



**CITY HALL**

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August 21, 2013

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, August 26, 2013, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – August 12, 2013**
3. **Continued – 520 Center Street New Site Plan Review**
4. **CEQC Air Quality Monitoring Recommendations**
5. **Other Business**
6. **Adjournment**

Sincerely,

A handwritten signature in blue ink, appearing to read "Carlos Espinosa".

Carlos Espinosa  
Assistant City Planner

## **PLANNING COMMISSION MINUTES**

**DATE:** August 12, 2013

**TIME:** 4:30 p.m.

**PRESENT:** Chairperson Porter, Commissioners Boettcher, Gromek, English, Ballard, Buelow, Davis, and Hahn

**ABSENT:** Commissioner Olson

**STAFF PRESENT:** Assistant City Planner, Carlos Espinosa

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The meeting was called to order at 4:30 p.m. by Acting Chairperson Gromek. Chairperson Porter entered the meeting shortly after.

### **Approval of Minutes – July 8, 2013 and July 22, 2013**

The minutes for July 8, 2013 were approved without changes upon motion by Commissioner Boettcher and second by Commissioner Davis. The minutes for July 22, 2013 were approved without changes upon motion by Commissioner Hahn and second by Commissioner Boettcher.

### **520 Center Street – New Site Plan Review**

Mr. Espinosa introduced the agenda item and stated that a new site plan had been submitted for a lodging establishment at 520 Center Street. Mr. Espinosa noted that the new plan addresses all of the minor issues noted with the previous plan. In addition, the new plan has redesigned the size of the sleeping areas to measure just under 100 square feet. As a result, the development requires 20 off-street parking spaces within 300 feet per City Code. Mr. Espinosa stated that these parking spaces are proposed to be located at 53 West Mark Street and the applicant has provided a two year lease for the parking spaces. With the updates, Mr. Espinosa stated that the plan meets site planning and zoning requirements, and thus because this is a site plan review, the plan should be approved. As such, staff's recommendation is to approve the project with the condition for a recorded document which states that "the development will meet parking requirements as contained in City Code for as long as the property is used as proposed in the site plan." Mr. Espinosa explained that this verbiage is slightly different than what was presented in the staff report, but it was changed due to advice from the City Attorney. Mr. Espinosa stated that the language essentially means that the building at 520 Center Street could be vacated by the City, if parking is not provided per City Code. Mr. Espinosa stated that in review of the project, the Planning Commission had three options: 1) recommend approval of the plan in accordance with staff's recommendation; 2) add additional conditions to an approval; or 3) table the item for more information.

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Acting Chairperson Porter then asked if anyone representing the developer would like to speak. Cindy Telstad stated that she is the attorney for Bluff City Properties and that as stated in staff's report, the site plan meets the zoning code and site plan requirements. Ms. Telstad stated that she could help answer any questions Commissioners may have about the project.

There being no questions from Commissioners, Chairperson Porter asked if any member of the public who had submitted a letter requesting Planning Commission review would like to speak.

Laura Seaton - 77 E. 10<sup>th</sup> Street - stated that she submitted the request for review because of parking and noise issues that would be created by allowing this new project. Ms. Seaton stated that she understood the Planning Commission had limited ability to deny the site plan, but maintaining neighborhoods should be a priority for the City.

Gerald Wicka – representing 524 Center Street – stated that the new development will eliminate privacy in the back yard of 524 Center Street. Mr. Wicka also stated that the development will take away curb appeal from 524 Center.

There being no other people who submitted letters wishing to speak, Chairperson Porter asked if there was a motion from Commissioners. Commissioner Gromek motioned to approve the site plan in accordance with staff's recommendation. The motion was seconded by Commissioner English.

Commissioner Gromek asked what happens if the lease for the parking expires. Mr. Espinosa responded that it would depend on the circumstances. Given the lease provided by the applicant ends in December 2014, it's not the City's intent to vacate a property or evict people in the middle of the winter or in the middle of the school year. Mr. Espinosa stated that the City would probably set a date certain for the property to be vacated if parking is not provided. Overall, if parking is not provided, the project is in violation of City Code and something would have to be done.

Commissioner Davis expressed concern about what would happen to the future tenants of the building at 520 Center if the parking lease expires and is not renewed.

Commissioner Boettcher asked if any of the proposed parking at 53 West Mark Street would be subject to alternative side parking. Mr. Espinosa stated that none would be because all of the spaces are on private property.

