She said Rush River is producing 2,500 barrels annually, Swinging Bridge is 800 barrels annually, and the Garage Bikes and Brews at 70 barrels annually. Rush River and the Garage are categorized in the micro or nano brewery based on this ordinance. Staff added language in the definitions that was consistent across the board. Peterson doesn't think we will run into issues with categories. This ordinance was set up to allow establishments to continue. The size of establishment is going to be what limits the number of barrels they can produce. We have on the record on this conversation to look back in the future if we need to. We can always go back to the ordinance and make changes if needed.

Odeen asked for clarification. She said the definitions or lack thereof – the labels that we give these businesses for the purposes of zoning ordinance have no relevance to anything other than the zoning ordinance. Peterson said yes, that is correct. Odeen said it doesn't have anything to do with licensing or what the state requires, it is just our labels for where you can be located in the City. Peterson said yes, and thanked Odeen.

Plunkett asked about the 'every other day or less' language. He suggested replacing it with nothing – leaving it as an undefined small batch or some barrel size that is large enough to allow for the current business operations and any foreseeable expansion.

Peterson said Council can make changes they see fit. She has talked to all three establishments, and they did not have issues with it as proposed. Odeen pointed out the language which said, 'large batches are typically once a day'. She doesn't think anything produced at Swinging Bridge or the Garage would be considered large.

Downing said wineries are listed in the ordinance and said that a future Council may need to address micro wineries in the future.

Plunkett wanted to make a motion to amend to strike wording 'typically every other day or less' at the end nano brewery section. He thought it would be advantageous for local breweries. Deputy Clerk McKahan indicated that there was not a motion to approve the ordinance. This was needed before an amendment could be made.

**MS Odeen/Downing move to approve ordinance. Motion to amend by Plunkett to strike wording 'typically every other day or less' at the end nano brewery section.**

Downing wanted to ask Peterson how she felt this would affect the ordinance. **Morrisette raised a point of order. He felt second was needed on the amendment prior to discussion. The Mayor asked for a second. There was none. The amendment died due a lack of a second.**

Morrisette shared that he struggled with the ordinance too. He wanted to define the parameters and put a number around it, but as Peterson pointed out, there are just too many things out there. He is supportive of the ordinance. It is a land use ordinance – it's not governing liquor licensing. He thinks we will see it down the road. After the state has come up with definitions. He thinks it is a good first step. It communicates to our current breweries and people who want to do this in the future. He thinks the staff has done a good job. He is in favor of the ordinance as it is.

IT Specialist Smits brought in a public comment via phone. Stephanie Johnson, owner of Bikes and Brews, said they are not listed as a brewery. We are not listed as a yes on the chart in the ordinance. It is concerning to them. Peterson said based on this ordinance by definition the Garage Bikes and Brews is a nano/microbrewery and they are allowed in B1. Alderperson Watson said that was also his understanding.

The Mayor asked Johnson if the answer was satisfactory. Johnson said yes, as long as it was in the minutes. **With no other comments, the Mayor asked for a vote on the ordinance. The roll call vote passed unanimously 7-0 with all voting in favor.**

**ANNOUNCEMENTS:**

Mayor's Appointments

Bid Board

New Appointment of Heidi Hanson through December 2023

**MS Gagne/Downing move to approve Mayor's appointment. The roll call vote passed 7-0 with all voting in favor.**

**At 8:12 p.m., MS Bjerstedt/Morrisette move to adjourn. The roll call vote passed 7-0 with all voting in favor.**

Respectfully submitted,

Kristi McKahan, Deputy Clerk