



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

July 25, 2023

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

City Council Members Present: Mayor Dan Toland, Jeff Bjork, Nick Carow, Sean Downing, Alyssa Mueller, Todd Bjerstedt, Scott Morrisette, Diane Odeen

Members Absent: None

Staff Present: City Administrator Scot Simpson; City Attorney Chris Gierhart; IT Specialist Sterling Hackney; Utility Director Kevin Westhuis; Police Sergeant Scott Bangert; Assistant Director of Community Development Emily Shively; Management Analyst Fellow Sara Kasel; City Engineer Todd Nickleski; Management Analyst Ellen Massey; Economic Development Manager Keri Schreiner; Community Development Director Amy Peterson; Finance Director Josh Solinger

Others: Dana Linscott, Sean Lentz, others

APPROVAL OF MINUTES

July 11, 2023, Regular and Workshop Meeting Minutes and June 27, 2023, Workshop Minutes

MSC Bjork/Mueller move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$998,941.25

MSC Bjork/Bjerstedt move to approve bills. Unanimous.

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Dana Linscott, 11395 County Road M - came to speak against an ordinance the Council previously passed regarding camping.

PUBLIC HEARING:

Ordinance 2023-11 – Creating Title 17 Zoning; Chapter 17.50 – Corporate Park Zoning District – First Reading

At 6:37 p.m., the mayor moved into a public hearing. Assistant Director of Community Development Emily Shively provided a presentation on the proposed ordinance. The ordinance provides the purpose, definitions, regulations, permitted uses, site standards, and more information for the Mann Valley Corporate Park. She talked about the recommendations and next steps.

Upon the conclusion of the presentation, the mayor asked for public comments. As there were no comments, the mayor closed the public hearing and moved back into open session at 6:40 p.m. The mayor asked if council had questions.

Aldersperson Downing asked if elements of the comprehensive plan could apply. Shively said the comprehensive plan provides the policy foundation for all the city's zoning ordinances that are intended to implement our policy direction.

Aldersperson Bjork asked if there was anything uniquely different here versus the other industrial areas. Is there anything different now? Shively said generally it was very similar. We are tailored some of the permitted, accessories, special permitted uses to accomplish the goals in the Mann

Valley area. We have been more flexible with site development standards to allow for maximum flexibility for arranging buildings and parking on site. Businesses still must meet storm water regulations. We have eliminated parking minimums. She provided further details. There was discussion about future business expansion and flexibility.

Ordinance 2023-12 – Amending Official Traffic Control Map (No right turn on red - Division Street to Main Street) - First Reading

At 6:43 p.m., the mayor moved into a public hearing. As there were no comments, the mayor closed the public hearing and moved back into open session at 6:43 p.m. The mayor asked if council had questions.

Downing had questions for City Engineer Nickleski. He wanted to hear feedback about possible traffic backup due to a future roundabout in the long-term plan on Second Street. Would this back up traffic too much? Would it be free flowing?

Nickleski has spent some time watching the intersection to see if we can expect traffic to back up as it queues. There will be a single lane of traffic until it splits to turn right. There is the potential for a little more queue length, but he doesn't expect it to be significant. Nickleski watched the intersection today. He provided details on his observations. Nickleski noted this configuration would be completely gone by the time the city installs a roundabout at Second and Division Streets. A more comprehensive plan would be considered at that time. We are considering a demonstration plan. Nickleski gave more details speaking about design, public works maintenance, and a grant.

Aldersperson Morrissette had same concerns recognized by Nickleski and Downing. The St. Bridget's changes he is not wild about. He understands it is a 'let's try it and see what happens'. He is happy that we know the concerns and the city has recognized those. He is willing to give it a try and see what happens with the understanding that we can change it.

Bjork asked if it was just six months test. Nickleski said yes. He doesn't think the paint will be great after the winter and gave further details.

CONSENT AGENDA

Acknowledgement of the following minutes: River Falls Parks and Recreation Advisory Board – 6/21/23; Plan Commission – 6/6/23; Business Improvement District – 6/13/23; Historic Preservation Commission – 6/21/23; West Central Wisconsin Biosolids Facility Commission – 6/15/23; Utility Advisory Board – 6/19/23

Resolution Approving Development Agreement between City of River Falls and Sterling Ponds I, LLC→→***pulled by Downing***

Resolution Approving Purchase Agreement with Sterling Ponds I, LLC→→***pulled by Downing***

Resolution Approving First Right of Refusal with Sterling Ponds I, LLC→→***pulled by Downing***

MSC Odeen/Morrissette move to approve the remainder of the consent agenda. Unanimous.

Resolution No. 6806 - Approving Development Agreement between City of River Falls and Sterling Ponds I, LLC

Downing said the agreement talks about dollar and minimum improvements. Does this agreement give this contract enough time to be met by December 1, 2023? What is a standard amount of time for a contract like this when working in a unique type of development relationship. Simpson said the development agreement has been negotiated with the project developer. He doesn't know that there is a standard time he could give council. He talked about some developers being ready to go and want deliverable dates sooner for financing or other reasons. There's not a standard time and in this

case, the developer is aware of what they are agreeing to for delivery. Downing clarified they believe this is a reasonable agreement and there were no early on objections. Simpson was not aware of any objections to the development agreement in its form.

