



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

August 10, 2022

Council President Scott Morrissette called the meeting to order at 6:30 p.m.

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

Members Absent: Dan Toland, Alyssa Mueller

Others Present: Elizabeth Bowden, Don Leake, Chris Gagne, others

Staff Present: City Administrator Scot Simpson; City Attorney Chris Gierhart; IT Specialists Sterling Hackney and Jonathan Thoen; City Planner Emily Shively; Sergeant Logan Dohmeier; Assistant to the City Administrator Jennifer Smith; Community Development Director Amy Peterson; City Engineer Todd Nickleski; Civil Engineer Zach Regnier; Public Works Director Mike Stifter; Building Inspector Dave Hovel

The Pledge of Allegiance was said.

APPROVAL OF MINUTES:

Approval of Minutes – July 26, 2022, minutes

MSC Odeen/Carow move to approve minutes. Unanimous.

APPROVAL OF BILLS:

Bills: \$2,223,828.59

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

PUBLIC COMMENT, PETITIONS, REQUESTS AND COMMUNICATIONS:

Elizabeth Bowden, 317 Clark Street – wanted to comment on fair housing for all. She asked Council to discourage community development on the proposed racecourse west of the city. She would like to see Community Development focused on maintaining fair housing for all. Bowden appreciates the efforts the City has put in conversation toward sustainability and responsible development. She would like to see that play out in practice.

Don Leake, 523 Birchcrest Drive – came to talk about the proposed racetrack. He referenced a meeting held by the developer, Neil Krzyzaniak, and the comments he made. Leake is not in favor of the racetrack for numerous reasons including it does not meet a present need for the city, it conflicts with the land designation on the future land use map, threatens the sensitive ecosystem, and does not fit the character of River Falls.

PUBLIC HEARING:

City Planner Emily Shively provided a presentation on the ordinances. Proposed amendments for parking, public nuisances, and enforcement procedures were identified and directed by Council in a 2021 report. Changes to rental housing regulations are recommended by staff in response to the State reducing the City's authority regarding rental licensing and inspection programs. Changes to the sign code have been added in response to issues related to the placement of signage in the City's right of way.

Shively talked about parking changes which address the location of parking, storage of vehicles, and surfacing requirements for parking areas. As a result of the July 5 Plan Commission meeting, modifications have been recommended. A requirement to 'screen' vehicles has been removed but the recommendation of vehicles

parking at least 5' from a property line and on an improved surface remains. The requirement for a 72 hour parking restriction for boats, RVs, and other equipment in driveways has been removed. The current ordinance requires boats, RVs, and other equipment parked in a driveway which haven't moved for 30 days to be stored in an appropriate location. Staff is recommending that provision remains in effect.

Shively talked about nuisances. Proposed amendments will define public nuisances, proper disposal of debris and inoperable vehicles, and establishes standards for storage of goods and vehicles on private property.

Shively spoke about residential rental uses which amends the housing code to address habitability violations per state statute. It also clarifies residential rental registration, adopts State codes and statutes for contractor licensure requirements, requires licensure of plumbers and electricians that work within the city.

Shively talked about signage. She cited a recent Supreme Court decision saying signage may be regulated according to location, manner, and duration but not on the content. This creates a problem with signs in the right of way. She spoke further about setbacks and signs being on private property.

Shively addressed the amendment for code enforcement. It establishes the process and procedures for enforcement based on best practices. She provided further details on communication and first steps moving through the process.

Ordinance 2022-05 - An Ordinance Amending Title 17 Zoning, Chapter 17.08, Sections 17.08.030 And 17.08.040 And Chapter 17.80, Section 17.80.020 (Parking Standards) – First Reading

At 6:52 p.m., Council President Morrissette moved into a public hearing and asked for public comments.

Chris Gagne, 430 Kennedy Street – had concerns regarding the off street parking setbacks. He talked specifically about his property and he and his neighbor parking vehicles next to their property line. He would like some clarification on the 5' setback. Is it for new developments? He would like Council to provide clarification.

With no other comments, the Council President moved back into Open Session at 6:58 p.m. Alderperson Bjerstedt asked about adding staff for enforcement. Morrissette thought there was ½ FTE addition. City Administrator Simpson said Council has encouraged staff to take a more proactive approach to enforcement. He explained a ½ FTE position will not be able to address all of the problems. Simpson talked further about enforcement, setting community standards, and moving through the process.

Alderperson Bjork asked if the process will still start with a complaint. Simpson said what is proposed to take a more methodical approach to identify issues. He provided an example of identifying an issue and the process to deal with it. He provided further details.

Alderperson Downing asked about light pollution being brought up asking is there a time that Simpson would bring that up as an administrator for the Council to look at? Simpson said he would not identify issues for Council that aren't already identified by a resident contact. Council would likely be seeing complaints before he brought something up. He would not bring up a list of items.

