



# Winona City Council Agenda

Monday, May 4, 2020

6:30 P.M., Meeting No. 9

City Council Chambers – City Hall

3<sup>rd</sup> Floor - 207 Lafayette Street

**Mayor Mark Peterson**

**1<sup>st</sup> Ward Al Thurley**

**2<sup>nd</sup> Ward Eileen Moeller**

**3<sup>rd</sup> Ward Pamela Eyden**

**4<sup>th</sup> Ward George Borzyskowski**

**At-Large Michelle Alexander**

**At-Large Paul Schollmeier**

<b>1. Call to Order – Mayor &amp; City Manager’s Comments – Roll Call</b>	
<b>2. Required Public Hearings</b>	
<i>Community Development</i>	1. Water’s Edge Apartments Application for Assistance
<i>Planning</i>	2. Bradford Development – Comprehensive Plan Amendment Request
<i>Planning</i>	3. Bublitz Annexation Petition
<b>3. Petitions, Requests, Communications</b>	
<i>City Clerk</i>	1. Reappointment to the Fine Arts Commission
<i>City Clerk</i>	2. Cotter Schools Street Closure Request for Graduation Ceremony
<i>Parks &amp; Recreation</i>	3. Request for Island City Beer Run .05K & 5K
<i>Parks &amp; Recreation</i>	4. License Agreement with WSU Outdoor Education Recreation Center
<b>4. Unfinished Business</b>	
<b>5. New Business</b>	
<i>City Clerk</i>	1. Liquor License Fees for 2020
<i>City Clerk</i>	2. Suspend Transit Fare Collection for Balance of 2020
<i>City Engineer</i>	3. 2020 Sidewalk Replacement Project-City Manager’s Recommendation
<i>City Engineer</i>	4. 2020 Sidewalk Replacement Project Feasibility Report and Resolution Ordering Hearing
<i>Public Works</i>	5. Request Approval for Modification of Flood Control Structure and Occupation within Easement
<i>Public Works</i>	6. Airport FBO Lease Fees
<i>Public Works</i>	7. Donation of Retaining Wall Section

<b>6. Reports of Committees</b>	
<b>7. Council Concerns</b>	
<i>City Clerk</i>	1. Council Concerns
<b>8. Consent Agenda</b>	
<i>City Clerk</i>	1. Approval of Minutes – April 20, 2020
<b>9. Adjournment</b>	

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Public Hearing</b>	<i>Originating Department:</i>	<i>Date:</i>
<b>No. 2</b>	<b>Community Development</b>	<b>5/4/2020</b>

*Item:* **Water's Edge Apartments Application for Assistance**

**No. 2.1**

## SUMMARY OF REQUESTED ACTION:

On April 20, 2020, the City Council approved a resolution calling for a public hearing on Water's Edge Apartments LLC (the "Developer) proposed Application for Assistance to construct workforce rental housing. The public hearing notice pursuant to Minnesota State Statutes 469.1812 through 469.1815 was published on Wednesday, April 22, 2020. The purpose of the hearing is to gather input on the proposal by Water's Edge Apartments LLC request for the City of Winona to provide Tax Abatement on two parcels (Parcel ID#s 32.320.4250 and 32.315.0010) located at 602 Mankato Avenue.

The Port Authority initially reviewed the project and unanimously recommended approval to the City Council.

### Background:

The City of Winona has been working with the developer for the past 12 months to develop workforce rental housing in Winona. Beginning in April 2019, Community Development staff worked with the developer in submitting their application to Minnesota Housing Finance Agency (MHFA) for an allocation of Housing Tax Credits (HTCs). The application was submitted in June of 2019. The HTC program is very competitive and it often takes more than one submission of an application to be selected by the state. Though the state did not select the developer's application in 2019, the developer and the City have shown a commitment to workforce housing by:

- June 2019: At the request of the developer, the Planning Commission recommended and the Council approved rezoning 602 Mankato Avenue from R-2 to R-3 as recommended in the Future Land Use Plan of the 2007 Comprehensive Plan.
- May 2019: Community Development staff and the developer conducted a public input session.
- May 2019: City Council passed a Resolution of Support for the developer's application to MHFA.
- May 2019: The developer received letters of support from local businesses.
- May 2019: The City Council approved a Resolution of support through TIF if the HTC application was approved.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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## Water's Edge Apartments Application for Assistance

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The developer has a purchase agreement in place to acquire two parcels (Parcel ID#s 32.320.4250 and 32.315.0010) located at 602 Mankato Avenue, contingent upon receiving an allocation of HTCs from MHFA. The developer's plan is to construct 41 workforce rental housing units to serve a wide range of income levels and occupations such as, teachers, nurses, frontline professionals, and blue collar employees. The development would complement the numerous housing developments, such as the recent senior and market rate developments, allowing for greater housing choices in Winona and an opportunity for the 64.5% of commuters to live in Winona.

The Water's Edge Apartments would be a 3-story structure with surface parking with a mix of 1, 2, and 3 bedroom units, ranging from 600 square feet 1 bedroom units to 1000 square feet 3 bedroom units. The Water's Edge Apartments would be rent and income restricted, available to households earning between 30% - 80% of area median income (AMI). A household of 4 earning 30% of AMI is \$22,680 annually and a household of 4 earning 80% of AMI is \$60,480 annually.

The proposed development meets community needs as outlined in the:

The *2007 City of Winona Comprehensive Plan's* Housing Plan encourages:

- The redevelopment of areas to construct new affordable housing;
- Affordable housing to be integrated into neighborhoods to facilitate housing choices for eligible individuals;
- Housing densities that will support a viable transit system;
- Housing options for current and future socioeconomic sectors;
- Green building practices and energy conservation;
- The Comprehensive Plan's Future Land Use Plan designates this underdeveloped parcel to be used for Urban Residential.

The *2016 City of Winona Comprehensive Housing Needs Assessment* noted a need for workforce rental housing in Winona. The vacancy rate for workforce units is 0% and a vacancy rate of 5% is considered normal for the rental market.

In January 2018, Council approved by resolution The *Mayor's Housing Task Force* recommendations for staff to work with developers using HTC's to construct workforce housing and to utilize Tax Abatement as a gap funding source for workforce housing developers making the commitment to maintain affordable housing units on a case by case basis.

Water's Edge Apartments LLC has requested the use of Tax Abatement as a means to make the estimated \$10.7 million development financially feasible. The developer is applying to MHFA for an allocation of HTCs to generate \$9,491,173 in equity to fund the development, along with \$14,000 in Energy Rebates and a \$1,049,453 first mortgage, but a finance gap of approximately \$135,674 still exists. The criteria to obtain HTCs are very competitive throughout the state and applications with local support are allocated additional points during MHFA's review.

## Water's Edge Apartments Application for Assistance

### Page 3

Generally, there are significant costs associated with redevelopment projects including land acquisition, demolition, infrastructure improvements, site improvements, and construction costs. It is not uncommon for developments with rent limits, such as Water's Edge Apartments LLC to use TIF or Tax Abatement to fill the financial gap due to the lower income generated relative to market rate housing developments.

Community Development staff has worked with Taft Law and Baker Tilly to review the application for assistance and concurs that Tax Abatement assistance in the amount of \$135,674 would fill the financial gap to make the development financial feasible. Tax abatement payments would be contingent upon Water's Edge Apartments LLC receiving an allocation of HTCs from MHFA and structuring a future Development Agreement. The estimated City share of the tax on the new workforce housing development will be approximately \$12,568 per year with the anticipated revenue of \$135,674 over 11 years. The estimated tax abatement amount would reflect approximately 1.27% of the \$10,690,300 total development costs.

The Agreement would be set up as a Pay-Go whereby the City share of taxes collected would be reallocated to the developer. This is the most conservative approach and if the tax structure rate would change or be compressed, it would alleviate risk on the part of the City.

#### **Financial Information on 4d Tax Abatement**

##### **Current Property:**

Current estimated market value	\$260,700
Tax Capacity	\$1955

##### **Developed Property 2023**

Total estimated market value	\$4,500,000
Tax Capacity	\$33,750

- Annual tax abatement starts in 2023 and is anticipated to be \$12,568.
- The total estimated tax abated over approximately 11 years is \$135,674.

#### **TAX ABATEMENT BUDGET:**

##### **Costs**

Development costs	\$10,690,300
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##### **Source**

Tax Abatement	\$135,674
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Granting Tax Abatement to the Water's Edge Apartments development is in the public interest because it will:

- Increase the tax base;
- Provide employment opportunities;
- Provide workforce housing.

**Water's Edge Apartments Application for Assistance**  
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As outlined in the attached Resolution, the total abatement would be a maximum of 15 years; not to exceed \$135,674.

If Council concurs a motion to approve the Resolution would be appropriate. If the development is awarded HTC, staff would return to Council with a Development Agreement.

Attachments:

- Resolution
- Excerpts from the Comprehensive Plan, Comprehensive Housing Needs Assessment, and the Mayor's Housing Task Force
- Baker Tilly Memorandum & Project Summary Spreadsheet

## RESOLUTION APPROVING PROPERTY TAX ABATEMENTS

**BE IT RESOLVED** by the City Council (the "Council") of the City of Winona, Minnesota (the "City"), as follows:

1. Recitals.

(a) The City proposes to approve tax abatements in connection the financing of the construction of a 41 workforce rental housing units to be located in the City (the "Project"). The City proposes to use the abatement for the purposes provided for in the Abatement Law (as hereinafter defined), including the Project. The proposed term of the abatement will be for up to fifteen (15) years in an amount not to exceed \$135,674. The abatement will apply to the City's share of the property taxes (the "Abatement") derived from the property described by the following property identification numbers: 32.320.4250 32.315.0010 (the "Property") located in the City.

(b) On this date, the Council held a public hearing on the question of the Abatement, and said hearing was preceded by at least 10 days but not more than 30 days prior published notice thereof.

(c) The Abatement is authorized under Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Abatement Law").

2. Findings for the Abatement. The City Council of the City of Winona, Minnesota hereby makes the following findings:

(a) The Council expects the benefits to the City of the Abatement to at least equal or exceed the costs to the City thereof.

(b) Granting the Abatement is in the public interest because it will increase the tax base.

(c) The Property is not located in a tax increment financing district.

(d) In any year, the total amount of property taxes abated by the City by this and other existing abatement resolutions, shall not exceed ten percent (10%) of net tax capacity of the City for the taxes payable year to which the abatement applies or \$200,000, whichever is greater (the "Abatement Limit"). The City may grant other abatements permitted under the Abatement Law after the date of this resolution, provided that to the extent the total abatements in any year exceed the Abatement Limit the allocation of the Abatement limit to such other abatements is subordinate to the Abatement granted by this resolution.

3. Terms of Abatement. The Abatement is hereby approved. The terms of the Abatement are as follows:

(a) The Abatement shall be for up to 15 years commencing with taxes payable 2022 and shall not exceed \$135,674. The City reserves the right to modify the commencement date but the abatement period shall not exceed 15 years.

(b) The City will abate the City's share of property tax amount which the City receives from the Property, not to exceed \$135,674.

(c) The Abatement shall be subject to all the terms and limitations of the Abatement Law.

(d) The Abatement is subject to the Project receiving low income tax credits.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark F. Peterson  
Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk



# City of Winona Comprehensive Plan

August 2007

### 3. Land Use Plan

The purpose of the Land Use Plan chapter is to guide public and private actions in regard to the pattern of land use and development and to express ideas from other plan chapters as they relate to land use. Because of its direct relationship to development patterns, the land use plan and Future Land Use map are the central elements of the comprehensive plan.

The objectives and policies of this chapter are expected to be implemented primarily through comprehensive revisions to the City's zoning ordinance, zoning map, and other land use regulations, and through the development review and approval process.

#### Issues

**Inward vs. Outward Growth.** The question of "where" and "how much" the City of Winona will grow during the planning period is central to the comprehensive plan process. On the one hand, the City needs to ensure sufficient developable land area to allow needed expansion of business and industrial uses. The City's existing land base is increasingly limited by physical and environmental constraints. On the other hand, there are many opportunities within existing City boundaries for infill, redevelopment and intensification of existing uses.

**Neighborhood Stabilization or Improvement.** What should the plan include to help protect or revitalize older neighborhoods?

**New Neighborhood Design.** What design features should be incorporated to create the most attractive, sustainable neighborhoods?

**Demographic Changes.** What is the significance of current trends in population and household growth? How should the City respond to national trends of smaller household sizes and increases in the over-65 population?

**Industrial Growth.** Where should future industrial and office growth occur, within and outside city boundaries?

**Redevelopment.** How proactive should the City be in encouraging redevelopment?

**Brownfield Redevelopment.** To what extent, if at all, should the City expend funds to help cover costs related to pollution clean up, land assembly or access improvements to stimulate redevelopment?

**Major Institutions.** What should the City do in response to the campus plans and continuing expansion needs of Winona State University and other educational institutions? How should student housing needs be addressed?

### The Future Land Use Plan – Maps and Land Use Categories

The following three graphics depict existing and proposed land use categories both within and outside the City's present boundaries. Figure 1, Existing Land Use, identifies general land use categories on a parcel-by-parcel basis, based on an inventory in 2006. Figure 2, Future Land Use Plan, depicts proposed land uses within city boundaries, while Figure 3, Urban Expansion Area, presents a more conceptual plan for long-range growth outside those boundaries.

The land use categories used in Figures 2 and 3 are presented in Table 1. These categories are much more general than those of the Existing Land Use map, and apply to larger areas.

Land use categories are different than zoning districts; they need to be thought of as a mix of land uses rather than a strict listing of allowed and conditional uses. For example, the "Downtown" and "Downtown Fringe" categories encompass a broad range of existing land uses, from industrial to commercial to housing and surface parking. Land use categories identify:

- The major preferred land uses and approximate mix of uses that could be found within the category;
- The approximate or typical density and intensity of land uses;
- Additional considerations such as natural resource standards or design considerations that may apply to particular land uses in that district

Land use categories are intended to represent the community's long-range intentions and preferences, rather than its current regulatory environment. However, zoning is one of the major implementation tools of the Comprehensive Plan, and the Zoning Ordinance should ultimately be modified to be consistent with the plan.

In addition to the land use categories shown on the map, the Comprehensive Plan uses several overlay districts that identify special considerations for development or preservation activities. The overlay districts are not land uses, but indicate that the underlying land uses need some special consideration.

The overlay district with the largest geographical extent is the Sensitive Resources Overlay. The concept behind this was originally identified in the 1995 Comprehensive Plan, and has been partially implemented by the Environmentally Sensitive Lands zoning district. The overlay district is intended to encompass those lands that include:

- Bluffs and other slopes over 30%;
- 100-year floodplains;
- Wetlands, including the extensive marshes and backwaters of the Mississippi River;

**Land Use Map** – a 20-year distant snapshot of the community's preferred future mix of land uses. The map shows what the community *prefers* – the map guides land use decisions for the next 20 years.

**Zoning Map** – a regulatory map for the immediate future. The map shows what the community has already decided to *allow* tomorrow.

# Future Land Use Plan 602 Mankato Ave Urban Residential



## Land Uses

 Downtown Mixed Use	 Industrial Riverfront	 Mixed Residential
 Downtown Fringe	 General Mixed Use	 Urban Residential
 Neighborhood Commercial	 Transportation and Utilities	 Public and Open Space
 General Commercial	 Limited Residential	 Semi-Public/Institutional/Education
 Limited Industrial	 Low Density Residential	 Recreational Riverfront
 General Industrial	 Traditional Neighborhood	 Park

## 9. Housing Plan

4. Encourage redevelopment of areas where the housing is structurally or functionally obsolete, with a mix of housing types, including affordable new construction.
5. Promote green building practices, low-impact development techniques for storm water management, recycling, energy conservation and other ecological practices that reduce impacts on the environment.



**2. A balanced housing supply.** Plan for a housing supply that meets the current and future needs of all demographic and socioeconomic sectors of the population.

### Objectives:

1. Assess the future needs for housing in Winona, including the large "baby boom" population segment.
2. Encourage affordable housing that is integrated into neighborhoods to facilitate choices in housing for eligible individuals.
3. Consider conversion of underutilized commercial areas to mixed use development that will include housing and recreation, focusing on opportunities in the downtown and along the riverfront.

**3. Rental housing improvements.** Improve the appearance, livability and affordability of rental housing in the City of Winona while maintaining a reasonable balance between ownership and rental housing.

### Objectives:

1. Consider incentives for modification and updating of existing rental properties.
2. Continue to work with owners of rental properties to maintain neighborhood livability and address homeowner concerns, especially in those districts where the percentage of rental housing is not limited.



