



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

June 22, 2021

Mayor Dan Toland called the meeting to order at 6:30 p.m. in the City Council Chambers located in City Hall.

City Council Members Present: Todd Bjerstedt, Nick Carow, Sean Downing, Scott Morrissette, Diane Odeen, Ben Plunkett

Members Absent: Alyssa Mueller

Others Present: Sally Frey, Alejandro Castro, Larry Kirch

Staff Present: City Administrator Scot Simpson; Assistant City Administrator Jason Stroud; City Attorney Chris Gierhart; IT Specialist Jon Smits; Community Development Director Amy Peterson; Utility Director Kevin Westhuis; Police Chief Gordon Young; Wastewater/Water Superintendent Ron Groth; City Clerk Amy White; Assistant to the City Administrator Brandt Johnson; Management Analyst Fellow Kathryn Paquet; Senior Accountant Sam Hosszu; Finance Director Sarah Karlsson; others

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – June 8, 2021, Minutes

MS Odeen/Bjerstedt move to approve minutes. Alderperson Downing wanted more clarification provided in the minutes regarding the public hearing discussion for Ordinance 2021-04. **MS Downing/Odeen move to add a phrase at the bottom of the minutes saying, “The items Council Member Downing had discussed would be sent back to the Plan Commission for review.”** Alderperson Morrissette asked for clarification on the location of the amendment. Downing wanted it at the end of the public hearing text. **With no other comments, Mayor Toland asked for a vote on the amendment. The vote passed unanimously 7-0 with all voting in favor. The Mayor asked for a vote on the original motion. The vote passed unanimously 7-0.**

APPROVAL OF BILLS:

Bills: \$817,322.84

Alderperson Plunkett noted that Account Clerk Hieb had found a double payment, so the bill total was \$125 less. **MS Plunkett/Bjerstedt move to approve bills subject to the Comptroller in the amount of \$817,197.84. With no other comments, the Mayor asked for a vote. The vote passed 7-0 unanimously.**

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

There were no public comments.

2020 Compliance Maintenance Annual Report Presentation

Wastewater/Water Superintendent Ron Groth provided a presentation on the 2020 Compliance Maintenance Annual Report Presentation (CMAR). It is a report card for the City’s wastewater plant. In all subcategories, the City received a maximum score with no deductions. Groth talked about the influent loading related to the biochemical oxygen demand (BOD) which is a measure of anything in the water that comes into the plant that uses oxygen. Groth talked about the effect Covid had on loading in 2020. Groth compared numbers from the old plant to the new plant. He talked about electrical savings due to the new plant saying electric savings multiply as we move forward. Groth stood for questions.

Aldersperson Plunkett noted in a couple of months listed under old standard the City exceeded the BOD. He asked how much it was exceeded by. Groth said the baseline is 3152 and anything over that is 100 percent. The new system wasn't started until October, so a chunk of last year's numbers falls under the old plant/loading. For 2021, higher number is in effect. Plunkett asked about the peak load in 2020. Groth said it was 3234 pounds.

PUBLIC HEARING:

Annual Liquor License and Beer License Renewals – Hearing and Disposition by Motion for each License Class At 6:40 p.m., Mayor Toland recessed into a Public Hearing. At 6:40 p.m. with no comments, Mayor Toland moved back into Open Session and asked for a motion. MS Downing/Odeen move to approve combination “Class A” Liquor and Class “A” Beer Licenses contingent that all licensing requirements are met at the time of issuance for Dollar General Store #6482.

Aldersperson Morrissette had questions for the agent. He asked agent Sally Frey the following questions: do you understand the role of an agent; do you understand that if you are not present and an alcohol violation happens, it is your responsibility; and have you taken your responsible servers license? Frey answered yes to all the questions. Morrissette had concerns in the past with the establishment regarding the manager/agent being present. He asked if Frey was the local manager. She said yes; that made Morrissette feel more comfortable. **With no other questions, Mayor Toland asked for a vote on the motion. It passed 7-0 unanimously.**

MS Downing/Odeen move to approve combination “Class B” Liquor and Class “B” Beer Licenses contingent that all licensing requirements are met at the time of issuance for Bold Burger. Morrissette noted he asked already asked agent Alejandro Castro his questions. He wanted to ask the clerk was has changed from the last time we had the application. City Clerk White said the license that was approved at the previous Council meeting expires on June 30. Tonight's approval is for the renewal starting on July 1. **With no other questions, Mayor Toland asked for a vote on the motion. It passed 7-0 unanimously.**

CONSENT AGENDA:

Acknowledgement of the following minutes: Police and Fire Commission – 3/23/21; 5/5/21; River Falls Housing Authority – 5/12/21; Historic Preservation Commission – 5/12/21; Plan Commission – 5/4/21; Utility Advisory Board – 4/19/21; 5/3/21; West Central Wisconsin Biosolids – 3/18/21; 4/15/21; River Falls Library Board – 5/3/21; Board of Review – 5/25/21

Resolution No. 6577 - Approving 2020 Compliance Maintenance Annual Report (CMAR)

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

ORDINANCES AND RESOLUTIONS:

Resolution No. 6578 - Approving General Development Plan for River Falls Senior Living at 700 S. Main Street

MS Plunkett/Odeen move to approve the resolution. The vote passed unanimously 7-0 with all voting in favor.

Resolution No. 6579 - Introducing Right-of-Way Vacation of East Park and Sycamore Streets

MS Odeen/Bjerstedt move to approve the resolution. The vote passed unanimously 7-0 with all voting in favor.

Resolution No. 6580 - Approving Proactive Code Enforcement

Community Development Director Peterson provided a presentation. Staff is recommending a change in code compliance and would like support to move to a proactive rather than reactive approach. Corrective measures in this approach are usually simpler, less costly, and less time consuming. Peterson talked about the goals of code compliance and it needing to be strategic and how it ties into the City's values. She presented a table documenting the code compliance violations from 2018 through today. Peterson talked about staff recommendations if the Council supports proactive enforcement which includes revising the process,

standardizing compliance timeframes in code, revising nuisance provisions, zoning code, and fine structure. Peterson spoke about an implementation in software, proactive community education, and staff training. She anticipated that the changes could be a two-year process. She stood for questions. **MS Odeen/Carow moved to approve the resolution.** The Mayor asked for comments.

Morrisette asked residents who are experiencing problems in their neighborhood to reach out and talk to your neighbor first to see if the issue can be resolved. He realizes some people can't do that but said let's be neighbors first.

Plunkett talked about the City doing inspections on rental property. As a property owner, he felt the inspections were helpful. Are we talking about things that are going to be impacting the safety of residents or is this about the City taking on role of homeowners' association? Peterson doesn't view it that way - saying we have codes on books, and this would be enforcing those codes. She noted the City no longer has a rental inspection program.

Odeen complimented staff on bringing this forward. Having clearer guidelines and giving staff more education and flexibility will be helpful. This is something we hear constituents complain about. There is a perception by some that complying is optional and that enforcement is arbitrary - a clearer process for this will be helpful.

Downing asked Peterson if she agreed that having code enforcement is having standards. Peterson agreed. Downing talked about parts of the City not being as standardized as other areas - giving an example of one-way streets and people parking on the yards. He asked if Peterson agreed with standardization with select areas of the City saying people park in lawns so people can get through. Peterson said if there were specific areas as policies were brought through, we can look at them. He asked if the code had flexibility to accommodate those streets; Peterson said it could.

Carow thanked Peterson for responding to his questions, the document, and said the public should read the information in the packet to learn more. He asked if this was a budget impact of \$50,000 per year. Peterson said yes. Carow asked about the half time position. Peterson said the .5 FTE would be split between two positions saying the current staff who does code enforcement is also the building inspector and will be backing off of code compliance. She talked about development being busy and losing a building inspector position in 2015.

Carow talked about the importance of training and the first contact happening in a polite and professional manner. He thanked Peterson for defining weeds for him and for the time put into this.

Downing asked about traffic congestion on a one-way street and code enforcement. Is there the legal flexibility about leaving it; is there common sense? Peterson noted there were different approaches. You can do code compliance and make areas specific to places to where you are speaking of and direct them specifically. She doesn't know as we don't have specific examples. Enforcement officers will be trained to be reasonable. If in situations where code cannot be enforced, we will look at options with property owner. Downing asked if there was flexibility in the code to do that. Peterson said it can. We are looking for an equitable process to be consistent, so all community members are being treated the same with that we do need to have some flexibility. Alderperson Bjerstedt understood that moving forward in the process, Council would have input on changes and would be able to talk through concerns.

City Administrator Simpson appreciated the presentation. He talked about this being the first step in the process, the current workload of community development staff, and moving down the path toward proactive enforcement. Simpson stressed the City doesn't have the resources to just flip a switch. A .5 FTE as proposed is not going to be akin to HOA. Simpson acknowledged Plunkett's concern saying at what point does this go from just trying to do the health, welfare, and safety of the community to this is how it has got to be in River Falls. We are a long way from that. Our code doesn't contain a lot of direction of how people should live or use their property. It will be a couple of years working through this on how far the Council wants to go. Simpson said there is a long view here. He appreciates Council giving direction. He noted there is only one area in the recommendations that can be done without formal action by a further body and that is the internal processing.

The rest of it will require notices and ordinance changes. He feels two years is optimistic. He was highly skeptical given the current workload. Simpson talked about rental inspection in further detail.

Plunkett asked what codes this position could be used for. He gave some scenarios. Simpson doesn't know of any legal prohibition for violation of City ordinance. He provided an example of enforcing odd/even watering.

City Attorney Gierhart said the City has broad discretion on determining who will enforce codes. Down the road if there are different codes to enforce, it would be at the at discretion of Council at the time for enforcement for the City. **With no other questions, Mayor Toland asked for a vote on the motion. It passed 6-1 with all voting in favor except for Plunkett.**

REPORTS:

Comptroller's Report for May 2021

Comptroller Odeen read the following: General Fund revenues through the end of May were \$5,067,836 or 44% of budgeted revenues. Revenues in the month of May include \$49,000 in donations for the Fire Safety Trailer. Expenditures for the same period were \$3,850,088 or 34% of expenses. As of the end of May 31, 2021, net revenues over expenditures were \$1,217,748.

ANNOUNCEMENTS:

The Mayor read a Proclamation Recognizing June as Pride Month.

Mayor's Appointments

Utility Advisory Board

Reappointment of Tim Thum through May 2024

New appointment of Mark Wespetal to serve remainder of term through May 2022

MSC Odeen/Downing moved to approve the Mayor's Appointments. The vote passed unanimously 7-0 with all voting in favor.

MS Bjerstedt/Odeen move to adjourn at 7:16 p.m.

Respectfully submitted,

Kristi McKahan, Deputy Clerk