Downing noticed there was a 60 day to comply in development agreements and defaults. He's seen this timetable moved for developers in his district before. If the developer requested more than 60 days to comply (if there was a hang up) would that come back to the council or be handled by Simpson. Simpson said it likely come back to the staff level first to give them some due process to resolve the issue. If there's a breach of contract and we want to pursue legal efforts, that would come back to the council. Simpson asked City Attorney Gierhart if there were scenarios in which that wouldn't be the process. Gerhardt said no; any breach of contract would come back to council. To clarify, this agreement was negotiated by council and both parties. The December date is commencing construction. The completion date is 2025. Downing asked Gierhart if he considered this to be a fairly negotiated contract. Gerhardt said yes. Downing thinks it is okay. He appreciated the answers. He knows there's not any true standards but thinks it is important to be cautious when we do some of these projects.

MSC Downing/Morrisette move to approve resolution. Unanimous. Simpson reminded council they do have a policy on the use of tax incremental financing. This is within the policy. Council has set parameters as far as what value you require and what terms and length. There are standards that staff use when developing this. **The mayor asked for a second voice vote. The motion passed unanimously with all in favor.**

Resolution No. 6807 - Approving Purchase Agreement with Sterling Ponds I, LLC

MSC Downing/Morrisette move to approve resolution. Unanimous.

Resolution No. 6808 - Approving First Right of Refusal with Sterling Ponds I, LLC

MSC Downing/Morrisette move to approve resolution. Unanimous.

ORDINANCES AND RESOLUTIONS:

Sean Lentz from Ehlers provided a presentation on the bonding resolutions. He began by talking about Mann Valley Corporate Park (TID 19). Lentz talked about the Phase 1 projects which include watermain, sewer, stormwater, earthwork, roadway construction and utility maintenance. Expenses are related to infrastructure and the biosolids facility. Lentz talked about debt repayment. He showed a slide which illustrated the impact on general obligation borrowing capacity (with 2023 debt issues). Lentz provided details. He talked about the next steps and timeline. Lentz showed a market condition slide which showed the weekly rates July 1993-2023. Upon conclusion of his presentation, Lentz stood for questions. There were none.

Initial Resolution No. 6809 - Authorizing \$9,750,000 General Obligation Bonds for Community Development Projects in Tax Incremental Districts

MS Mueller/Morrisette move to approve resolution. Downing asked about fiber internet being provided. Simpson said it is provided. It is not at a cost to the city nor is it part of the borrowing.

Morrisette asked about gas company service being included. Simpson said yes, all the utilities private and public. He provided further details.

Bjork asked about the completion of the official statement. Lentz said it will be done in mid-August and the council will receive a copy. Bjork asked about potential rising interest rates. Morrisette said they are short term interest rates. Lentz said his slide shows a longer-term interest rate chart. He said there is a potential the feds will raise interest rates soon. Lentz provided further details.

Simpson wanted the council to be clear on the actions they are taking. He talked about the resolutions that staff wanted council to take. Staff is recommending council approve items 10 and 11 but believed

we could do better than the 20-year revenue bond that was proposed in item 12. Staff is not asking council to approve that. We would like to have additional time to look at other financing options. Simpson provided further details.

Simpson said at the time council approved the contracts for construction, he suggested that was the time to back out if they felt the risk was too high and the potential reward was too little. The project is not without risk. If council doesn't approve the financing for the projects, which they have already approved, staff will be back to ask for money in a different way because the city will not likely have the cash flow to go forward in 2025. Simpson talked about construction contracts.

Bjork asked Simpson what his top risks are. Simpson said a lack of development or a really slow pace of development. The construction is based on development. He provided more details.

Morrisette didn't want to lose sight of the risk of lost opportunity if the city doesn't build it. If we don't build it, we don't grow. We recognize the risk, and he thinks council is making an informed decision. Simpson said staff recommends it.

With no other comments, the mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Initial Resolution No. 6810 - Authorizing \$8,665,000 General Obligation Bonds for Sewerage Projects
MS Odeen/Mueller move to approve resolution. With no comments, the mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6811 - Directing Publication of Notice to Electors Relating to Bond Issues
MS Mueller/Bjerstedt move to approve resolution. With no comments, the mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution No. 6812 - Providing for the Sale of Not to Exceed \$18,415,000 General Obligation Corporate Purpose Bonds
MS Morrisette/Bjerstedt move to approve resolution. With no comments, the mayor asked for a roll call vote. The roll call vote passed 7-0 with all voting in favor.

Resolution Providing for the Sale of Approximately \$5,405,000 Water System Revenue Bonds
The mayor noted this item was pulled from the agenda.

REPORTS:

Comptroller's Report for June 2023

Comptroller Odeen read the following: General Fund revenues through the end of June were \$5,932,288 or 46.2% of total budgeted revenues for the year. Revenues in June include \$12,502 for swimming pool fees, \$18,701 for vehicle registration fees, \$16,813 in building permits, and \$15,090 for plumbing inspection permits. Expenditures through the end of June were \$5,793,886 or 45.2% of total budget expenditures for the year. As of June 30, 2023, net revenues over expenditures were \$138,402.

Bjork recognized Heidi Heinz upon her retirement from the Historic Preservation Commission and the 125th anniversary of Glen Park.

MSC Bjerstedt/Morrisette move to adjourn at 7:20 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk