



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

June 14, 2022

Mayor Dan Toland called the meeting to order at 6:30 p.m.

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

Members Absent: None

Others Present: Ben Fochs, Dennis Nelson, Pat Armstrong, Chris Gagne, Mark Laverty, Jay Fletch, others

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Sterling Hackney; Community Development Director Amy Peterson; Utility Director Kevin Westhuis; City Planner Emily Shively; City Engineer Todd Nickleski; Finance Director Josh Solinger; Economic Development Manager Keri Schreiner; Deputy Chief Matt Kennett; Police Chief Gordon Young; Investigator Ryan Miller; Assistant to the City Administrator Jennifer Smith

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – May 24, 2022, Minutes

MSC Downing/Bjerstedt move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$1,874,955.88

MSC Morrissette/Bjerstedt move to approve bills subject to the Comptroller. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Benjamin Fochs, 2529 Powell Avenue – talked about the City’s planning process and Focus on You. He talked about residents saying they were not informed about City plans/outcomes and how that is not good due diligence on the part of residents.

Dennis Nelson, 124 S. 4th Street – requested that the City remove the rainbow flag and turn to the Lord.

Pat Armstrong, 424 Kennedy Street – came to complain about the sidewalk the City is putting in. She talked about losing beautiful trees if a sidewalk is put on the south side of Kennedy and people being close enough to look in her living room.

Chris Gagne, 430 Kennedy Street – talked about a park plan assessment, the tennis court at Wells Park, needing more police presence in the neighborhood, options for putting in a sidewalk, the loss of trees if a sidewalk is installed, and more.

Officer of the Year – Ryan Miller

Police Chief Young presented Ryan Miller the 2021 Officer of the Year Award. The award was selected by his peers. He noted Miller is compassionate, displays great leadership, and has a strong work ethic. He talked about Miller’s career and programs he has initiated.

Mayor Toland noted Miller is a great example of the police department and officers who go above and beyond. He couldn't be happier that Miller was here in River Falls.

PUBLIC HEARING:

Ordinance 2022-03 – Annexation of land and right of way in the Town of Troy to the City of River Falls (Parcel Identification Numbers (PIDs) 04-1090-60-000 and 040-190-40-100 at Paulson Road and Radio Road); changing the Future Land Use Classification from Industrial to High Density Residential; and applying a temporary Zoning Classification of R-3 Multifamily Residential (High Density) – Second Reading and Disposition

Community Development Director Peterson provided a presentation. The annexation petition from Mary Thompson is for 43 acres adjacent to Paulson and Radio Roads. The property owner has approached the City with intent to develop. She talked noted the four factors to consider for annexation emphasizing the cost to provide infrastructure which include \$312,000 for a watermain, \$133,000 for a sewer main, \$18,000 for curb installation totaling \$463,000. The developer would pay the costs upfront providing savings for the City.

Peterson talked about land use designations. Two prospective developers have plans for residential housing and have done studies with results which said there is significant demand for development in River Falls. A change in future land use is needed. No development applications have been submitted. Staff has talked about higher and better use for the property and determined that residential use was acceptable due to the available lots in the City's corporate parks, the development of Mann Valley corporate park, the decline in commercial development, development pattern of commercial uses which want visibility and right turns to access their property.

Peterson provided a refresher on the City's housing study which projects a need for 1,500 more housing units. A zoning classification needs to be provided for the annexation. Staff is recommending designating the parcels R3 multifamily high density. She provided a summary of the Council action.

At 6:55 p.m., at the conclusion of Peterson's presentation, Mayor Toland moved into a public hearing.

Mark Laverty, Director of Development, Saturday Properties – talked about the possibility of commercial being successful on the site. He said there is uncertainty in the industry. There are challenges to do commercial on the site due to lack of homes, the access, and topography. Businesses need more employees and customers. Laverty talked about costs including impact fees of over \$1 million which is an estimated property tax over a half million dollars.

Jay Fletch, Jay Fletch Real Estate – he is representing the Thompson family. He talked about renters and how bankers determine loans. He agreed with Laverty saying building homes provide people who are employees and customers. Fletch also talked about how it is difficult to tell someone what to do with their property and if the housing is not allowed, the Thompsons would lose two buyers.

With no other comments, the Mayor moved back into Open Session at 7:10 p.m., and asked for a motion. MS Morrissette/Odeen move to approve ordinance.

Alderperson Morrissette appreciated the comments. He is struggling with northern parcel being R3. He supports the annexation and the zoning designation for the southern parcel. He feels the need to be deliberate with zoning on northern parcel. He doesn't support residential on that parcel. He is not trying to send a message to staff to slow down development. He feels it is a better as a B3 designation. He thinks are some other uses for parcel and named them. **MS Morrissette/Bjerstedt move to amend Section 7 to future land use clarification the territory north of Paulson Road and south of Wisconsin 35 as described in the staff report shall be assigned a temporary zoning classification of B3 Business Highway. The territory south of Paulson Road as described in the staff report shall be designated a temporary zoning classification of R3 high density residential.**

Aldersperson Odeen asked about listing them as temporary. Morrissette said he made a mistake, and it should be 'territory'.

Aldersperson Bjork is on same page with Morrissette. He felt Section 7 should be struck and it should go back to the Plan Commission to clean up. It would be great to have the property annexed completely. He thinks the north property should be a B3 too. He agrees that there needs to be more housing in River Falls. There needs to be a transition. He talked about renters moving to homes. He would like to take care of people who are here now.