Bjork asked about communications to residents. Morrissette said Shively mentioned using the newsletter. Simpson said there is a high level of compliance without any actions. When there is a concern, we have had our most success when we identify that broadly to people. His impression of River Falls is that there is generally a desire to be neighborly and be part of the neighborhood aesthetic. He talked about it being a policy decision and not a staff decision.

Ordinance 2022-06 An Ordinance Amending Title 8 Health And Safety, Chapter 8.32 - Nuisances Generally – First Reading

At 7:09 p.m., Council President Morrissette moved into a public hearing and asked for public comments. As there were no comments, the Council President moved back into Open Session at 7:10 p.m.

Aldersperson Odeen sees Council setting standards to address complaints. She sees this as Council's opportunity to set standards and enforcement is the second step. She wondered if this was fair assessment. Simpson said there are two things: you are moving from a primarily complaint based system that relies on the community input to a more proactive where you are trying to summarize what the community expectations are. He doesn't feel it is an aggressive approach. He spoke further. Morrissette said that the Plan Commission took three tries to get fencing closer to correct.

Ordinance No. 2022-07 An Ordinance Amending Title 15 Buildings And Construction – First Reading

At 7:13 p.m., Council President Morrissette moved into a public hearing and asked for public comments. As there were no comments, the Council President moved back into Open Session at 7:13 p.m.

Ordinance 2022-08 An Ordinance Amending Title 17 Zoning, Chapters 17.04, 17.08, 17.16, 17.20, 17. 24, 17.28, 17.32, 17.36, 17.40, 17.64, And 17.112 (Residential Rental Uses) – First Reading

At 7:13 p.m., the Council President moved into a public hearing and asked for public comments.

Chris Gagne, 430 Kennedy Street – talked about granny flats and implementing them correctly. He thinks Council should look at it under rental uses and it should come back before Council.

As there were no further comments, the Council President moved back into Open Session at 7:15 p.m.

Bjork asked about determining blight if we can't inspect them. Shively could not answer in full detail but listed items according to the State statues including high rates of building code complaints/violations, deteriorating property values, or increases in single family homes conversions to rental units. There needs to be an area or district designated as blighted. Shively said there are further restrictions and provided more information.

Bjerstedt added to Gagne's comments saying accessory dwellings units are the new buzz word to address affordability. He is not opposed to looking at it, but it would be very challenging. Bjork asked how. Bjerstedt said there are limits on square feet. What if it is built for mom and dad but ends up being a rental unit in the future? Is it zoned properly? There are all types of zoning issues. Bjerstedt said it is a legitimate discussion in the real world because of affordability.

Ordinance 2022-09 - An Ordinance Amending Title 17 Zoning, Chapter 17.68, Section 17.68.100.C.19.B.; And Chapter 17.84, Sections 17.84.010, 17.84.020, 17.84.030.B.3., 17.84.030.F.2.,6., And 7., 17.84.030.G.5., 17.84.030.H.2., 4., And 5., 17.84.040.D.6., E., And F.6., 17.84.050 (Signs) – First Reading

At 7:19 p.m., Council President Morrissette moved into a public hearing and asked for public comments. As there were no comments, the Council President moved back into Open Session at 7:20 p.m. Morrissette likes this one. Odeen thinks the number of things being changed shows that some coordination is where our sign ordinance is probably a good idea. Morrissette agreed.

Ordinance 2022-10 An Ordinance Amending Title 17 Zoning, Chapter 17.104, Section 17.104.060 (Violations – Penalties - Enforcement) – First Reading

At 7:21 p.m., Council President Morrissette moved into a public hearing and asked for public comments.

As there were no comments, the Council President moved back into Open Session at 7:21 p.m. Odeen asked if it was possible to have something indicating that things are grandfathered in. Shively said whenever an ordinance changes, it sets the date regarding regulations for anything that is new. Anything in existence prior to that date, is allowed to remain because it was installed under the previous regulations. Shively provided further details.

CONSENT AGENDA:

Resolution No. 6689 - Approving 2022 Chip Seal Project

MSC Bjork/Odeen move to approve Consent Agenda. Unanimous.

ANNOUNCEMENTS:

Mayor's Appointment

Library Board

Library Board Reappointment of Wayne Roen through July 2025

MSC Downing/Odeen move to approve Mayor's appointment. Unanimous.

REPORTS:

Administrator's Report

City Administrator Simpson is happy to answer any questions Council has on the ordinance changes. He provided information on the upcoming events and talked about the approval of the chip seal program.

CLOSED SESSION:

At 7:27 MS Downing/Bjork 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: North Main Street property". The roll call vote to recess into Closed Session passed unanimously.

At 7:49 p.m. MSC Odeen/Carow motion to move back into Open Session. Unanimous. MSC Bjerstedt/Downing to adjourn at 7:49 p.m. Unanimous.

Respectfully submitted,

Kristi McKahan, Deputy Clerk