Commissioner Porter asked if the parking spaces at 53 West Mark Street would be designated and marked for 520 Center Street. Kevin Brady – representing Bluff City Properties LLC – responded that the tenants would be provided with parking passes and the spaces would be marked.

Commissioner Buelow also expressed concern with where the cars would go if the lease for parking at 53 West Mark is not renewed. Mr. Buelow stated he understood the

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property at 520 Center is zoned B-1, but in his opinion the project still goes against the spirit of the 30% rule.

Chairperson Porter asked if the lease for parking is compliant with the intent of the zoning ordinance and if so, where does the City draw the line – would a lease for two months be acceptable? Mr. Espinosa replied that the City Code requires parking to be provided and this proposal satisfies that intent. Concern about the future provision of parking at 53 West Mark Street is why staff is recommending the condition for the recorded document.

Commissioner Gromek asked what the City's legal authority is to vacate the property at 520 Center Street if parking is not provided. In response, Mr. Espinosa stated that he could ask for a legal opinion on this question, and also Chairperson Porter's question about the lease complying with the zoning code.

Commissioner Hahn stated that he has the same concerns as the other Commissioners, and that if parking goes away in the future, we would have to be reactive instead of being proactive ahead of time.

Chairperson Porter and Commissioner Gromek again expressed concerns with potential expiration of the lease for parking spaces.

Cindy Telstad stated that she understands concerns with the lease, and she is not the City Attorney, but in her opinion the site plan meets the requirements of City Code and thus should be approved in accordance with state statutes.

Commissioner Davis stated that she would be more comfortable with the project if there was a guarantee the parking lease would continue.

At this point, Chairperson Porter asked if Commissioner Gromek would like to withdraw his motion in order to table the item and obtain legal opinion on the Commission's questions. Commissioner Gromek stated that he would like to withdraw his motion.

Next, Commissioner Davis motioned to table the agenda item to the next meeting. The motion was seconded by Commissioner Ballard. Upon vote, the motion passed 7-1 with Commissioner English dissenting.

### **Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 5:30 p.m.

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Carlos Espinosa  
Assistant City Planner

## PLANNING COMMISSION

**AGENDA ITEM: 3. Continued – 520 Center Street New Site Plan Review**

**PREPARED BY: Carlos Espinosa**

**DATE: August 26, 2013**

At the last meeting, Commissioners requested a legal opinion on two questions related to the 520 Center Street site plan:

1. Does the City have the authority to vacate the property at 520 Center Street if the parking requirement is not met?
2. Does a lease for 2 years for required parking meet the intent of the City Code?

The City Attorney (Chris Hood) has confirmed that the City does have the ability to vacate 520 Center Street if the parking requirement is not met and that the parking proposal meets the requirements of City Code. Mr. Hood will attend the Commission's meeting on August 26<sup>th</sup> to help answer any questions.

In addition, the City Attorney has recommended the Planning Commission include a condition for the applicant to obtain an easement over 62 East Mark Street for access to the handicapped parking space at 520 Center Street. This addition is reflected in staff's updated recommendation.

Because the project has not changed since the last meeting, Commissioners should reference the August 12<sup>th</sup> agenda item for information on the 520 Center Street proposal.

### Planning Commission Options

1. Recommend approval in accordance with staff's recommendation. Staff recommends approval of the site plan with two conditions:
  1. *The applicant provide a recorded document prior to receiving a building permit stating that the development will meet parking requirements as contained in City Code for as long as the property is used as proposed in the site plan.*
  2. *The applicant provide a recorded access easement over 62 East Mark Street for parking at 520 Center Street prior to receiving a building permit.*

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**3. CONTINUED - 520 CENTER STREET NEW SITE PLAN REVIEW**

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2. Recommend approval of the site plan with additional conditions added by the Planning Commission. *The Commission should be careful to ensure that proposed requirements serve to fulfill zoning and/or the site plan review standards.*
  
3. Table formal action until the next Planning Commission meeting. *Under this action, the site plan would be reviewed again at the Planning Commission's September 9 meeting.*

# PLANNING COMMISSION

**AGENDA ITEM: 4. CEQC Air Quality Monitoring Recommendations**

**PREPARED BY: Carlos Espinosa**

**DATE: August 26, 2013**

## Summary

After review of the legislature's actions pertaining to silica sand, the Citizens Environmental Quality Committee (CEQC) reaffirmed their previous recommendations related to air quality (See Attachment A) and added the following comments:

1. Baseline data for air quality monitoring along truck routes should start now. The monitoring should be done at 4-5 sites in the City.
2. The City of Winona should make a formal request to the MPCA for an Air Emissions Risk Analysis and a Community Air Improvement Project (See Attachment B).
3. In addition to information from truck routes, air quality data from silica sand facilities should be obtained using the annual silica threshold of  $3\mu\text{g}/\text{m}^3$ .

Since these recommendations were made, a silica sand meeting with state agency commissioners was held on August 2<sup>nd</sup>. The Commissioners explained their agency's planned response to the new legislation. The Commissioner of the MPCA, John Linc Stein, stated that in regard to air quality monitoring, there are still questions in two areas:

1. What is a standardized method to conduct crystalline silica air quality monitoring?
2. What is the recommended equipment to use for crystalline silica air quality monitoring?

The Commissioner indicated that the MPCA is working on these questions, but additional time (i.e. years) is needed for answers. Thus, a request to the state's Silica Sand Technical Assistance Team is unlikely to yield concrete answers about how to accurately monitor ambient crystalline silica. Given this, it may be beneficial to request a representative from the MPCA attend a Planning Commission meeting to discuss questions about air quality and help provide options for moving forward.

Considering this information, four options available to the Planning Commission are:

1. Forward the CEQC's recommendations to the City Council.
2. Forward the CEQC's recommendations to the City Council with the recommendation that the City asks the state for review from the "Silica Sand Technical Assistance Team" to be established in October 2013.
3. Forward the CEQC's recommendations to the City Council with the recommendation to wait for the state to answer remaining air quality questions before moving forward with an air monitoring program.
4. Table the item and direct staff to request that a MPCA representative attend a Planning Commission meeting to discuss questions about air quality and help provide options for moving forward.

Attachments:

- A) Original and Additional CEQC Recommendations
- B) Air Emissions Risk Analysis and Community Air Improvement Project

## **Original CEQC Air Monitoring Recommendations**

1. We recommend monitoring, but defer to the MPCA for protocols, expertise, and resources. A final decision on air quality standards should be determined by the MPCA.
2. The City of Winona should conduct interim monitoring for crystalline silica if action to commence monitoring is not immediately available from the MPCA.
3. Interim monitoring at facilities should commence as soon as possible and use an annual average of  $3\mu\text{g}/\text{m}^3$  PM<sub>4</sub> as a limit for ambient crystalline silica exposure.
4. Any firm hired to complete interim monitoring should be selected and hired by the City of Winona in consultation with the MPCA.
5. Any costs associated with monitoring should be paid by the industry.
6. Interim monitoring should also include baseline 2.5 particulate monitoring along truck routes.

## **Additional CEQC Air Monitoring Recommendations**

1. Baseline data for air quality monitoring along truck routes should start now. The monitoring should be done at 4-5 sites in the city.
2. The City of Winona should make a formal request to the MPCA for an Air Emissions Risk Analysis and a Community Air Improvement Project.
3. In addition to information from truck routes, air quality data from silica sand facilities should be obtained using the annual silica threshold of  $3\mu\text{g}/\text{m}^3$ .

## Air Emissions Risk Analysis (AERA)

The Air Emission Risk Analysis (AERA) process involves conducting risk analyses for certain facilities and their related air emission sources. The cumulative air emissions process looks at facilities and their related air emission sources and existing air related health risks in the area. The Minnesota Pollution Control Agency (MPCA) intends for these processes to streamline review of facility permits and improve resource use for both businesses and the Agency. The AERA process identifies those sources, source groups, chemicals and associated exposure pathways that do not appear to pose unacceptable risks or hazards to the public as a result of their emissions, as well as those that should be subjected to further scrutiny and possible control by virtue of their potential to cause significant effects.

The AERA guidance, its appendices and other materials related to the process are interim final drafts, meaning that, while these documents are considered final as of the version date, the MPCA will complete future revisions as necessary to improve the risk analysis process. The MPCA will update the chemical list and other AERA documents periodically in an effort to incorporate new scientific information.

Updates will be dated and posted on the MPCA's AERA home page. The latest version of AERA materials, found on this website, should be used at the beginning of each new project.

### Who Needs an AERA?

- Industrial facilities going through the environmental review process because the proposed project meets the threshold for an Environmental Assessment Worksheet (Minn. R. 4410.4300, subp. 15.) or an Environmental Impact Statement (Minn. R. 4410.4400) and construction of the project increases air emissions of a single criteria pollutant by 250 tons per year or more after the use of control equipment.
- The MPCA may also direct a project proposer or facility owner to conduct an AERA when:
  - Substantive comments are received during a public comment period for an air emissions facility permit that might be resolved through the AERA process. In this instance, the permit may be issued containing the requirement to conduct the analysis, rather than delaying permit issuance until an AERA is completed;
  - The permittee is applying for a "flexible air permit" where a facility owner is seeking pre-authorized changes to a facility such that toxic emissions may be allowed to change without additional permitting;
  - At the MPCA's discretion: an existing air emission source is the subject of significant public interest, or the specifics of a new facility or existing facility expansion indicate a need for further analysis prior to public notice. Some of the factors that may be considered in evaluating the need for an AERA include the location of the facility, the types of receptors nearby and their distance from the facility, the type of facility and/or change, and the amount and types of emissions from the facility.

#### What's New:

In March 2012, in order to use the most up to date toxicity information, the RASS was updated using EPA's Peer Reviewed Toxicity Values (PPRTV's) instead of EPA's Health Effects Assessment Summary Tables (HEAST) values.

In August 2011 the AERA Forms were updated to reflect procedural changes. See [Forms and Deliverables -- AERA](#) for more details.

Guidance on "Who Needs an AERA?" has been changed. The default threshold for industrial facilities has been changed to coincide with environmental review program. The MPCA will continue to use its discretion in requesting proposers conduct an AERA for projects outside of this default. See full explanation below in "Who Needs an AERA."

New information can be found on the [Multi-pathway Risk Analysis Web page](#) to guide in the estimation of potential human health risks using central tendency estimates for human exposure assumptions.

Guidance for conducting Cumulative Air Emissions Risk Analyses is now available on the [Cumulative Air Emissions Risk Analysis webpage](#).

A new study published by the MPCA on [Multi-pathway Screening Factors](#), or multimedia factors, is now available on the [Multi-pathway Risk Analysis Web page](#). The study updates multimedia factors found in the [Risk Assessment Screening Spreadsheet and Q/CHI spreadsheet](#).

A list of pollutants rated E in AP-42 no longer need to be quantified for natural gas boilers. See [AERA Guidance Updates](#) for a list of those pollutants.

## The AERA Process

An AERA includes both a quantitative and a qualitative facility review. Before beginning the process, MPCA recommends that project proposers review the guide to learn its intended purpose and its limitations.

An AERA can be used as an iterative screening process to inform whether more refined analysis is appropriate. Staff with relevant expertise and MPCA section managers will provide guidance for conducting a refined analysis. Listed below are four possible courses of action that could result from the AERA process:

1. further refined and focused risk assessment of the issues identified through the screening process;
2. no further analysis (project proposer can complete the environmental review and/or permitting process);
3. consideration of implementing additional pollution prevention and/or mitigative measures to reduce or better disperse emissions; or
4. recommend that the issue of risk be evaluated within an environmental impact statement, if AERA is part of Environmental Review.

Consider notifying local residents and community members about your project. Early communication efforts are useful in establishing a good relationship with neighbors and knowing community concerns in advance of the public notice period.

## Who to Contact

For additional information or for clarification of the AERA process, please contact MPCA risk assessment staff.

### Risk Assessment

- [Shelley Burnan](#), Supervisor, 651-757-2255
- [Mary Dymond](#), 651-757-2327
- [Kristie Ellickson](#), 651-757-2336

### Construction and Operating Permits

- [Steven Pak](#), Supervisor, 651-757-2633
- [Caroline Schutt](#), Supervisor, 651-757-2706
- [Paula Connell](#), Supervisor, 651-757-2285

### Air Dispersion Modeling

- [Dennis Becker](#), 651-757-2217
- [Greg Pratt](#), 651-757-2655
- [Ruth Roberson](#), 651-757-2672
- [Melissa Sheffer](#), 651-757-2718

### Policy:

- [Anne Jackson](#), 651-757-2460

### Mercury:

- [Rebecca Place](#), 651-757-2807

### Environmental Review

- [Craig Afeldt](#), 651-757-2181

For questions and comments on the content of the AERA Web pages, contact [Kristie Ellickson](#), 651-757-2336.

## Community Air Improvement Project (CAIP)

Urban air is more polluted than suburban and rural air worldwide. Although Minneapolis air quality is better than most comparable urban areas, health risks are above levels of concern.

CAIP is a pilot project. The CAIP project area encompasses East Phillips, Phillips West, Midtown Phillips and Ventura Village (i.e., Phillips community). The Phillips community was selected for this project because it has more polluted air than other areas of the state.

MPCA has formed a partnership with the City of Minneapolis, Clean Air Minnesota, Minnesota Technical Assistance Program, Minnesota Department of Health and community leaders to work on this project.

### Project Goal

Improving the air quality for the Phillips Community.

### Project Activities

MPCA recently completed its work on Phase I of the project and the remaining work (create an action plan and implement) will be taken forward by the community and other partners.

#### Phase 1

- Identify sources of air pollution in the urban core in and near the Phillips community.
- Identify implementable options for air pollution and associated health risk reduction.
- Create an action plan and implement.

#### Phase 2

- Focus on participating in future information meetings for significant projects coming into the community;
- Continue working to decrease diesel contribution risk for large fleets in/around the community (link MEI to company); and
- Work on communication outreach with Local Units of Government relevant to zoning and planning where environmental risks are higher. These will likely be urban areas based on MNRisk5 data.

### Workgroup Information

- [Members \(p-gen5-26\)](#)
- [Meeting Minutes and Agendas \(p-gen5-27\)](#)
- Next scheduled meeting(s): No CAIP meetings are currently scheduled for the workgroup. However, future informational meetings are anticipated for upcoming projects in the area.

### Team Information

Information gathering and analysis has been completed and was utilized in the selection of the two activities to be pursued by CAIP through its community partners and Mille Lacs Band of Ojibwe. The activities selected are the Green neighborhood Recognition program and the Comfort Heating-Energy Efficiency Program - Residential focus.

- Ban "smokers" [cars and trucks that have visible emissions]
  - Members - [Lisa Herschberger](#)
  - [Activity Analysis](#)

- **Hybrid and Clean Diesel Technology, Retrofits and Auxilliary Power**
  - Members - Bill Drossler, Lisa Herschberger, Chuck Stroebel, Stephanie Souter, Mike Mondloch
  - Activity Analysis
  
- **More Street sweeping to reduce particulates**
  - Members - Lisa Smestad, Yolanda Letnes
  - Activity Analysis
  
- **Emergency and load sharing diesel generator retrofit**
  - Members - Emily Moore, Stephanie Souter
  - Activity Analysis
  
- **Replace gas lawn mowers with push or electric mowers**
  - Members - Bob Albee, Emily Moore
  - Activity Analysis (p-gen5-28)
  
- **More targeted enforcement of idling ordinances in the area**
  - Members - Lisa Smestad, Daniel Huff, Angelina Matias Vasquez
  
- **MnTAP assist Registration permit holders and other businesses on energy efficiency and waste-toxicity reduction.**
  - Members - Cindy McComas, Mick Jost, Paul Paeel, Chuck Stroebel
  - Activity Analysis
  
- **No idling signs**
  - Members - Chuck Stroebel, Bob Albee, Emily Moore, Daniel Huff, Lisa Smestad, Angelina Matias Vasquez, Carol Pass
  - Activity Analysis
  
- **Wood Combustion - Residential Heating and Recreational Burning**
  - Members - David Richfield, Lisa Herschberger, John Seltz, Greg Pratt
  - Activity Analysis
  
- **Comfort Heating-Energy Efficiency - Commercial, Industrial and Residential**
  - Members - Lisa Herschberger, Emily Moore, Angelina Matias Vasquez, Lucy Anos
  - Activity Analysis
  
- **Green Neighborhood Recognition Program**
  - Members - Mike Mondloch, Cindy McComas, Emily Moore, Bob Albee, Angelina Matias Vasquez
  - Activity Analysis
  
- **Transportation**
  - Members - Mike Mondloch, Yolanda Letnes
  - Activity Analysis

## Project Leads

- Mike Mondloch 651-757-2578, [mike.mondloch@state.mn.us](mailto:mike.mondloch@state.mn.us)
- Yolanda Letnes 651-757-2527, [yolanda.letnes@state.mn.us](mailto:yolanda.letnes@state.mn.us)