Aldersperson Downing had questions. He asked Police Chief Young if he had concerns regarding the project. Young said he did not. Downing asked City Administrator Simpson if he had any thoughts about the amendment and potential for commercial development. Simpson said his advice is consistent with the planning staff. It would be challenging to see that as a thriving commercial node. He said a B3 zoning as a permitted use would not prohibit residential. He provided more details.

City Attorney Gierhardt confirmed that a B3 designation would permit residential uses. Simpson is skeptical that a grocery store or bank would find this as an appealing site until all other sites were exhausted. He spoke further about the site, the topography, the access making it not a viable site. He said R3 residential is a good use both short and long term.

Downing clarified Simpson said B3 doesn't conflict with the plan that was introduced but Simpson wouldn't recommend it because that's not the way he is predicting the future. Simpson said B3 is fine if you're okay with residential on both sites. He's not sure how to accomplish what Morrissette wants. There's not a category that fits what you want it to be.

Morrissette wants to be deliberate with all four quadrants of the intersection. He doesn't think it's a good spot for residential. We don't need to be in a hurry to develop. He spoke further about the location being a key intersection and development in that area.

Downing asked Morrissette about it being commercial like a grocery store or hotel that would bring a service to the City.

Morrissette talked about the free market and the developer putting their capital at risk. Downing understood what Morrissette said. He asked Simpson if there were unforeseen problems with moving ahead with the amendment.

Simpson said if they are unforeseen problems, he can't see them. The Council has to make a policy decision based on its best idea on the best long-term best interest of what the community is. Council has the final say. Aldersperson Bjerstedt clarified if we don't change it to B3, we can't do any of those things. He talked about giving them freedom and buying time. If it won't upset their plans, he doesn't have a problem with the amendment.

Odeen asked if Section 7 needed to be amended for future land use classification. Gierhardt said it would need to be amended to reflect B3 commercial. Odeen asked if it would need to be high density residential and business? Gierhart said yes. Morrissette noted that was in his amendment. Simpson understood the amendment to be changing Section 7 and 8 based on the parcels – R3 for the south and B3 for the north.

Odeen appreciated hearing from the developer and property owner. We are in process of doing a new comprehensive plan for city. She hopes we discuss the future of commercial. She thinks it will be different. She would like to see commercial in the downtown rather than out there. Brick and mortar is different now. There's a real need for housing whether it is apartments or single family housing. We are a college town with a high percentage of renters. She also has some qualms about stepping on the toes of private landowners. We have to look at big picture. She is in favor of the ordinance.

Aldersperson Carow thinks the amendment is fine. We do need housing. We have always had a high percentage of renters, and he doesn't think that will go down. To get to goals that professionals have articulated, we do need to have multifamily high density housing. Carow appreciates hearing from the representative from the Thompson family and from Saturday properties. He thinks the Council should move forward.

The Mayor asked Morrisette to reread the amendment. Morrisette said Section 7 future land use classification the territory north of Paulson Road and south of Wisconsin Highway 35 as described in the staff report shall be assigned a zoning classification of B3 business highway. The territory south of Paulson Road as described in the staff report shall be assigned of R3 high density residential.

Simpson asked Gierhardt if staff could make any technical corrections. Gierhardt said yes; we will understand the future land use classification to be B3 for the north and R3 for the south. Morrisette confirmed. **The Mayor asked for a vote on the amendment. It passed unanimously. The Mayor asked for a vote on the original motion. It passed unanimously.**

Ordinance 2022-04 – Amending the Parking Control Map – No Parking on W. Locust – First Reading
At 7:35 p.m., the Mayor moved into a public hearing and asked for comments. With no comments, the Mayor moved back into Open Session. There were no questions from Council.

ORDINANCES AND RESOLUTIONS:

Resolution No. 6677 - Approving American Rescue Plan Act (ARPA) Plan

MS Morrisette/Downing move to approve resolution approving ARPA spending using the \$60,000 for Emerald Ash Borer mitigation. As there were no questions, the Mayor asked for a vote. The resolution passed with all voting in favor except for Mueller who voted against.

Resolution No. 6678 - Approving State/Municipal Agreement for State-Let Local Bridge Project – Powell Avenue Construction

MS Downing/Bjork move to approve resolution. Odeen asked for clarification on what 'state let' meant. Gierhardt said the state provided funding. Downing said he was on the committee for the bridge and asked about the design details such as using it as a biking bridge and being able to look over the side. Simpson said it is a basic reconstruction of the bridge deck. Given the construction prices, we are not likely to look at considerable design enhancements. It's new and improved existing design with the goal of having a sturdy, safe bridge. **With no other questions, the Mayor asked for a vote. The resolution passed unanimously.**

REPORTS:

Administrator's Report

Simpson noted an upcoming event.

CLOSED SESSION:

At 7:39 p.m., MS Morrisette/Downing move to recess into Closed Session per Wisconsin State Statutes §19.85(1)(e) for the following purposes: "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to wit: Cascade Avenue property and property in Mann Valley Corporate Park". **The roll call vote to move into Closed Session passed unanimously.**

MSC Morrisette/Downing move to reconvene into Open Session at 8:21 p.m. Unanimous.

MSC Bjerstedt/Morrisette move to adjourn at 8:21 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk