



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

May 25, 2021

Mayor Dan Toland called the meeting to order at 6:33 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, Nick Carow, Sean Downing, Scott Morrissette, Alyssa Mueller, Diane Odeen, Ben Plunkett

Members Absent: None

Others Present: Troy Smith, Daniel Hull, Greg Peters, Charles Beranek, Alejandro Castro, Matthew Beranek, others

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Jon Smits; IT Specialist Jaden Barnes; Community Development Director Amy Peterson; Deputy Clerk Jackie Sahnaw; others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – May 11, 2021, Minutes

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

APPROVAL OF BILLS:

Bills: \$616,115.53

MS Carow/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:

There were no public comments.

Aldersperson Mueller thanked the River Falls Public School District employees for weathering a tough year and doing a wonderful job of adapting and educating children.

Aldersperson Downing has completed the Board of Review training. He encouraged other Councilors to request the video and exam at City Hall if interested.

Aldersperson Morrissette commented about senior boys' night out. He was disappointed with the activity, citing vandalism done to a new Jeep. He talked about families that have paid \$800-\$1,000 to clean up. The tradition, which started out as an innocent thing, has grown into something we don't expect from the youth of the City. He has spoken with some of the school board members, the high school principal, and the Chief of Police. The Police Chief said the biggest frustration is that parents won't press charges. Morrissette's appeal is to the parents and school district – if we continue to allow this in the City, we will continue to get what we are getting. Morrissette expressed concern in today's atmosphere that something may escalate if kids get caught doing something by a parent. He asked parents to stress to their kids that this is not something to tolerate. He is happy to share pictures of the damage from this event.

Alderson Plunkett asked if the doors at City Hall were open. IT Specialist Smits said the doors have been open since 6 p.m.

PUBLIC HEARING:

Annual Liquor License and Beer License Renewals – Hearing and Disposition by Motion for each License Class At 6:42 p.m., Mayor Toland recessed into a Public Hearing. Alderson Morrissette had questions for the new agents.

Deputy Clerk McKahan took a roll call of the new agents which included: Troy Smith from Holiday Stationstore #8; Daniel Hull from the Nutty Squirrel; Greg Peters from the River Falls Baseball Council; and Charles Beranek from Smokey Treats. All agents were present.

Morrissette asked Smith if he understood the role of an agent; does he possess a responsible bartender's license/certificate; does he understand if there is an alcohol violation in the establishment and he is not there, that he is still responsible? Smith answered, "I do," to all three questions.

Morrissette asked Hull if he understood the role of an agent; does he possess a responsible server's license; does he understand if there is an alcohol violation in the establishment and he is not there, that he is still responsible? Hull answered, "Yes," to all three questions.

Morrissette noted Peters was previously an agent and asked if he would be willing to affirm all three questions. Peters said yes.

Morrissette asked Beranek if he understood the role of an agent; does he possess a responsible server's license; does he understand if there is an alcohol violation in the establishment and he is not there, that he is still responsible? Beranek said yes to all questions except having a responsible server's license. Beranek indicated he would be getting that via online class next week. Morrissette would be in favor of transferring the agent status to Mr. Beranek upon completion of the responsible server's license and asked if that was a condition to make with the motion. City Administrator Simpson said that would be part of the typical motion of 'meeting all requirements at the time of issuance.'

The Mayor asked if there were any comments from the public. There were no comments from the public. **At 6:48 p.m., the Mayor closed the public hearing and asked for a motion.**

Alderson Plunkett had questions for the agents. He asked what their establishment is going to do to prevent overserving of alcohol; what do you consider overserving of alcohol; and what policies/procedures does your establishment have in place to prevent that.

Smith said the online training course will tell you the signs to look for. Plunkett asked about his policies and procedures. Smith responded saying it doesn't matter what the establishment's policy is; it is the server's responsibility to ensure the person is not leaving intoxicated. It teaches this in the online course.

Peters said their serving time is about 2 to 2.5 hours. He said we haven't had that happen yet, but if it did, we would refuse service. If there were issues, we would call law enforcement.

Beranek said they also have limited serving hours - over suppertime with closing at 8-9 p.m. If someone comes into the establishment who has been overserved, it is our responsibility to have them leave and not serve them.

Hull said they are open seven days from 11 a.m. to bar close. He explained their process talking about bringing an overserved person to the bartender's attention. He explained that there are four management people there around the clock. The bartenders understand the process if management is not present. Hull provided further information.

Downing noted that Matthew Beranek failed to answer a question on page 78 asking if the applicant owed any municipal property taxes, assessments, or other fees. Downing noted that renewals may be denied if those are owed. Matthew Beranek said he stopped in yesterday to complete that question saying he didn't owe any fees.

With discussion ended, the Mayor asked for a motion. MS Morrissette/Downing move to grant renewals for the Class "A" Beer Licenses and Class "A" Cider Only licenses contingent that all licensing requirements are met at the time of issuance (Bob & Steve's Store #4 and #6 and Holiday Stationstores #8). The roll call vote passed unanimously 7-0 with all voting in favor.

The Mayor asked for a motion on the next group of licenses. MS Morrissette/Carow move to renewals for the Combination "Class A" Liquor and Class "A" Beer Licenses contingent that all licensing requirements are met at the time of issuance (Aldi #49, Devine Liquors, Dick's Hometown Liquor, Family Fresh Market #322, Kwik Trip Store #301 and #453, Walgreens #10585, WE Market Co-op). The roll call vote passed unanimously 7-0 with all voting in favor.

The Mayor asked for a motion on the next group of licenses. MS Morrissette/Odeen move to grant renewals for the Class "B" Beer Licenses contingent that all licensing requirements are met at the time of issuance (Kinni Café, Luigi's Pizza, River Falls Baseball Council, Smokey Treats BBQ Fusion, Steve's Pizza).

Aldersperson Plunkett was interested in considering the licenses individually saying these businesses serve food in the downtown area. He is interested in looking at the business location to allow for some expanded outdoor service with limited hours in front of those locations on Main Street. He feels there are customers that would be interested in that option.

The Mayor asked if others were interested in individual approval. Morrissette said the application has a section for applicants to define what area they want licensed. He doesn't know that they can be licensed on property they don't own noting the sidewalk is City property. He suggested having a conversation at a different time and allowing the applicants to amend their license. He thinks it is a good idea but feels there is a hurdle as the property belongs to the City.

Plunkett is open to having the discussion at another time providing it can be on an agenda. The Mayor felt it should be done at a later time so discussion could be had with the owners to see if there was interest. Aldersperson Mueller agreed and felt research should be done, and it could be brought back at a later time. Morrissette agreed saying he would be interested in knowing how much of the sidewalk could be used, what hours would it be, what would it look like, use of barriers. He felt there were several examples we could use from around the state. It is a conversation worth having.

City Administrator Simpson asked if this was something Council wanted to exclusively work with or if it should go to the Plan Commission. The Mayor felt determination was needed to see if businesses were interested; and if yes, it could go to the Plan Commission with a recommendation to Council. Aldersperson Downing agreed with the Mayor feeling it makes more sense to do it later on. The Mayor asked Simpson if discussions could be held with businesses to see if there was interest. Simpson said yes but noted that there are some narrow sidewalks which could be a challenge for ADA compliance. He talked about it be a complexity but felt if could be done if the community desires it.

Plunkett raised this simply as an issue to look at when issuing the licenses but thought maybe the discussions should happen on a noticed agenda. There was further discussion. Simpson asked if the Council wants it to come back to them or the Plan Commission. The Mayor said Plan Commission. Morrissette agreed saying we should poll the businesses to see how many people would be interested and then send it to the Plan Commission with them doing the legwork and then provide the Council with direction. Simpson said staff would look at the legal, logistical, and enforcement issues, and it can be talked through at the Plan Commission. Downing felt it should come before the Executive Team and asked if it did. Simpson said yes. **At the conclusion of discussion, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

The Mayor asked for a motion on the next group of licenses. **MS Morrissette/Bjerstedt move to grant renewals for the Combination “Class B” Liquor and Class “B” Beer Licenses contingent on all licensing requirements being met at the time of issuance (American Legion Post 121, Broz Sports Bar & Grill, Emma’s Bar, Falls Theatre, Johnnies Bar, Junior’s Restaurant and Tap House, Swinging Bridge Brewery, Lazy River Bar & Grill, Mainstreeter Bar & Grill, Mariachi Loco, Mavericks Corner Saloon, Mel’s Midtowner LLC, Nutty Squirrel, River Falls Golf Club, River Falls Moose Lodge, Shooters Pub, St. Croix Lanes, Westwind Supper Club). With no discussion, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

The Mayor asked for a motion on the next group of licenses. **MS Downing/Carow move to grant renewal of the “Class C” Wine Licenses contingent that all licensing requirements are met at the time of issuance (Kinni Café, River Falls Baseball Council, Smokey Treats BBQ Fusion, Steve’s Pizza). The roll call vote passed unanimously 7-0 with all voting in favor.**

Request for a Combination “Class B” Liquor and Class “B” Beer License – River Falls Management LLC dba Bold Burger, 106 N. Main Street

At 7:14 p.m., Mayor Toland recessed into a Public Hearing. At 7:14 p.m., with no one wishing to comment, the Mayor closed the public hearing and moved into Open Session. The Mayor asked if the agent Alejandro Castro was present. Castro was present by phone.

Morrissette had questions for Castro asking if he was the agent for Castro Corp. Castro said yes. Morrissette noted that he had already asked Castro his standard three questions when he became an agent and asked if Castro was willing to positively reaffirm his answers. Castro said yes.

Plunkett asked Castro what he considers overserving of alcohol and what is your establishment going to do to make sure it is not happening there. Castro talked about training the servers and having the bouncers check IDs before entry.

Downing asked Castro if there were any outdoor locations requiring an extra bartender. Castro explained the process during restaurant hours and afterhours.

With no further discussion, the Mayor asked for a motion. MS Morrissette/Bjerstedt move to grant Request for a Combination “Class B” Liquor and Class “B” Beer License – River Falls Management LLC dba Bold Burger contingent on all licensing requirements being met at the time of issuance. The roll call vote passed unanimously 7-0 with all voting in favor.

CONSENT AGENDA:

Acknowledgement of the following minutes: Park and Recreation Advisory Board – 4/21/21; Plan Commission – 4/7/21; River Fall Housing Authority – 4/14/21; BID Board – 4/13/21; Historic Preservation Commission – 4/14/21; Library Board – 4/12/21

Resolution No. 6572 Supporting American Legion Post 121 Request of City Assistance for 2021 Events

MS Odeen/Carow move to approve the Consent Agenda. With no questions, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.

ORDINANCES AND RESOLUTIONS:

Ordinance 2021-04 Repealing and Replacing Section 17.104.040 of the Municipal Code Relating to Special Use Permits– First Reading

Downing asked if this was required by the State of Wisconsin. Simpson said yes, the primary reason for this review is due to state law changes. We are trying to maintain some local authority on these. It does change where the approval occurs in the review.

Downing asked if City department heads and the Mayor are involved before it goes to Plan Commission with items we have brought up as individual concerns. Simpson said in a matter like this, it would be typically discussed with the Executive Team or subset. There isn't a formal review that sits out there on top of the Plan Commission. Community Development Director Peterson may talk with staff and himself about different SUPs that come along that may need more discussion but ultimately these are policy decisions for the Plan Commission.

Downing asked if there was required training/education for Plan Commission members who are part of the zoning group. Simpson said there isn't any required training but that is part of the responsibility of staff to provide resources. He cited articles, training sessions, and workshops. Downing asked about an increase in community engagement due to updates with the City's comprehensive plan. Simpson felt the Plan Commission operates as both a regulatory body and focus group. He provided further details about community engagement and the Council's role.

Resolution No. 6573 Approving Certified Survey Map for Dawes Place

MS Morrissette/Bjerstedt move to approve resolution. Alderperson Bjerstedt questioned if the property could be owner occupied. Community Developer Director Peterson said this is planned to be a rental at this time but could owner occupied in the future. **With no other discussion, the Mayor asked for a vote. The roll call vote passed unanimously 7-0 with all voting in favor.**

REPORTS:

Comptroller Report for April 2021

Comptroller Odeen read the following: General Fund revenues through the end of April were \$4,702,663 or 41 percent of total budgeted revenues for 2021. Revenues in April included \$127,492 from the School Resource Officer program and \$163,040 in transportation aids and annual lottery credits from the State of Wisconsin. Expenditures for the same period were \$3,003,160 or 26 percent of total budgeted expenses for 2021. Expenditures for the period included \$22,928 in bulk road salt. Net revenues over expenditures as of April 30 were \$1,699,504.

At 7:31 p.m., MS Bjerstedt/Morrissette move to adjourn. The roll call vote passed 7-0 with all voting in favor.

Respectfully submitted,

Kristi McKahan, Deputy Clerk