### Policies and Actions

**1. Maintain and enhance the viability of single-family housing in older neighborhoods,** through existing housing rehabilitation programs, appropriate zoning standards, code enforcement, and additional neighborhood revitalization efforts. Strategies include:

- A point-of-sale inspection program is used by many cities for both owner-occupied and rental housing, in order to assure that basic health and safety standards are met when properties change hands. Point-of-sale ordinances can apply to one- to four-family

## City of Winona Comprehensive Plan

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dwelling, condominiums, townhouses, and in some cases to multifamily or commercial properties.

- A Block Club or Adopt-a-Block program in which neighbors identify properties in need of improvement can be an effective tool to encourage property owners to maintain or upgrade their properties, while also improving the physical appearance of the block through trash pick-up and weed removal. Neighborhood Watch areas in the City have conducted informal programs of this type.
- Compile or develop architectural resources that help homeowners to appropriately update their older homes. Plan books have been developed for bungalow, Cape Cod and Rambler housing styles in Minnesota,<sup>5</sup> and could be made available as part of a lending library for homeowners. Development of a similar architectural plan book for Winona's "half-lot houses" should also be considered, as discussed below.
- The "half-lot" single-family houses found throughout much of the East End represent an important part of Winona's heritage, having been constructed by Polish immigrants and added on to as economic circumstances improved or to accommodate extended families. Today they provide some of the only affordable single-family detached housing in the city. However, their lot width (typically 25 feet) and 'shotgun-style' design make them difficult to update and often require multiple variances. Zoning standards should be revised to recognize this housing type, perhaps as a distinct subdistrict, and to allow reasonable expansion. In addition, development of an architectural "plan book" for half-lot houses should be considered. Guidebooks of this type provide guidance for typical renovations or expansions that are consistent with the architectural character of these houses.



"Half-lot" houses

**2. Encourage mixed use and mixed income infill and redevelopment.** As shown in the Land Use Plan (Figure 2), certain areas of the City – including both industrial and residential districts – are identified as suitable for redevelopment. Many other residential neighborhoods could benefit from introduction of new housing types or complementary commercial and office uses. But can new housing types such as duplexes, townhouses, or carriage houses be introduced into a largely single-family neighborhood without threatening its character? What about offices, coffee shops or convenience stores? To ensure that any land use changes are beneficial to surrounding neighborhoods, the following strategies should be explored as part of an update of the City's ordinances:

<sup>5</sup> One example of such a guide is *Cape Cods and Ramblers: A Remodeling Planbook for Post WWII Houses*. Available from <https://www.ci.golden-valley.ma.us/yourhome/remodbook.htm>

**Comprehensive Housing Needs Assessment  
City of Winona, Minnesota**



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Research & Consulting

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## RECOMMENDATIONS AND CONCLUSIONS

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**Vacancy rates** for each segment of general-occupancy rentals from the market survey were:

3.8% for market rate units

0.0% for shallow-subsidy units

0.3% for deep-subsidy units

Older rental product (built prior to 1980) typically have the lowest rental rates (less than \$600 per month). Newer properties, those built after 2000 tend to have the highest rental rates and often have a higher level of in-unit and common area amenities. A number of these properties have rents that are at or below the current maximum income limits for shallow-subsidy housing, which satisfies some of the demand from households that would otherwise qualify for financially-assisted housing. Companies in Winona have indicated that the lack of rental housing in the community, shallow-subsidy and market rate, is constraining employers' abilities to hire employees to fill some positions or is hindering some companies' abilities to expand in Winona. In looking at advertised rental units, it is clear that a number of properties are targeting a student clientele with lease rates that are per person. Although ownership housing of older homes in Winona is affordable for first-time home buyers, the very low supply of homes on the market and the high cost of constructing new homes at an affordable first-time homebuyer rate these some are choosing to rent due to fears of past housing market performance.

Maxfield Research and Consulting LLC calculated demand for 333 market rate, 134 shallow-subsidy and 142 deep-subsidy rental housing units in Winona between 2016 and 2031. The City has a demand for new general-occupancy rental housing (market rate and shallow-subsidy). Although demand exists for deep-subsidy rental housing, a portion of that demand can be satisfied through the development of a shallow-subsidy properties (LIHTC) properties. The low vacancy rates across all product types support the demand for new rental units.

- **Market Rate Rental** – The existing market rate rental supply in Winona has a broad mix of ages and household types represented. A new rental property will also likely to have a diverse resident profile, including young to mid-age professionals as well as singles and couples across the age span.

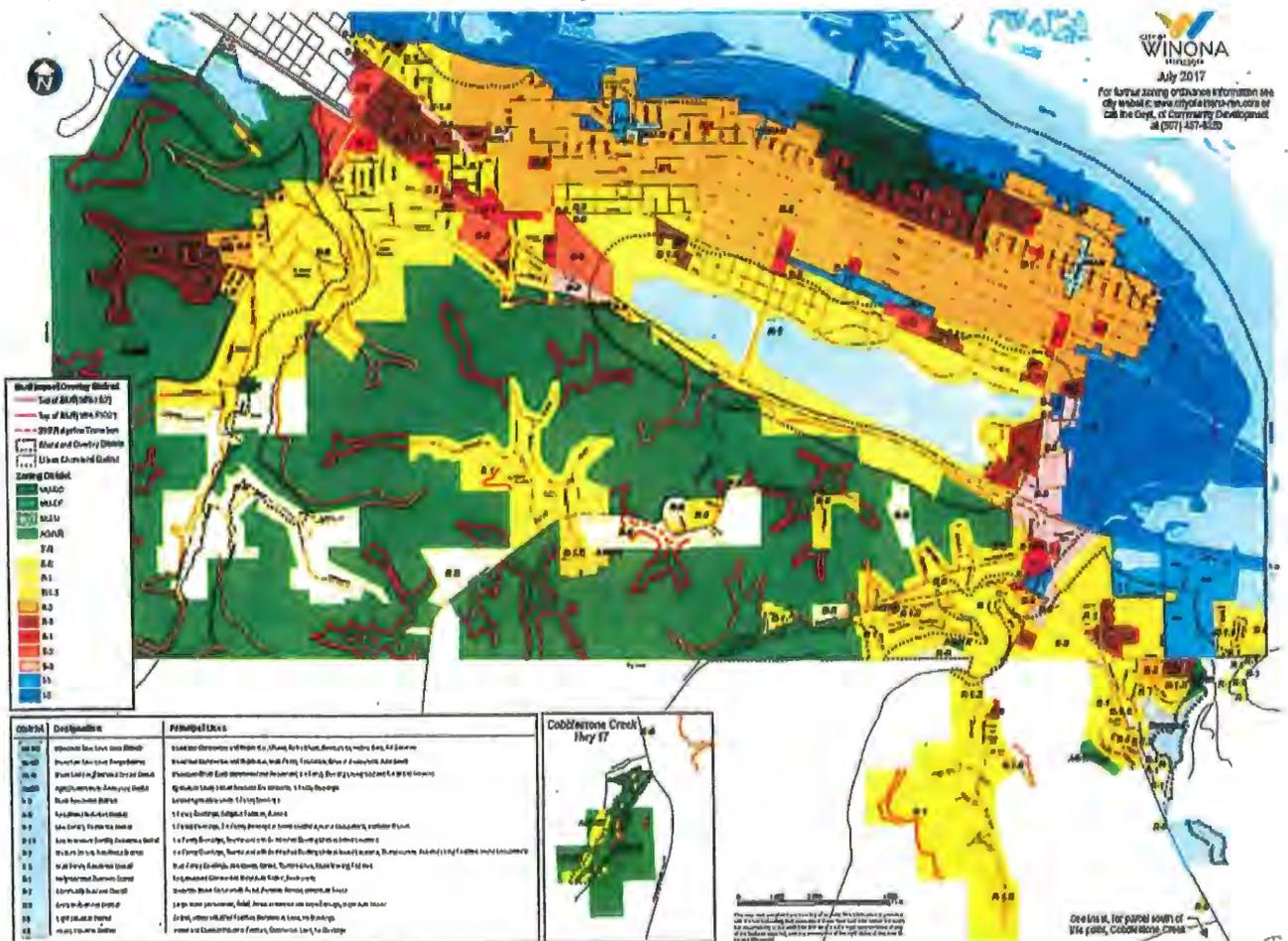
Because there is demand for 333 units; new market rate product will likely be developed across multiple buildings and developments. We recommend new middle-market to upper-middle market rental project(s) with roughly that will continue to attract a diverse resident profile; including young to mid-age professionals as well as singles and couples across all ages. To appeal to wide target market, we suggest a market rate apartment project with a unit mix consisting of one-bedroom units, one-bedroom plus den units, two-bedroom units, and a few two-bedroom plus den or three-bedroom units.

Monthly rents (in 2016 dollars) for one-bedroom units at market rate properties currently range from a low of \$370 per month to a high of \$750 per month; two-bedroom units at market rate properties range from a low of \$640 to a high of \$870 per month. Some larger size units (three-bedroom units) in Downtown Winona rent for more than these figures, up



CITY OF  
**WINONA**<sup>TM</sup>  
MINNESOTA

**CITY OF WINONA HOUSING TASK FORCE**  
Recommendations to the  
Winona City Council



- g. Waive or reduce building permit fees, land use fees, financial fees, park dedication fees, water and sewer connection fees, etc. for workforce housing developments with the commitment to preserve affordability for a negotiable term.
- h. When annexation is occurring, where appropriate allow for zoning changes to allow for multi-family and mixed-used developments.
- i. Encourage staff to collaborate with Winona County staff and other local organizations, such as Habitat for Humanity and Minnesota State College Southeast to develop tax-forfeited lands into affordable housing.
- j. When developing the next Comprehensive Plan, encourage staff to examine parcels currently zoned industrial/manufacturing and explore opportunities for other uses, including multi-family housing where appropriate.
- k. Create a Housing TIF District to have an available gap funding source for workforce housing developers who make the commitment to preserve affordability for a negotiable term in order to be considered to receive funding from a Housing TIF district. Developments are required to meet either of the following goals:
  - A) 40% of the units to households earning 60% or less of AMI; or
  - B) 20% of the units to households earning 50% or less of AMI. A Housing TIF District can have a maximum duration of 25 years.
- l. Encourage staff and workforce housing developers to apply for Challenge Funds provided by Minnesota Housing Finance Agency to be utilized with Housing TIF funds. The utilization of Challenge Funds with Housing TIF funds increases the income level of households being served to 80% or less of AMI determined by the State.
- m. Create a Workforce Housing TIF to have an available gap funding source for workforce housing developers who make the commitment to preserve affordability for a negotiable term in order to be considered to receive funding from a Workforce Housing TIF district. A Workforce Housing TIF District does not have income or rent restrictions and have a maximum duration of 8 years.
- n. Provide tax abatement as a gap funding source to developers of workforce housing who make the commitment to preserve affordability for a negotiable term meet the "but for test" in order to be considered for tax abatement. The duration of tax abatement varies by approval of the governing boards of: the City, County, and School District.
  - 1. Approval by all 3 entities would allow for a period of 15 years;
  - 2. Approval by 1 or 2 would allow for a period of 20 years;
  - 3. If term is silent within the resolution the period of tax abatement would allow 8 years.

# Memo

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To: Lucy McMartin, Director of Community Development, City of Winona  
Nick Larson, Community Development Specialist, City of Winona

From: Mikaela Huot, Director

Date: April 15, 2020

Subject: Application Review and Analysis for Financial Assistance through Tax Abatement for Proposed Waters Edge Apartments, LLC

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## **Background**

The City of Winona has received an application for financial assistance through Tax Abatement to assist with financing a portion of the development costs related to the construction of a new affordable housing development in the City. The applicant, Commonwealth Development Corporation, has asked for financial assistance through tax abatement as an additional funding source pledged to the project to be included in the application to Minnesota Housing for project funding. The project, Water's Edge, will consist of 41 units with a 3-story midrise and surface parking. Unit mix will consist of (9) one-bedroom units, (18) two-bedroom units, (14) three-bedroom units. The target population is families with 5 of the units set aside for integrative supportive housing for people with disabilities and 4 units set aside for HPH (High Priority Homeless) utilizing the State's Housing Support Program. The Services will be provided by Hiawatha Valley Mental Health. Total development costs are estimated at \$10.6M or \$260,000 per unit. The applicant has identified a funding gap of \$135,674 as necessary for the project to proceed. The purpose of this memo is to provide a summary of the projected tax abatement revenues and outline of assumptions used to prepare the estimates.

## **Tax Abatement Analysis**

In order to estimate the amount of abatement revenues generated by the proposed development, certain assumptions were made based on the value of the project, construction schedule, and anticipated financing terms.

- Total project area (2 parcels)
  - 32-315-0010
  - 32-320-4250
- Total estimated base (land) value: \$260,700
  - Reclassified as residential rental 4d low-income (0.75%)
    - Resulting in non-abated net tax capacity of \$1,955
- Estimated total market value upon completion
  - *Updated value estimate from County*
  - Total taxable value of \$4.5M (approximately \$110,000/unit)
    - Classified as residential rental 4d low-income (0.75%)
      - *Total net tax capacity of \$33,750*
  - Construction cost estimates of \$6.5M
- Maximum tax abatement term of 15 years
  - Longer term requires notice to other taxing entity(ies)

The information provided here is of a general nature and is not intended to address the specific circumstances of any individual or entity. In specific circumstances, the services of a professional should be sought. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2018 Baker Tilly Virchow Krause, LLP

- Available revenues based on difference between existing land values and new land/building value
- Construction to commence in 2020 and be completed in 2021
  - 50% assessed in January of 2021 for taxes payable in 2022
  - 100% assessed in January of 2022 for taxes payable in 2023
  - Abatement commences in 2023, with levy fall 2022
- Present value assumptions
  - Discount (interest) rate of 4%
  - Dated date of 12/31/20
- Tax rates, class rates and future market values remain constant
  - City tax rates
    - 39.530%
  - Class rates
    - 0.75% for first \$150,000 value per unit and 0.25% value per unit above \$150,000
      - Residential rental low-income (4d)
- 0% annual market value inflator

**Tax Abatement Estimates**

Based on the assumptions outlined above, the projected tax abatement revenues to be generated from the project are shown in the chart below.

Waters Edge Apartments, LLC	
Financing Tool	Tax Abatement
Maximum Term	15 years
Property Classification	4d
Total Estimated Taxable Value	\$4,500,000
Total Estimated Annual Revenue Full Buildout	\$12,568
Total Gross Revenues	\$188,527
City Retainage (0%)	\$0
Net Amount Available for Development (100%)	\$188,527
Abatement Request	\$135,674
Estimated Number of Years Captured	11
Estimated Surplus Revenues	\$52,853
Estimated Present Value (4%) of Revenues	\$130,471

Thank you for the opportunity to be of assistance to the City of Winona. Please contact me at 651-368-2533 or [mikaela.huot@bakertilly.com](mailto:mikaela.huot@bakertilly.com) with any questions or to discuss.

## Projected Tax Abatement Report

City of Winona, Minnesota

Proposed Tax Abatement Analysis

Waters Edge Apartments, LLC

Updated Abatement Revenues based on \$4.5M Taxable Value and 4d rental classification rate

Annual Period Ending (1)	Total Market Value (1)	Total Net Tax Capacity (2)	Less: Non-Abated Net Tax Capacity (3)	Retained Captured Net Tax Capacity (5)	Times: Tax Capacity Rate (4)	Estimated Annual Property Taxes (7)	Maximum Tax Abatement City (8)	Maximum Tax Abatement County (9)	Maximum Tax Abatement School District (10)	Estimated Project Abatement (11)	P.V. Annual Abate To 12/31/20 4.00% (12)
12/31/21	0	0	0	0	105.924%	0	0	0	0	0	0
12/31/22	260,700	1,955	1,955	0	105.924%	0	0	0	0	0	0
12/31/23	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	11,283
12/31/24	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	10,849
12/31/25	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	10,432
12/31/26	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	10,031
12/31/27	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	9,645
12/31/28	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	9,274
12/31/29	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	8,917
12/31/30	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	8,574
12/31/31	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	8,245
12/31/32	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	12,568	7,928
12/31/33	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	9,989	7,623
12/31/34	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	0	7,329
12/31/35	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	0	7,048
12/31/36	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	0	6,777
12/31/37	4,500,000	33,750	1,955	31,795	105.924%	33,678	12,568	0	0	0	6,516
						\$505,170	\$188,527	\$0	\$0	\$135,674	\$130,471

(1) Total estimated market value based on preliminary value estimate following review by County Assessor (approximately \$110,000/unit) \$52,853 Surplus Revenues  
**very preliminary and subject to further review. Includes 0% annual market value inflator**

(2) Total net tax capacity based on residential rental low-income 4d classification rate of 0.75% for first \$150,000 and 0.25% value above

(3) Original net tax capacity based on portion of existing land and building value for 2 parcels to be included in development, reclassified as residential rental low-income 4d

(4) Total local tax capacity rate for taxes payable 2019

The information provided here is of a general nature and is not intended to address the specific circumstances of any individual or entity. In specific circumstances, the services of a professional should be sought. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2018 Baker Tilly Virchow Krause, LLP

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Required Public Hearings</b>	<i>Originating Department:</i> <b>Planning</b>	<i>Date:</i> <b>5/4/20</b>
<i>No:</i> <b>2</b>		
<i>Item:</i> <b>Bradford Development – Comprehensive Plan Amendment Request</b>		
<i>No.</i> <b>2.2</b>		

Bradford Development has submitted a request to change the land use designation for three acres of land at 22839 County Road 17 from Low Density to Urban Residential. This land is part of the Bublitz Annexation area. The change is necessary to facilitate development of a proposed 36 unit senior CO-OP residential building.

On April 13th, the Planning Commission voted 5-3 to recommend approval with the following findings:

1. The amendment facilitates residential development, which meets the current and future needs of Winona's population in accordance with the Housing Section of the Comprehensive Plan.
2. Since adoption of the 2007 Comprehensive Plan, sewer and water utilities were installed adjacent to the subject property.
3. The potential uses supported by Urban Residential designation will be buffered from existing single-family homes by a 250' buffer that supports future low-density residential development.

In addition, the Commission recommended the following conditions:

1. All land use, zoning, subdivision, and site plan approvals to construct a 36 unit CO-OP senior living facility with underground parking shall be obtained by May 2021; and
2. If the above condition is not met, the Comprehensive Plan Change shall be null and void.

In consideration of this matter, the following alternatives are available to Council:

1. Approve the request. Under this option, a motion to adopt the findings of the Planning Commission and introduce the attached resolution of approval would be in order. A supermajority of five votes is required for this option.
2. Deny the request. Under this option, Council will need to state on the record findings supporting the denial of the request, and a motion should be made to postpone further consideration and direct staff to bring proposed findings denying the amendment to the next meeting.
3. Table the item to allow staff additional time to answer any outstanding questions.

Attachments:

1. Resolution recommending approval of the requested amendment.
2. Planning Commission Report
3. Planning Commission Minutes 4/13/20

**Department Approval:**

*Carlos Espinosa/GEM*

**City Manager Approval:**

*St. J. L.*

## RESOLUTION

**WHEREAS**, the City of Winona adopted a Comprehensive Plan in 2007 to establish a vision for development in the City of Winona over a period of 10 to 15 years; and

**WHEREAS**, the Comprehensive Plan contains a series of recommendations in several areas including land use, economic development, environment, housing and transportation; and

**WHEREAS**, the 2007 Comprehensive Plan designated the real property described in Exhibit A adjacent to 22839 County Road 17 as Low Density; and

**WHEREAS**, Bradford Development submitted a petition requesting that the Comprehensive Plan be amended to designate the real property described in Exhibit A as Urban Residential; and

**WHEREAS**, the City of Winona Planning Commission held a public hearing regarding the request for a Comprehensive Plan amendment on April 13, 2020; and

**WHEREAS**, the Winona City Planning Commission recommended approval of the Bradford Development request that the Comprehensive Plan be amended to change the designation the designation of the real property described in Exhibit A from Low Density to Urban Residential; and

**WHEREAS**, the Winona City Council held a public hearing regarding the request for a Comprehensive Plan amendment on May 4, 2020; and

**WHEREAS**, section 43.06.44 B) 5) of the City of Winona City Code states that the City Council shall give reasons for its decision; and

**WHEREAS**, section 43.06.13 E)1) of the City of Winona City Code requires applications conform with the Unified Development Code Application Manual; and

**WHEREAS**, the City of Winona's Unified Development Code Application Manual requires Comprehensive Plan Map Amendment applications to address the criteria noted on the application; and

**WHEREAS**, the Comprehensive Plan Map Amendment Application states that the criteria to be considered by the City Council are the following:

- a) The amendment is consistent with the policies and objectives of the Comprehensive Plan;
- b) The amendment is being requested due to changes which have occurred since adoption of the Comprehensive Plan; and

- c) The amendment will not have an undue impact on the health, safety, or welfare of the community; and

**WHEREAS**, the Winona Planning Commission made the following Findings for its recommendation of approval:

- 1) The amendment facilitates residential development, which meets the current and future needs of Winona's population in accordance with the Housing Section of the Comprehensive Plan.
- 2) Since adoption of the 2007 Comprehensive Plan, sewer and water utilities were installed adjacent to the subject property.
- 3) The potential uses supported by Urban Residential designation will be buffered from existing single-family homes by a 250' buffer that supports future low-density residential development; and

**WHEREAS**, the Winona Planning Commission also recommended approval with the following conditions:

- 1) All land use, zoning, subdivision, and site plan approvals to construct a 36 unit CO-OP senior living facility with underground parking shall be obtained by May 2021; and
- 2) If the above condition is not met, the Comprehensive Plan Change shall be null and void.

**NOW THEREFORE LET IT BE RESOLVED** by the City Council of the City of Winona, Minnesota that the City Council hereby adopts and incorporates herein the Findings of the Planning Commission as set forth above, and the Council hereby approves the requested amendment to the 2007 Comprehensive Plan to designate the real property described in Exhibit A as Urban Residential.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark Peterson  
Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk

## **EXHIBIT A**

### **Legal Description**

That part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 106, Range 7, Winona County, Minnesota, described as follows:

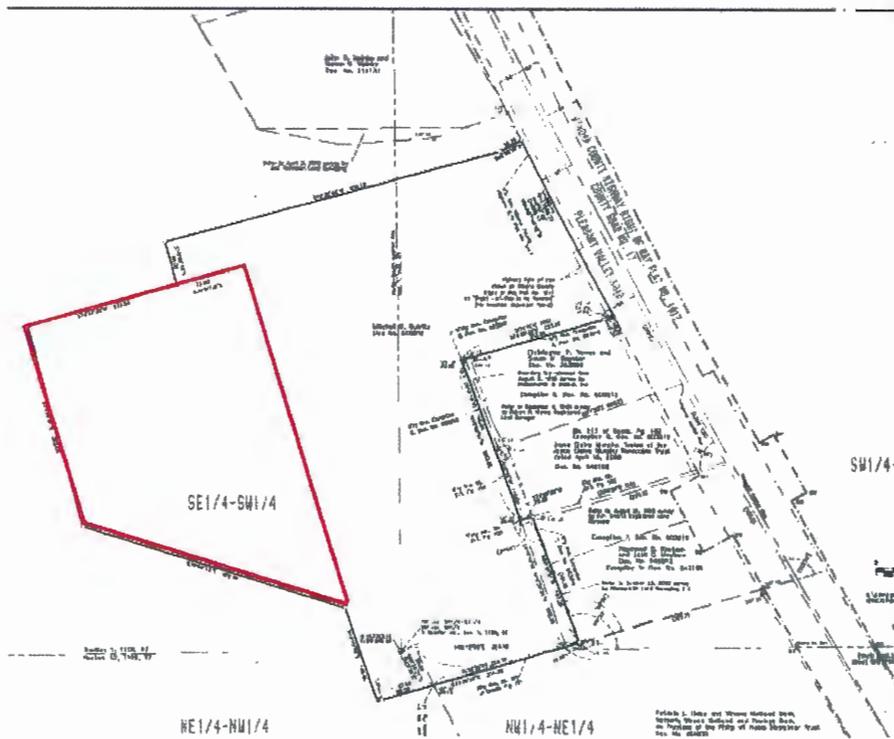
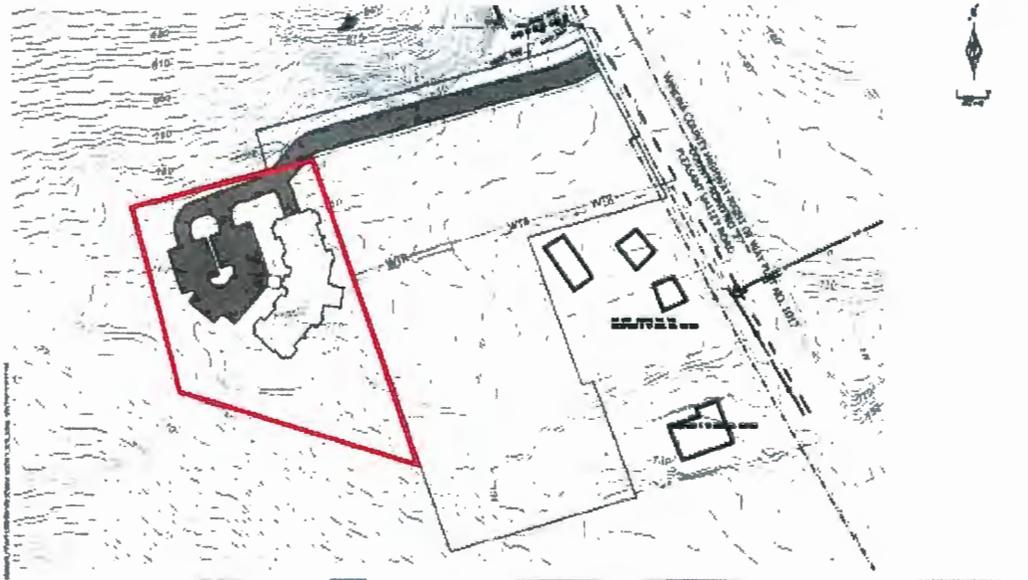
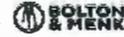
Commencing at the southeast corner of said Section 1; thence South 89 degrees 10 minutes 09 seconds West, oriented with the Winona County Coordinate System, NAD 1983 (1996 adjustment), along the south line of the Southeast Quarter of said Section 1, a distance of 2515.00 feet; thence South 26 degrees 24 minutes 51 seconds East, 55.50 feet; thence North 73 degrees 35 minutes 09 seconds East, 224.32 feet; thence North 20 degrees 12 minutes 51 seconds West, 197.28 feet; thence South 74 degrees 00 minutes 09 seconds West, 19.22 feet; thence North 19 degrees 59 minutes 51 seconds West, 250.00 feet; thence North 74 degrees 00 minutes 09 seconds East, 232.85 feet to the westerly line of Winona County Highway Right of Way Plat No. 1017, according to the recorded plat thereof, said Winona County; thence northerly along said westerly line, 290.14 feet along the arc of a non-tangential curve, concave easterly, having a radius of 17238.73 feet and a central angle of 00 degrees 57 minutes 52 seconds, the chord of said curve bears North 27 degrees 40 minutes 42 seconds West and measures 290.13 feet; thence South 62 degrees 38 minutes 58 seconds West, 36.73 feet; thence South 74 degrees 50 minutes 42 seconds West, 509.19 feet; thence South 15 degrees 09 minutes 18 seconds East, 66.00 feet; thence North 74 degrees 50 minutes 42 seconds East, 75.00 feet to the point of beginning of the land to be described; thence South 74 degrees 50 minutes 42 seconds West, 75.00 feet; thence South 74 degrees 47 minutes 22 seconds West, 228.82 feet; thence South 15 degrees 09 minutes 01 seconds East, 305.02 feet; thence South 72 degrees 55 minutes 12 seconds East, 402.31 feet; thence North 19 degrees 10 minutes 00 seconds West, 521.11 feet to the point of beginning.

# EXHIBIT B

## Reference Maps

Bradford Development  
Weona, Minnesota

Concept Plan B  
February, 2020



<b>PLANNING COMMISSION</b>	
<b>AGENDA ITEM: 5. Public Hearing – Comprehensive Plan Amendment Request: Low Density to Urban Residential at 22839 County Road 17</b>	
<b>PREPARED BY: Carlos Espinosa</b>	
<b>DATE:</b>	<b>April 13, 2020</b>

### INTRODUCTION

Bradford Development is proposing to develop a 36 unit CO-OP senior living (Age 62+) facility at 22839 County Road 17. The three acre subject property is across County Road 17 from the main entrance to the Bridges Golf Course. The property is currently in Wilson Township. In order to proceed, Bradford Development is seeking to re-designate the subject property from Low Density to Urban Residential.



The owner of the property is Mitchell Bublitz. Mr. Bublitz has submitted a petition to annex the subject property along with an additional six acres of land into the City of Winona. The annexation request is scheduled to be heard by Council on May 4th. On November 4th, 2019 a Pre-Council meeting was held to review this request with the City Council. In addition to a staff memo (Attachment B), Council was provided with a letter from Bradford Development and an analysis of the demand for the proposed senior CO-

**PLANNING COMMISSION**

**5. PUBLIC HEARING – COMP PLAN AMENDMENT: LOW DENSITY TO URBAN RESIDENTIAL**

**APRIL 13, 2020**

**PAGE 2**

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OP (Attachment C). The letter noted that 32 of the 36 proposed units had been reserved (currently there are 42 reservations for 36 units). At the meeting in November, there was general Council support to proceed.

In addition to annexation and this agenda item, the proposed development will require the following approvals:

1. Zoning – application of the R-3 zoning district
2. Variance – to building height requirements
3. Preliminary Plat
4. Final Plat
5. Site Plan

In accordance, this request is just one of the first steps in the public review process. At this time, the role of the Commission is to review the proposal in consideration of the Comprehensive Plan amendment criteria discussed on pages 4-7. Staff would recommend the following conditions for any approval action:

Recommended Conditions:

1. All land use, zoning, subdivision, and site plan approvals to construct a 36 unit CO-OP senior living facility with underground parking shall be obtained by May 2021.
2. If the above condition is not met, the Comprehensive Plan Change shall be null and void.

Bradford Development's application is provided in Attachment A. Bradford is the developer of the existing Willowbrook Senior CO-OP at 1420 Burns Valley Road. Currently, this building is at capacity and has a waiting list with 48 names on it.

The format for this item is the following:

- A. Chair shall state the case to be heard.
- B. Chair shall ask the applicant to present his/her case.
- C. Chair shall call on the City Planner, to present staff comments.
- D. The hearing shall be opened and interested persons, upon giving their name and address, are invited to speak to the Commission. Following recognition by the Chair, Commission members may ask questions of persons addressing the Commission in order to clarify facts. Any statement by a member, other than to question, may be ruled out of order.
- E. After all new facts and information have been brought forth, the hearing shall be closed, and interested persons shall not be heard again unless the hearing is reopened and unless all interested parties shall be allowed to be heard again. Upon completion of the hearing, the Commission shall discuss

the item at hand and render a decision or recommendation.

**BASE DATA**

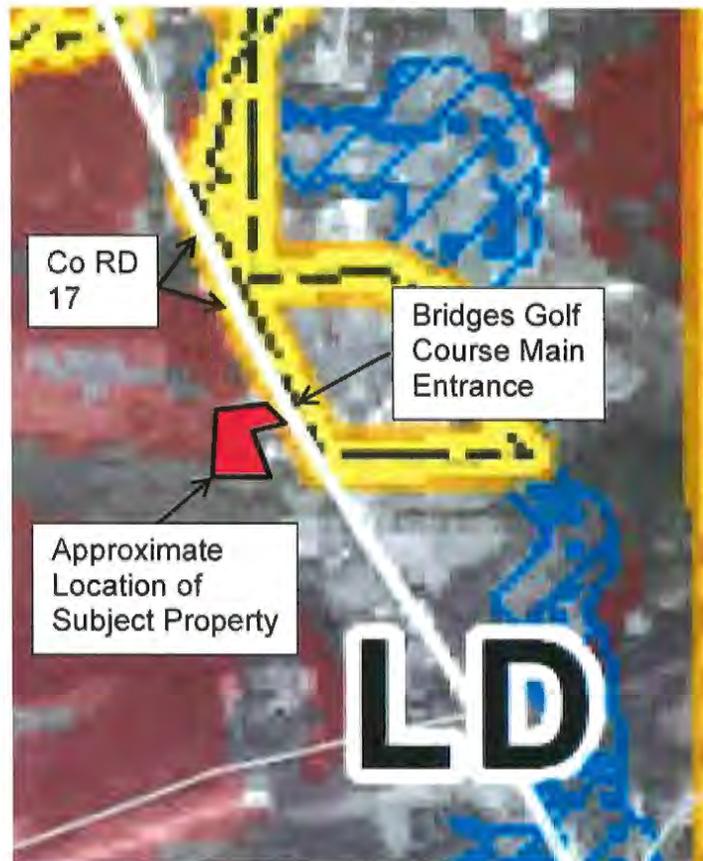
**Petitioner:** Bradford Development  
**Property Owner:** Mitchell Bublitz  
**Location:** 22839 Co. Rd. 17  
**Area:** Approximately 3 acres  
**Existing Land Use Designation:** Low Density

<b>LD - Low Density</b>	
Will be located in the City's Urban Expansion area as well as many existing hilltop and valley locations in the southern part of the City where steep slopes and other constraints limit densities.	May require conservation development in areas with steep slopes and other sensitive natural resources. Densities will be determined based on <u>buildable</u> land, not parcel size.

**Requested Designation:** Urban Residential

<b>Urban Residential (High Density)</b>	
Existing and potential high-density residential buildings, including student housing areas, live-work development, and limited retail and service. Housing types include: <ul style="list-style-type: none"> <li>• Multi-family</li> <li>• Senior housing (typically hi-rise)</li> <li>• Attached housing</li> </ul>	<ul style="list-style-type: none"> <li>• Should be well-connected to parks, open space, shopping and services</li> <li>• Design appropriate transitions to existing neighborhoods</li> </ul>

---



### ANALYSIS

The following criteria should serve as guidance for assessing the request to amend the Comprehensive Plan.

- 1) The amendment is consistent with the policies and objectives of the Comprehensive Plan.**

#### Land Use Section

As noted above, the Comprehensive Plan designates the subject property as Low Density. However, the subject property is located in what the Comprehensive Plan defines as the "Urban Expansion Area." According to the Plan, the Future Land Use Plan "depicts proposed land uses within city boundaries," while the Urban Expansion Area "presents a more conceptual plan for long-range growth outside those boundaries" (See Attachments D and E). Thus, although the requested Urban Residential Land Use designation is a significant departure from the "Low Density" category, it would appear the plan intends for more flexibility in the Urban Expansion Area (where the subject property is located).

### Housing Section

The Housing Section of the Comprehensive Plan establishes a goal of a “balanced housing supply” through “Plan[ing] for a housing supply that meets the current and future needs of all demographic and socioeconomic sectors of the population.” The Plan continues with an objective to “Assess the future needs for housing in Winona, including the large “baby boom” population segment.” In accordance, the proposed senior CO-OP fulfills this objective. As noted above, there is a demonstrated need for this type of housing given the development’s over-booked reservation list.

#### **2) The amendments are being requested due to changes which have occurred since adoption of the 2007 Comprehensive Plan.**

Since adoption of the Comprehensive Plan in 2007, sewer and water utilities were extended past the subject property in 2008. The lines were extended from the Treetops area south along County Road 17 to reach the Cobblestone Subdivision. In addition to providing City sewer and water service for Cobblestone, it was anticipated that the mains could provide service for existing properties and help facilitate new development.

In addition, the City completed its most recent housing study in 2016. The study projected an unmet demand of 42 “Active Adult Owner Occupied” housing units in 2016, and 44 units in 2031. The Bradford/Viewpoint Consulting analysis also projected unmet demand for this housing type (see Attachment C). Importantly, recent multifamily housing developments (e.g. Main Square; Bluffview Estates on Mankato Ave, etc) are *rental* units that are not in the same category as Owner-Occupied/Cooperative Housing units. As a result, despite recent multi-family housing developments, it appears that demand will continue to be strong into the future for the CO-OP units proposed by Bradford Development.

#### **3) The amendment will not have an undue impact on the health, safety, or welfare of the community.**

The urban residential land use designation is surrounded by existing low density or undeveloped properties. In accordance, the proposed multi-unit residential building is not in character with the density of surrounding area. However, the impact of the use will be buffered in the short term by an undeveloped area between the subject property and existing houses on County Road 17 (see next page).



As shown above, there is approximately 250' between the CO-OP property and the adjacent residential properties in Wilson Township. This buffer area will remain designated Low Density. This designation would support future rezoning to a "maximum" R-1.5 zoning district which, in concept, would allow new low density residential homes to be built between the existing structures on County Road 17 and the proposed senior CO-OP.

On other side of the subject property is undeveloped land with relatively steep slopes which makes future development unlikely.

Overall, staff sees the setting for proposed CO-OP development as somewhat similar to the 49 unit Winona Arms apartment building in Knopp Valley. Although the building is high density, it is part of a surrounding neighborhood which includes single-family homes, townhomes, and a church (see next page).



### ACTIONS

In consideration of this matter, the following actions are available:

1. Recommend approval of the request. As noted previously, staff recommends that approval action contain the following conditions:
  - i. All land use, zoning, subdivision, and site plan approvals to construct a 36 unit CO-OP senior living facility with underground parking shall be obtained by May 2021.
  - ii. If the above condition is not met, the Comprehensive Plan Change shall be null and void.

In this case, a motion to approve the conditions and adopt the analysis above as the findings of the Commission would be in order.

2. Recommend denial of the request. If denial is recommended, specific reasons should be given. These reasons should relate to the analysis above or the general public health, safety, and welfare. In this case, a motion should be made to direct staff to bring a resolution of denial to the next meeting.
3. Recommend tabling the request.

**ATTACHMENTS**

- A. Bradford Application
- B. Planning Staff Memo to Council for November 2019 meeting
- C. Bradford Letter and Analysis for November 2019 meeting
- D. Future Land Use Plan
- E. Urban Expansion Area

A)

**2020**  
**COMPREHENSIVE PLAN FUTURE LAND USE**  
**MAP AMENDMENT APPLICATION**  
**COMMUNITY DEVELOPMENT, CITY OF WINONA, MINNESOTA 55987**  
**P.O. BOX 378      507/457-8250      FAX: 507/457-8212**

SITE ADDRESS: 22839 Cty. Rd 17, Winona MN 55987

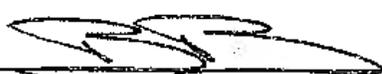
<b>Property Owner:</b>			
Company/Individual	<u>Mitchell Bublitz</u>	E-Mail	<u>mitch@bestway.biz</u>
Contact Person	<u>Mitchell Bublitz</u>	Office Phone	<u>507-896-4824</u>
Mailing Address	<u>PO Box 955</u>	Mobile Phone	<u>507-459-1572</u>
City/State/Zip	<u>Houston, MN 55947</u>		
<b>Applicant:</b>			
Company/Individual	<u>Cedar Brook Cooperative</u>	E-Mail	<u>mdwil@cedarbrook@hickoryleaf.net</u>
Contact Person	<u>Brand Bass</u>	Office Phone	<u>507-388-0644</u>
Mailing Address	<u>501 N. Riverfront Drive</u>	Mobile Phone	<u>507-382-0006</u>
City/State/Zip	<u>Marquette MN 56001</u>		

This application will not be processed without payment of the \$215.00 fee.

Additional information required for the application is on following page.

Current Land Use Designation of Property: Low Density

Proposed Land Use Designation of Property: Urban Residential

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Land Owner  
 (If different from applicant)

For Staff Use Only

Date Received \_\_\_\_\_      Comp Plan Change # \_\_\_\_\_      Receipt # \_\_\_\_\_

Parcel # \_\_\_\_\_      Zoning \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY \_\_\_\_\_



**CEDAR BROOK**  
A WILLOW BROOK COOPERATIVE

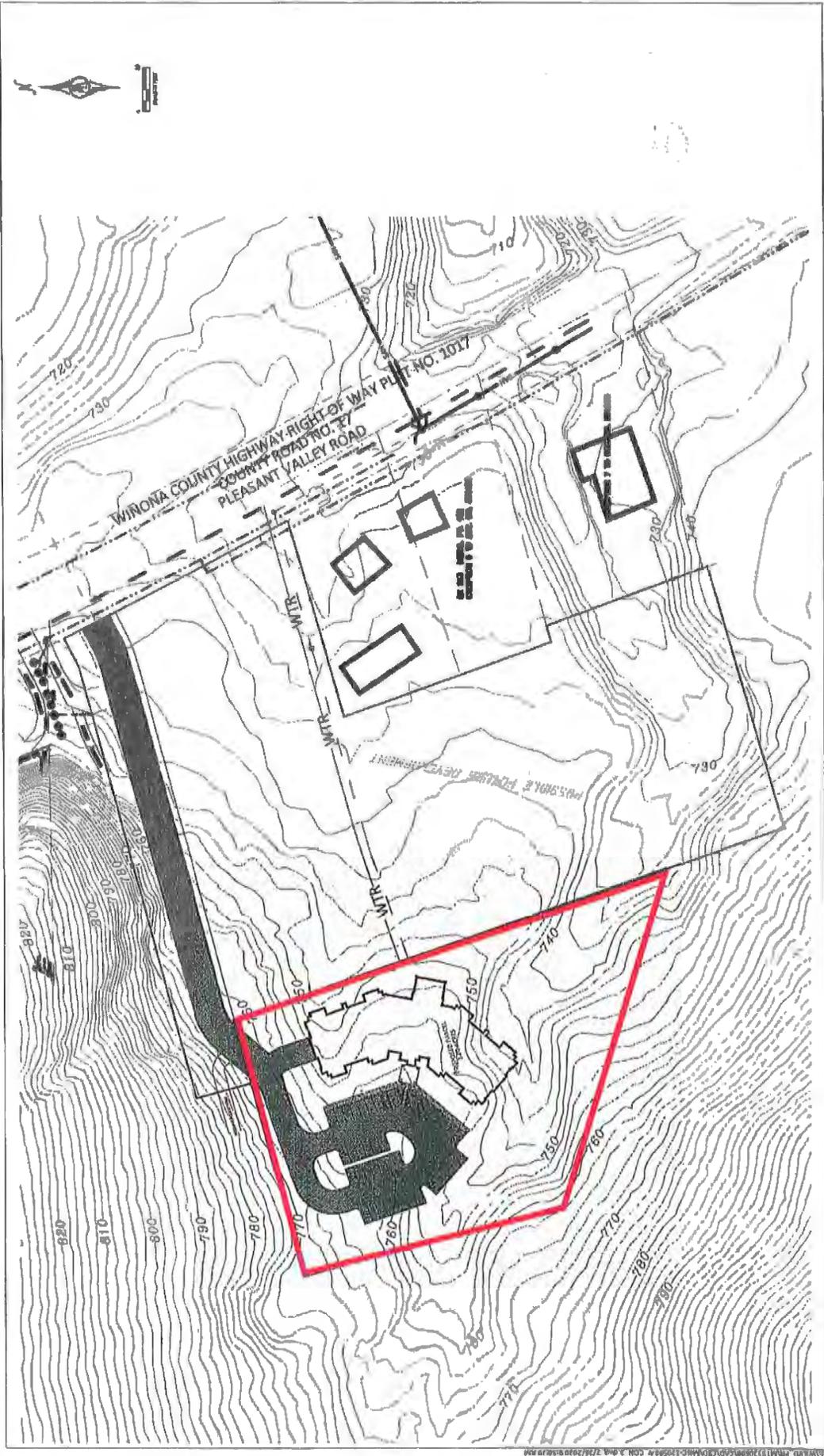
**Additional Information Requested - Comprehensive Plan Map Amendment Application**

Site Address: 22839 County Road 17, Winona, MN 55987

We believe the amendment is consistent with the policies and objectives of the Comprehensive Plan. Wilson Township has been identified as the most logical location for long-term future expansion, with this site having direct access to city water and sewer. This request also supports the Housing Task Force and Housing Study in a number of ways. Affordable homeownership, multifamily dwellings help meet the need for the large "baby boom" population segment which in turn creates the additional housing needed for single-family homeownership; all goals of the Housing Task Force and Comprehensive Plan.

The amendment is being requested due to changes which have occurred since the adoption of the Comprehensive Plan with the need for additional housing to keep up with economic growth. The amendment will not have undue impact on the health, safety, or welfare of the community.

It is our intent to reach out to the neighboring property owners to fully communicate the plan for the property and to address any questions or concerns they may have. We have also presented the cooperative concept to the Wilson Township board at a public meeting last fall.



# MEMORANDUM

B)

## DEPARTMENT OF COMMUNITY DEVELOPMENT/PLANNING DIVISION

**TO:** City Council

**FROM:** Carlos Espinosa, City Planner

**DATE:** November 1, 2019

**SUBJECT:** 11/4/19 Pre-council: Bradford Development Annexation Request

Staff has received the attached annexation petition for 9.37 acres of land at 22839 County Road 17. This property is situated across County Road 17 from the main entrance to the Bridges Golf Course. The petition was submitted by Bradford Development of Mankato, MN and Mitch Bublitz (property owner). Bradford Development proposes a 36 unit Senior Cooperative multi-unit building on the portion of the property shown below:



The pre-council meeting is to discuss the proposal and potential next steps. A summary of development considerations is on the next page. Staff will review these considerations at the pre-council meeting.

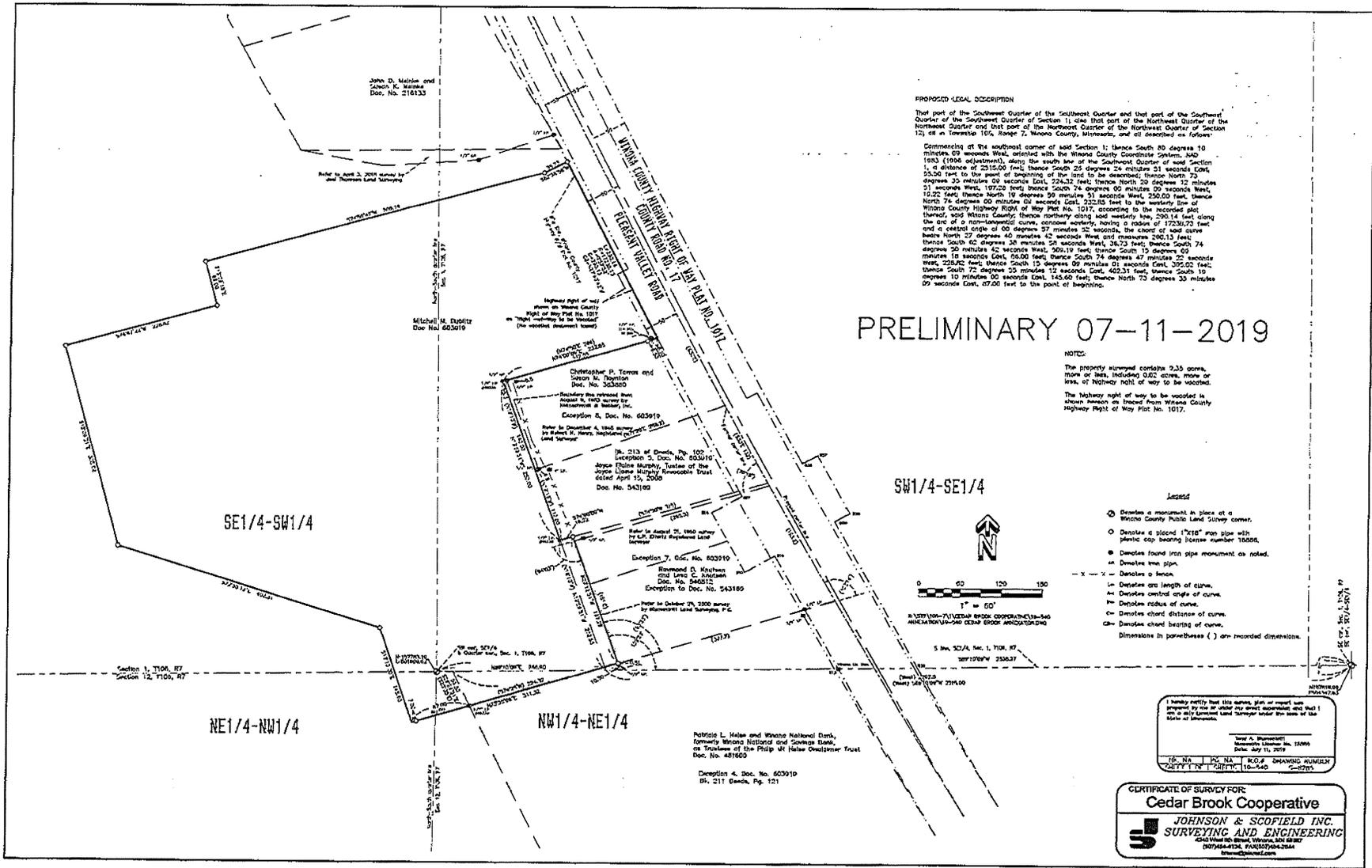
## Bradford "Cedar Brook" Development Concept

1. 36 Unit Senior Cooperative – Similar to WillowBrook Project at 1420 E. Burns Valley Road
2. Requires:
  - 1) Annexation
  - 2) Comp plan Change (Currently Designated Low Density; must be changed to Urban Residential)
  - 3) Zoning (Currently un-zoned; R-3 zoning required)
  - 4) Preliminary and Final Plat
  - 5) Site Plan
  - 6) Building Permit
3. Market need:
  - 1) City Housing Study (Active Adult Owner-Occupied):
    - i. 2016 unmet demand = 42 units
    - ii. 2031 unmet demand = 44 units
  - 2) Bradford/Viewpoint:
    - i. 2018 unmet demand = 82 units
    - ii. 2023 unmet demand = 91 units

Recent multifamily housing developments (e.g. Main Square; Bluffview Estates on Mankato Ave, etc) are rental units that do not "count" toward the unmet demand for Owner-Occupied/Cooperative Housing units.

Willowbrook = 43 households on Waiting List  
Cedar Brook = 32 households on reservation list

4. Other considerations:
  - Approximate Tax Impact = \$18,900 per year to City (36 units X \$525 – based on WillowBrook)
  - Approximate Fees to connect to City Utilities = \$63,750 (\$17,000 X 3.75 Acres)
  - Park Dedication = \$19,620 (36 Units X \$545)
  - Housing Study Recommendations:
    - When annexation is occurring, where appropriate allow for zoning changes to allow for multi-family and mixed-use developments
    - Encourage staff to collaborate with the political subdivisions within the Winona Primary Market Area to attract multi-family developers to create the housing needed to fulfill the demand levels stated within the housing study.



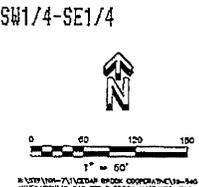
**PROPOSED LEGAL DESCRIPTION**

That part of the Southwest Quarter of the Southeast Quarter and that part of the Southwest Quarter of the Southwest Quarter of Section 11, also that part of the Northeast Quarter of the Northeast Quarter and that part of the Northeast Quarter of the Northeast Quarter of Section 12, all in Township 10S, Range 7E, Winona County, Minnesota, and all described as follows:

Commencing at the southeast corner of said Section 11; thence South 80 degrees 10 minutes 00 seconds West, oriented with the Winona County Coordinate System, 300.00 meters (984.14 feet), along the south line of the Southwest Quarter of said Section 11, a distance of 2215.00 feet; thence South 25 degrees 24 minutes 01 seconds East, 55.00 feet to the point of beginning of the land to be described; thence North 73 degrees 20 minutes 00 seconds East, 224.32 feet; thence North 20 degrees 12 minutes 01 seconds West, 197.20 feet; thence South 74 degrees 00 minutes 00 seconds West, 123.00 feet; thence North 18 degrees 59 minutes 51 seconds West, 230.00 feet; thence North 74 degrees 00 minutes 00 seconds East, 222.83 feet to the westerly line of Winona County Highway Right of Way Plat No. 1017, according to the recorded plat thereof, said Winona County; thence northerly along said westerly line, 290.14 feet along the line of a non-tangent curve, concave westerly, having a radius of 17230.70 feet and a central angle of 60 degrees 37 minutes 22 seconds; the chord of said curve bears North 27 degrees 40 minutes 42 seconds West and measures 280.13 feet; thence South 62 degrees 30 minutes 22 seconds West, 38.73 feet; thence South 74 degrees 30 minutes 42 seconds West, 509.19 feet; thence South 15 degrees 02 minutes 18 seconds East, 10.00 feet; thence South 74 degrees 47 minutes 22 seconds West, 224.82 feet; thence South 13 degrees 09 minutes 01 seconds East, 352.02 feet; thence South 72 degrees 23 minutes 12 seconds East, 402.31 feet; thence South 19 degrees 10 minutes 00 seconds East, 143.60 feet; thence North 73 degrees 33 minutes 00 seconds East, 67.00 feet to the point of beginning.

**PRELIMINARY 07-11-2019**

**NOTES:**  
 The property surveyed contains 9.25 acres, more or less, including 0.62 acres, more or less, of Highway Right of Way to be vacated.  
 The Highway right of way to be vacated is shown herein as traced from Winona County Highway Right of Way Plat No. 1017.



- Legend**
- Denotes a monument in place at a Winona County Public Land Survey corner.
  - Denotes a placed "X" iron pipe with plastic cap bearing license number 100000.
  - Denotes found iron pipe monument as noted.
  - Denotes iron pipe.
  - - - - - Denotes a fence.
  - Denotes arc length of curve.
  - ∠ Denotes central angle of curve.
  - ⊙ Denotes radius of curve.
  - Denotes chord distance of curve.
  - ⊖ Denotes chord bearing of curve.
- Dimensions in parentheses ( ) are rounded dimensions.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision, and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Paul A. Johnson  
 Minnesota License No. 12096  
 Date: 06/11/2019

TP. NA    RC. NA    R&G. UNANNOUNCED NUMBER  
 SUTTY TTY    221710    110-540    G-37203

**CERTIFICATE OF SURVEY FOR**  
**Cedar Brook Cooperative**

**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**  
 214 W. 10th Street, Winona, MN 55987  
 (507) 464-1234, FAX (507) 464-2344  
 www.jscfield.com

Patricia L. Helge and Winona National Bank, formerly Winona National and Savings Bank, as Trustees of the Philip M. Helge Testamentary Trust  
 Doc. No. 481600  
 Exception 4, Doc. No. 603919  
 Bl. 211 Bonds, Pg. 121

John D. Melnik and Simon K. Reszke  
 Doc. No. 216133

Refer to April 2, 2009 survey by Paul Johnson Land Surveying

Mitchell M. Kupitz  
 Doc. No. 603919

Highway right of way shown on Winona County Right of Way Plat No. 1017 as "right-of-way" to be vacated (no explicit easement shown)

Christopher P. Torres and Susan M. Deppert  
 Doc. No. 363850  
 Easement released from August 8, 1980 survey by Johnson & Scofield Inc.  
 Exception 5, Doc. No. 603919  
 Refer to December 4, 1980 survey by James H. Helge, Architectural Land Surveying

Dr. Elizabeth S. Dwyer, Ph.D.  
 Lorraine S. Dwyer, M.D.  
 Joseph Elaine Murphy, Trustee of the Joseph Elaine Murphy Testamentary Trust  
 dated April 15, 2008  
 Doc. No. 543100

Raymond D. Kuehner and Linda C. Kuehner  
 Doc. No. 246212  
 Exception to Doc. No. 543100  
 Refer to October 26, 2000 survey by Raymond Land Surveying P.A.

Section 1, T106, R7  
 Section 12, T106, R7

NE1/4-NW1/4

NW1/4-NE1/4

SE1/4-SW1/4

C)

October 14, 2019

## WINONA CITY COUNCIL

207 LAFAYETTE STREET | WINONA MN 55987

Dear Council,

Based upon strong demand and the remarkable success of Willow Brook Senior Cooperative (43 on waiting list), HUD has given us the go ahead to sponsor a second senior cooperative in your community. Winona has economic growth that supports a new housing cooperative which will provide affordable senior housing options overtime keeping seniors living in your community. A strong senior population keeps money staying in local banks and being spent at local businesses. The shifting of seniors into new living opportunities, opens up housing inventory for new young families. Overall, this stimulates the economy and meets many of the recommendations provided by the Mayor's Housing Taskforce, Comprehensive Plan and Housing Study.

We are requesting the annexation of +/- 9.37 acres, across from Bridges Golf Course off of highway 17. Cedar Brook Senior Housing Cooperative is a multifamily dwelling ownership model. With very limited building sites available in Winona, the Bublitz property (22839 Country Road 17) is in an ideal location. It is a desirable location where seniors want to live and has direct access to city water and sewer, which runs along county highway 17.

Cedar Brook Senior Cooperative will establish a strong affordable housing component as an anchor for this development, this will attract desirable housing opportunities for developers and residents alike for this growing market in Winona.

The demand for housing in Winona is high and continuing to increase. Based on our most recent market demand study conducted by Viewpoint Consulting in May 2019, results show an unmet demand for 82 cooperative units in the primary market area based on 2018 factors, see Exhibit A. More importantly, with very little marketing efforts, we have a growing list of 32 reservationists (Exhibit B) with money down in anticipation of purchasing their new home this spring 2020. 19 of the 32 households are from right here in Winona, which will increase single family home availability and inventory for future home sales.

Cedar Brook Cooperative will have 4 stories plus heated underground parking for 36-units (90% reserved, pending approval). Cooperatives are owned and operated by the members who live in them. They offer an affordable homeownership option that allows folks 62+ a maintenance-free home, while downsizing with the ability to age in place.

Cedar Brook Cooperative is a HUD approved project for Winona. It will be financed through Section 213 of the National Housing Act, and FHA regulated. HUD inspections of the Bublitz Property have been completed and have been approved for a second senior housing cooperative upon annexation by the City of Winona.

We look forward to meeting with you to assist in bringing this great opportunity to the City of Winona.

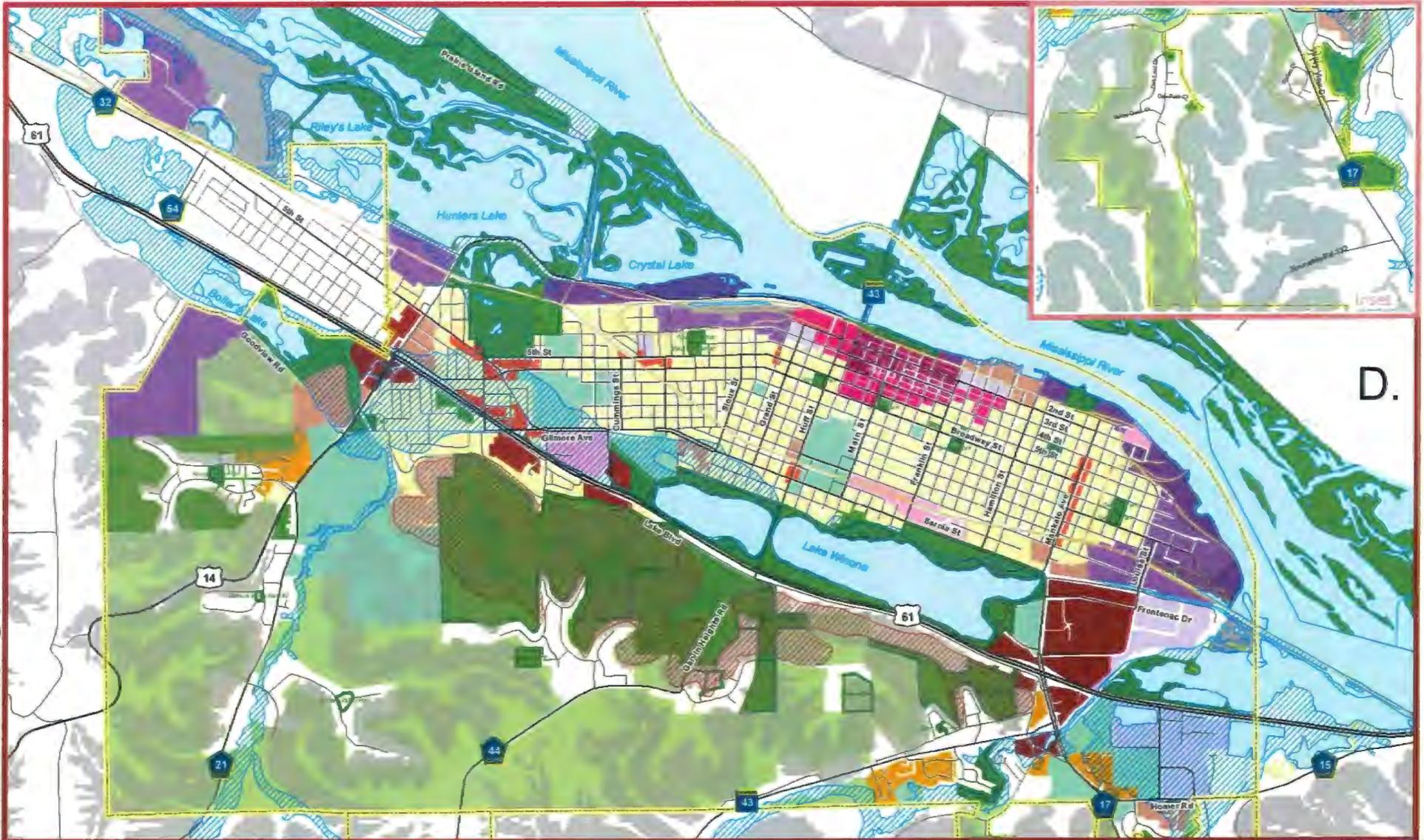
Sincerely,

Brad Bass & Melissa Nelson

Bradford Development  
501 N. Riverfront Drive  
Mankato MN 56001

**Cedar Brook Reservation List - Exhibit B**

#	Last	First	Address	City	Zip
1	Koscianski	John & Jackie	656 Winona Street	Winona	55987
2	Ianfolla	Barb & Ralph	3825 Cedar Grove Parkway Unit 242	Eagan	55122
3	Jarvinen	Kathryn	1750 Gilmore Avenue	Winona	55987
4	Strand	Gavin & Connie	916 Fountain Street	Fountain City, WI	54629
5	Drier	Jim & Ann	W674 State Road 35	Fountain City	54629
6	Gross	George & Jean	211 Janet Marie Lane	Winona	55987
7	Lambert	Margaret	1463 Gilmore Valley Road	Winona	55987
8	Bass	Barbara	1640 Gilmore Valley Road	Winona	55987
9	Throne	Eugene & Bonnie	275 McBride Street	Winona	55987
10	Burk/Frey	Gene & Barb	41415 Big Trout Drive	Winona	55987
11	Fedor	Sue	1426 W. Broadway Apt. 205	Winona	55987
12	Meska	Sue & Michael	53 Forest Oak Court	Winona	55987
13	Haugland	John & Melanie (Lynn)	1420 E Burns Valley Road #112	Winona	55987
14	Newman	Eric & Pam	1585 Homer Road Apt. 307	Winona	55987
15	Kooyman	Florinus & Shirley	4520 Terraceview Lane N.	Plymouth	55446
16	Barker	Bill & Linda	8050 E. 34th Street	Yuma, AZ	85365
17	Woodward	Carol	122 Dakota Street	Minnesota City	55959
18	Seales	Shirley	611 Fawn Avenue	Tiffin, IA	52340
19	Custer	Cristeen	N18585 Hammond Lane	Galesville WI	54630
20	Palecek	Glen & Denise	23797 Highway 43	Winona	55987
21	Ezdon	Marilyn & Tom	820 River Street	Dakota, MN	55925
22	Birkeland	Paul & Barbara	1420 Highland Avenue	Cloquet, MN	55720
23	Davis	Bill & Judy	22559 County Road 15	Winona	55987
24	Venus	Ken & Penny	1650 Clubview Road	Winona	55987
25	Nelson	Jeanne & Barry	36009 Homer Lane	Winona	55987
26	Dillow	Dave	1506 Crockett Drive	Holmen, WI	54636
27	Edel	Sue & Bob	178 Tree Tops Lane	Winona	55987
28	Smith	Mary Sorenson & Steve	N11818 Whispering Pines Lane	Trempealeau	54661
29	Ramer	Barb	313 Wilson Street	Winona	55987
30	Kowles	Richard	1293 County Drive	Winona	55987
31	Shirk-Heath	Sandy	2304 Viola View Lane NE	Rochester	55906
32	Warnke	Darrell & Sandy	1928 Gilmore Avenue	Winona	55987



D.

See Inset Above



Map Location



**Land Uses**

- |                         |                              |                                     |
|-------------------------|------------------------------|-------------------------------------|
| Downtown Mixed Use      | Industrial Riverfront        | Mixed Residential                   |
| Downtown Fringe         | General Mixed Use            | Urban Residential                   |
| Neighborhood Commercial | Transportation and Utilities | Public and Open Space               |
| General Commercial      | Limited Residential          | Semi-Public/Institutional/Education |
| Limited Industrial      | Low Density Residential      | Recreational Riverfront             |
| General Industrial      | Traditional Neighborhood     | Park                                |

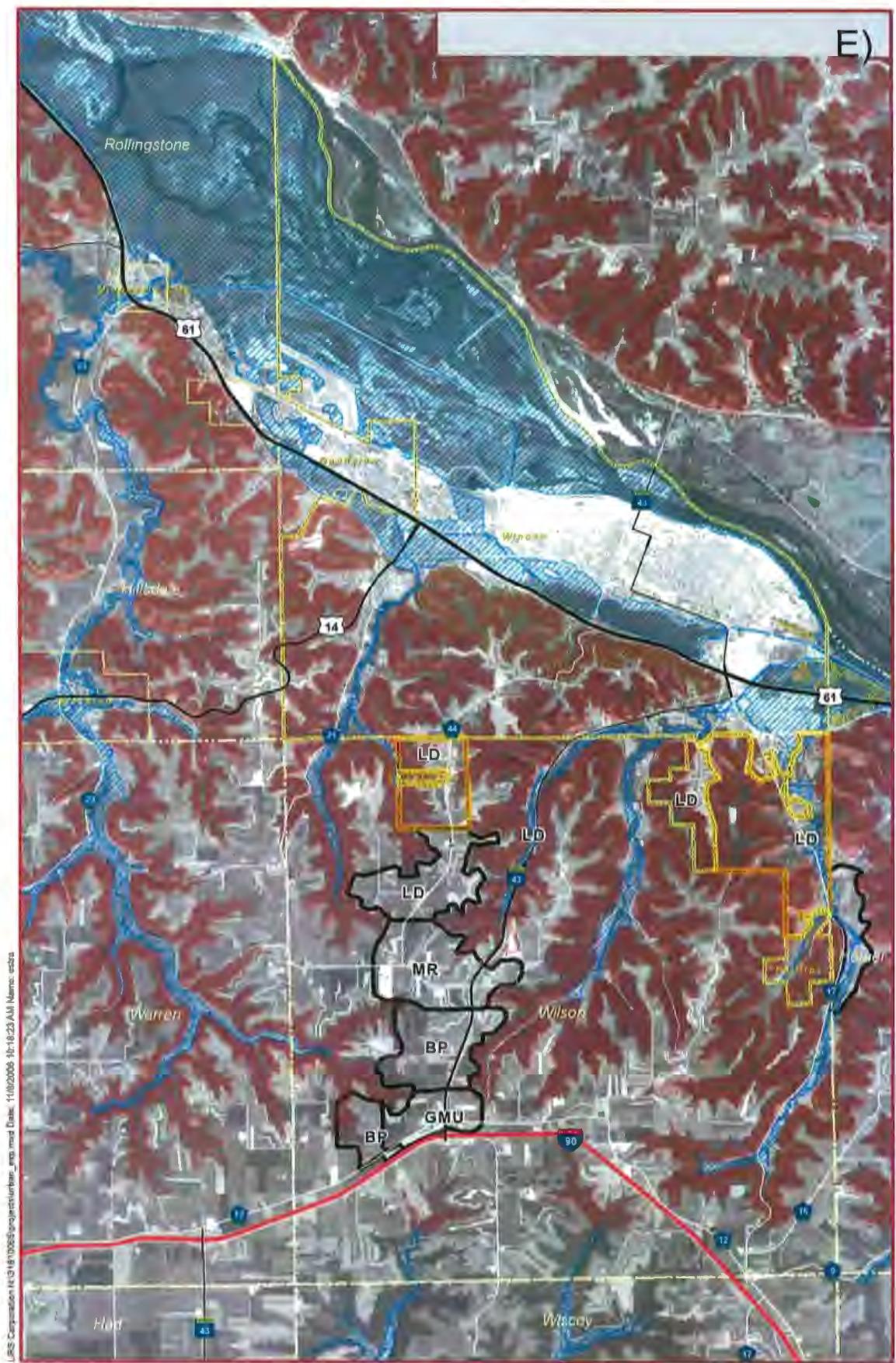
**Sensitive Resources Overlay**

- |                                       |
|---------------------------------------|
| Wetlands                              |
| High Quality Native Plant Communities |
| 100 year floodplain                   |
| Slopes > 30%                          |
| Historic District                     |

**Historic Resources Overlay**

Figure 2  
**Future Land Use Plan**  
 June 2007





URS Corporation \\c:\h\102006\project\winona\_mn\map\_data\ 1/10/2006 10:18:23 AM Name: esda



Data Sources: City of Winona, MndOT, MndNR

**Proposed Land Use**

- LD** Low Density Residential
- MR** Mixed Residential
- BP** Business Park
- GMU** General Mixed Use

- Ordery Annexation Areas
- Slope > 30
- Wetlands
- High Quality Native Plant Communities
- 100 year floodplain

**Figure 3**  
**Proposed Land Use Plan,**  
**Urban Expansion Area**

June 2007



## **PLANNING COMMISSION MINUTES**

**DATE:** April 13, 2020

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

**PRESENT:** Chairman Buelow, Commissioners Hahn, Boettcher, Ballard, Olson, Marks, Hall, and Shortridge

**ABSENT:** Paddock

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

The meeting was called to order at 4:30 p.m. by Chairman Buelow.

### **Approval of Minutes – March 23, 2020**

The minutes from the Planning Commission meeting of March 23, 2020 were reviewed. Commissioner Olson moved to approve the minutes. Commissioner Hahn seconded the motion and the minutes were approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A)

### **Public Hearing – 701 Wilson Street Tourist Home Interim Use Permit**

Applicant Jo Koo spoke about the application for an IUP at 701 Wilson Street, reiterating the proposed occasional use by the owners as discussed at the previous meeting.

Mr. Sims provided an overview of the proposed tourist home. He noted that the application met the IUP requirements under review and that staff recommended approval.

Commissioner Hahn moved to approve the Interim Use Permit application. Commissioner Shortridge seconded the motion.

Commissioner Olson asked if any problems may be arising from the influx of IUP's for tourist homes since creating the short term rental regulations. Mr. Sims responded that City Staff could research any potential problems that have arisen and report back.

Commissioner Hahn asked if the property was subject to the 30% Rule. Mr. Sims responded that this was correct and that there is an existing standard rental license for the property.

No further comments forthcoming, the Commission voted on the motion at hand. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

## **PLANNING COMMISSION MEETING MINUTES**

**April 13, 2020**

**PAGE 2**

### **Public Hearing – Main Square Annex Final Plat at 166 West 6<sup>th</sup> Street**

Cindy Telstad spoke on behalf of the applicant, reiterating that the proposed subdivision meets the City's requirements as was mentioned when the Commission first heard the item at the previous meeting. Ms. Telstad asked that the Commission be approved.

Mr. Espinosa provided an overview of the proposed subdivision and recommended approval as the subdivision met the City's requirements with two conditions: 1) a lot size variance for Lot 2 shall be obtained, and 2) a variance shall be obtained for the 40 parking spaces that will now occupy a separate parcel.

Chairman Buelow opened the public hearing.

No members of the public coming forward to speak, the public hearing was closed.

Commissioner Olson moved to approve the request with City Staff's recommended conditions. Commissioner Ballard seconded the motion. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Commissioner Boettcher joined the meeting.

### **Public Hearing – Comprehensive Plan Amendment Request – Low Density Residential to Urban Residential at 22839 County Road 17**

Melissa Nelson of Bradford Development spoke on behalf of the applicant, providing an overview of the proposed co-op housing development which has a 48 person waiting list and will provide 36 units. Ms. Nelson noted that the proposed units will help fill some of the 82 units identified as a need in the housing study and will qualify as affordable housing. Ms. Nelson mentioned that the proposed development is in a good rural setting and that cooperative housing is successful and has been successful in Winona before. The proposed cooperative housing development will be four stories high with underground parking and will have units going for between \$108,000 and \$154,000. Regarding the nearby bluff, Ms. Nelson mentioned that the building will sit back along the bluff line.

Mr. Espinosa provided an overview of the proposed Comprehensive Plan Map Amendment and noted that the property in consideration before the Planning Commission is not yet in the City of Winona and is heading to an annexation hearing at the City Council on May 4, 2020. The proposed Map Amendment is for three acres of the total nine acres that may be annexed. He mentioned that there has been a pre-council meeting with general City Council support and there will be future action needed for this project to move forward, including zoning of the property following this map amendment, a variance to building heights, preliminary and final plats, and a site plan. The specific request before the Commission is a change from low density to urban

## PLANNING COMMISSION MEETING MINUTES

April 13, 2020

PAGE 3

residential. Mr. Espinosa mentioned that City Staff recommends two conditions for any approval, 1) all land use, zoning, and site plan approvals shall be obtained by May, 2021, and 2) If Condition 1 is not met, the Comp Plan change is null and void. Mr. Espinosa mentioned that the Urban Residential designation is the high density designation in the Comprehensive Plan, which is usually reflective of the core of Winona and hence its name. He noted that it is the only land use designation that would support the proposal at this location. Mr. Espinosa addressed the three criteria the Commission is to consider in this case. Starting with the consistency with the Comprehensive Plan, Mr. Espinosa began by noting that the property in question falls in the Urban Expansion area of the Comprehensive Plan which supports more flexibility and that the Housing Section also supports a balanced housing supply and addressing future needs of housing in Winona, including the large "baby boom" population segment. Secondly, the Commission is to consider whether any changes have occurred since the 2007 Comprehensive Plan. Mr. Espinosa mentioned that City sewer and water were extended past the property in question since the adoption of the Comprehensive Plan. Additionally, the City completed a housing study in 2016 which included a recognized demand for this housing type and to meet the market segment and that cooperative housing was specifically identified in the housing study. The Mayor's Housing Task Force recommended zoning changes where land is annexed to support meeting housing demand. Thirdly, City Staff found that while out of character with the surrounding low density residential, the use will be buffered by undeveloped land which will remain low density should development occur in the future. The proposed buffer land is approximately the same size as a city block. Mr. Espinosa highlighted the bluffland area behind the proposed development and that it is largely undevelopable. Mr. Espinosa compared the proposed development to the existing Winona Arms development in Knopp Valley, which is high density but surrounded by single family homes, townhomes, and a church and follows the same zoning district as the potential zoning of the Bradford Development Cooperative housing project.

Chairman Buelow opened the public hearing.

Jim Vrchota of 1406 Highland Drive and the Chair of the Housing Task Force spoke in favor of the request, highlighting the market need it is meeting as identified by the Housing Task Force and asked the Commission to support the request.

Mike Littrell of 23273 Blackberry Road expressed concern about what would prevent the project from expanding into the bluffland. He mentioned that his wife and he were against the proposal. Mr. Littrell asked whether a water tower would be incorporated in the future. Laurel Littrell asked what would happen to the bluffland lands that had already been compromised when it was clear cut by the owner and the brush and lumber was left in piles along the bluff side, which is unsightly and a fire risk. She asked whether any of that would be required to be cleaned up before moving forward. Mr. Littrell mentioned that the land was bulldozed into piles and has changed the dynamic of

## PLANNING COMMISSION MEETING MINUTES

April 13, 2020

PAGE 4

the land and compared it to a bomb being set off. Mr. Espinosa mentioned that the area being referenced is outside of the request before the Commission and outside the area potentially to be annexed into the City. He noted that it is in Wilson Township and that the City would like to work cooperatively to ensure the land is managed appropriately. Chairman Buelow asked if the land, should it be annexed, would have to comply with the City's Blufflands Ordinance. Mr. Espinosa responded that it would and the development in the land under Commission review at the meeting would be required to comply. He did note that any additional land for use of a water tower or something similar would undergo review under the Blufflands Ordinance as well. Ms. Littrell expressed appreciation for a willingness of the City to work with the Township but mentioned that it is really the property owner's responsibility to clean up and mentioned it made sense that the City would want the property owner to clean it up before rewarding the property owner with the approvals for development. Chairman Buelow noted that this is an adjacent property but shared the Littrells' concerns. Ms. Littrell mentioned that this is correct but that it is a concern. Mr. Littrell reiterated that it looks like someone set a bomb off. Ms. Littrell noted that when the people who have their reservations for the Bradford project see the surrounding area, they may not want to honor their reservations. Commissioner Hahn asked when the clearing took place. Ms. Littrell mentioned that it happened in 2018. Commissioner Olson mentioned that sounded correct. Ms. Littrell mentioned that there will be an issue for the property to be annexed and for people wanting to live nearby. Commissioner Olson asked how much of the bluffside being discussed would be annexed. Mr. Espinosa mentioned that the majority under consideration for annexation would be non-bluffland and the majority of the area that was clear cut is outside the proposed annexation area. Commissioner Hahn asked why the land was disturbed. Ms. Littrell mentioned that the property owner told the Littrells that he was hoping to put innumerable houses on the side of the bluff and that clear cut it to demonstrate how developable it is. Mr. Littrell recommended flying a drone over the land to see the devastation. Ms. Littrell recommended tabling the item until it could be observed. Chairman Buelow mentioned that may be outside the scope of the public hearing at this time. Commissioner Shortridge asked if the Littrells had spoken to anybody at the County about adherence to their blufflands ordinance or to the Township. Ms. Littrell mentioned that she assumed the Township knew about the clearing as they passed on the proposal and that neighbors also knew about it, but they had not made a formal complaint nor were they asked if it was okay. Commissioner Shortridge asked whether she was saying Wilson Township first had the proposal and rejected it for environmental or planning reasons. Ms. Littrell mentioned that she wasn't certain if that was the case.

Chairman Buelow mentioned that if there are issues related to the item at hand, members of the public should come forward to speak.

## **PLANNING COMMISSION MEETING MINUTES**

**April 13, 2020**

**PAGE 5**

Leon Bowman of 22827 Garvin Heights Road and Chair of the Wilson Township Board asked if the Planning Commission had received his letter, which had not been read yet. Commissioner Hall responded that the Commission had received Mr. Bowman's comments which were emailed to the Commissioners. Mr. Bowman mentioned that there are areas the City surrounded by other parts of the City that could have multifamily housing and asked why the City had to go into the Township and annex by ordinance. Mr. Bowman noted that he has brought this up before when he was on the housing task force and that nobody wants people driving through their neighborhoods. He asked why the land use map change will only be occurring with these acres and not all of it and mentioned that there is a lot of this that doesn't make sense and there may be hidden agendas. Addressing the brush situation, Mr. Bowman said the Township didn't do anything as there was no logging occurring and it was already brush and he agreed that the owner should do something about it before anything else. He asked whether a survey has been done and whether the neighbors have been notified of the survey. Mr. Bowman agreed with the suggestion to table the item and agreed 110% as there are a lot of things going on that the Commission is not aware of. Mr. Espinosa followed up by reading Mr. Bowman's submitted comments.

No further members of the public coming forward to speak, the Public Hearing was closed.

Commissioner Hahn noted that the Urban Residential designation's documentation says that it should be well connected to parks, open spaces, shopping, and services and asked what "well connected" meant as this proposal is on the outskirts of Winona. Mr. Espinosa responded that the Urban Residential designation is more applicable to the core area of Winona and it is a little bit of a stretch to apply to this area but the only designation that would support R-3 zoning in the future.

Commissioner Olson moved to approve the request with the recommended conditions. Commissioner Boettcher seconded the motion.

Commissioner Shortridge said he has the same concern expressed by Commissioner Hahn and that this is not really Urban Residential and the same concern as has been discussed in meetings recently where it appears there is a reach to find a fit under the governing documentation when a category may not exist. He noted that four stories on the bluff will be tall compared to the neighbors. He also expressed concern about the format and that some members may not have been able to speak. He concluded his comment by noting that there may be some other ongoing processes with the Township that should be addressed to help get a full picture of how the proposal impacts the site.

Chairman Buelow mentioned that the proposal seems to meet some of the requirements for Urban Residential, like the outdoor space. He also expressed concern about the proposed scale of the building.

## **PLANNING COMMISSION MEETING MINUTES**

**April 13, 2020**

**PAGE 6**

Commissioner Olson mentioned that the building will be in the lower elevations and not on the bluff. He also mentioned that the clearing of the bluffland should lead to the property owner getting proper authorization and cleaning up the mess he created. Mr. Espinosa mentioned that Commissioner Olson is reading the map correctly and that the development at the bottom of the bluff and would be three stories over parking. Chairman Buelow asked Ms. Nelson how many stories the building would be. Ms. Nelson mentioned that it will be underground parking with four stories above.

Commissioner Marks raised concern over the four stories and agreed with concerns expressed over the designation and supporting documentation therein.

No further comments forthcoming, the Commission voted on the motion at hand via roll call vote. The motion passed 5-3 with Commissioner Marks, Hahn, and Shortridge dissenting (roll call vote sheet attached to these minutes as Appendix A).

Ms. Telstad spoke about concerns regarding public comments maybe not getting in, she mentioned that she and possibly others have remained on the line but are not making comments or attempting to do so.

### **Other Business**

Commissioner Shortridge asked about the commercial contractor building being erected at the corner of Conrad Drive and Garvin Heights Road and the zoning at that location. Mr. Espinosa mentioned that it is zoned residential and it is a residential home being erected with a large garage area where vehicles will be stored. Commissioner Shortridge followed up to confirm that it is a house and not a pole barn and shop. Mr. Espinosa confirmed this is correct and mentioned that there are no design standards for residential homes. Commissioner Shortridge asked how it could be considered a home. Mr. Espinosa mentioned that it meets the definition of a dwelling and there are no design standards that would prevent a similar style building in other parts of the City so long as it meets dwelling standards. He did note that there will not be work done at the property but vehicles may be stored there. Commissioner Shortridge mentioned that it looks like this is stretching and there may be some holes in the planning and design process and mentioned it is like a tiny apartment with truck bays on either side.

### **Adjournment**

On a motion from Commissioner Olson and second by Commissioner Hahn, the Commission unanimously voted in favor of adjournment via roll call vote at 7:33 p.m. (roll call vote sheet attached to these minutes as Appendix A).

**PLANNING COMMISSION MEETING MINUTES**  
**April 13, 2020**  
**PAGE 7**

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Luke Sims  
Assistant City Planner

**PLANNING COMMISSION MEETING MINUTES**

**April 13, 2020**

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**APPENDIX A  
Roll Call Vote Sheet**

<b>NAME</b>	<b>Approval of Minutes from March 23, 2020</b>	<b>Motion to Approve IUP for 701 Wilson Street</b>	<b>Motion to Approve Final Plat of 166 W. 6<sup>th</sup> Street with Conditions</b>	<b>Motion to Approve Comprehensive Plan Map Amendment at 22839 County Road 17</b>
Brad Ballard	Aye	Aye	Aye	Aye
Dale Boettcher	Not Present	Not Present	Not Present	Aye
Brian Buelow	Aye	Aye	Aye	Aye
Ed Hahn	Aye	Aye	Aye	Nay
Dan Hall	Aye	Aye	Aye	Aye
Lavern Olson	Aye	Aye	Aye	Aye
Amy Jo Marks	Aye	Aye	Aye	Nay
Peter Shortridge	Aye	Aye	Aye	Nay

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Required Public Hearings</b>	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> <b>2</b>	<b>Planning</b>	<b>5/4/20</b>
<i>Item:</i> <b>Bublitz Annexation Petition</b>		
<i>No.</i> <b>2.3</b>		

## Summary

Staff requests Council consider a petition for annexation of 9.35 acres of land at 22839 County Road 17. The petition was submitted by Mitchell Bublitz, and the land is currently situated in Wilson Township. The petition is related to proposed development of a 36 unit Senior CO-OP on approximately 3 acres of the property. The remaining 6 acres would remain undeveloped at this time. In concept, this area would support future development of approximately 15-20 low-density housing units (e.g. single-family homes or twinhomes). Council last saw this annexation and development concept at a Pre-Council meeting on November 1, 2019 (Attachment B).

Staff has been in discussion with Wilson Township related to this annexation and an updated Orderly Annexation Agreement for the past year. Following the Pre-Council meeting where there was general Council support to proceed, staff sent an Orderly Annexation request to Wilson Township in February 2020. At the Township's March 9th meeting, the Orderly Annexation request was not approved. Given this outcome, staff received a request from Mr. Bublitz to proceed with annexation [by ordinance] on March 31st. State statute allows annexation of the Bublitz property after holding a public hearing and adopting an ordinance (Attachment A).

## Approval Process

In addition to this annexation request, overall development of the Bublitz property is subject to the following review and approvals processes:

1. Comprehensive Plan Amendment – related to the CO-OP project
2. Zoning – application of the R-3 zoning district for the CO-OP project
3. Variance – to building height requirements for the CO-OP project
4. Preliminary Plat
5. Final Plat
6. Site Plan

During these processes, development details such as building height, building location, ingress egress, and utility connections will be addressed. For this agenda item, Council is being asked to decide if the 9.35 acre property should be annexed or not.

## Costs and Benefits

The potential costs associated with this annexation petition are significantly reduced by the presence of adjacent City sewer and water utilities in County Road 17 that extend an additional

**Department Approval:**

*Carlos Espinosa / GEM*

**City Manager Approval:**

*Stef J. Jiri*

## **Bublitz Annexation Petition**

### **Page 2**

mile to the Cobblestone Creek Subdivision. When the utilities were designed and constructed, additional development along County Road 17 was anticipated. In accordance, the existing infrastructure is designed to handle the development proposed with this annexation.

Costs for installation of streets and utilities within the annexed area will be paid for by the developer. In addition, should it be determined that a turning lane is required on County Road 17, the developer would pay for that as well.

Also, while development of the subject area will require additional City services such as Fire and Police, service is already provided to general area. Neither department anticipates a significant impact to service levels as a result of the annexation.

Benefits of the annexation include potential development of the annexed area. As noted, the current proposal is for a 36 unit CO-OP residential building on 3 acres of the annexed area. The project is proposed by Bradford Development. Bradford developed the existing Willowbrook senior CO-OP located 1420 E. Burns Valley Road. The proposed development on the Bublitz land helps satisfy the need for senior housing as projected by the City's 2016 housing study. In fact, the proposed CO-OP is already sold-out with 42 reservations for 36 units. In addition to the CO-OP, there is the potential for future development on the remaining 6 acres of property. As noted previously, this area would support approximately 15-20 low-density housing units (e.g. single-family homes or twinhomes). Thus, full build-out of the annexed area would include multi-family housing toward the back of the valley, existing single-family homes along County Road 17, and potentially single-family or twinhomes in-between.

#### **Development Concept**

According to the Comprehensive Plan, the proposed annexation is in the City's Urban Expansion Area. The Urban Expansion Area is south of Winona and shows conceptual locations for future City growth. The Expansion Area includes many bluff top and valley locations for future residential subdivisions. In these future subdivisions, staff anticipates a number of different housing types to be proposed (e.g. single-family homes, twinhomes, and potentially apartments). Multiple housing options in a subdivision allow different types of households to live in the same desirable suburban setting. This annexation would facilitate that type of development pattern.

#### **Public Comments**

Written comments on the annexation received by staff are included in Attachment C. A staff memo responding to the comments is provided in Attachment D. The staff memo addresses concerns about tree and vegetation removal, traffic, and the scale of proposed development.

#### **Council Options**

After the public hearing, the following options are available to Council:

1. Approve the Annexation. Under this option, a motion to introduce the attached ordinance for approval would be in order. If the motion to approve fails, it is a denial.
2. Postpone a decision the item – if more information is needed.

Attachments:

- A) Annexation Ordinance
- B) November 1, 2019 Council Memo
- C) Public Comments Received as of 4/27/2020
- D) Staff Memo to Council Regarding Public Comment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WINONA, ANNEXING LAND  
LOCATED IN WILSON TOWNSHIP, WINONA COUNTY, MINNESOTA,  
TO THE CITY OF WINONA, WINONA COUNTY, MINNESOTA, PURSUANT  
TO MINN. STAT. § 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE

THE CITY OF WINONA DOES ORDAIN:

SECTION 1. That the unincorporated land legally described in Exhibit A (the “Subject Area”), which is attached hereto and incorporated herein by reference, located in Wilson Township, Winona County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Winona, Winona County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public wastewater facilities, and for which public wastewater facilities are not otherwise available than through the City of Winona; and is land that is existing or proposed for immediate urban or suburban development.

SECTION 2. That the owner of the Subject Area has requested annexation for purposes of immediate urban or suburban residential development of the Subject Area and has submitted a petition to the City Council of the City of Winona for annexation of said Subject Area.

SECTION 3. That a boundary map depicting the Subject Area is attached hereto and incorporated by reference as Exhibit B.

SECTION 4. That the City of Winona held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on \_\_\_\_\_, 2020, following thirty (30) days written notice by certified mail to Wilson Township and to all landowners within and contiguous to the Subject Area to be annexed.

SECTION 5. That the corporate limits of the City of Winona are hereby extended to include the Subject Area legally described in Exhibit A and depicted in Exhibit B, containing approximately 9.35 acres, and the same is hereby annexed to be included within the City of Winona, Winona County, Minnesota.

SECTION 6. That the population of the Subject Area hereby annexed is 1.

SECTION 7. That pursuant to Minn. Stat. § 414.036, with respect to the property taxes payable on the Subject Area that is hereby annexed, the total Wilson Township portion of such property taxes payable 2020 were \$391. The City of Winona recommends that it be ordered by the chief administrative law judge of the Minnesota Office of Administrative Hearings to make a cash payment to Wilson Township for the period and in accordance with the following schedule:

a. In the first year in which the City of Winona may levy property taxes on the Subject Area following the annexation thereof, an amount equal to one hundred percent (100%)

of the property taxes distributed to Wilson Township in regard to the Subject Area in the last year that property taxes from the Subject Area were payable to Wilson Township; and

b. In the second and final year, an amount equal to the first year payment described in clause a. above of this Section.

SECTION 8. That there are no special assessments assigned by Wilson Township to the Subject Area, and there is no debt incurred by Wilson Township prior to the annexation and attributable to the Subject area for which reimbursement is required.

SECTION 9. That pursuant to City of Winona City Code, Section 43.02.14 (E), the Subject Area hereby annexed to the City of Winona on the effective date hereof shall not bear a zoning classification as set forth in Section 43.02.12 until the Subject Area is given a classification by ordinance by the City Council of the City of Winona. No building permit or permit to do work of any kind on Subject Area shall be granted until such ordinance rezoning the Subject Area becomes effective.

SECTION 10. That the City Clerk of the City of Winona is hereby authorized and directed to file a copy of this Ordinance with the with the chief administrative law judge of the Minnesota Office of Administrative Hearings; the Minnesota Secretary of State; the Winona County Auditor; and the Wilson Township Clerk

SECTION 11. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the chief administrative law judge of the Minnesota Office of Administrative Hearings.

Passed by the City Council of the City of Winona, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF SUBJECT AREA**

That part of the Southwest Quarter of the Southeast Quarter and that part of the Southeast Quarter of the Southwest Quarter of Section 1; also that part of the Northwest Quarter of the Northeast Quarter and that part of the Northeast Quarter of the Northwest Quarter of Section 12; all in Township 106, Range 7, Winona County, Minnesota, and all described as follows:

Commencing at the southeast corner of said Section 1; thence South 89 degrees 10 minutes 09 seconds West, oriented with the Winona County Coordinate System, NAD 1983 (1996 adjustment), along the south line of the Southeast Quarter of said Section 1, a distance of 2515.00 feet; thence South 26 degrees 24 minutes 51 seconds East, 55.50 feet to the point of beginning of the land to be described; thence North 73 degrees 35 minutes 09 seconds East, 224.32 feet; thence North 20 degrees 12 minutes 51 seconds West, 197.28 feet; thence South 74 degrees 00 minutes 09 seconds West, 19.22 feet; thence North 19 degrees 59 minutes 51 seconds West, 250.00 feet; thence North 74 degrees 00 minutes 09 seconds East, 232.85 feet to the westerly line of Winona County Highway Right of Way Plat No. 1017, according to the recorded plat thereof, said Winona County; thence northerly along said westerly line, 290.14 feet along the arc of a non-tangential curve, concave easterly, having a radius of 17238.73 feet and a central angle of 00 degrees 57 minutes 52 seconds, the chord of said curve bears North 27 degrees 40 minutes 42 seconds West and measures 290.13 feet; thence South 62 degrees 38 minutes 58 seconds West, 36.73 feet; thence South 74 degrees 50 minutes 42 seconds West, 509.19 feet; thence South 15 degrees 09 minutes 18 seconds East, 66.00 feet; thence South 74 degrees 47 minutes 22 seconds West, 228.82 feet; thence South 15 degrees 09 minutes 01 seconds East, 305.02 feet; thence South 72 degrees 55 minutes 12 seconds East, 402.31 feet; thence South 19 degrees 10 minutes 00 seconds East, 145.60 feet; thence North 73 degrees 35 minutes 09 seconds East, 87.00 feet to the point of beginning.

**EXHIBIT B**

**BOUNDARY MAP DEPICTING SUBJECT AREA**

The municipal boundary map referenced in the Ordinance to which this exhibit is attached, showing the current City of Winona and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.



	<b>Subject Area</b>
	<b>City of Winona</b>
	<b>Wilson Township</b>



February 2020

This map was compiled from a variety of sources. The information is provided with the understanding that users will use their own information and verify the accuracy of the data. The City does not warrant the accuracy of the data or the map, and any assumptions of the legal status of the map are hereby disclaimed.

# MEMORANDUM

## DEPARTMENT OF COMMUNITY DEVELOPMENT/PLANNING DIVISION

**TO:** City Council

**FROM:** Carlos Espinosa, City Planner

**DATE:** November 1, 2019

**SUBJECT:** 11/4/19 Pre-council: Bradford Development Annexation Request

Staff has received the attached annexation petition for 9.37 acres of land at 22839 County Road 17. This property is situated across County Road 17 from the main entrance to the Bridges Golf Course. The petition was submitted by Bradford Development of Mankato, MN and Mitch Bublitz (property owner). Bradford Development proposes a 36 unit Senior Cooperative multi-unit building on the portion of the property shown below:



The pre-council meeting is to discuss the proposal and potential next steps. A summary of development considerations is on the next page. Staff will review these considerations at the pre-council meeting.

## Bradford “Cedar Brook” Development Concept

1. 36 Unit Senior Cooperative – Similar to WillowBrook Project at 1420 E. Burns Valley Road
2. Requires:
  - 1) Annexation
  - 2) Comp plan Change (Currently Designated Low Density; must be changed to Urban Residential)
  - 3) Zoning (Currently un-zoned; R-3 zoning required)
  - 4) Preliminary and Final Plat
  - 5) Site Plan
  - 6) Building Permit
3. Market need:
  - 1) City Housing Study (Active Adult Owner-Occupied):
    - i. 2016 unmet demand = 42 units
    - ii. 2031 unmet demand = 44 units
  - 2) Bradford/Viewpoint:
    - i. 2018 unmet demand = 82 units
    - ii. 2023 unmet demand = 91 units

Recent multifamily housing developments (e.g. Main Square; Bluffview Estates on Mankato Ave, etc) are rental units that do not “count” toward the unmet demand for Owner-Occupied/Cooperative Housing units.

Willowbrook = 43 households on Waiting List  
Cedar Brook = 32 households on reservation list

4. Other considerations:
  - Approximate Tax Impact = \$18,900 per year to City (36 units X \$525 – based on WillowBrook)
  - Approximate Fees to connect to City Utilities = \$63,750 (\$17,000 X 3.75 Acres)
  - Park Dedication = \$19,620 (36 Units X \$545)
  - Housing Study Recommendations:
    - When annexation is occurring, where appropriate allow for zoning changes to allow for multi-family and mixed-use developments
    - Encourage staff to collaborate with the political subdivisions within the Winona Primary Market Area to attract multi-family developers to create the housing needed to fulfill the demand levels stated within the housing study.



October 14, 2019

## WINONA CITY COUNCIL

207 LAFAYETTE STREET | WINONA MN 55987

Dear Council,

Based upon strong demand and the remarkable success of Willow Brook Senior Cooperative (43 on waiting list), HUD has given us the go ahead to sponsor a second senior cooperative in your community. Winona has economic growth that supports a new housing cooperative which will provide affordable senior housing options overtime keeping seniors living in your community. A strong senior population keeps money staying in local banks and being spent at local businesses. The shifting of seniors into new living opportunities, opens up housing inventory for new young families. Overall, this stimulates the economy and meets many of the recommendations provided by the Mayor's Housing Taskforce, Comprehensive Plan and Housing Study.

We are requesting the annexation of +/- 9.37 acres, across from Bridges Golf Course off of highway 17. Cedar Brook Senior Housing Cooperative is a multifamily dwelling ownership model. With very limited building sites available in Winona, the Bublitz property (22839 Country Road 17) is in an ideal location. It is a desirable location where seniors want to live and has direct access to city water and sewer, which runs along county highway 17.

Cedar Brook Senior Cooperative will establish a strong affordable housing component as an anchor for this development, this will attract desirable housing opportunities for developers and residents alike for this growing market in Winona.

The demand for housing in Winona is high and continuing to increase. Based on our most recent market demand study conducted by Viewpoint Consulting in May 2019, results show an unmet demand for 82 cooperative units in the primary market area based on 2018 factors, see Exhibit A. More importantly, with very little marketing efforts, we have a growing list of 32 reservationists (Exhibit B) with money down in anticipation of purchasing their new home this spring 2020. 19 of the 32 households are from right here in Winona, which will increase single family home availability and inventory for future home sales.

Cedar Brook Cooperative will have 4 stories plus heated underground parking for 36-units (90% reserved, pending approval). Cooperatives are owned and operated by the members who live in them. They offer an affordable homeownership option that allows folks 62+ a maintenance-free home, while downsizing with the ability to age in place.

Cedar Brook Cooperative is a HUD approved project for Winona. It will be financed through Section 213 of the National Housing Act, and FHA regulated. HUD inspections of the Bublitz Property have been completed and have been approved for a second senior housing cooperative upon annexation by the City of Winona.

We look forward to meeting with you to assist in bringing this great opportunity to the City of Winona.

Sincerely,

Brad Bass & Melissa Nelson

Bradford Development  
501 N. Riverfront Drive  
Mankato MN 56001

C)

**Michael W. S. Littrell**  
**Laurel A. Littrell**  
23273 Blackberry Rd  
Winona MN 55987  
[mikewlittrell@gmail.com](mailto:mikewlittrell@gmail.com)  
laurellittrell@gmail.com  
(507) 474-4708 (Home)  
(507) 459-4374 (cell)  
(507) 459-3862 (cell)

April 9, 2020

Carlos Espinosa  
Community Development  
207 Lafayette Street  
P.O. Box 378  
Winona MN 55987  
Fax 507-457-8212

Dear Mr. Espinosa,

We are writing this letter to express our strong opposition to annexation of the land along County Road 17. This annexation would allow for a development project on land adjacent to our property.

Our main concerns include the property owner's failure to demonstrate an ability to take proper care of the land already in his possession, leaving us with serious concerns that he would be able to initiate, properly execute and adequately care for any development that would subsequently occur on this land as well as the surrounding land that remains in his possession, in addition to what we perceive as intimidation tactics directed towards us and our family during this process, again, leaving us with serious concerns about how he would conduct himself during any development process. The land for the proposed project is also at the bottom of a basin, the sides of which have been clear cut by the property owner and left to drain and erode into the land at the center of the proposed project. We also have serious concerns about the increase in traffic on County Road 17 if a development were to occur at this site.

In our opinion, the property in question has been severely neglected as has the immediate surrounding land, resulting in both public safety and environmental risks. The land has been left barren after clear cutting a very large percentage of the property, including hillsides that are likely too steep to allow any future development, leaving the land and hillsides to erode and drain into the bottom of the basin at the development site and needlessly taking away wildlife habitat. The huge innumerable piles of trees and brush were left everywhere on the property to

rot and dry out (see pictures of the hillsides surrounding the proposed annexation site forwarded in separate emails). In addition to the erosion concerns, this is also clearly a fire hazard. This has been an eyesore for adjacent property owners and neighbors. I believe that the property owner should demonstrate an ability to care for this land before any consideration of annexation should occur. These dangerous piles that are a fire hazard should be removed as they are putting our property and our neighbors' property at risk. Any subsequent development or housing complex would also be at risk. Once these are cleaned up, the unbuildable hillsides should be replanted with trees to decrease erosion and drainage into the basin below (at the proposed building site).

We also have concerns about the way that the current property owner has conducted himself with us and our family, what we perceive as "intimidation tactics," that leaves us with serious doubts about the property owner's ability to conduct himself with integrity on any future developments. Our family has felt intimidated by the owner of the property to be annexed multiple times over the last 2 years. He let us know early on that he had intentions of putting houses "right up" to our property line and let us know that if we didn't like it, we could purchase what he called "shit land" (his exact words) for 10,000 dollars an acre. When we told him that we did not think it was worth that and that we did not think he could legally build a house on the steep hillside right up against our property line, the property owner came out with a huge bulldozer soon after that, at 8:50 pm on a Friday night, just after sunset, in the summer of 2018, knocking down trees adjacent to our property line while my children were outside with us, intimidating us and terrifying our children. Our children thought we were under attack. We were given no advance notice.

This man also appeared on our property in the evening near dark on at least 2 separate occasions, coming out of the woods adjacent to our house, into our back yard, trespassing without our permission and, again, intimidating and scaring us and our children.

Surveyors were sent out to our property without any advance notice. They showed up when we weren't home and told our children that they were there with our permission and were going to "do some work for your parents" which was, of course, not true. Our children called us, scared to death. Since we knew nothing about it and clearly had not asked anyone to come on our property as they stated, we called the police.

Again, it is my opinion that all of these incidents may have been orchestrated with the intent to intimidate us.

I also have concerns about the need for more senior living. There have been numerous senior living complexes that have been built recently. Are these full? Is there demand to continue to fill these complexes? An empty or partially empty senior living complex at the bottom of a flooded drainage basin with innumerable unsightly piles of surrounding flammable firewood and kindling would be detrimental to property values in the surrounding area. Clearly another unsightly water tower is going to be needed for this development, both for water needs as well as for the fire department to be able to provide protection which will be necessary given the surrounding landscape.

I also have concerns about the increase in traffic on County Road 17. This is a rural road with only a single lane of traffic in both directions and NO sidewalks. Many pedestrians and cyclists are forced to share the shoulders of the road which is not really safe as is. Increasing the traffic in this area with a development without adding sidewalks to County Road 17 would be hazardous.

In summary, we would like to express our strong opposition for annexation of this land, which would enable pursuit of a property development that we feel the property owner is ill-prepared for given a demonstrated inability or unwillingness to properly care for this land. We do not feel that ANY property development should occur until the problems that have been caused on the land surrounding the proposed annexation are taken care of. In my opinion, any housing development would be at risk for fires given the innumerable, huge piles of downed trees and brush on the contiguous land. There has been a complete disregard for the surrounding neighbors, wildlife and the bluffs by leaving them bare and eroding for no good reason. I understand that this is privately owned land but no one should be able to build any housing developments or complexes given past behaviors of intimidating neighbors and a complete disregard for proper care of the land. In addition, County Road 17 is used for transportation by pedestrians, cyclists and vehicles alike. This development would increase both vehicle and pedestrian traffic and is already ill-suited for the mix of foot, bicycle and car and truck traffic that it already has to accommodate.

My neighbors and I strongly feel that this property should remain part of Wilson Township. The township should decide what happens to this land while balancing the best interests of the property owner with the environmental needs of the wildlife and surrounding bluffs in the area, the ability for the County Road to handle the increase in traffic (including pedestrian traffic) and the interests of the immediately surrounding residents of Wilson Township and future occupants of any senior living center.

Please do not hesitate to contact us directly by phone or email at any time. We would love to have the chance to discuss with you in person.

Sincerely,

Michael W. S. Littrell

Laurel A. Littrell

CC: Marcia Ward, Winona County Commissioner



# MEMORANDUM

D)

## DEPARTMENT OF COMMUNITY DEVELOPMENT/PLANNING DIVISION

**TO:** City Council  
**FROM:** Carlos Espinosa, City Planner  
**DATE:** April 28, 2020  
**SUBJECT:** Bublitz Annexation Public Comments

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### Tree and Foliage Removal on Surrounding Land

A large amount of trees and brush were cleared from the land surrounding the proposed annexation. This was a significant change to the landscape and has prompted concerns about erosion and fire danger from the left over brush piles. To assess the situation, staff met with the property owner and walked the land on April 22<sup>nd</sup>. Although a significant amount of trees and brush were removed, the ground cover (e.g. grass) was intact and there were no visible signs of erosion. According to the property owner, an Oriental Bittersweet infestation was the reason so much vegetation was removed.

Staff also consulted with the Fire Department about the fire danger concerns from the left over brush piles. At this time, they do not appear to be a major fire danger. Long term it would be beneficial to burn the piles. Currently the piles fall under the jurisdiction of Wilson Township. Should the annexation proceed, the Fire department will work with the applicable landowner to remedy any potentially hazardous situation within City limits and coordinate with Wilson Township on the surrounding property.

### Traffic

The annexation has prompted concerns about increased traffic on County Road 17, and issues with pedestrian connections. In consulting with the Winona County Highway Department, County Road 17 and the roundabout at Homer Road have sufficient capacity to handle the increased traffic from the full build-out of the annexation area (i.e. the 36 Unit CO-OP and approximately 15-20 single family or twinhome housing units). Should the annexation and development proceed, the need for a right turn lane on County Road 17 will be assessed later in the approvals process. For pedestrians, staff will recommend a sidewalk be installed along the access drive to link the CO-OP with the Golf Course entrance.

The need for additional sidewalks will be assessed during future development proposals.

## Scale of Development

The proposed four-story, 36 unit CO-OP building does not match the character of the surrounding low-density area. However, the impact of the use will be buffered in the short term by an undeveloped area between the subject property and existing houses on County Road 17.



As shown above, there is approximately 250' between the CO-OP property and the adjacent residential properties in Wilson Township. This buffer area will remain designated for low density residential development. This designation would support future rezoning to a "maximum" R-1.5 zoning district which, in concept, would allow new residential homes to be built between the existing structures on County Road 17 and the proposed senior CO-OP.

Also, although the proposed CO-OP building is four stories tall, it will be surrounded by bluffs and located toward the back of a valley. This will help make the height of the building less imposing. In addition, the existing structures along County Road 17 will help reduce the building's visibility from the road.

Overall, staff sees the setting for proposed CO-OP development as somewhat similar to the 49 unit Winona Arms apartment building in Knopp Valley. Although the building is high density, it is part of a surrounding neighborhood which includes single-family homes, townhomes, and a church (see next page).



\*Note: Photo is taken approximately 450' from Winona Arms building. The proposed CO-OP would be located approximately 500' from County Road 17. However, if this photo were taken adjacent to the subject property, existing homes along 17 would be in the foreground – partially blocking the ability to see the CO-OP building.

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Petitions, Requests, Communications</b>	<i>Originating Department:</i> <b>City Clerk</b>	<i>Date:</i> <b>05/04/20</b>
<i>No:</i> <b>3</b>		

*Item:* **Reappointment to the Fine Arts Commission**

*No.* **3.1**

## SUMMARY OF REQUESTED ACTION:

Following is a communication from Mayor Mark Peterson, which is self-explanatory.

May 4, 2020

City Council  
City Hall  
Winona, MN 55987

Dear Council Members:

This letter is to advise that I am this date reappointing Carrie Frederich to the Fine Arts Commission. Her term would be effective May 16, 2020 through May 16, 2023.

I trust that you will approve this appointment.

Sincerely,



Mark F. Peterson  
Mayor

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Petitions, Requests, Communications</b>	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 3	<b>City Clerk</b>	<b>05/04/20</b>

*Item:* **Cotter Schools Street Closure Request for Graduation Ceremony**

*No.* 3.2

## SUMMARY OF REQUESTED ACTION:

Dear Winona City Council Members,

Cotter Schools would like to request your permission and assistance in closing Vila Street between Wabasha and Howard streets on Friday, May 22, 2020, to accommodate our graduation ceremony.

In light of the social distancing requirements outlined by the Governor, Cotter Schools would like to host the ceremony outside in our parking lot. Since graduates will be restricted to one car per family, and most of our community will not be allowed to attend, we will be live streaming the event. To accommodate the space needed for the stage, and to prevent cars from passing during the ceremony, we would like to close Vila Street. We are planning to begin the ceremony at 6:00 pm. To accommodate the set-up and take-down of the stage, and to provide the safest environment possible during the ceremony, we request the street be closed from 3:00 pm - 8:00 pm on Friday, May 22, 2020. Should the weather present a problem that could be addressed by adjusting the ceremony time slightly, we would request your permission for this flexibility.

We appreciate your attention to this matter, and we are happy to provide any additional information needed.

Sincerely,

Sister Judith Schaefer, O.P.  
Cotter Schools President  
507-453-5000

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Petitions, Requests, Communications</b>	<i>Originating Department:</i> <b>Parks &amp; Recreation</b>	<i>Date:</i> <b>05/04/20</b>
<i>No:</i> <b>3</b>		
<i>Item:</i> <b>Request for Island City Beer Run .05K &amp; 5K</b>		
<i>No.</i> <b>3.3</b>		

## SUMMARY OF REQUESTED ACTION:

Island City Brewing and Four One Four Events is requesting Council approval to change the date of their run/walk event from Saturday, April 25, 2020 to Saturday, August 29, 2020 due to delays related to the Covid-19 crisis.

Updated request:

On Saturday, August 29, 2020, Four One Four Events and Island City Brewing will be sponsoring the Beer Run .05K and 5K run/walk. The .05K will begin at 10:00 a.m., the 5K at 10:30 a.m. and both events will end at 12:00 p.m.

In preparation for the event, City Staff met with Four One Four Events and Island City Brewery. The following logistics should be noted:

- The event will take place in Levee Park at the same time as the Farmer's Market.
- City Staff have obtained written permission from the owner of Jefferson's Pub & Grill to allow use of the parking lot until 12:00 p.m.
- Event organizers will notify on-route businesses via USPS.

Staff has reviewed the agreement drafted by the City Attorney's office and recommends approval of the agreement; it is attached for your review.

If Council concurs a motion to approve the attached license agreement would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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**LICENSE AGREEMENT  
ISLAND CITY BEER RUN .05K & 5K**

This License Agreement (the “Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the City of Winona, Minnesota, a municipal corporation under the laws of the State of Minnesota (the “Licensor” or “City”), and, Four One Four Events, LLC, a limited liability company under the laws of the State of Wisconsin (the “Licensee”); (collectively the “parties”).

**RECITALS:**

**WHEREAS**, the Licensor is the owner of the Levee Park and all streets/sidewalks located in the City of Winona, County of Winona, State of Minnesota; and

**WHEREAS**, the Licensee desires to hold a 5K Run/Walk event starting at the City’s Municipal Parking Lot #7, through Levee Park, and continuing along the route specified herein in Exhibit A (the “Event”); and

**WHEREAS**, the Licensor is willing to permit such use, subject to the terms, covenants, and conditions contained herein.

**NOW, THEREFORE, IT IS AGREED** by and between the parties as follows:

1. Premises. The Licensor is the owner of the Levee Park and streets in the City of Winona along the Event race route specified herein (the “Licensed Premises” or “public areas”). The Licensee is hereby granted a terminable license to use the public areas to hold a .05K and 5K Run/Walk Event according to the race route and specifications, which are attached hereto and incorporated herein by reference as Exhibit A. The Licensee shall use the specified public areas only for the Event purposes stated herein.
2. Term. The term of this Agreement shall be: Saturday, August 29, 2020, from 4:00 a.m. to 12:00 p.m.
3. Purpose. The following Event is hereby approved by the City of Winona: a .05K and 5K Run/Walk starting at the Island City parking lot and following the route described in Exhibit A.
4. Permits and Inspections. The Licensee agrees to obtain all applicable permits and pay the respective permit fees as may be required by the City and any other governing bodies having jurisdiction. This Agreement does not exempt the Licensee or any participants or spectators during the Event from observing all ordinances and laws, especially those pertaining to noise and the consumption of intoxicating liquor or 3.2% malt beverages. Inspections shall be made by staff of Licensee to ensure compliance with all applicable local ordinances and state statutes.
5. Portable Restrooms. The location of all portable restrooms shall be approved by the Public Works Department. The restrooms shall be properly operated, maintained and serviced, as needed or required.

6. Use of Licensed Premises. Subject to the other terms and provisions contained herein, the Licensee shall be permitted to use the Licensed Premises only for the limited purpose of the Event stated above. Events or portions thereof may be canceled without notice to the Licensor, but no events may be added or changed to a time not listed herein or on the attached Exhibit A without the Licensor's written consent following reasonable notice from Licensee of the added or rescheduled event(s). During the term of this License, the Licensee shall comply with all applicable laws, regulations, conditions, and covenants affecting the Licensed Premises, whether federal, state, local, or contractual. The Licensee shall not commit or allow to be committed any waste on, destruction of, or damage to, or nuisance on the Licensed Premises. In addition, the Licensee shall be responsible for cleaning the Licensed Premises to the satisfaction of the City at the close of the Event. The Licensee shall restore the Licensed Premises to its original condition at the inception of this License Agreement immediately following the conclusion of the Event. Should the Licensee fail to restore the Licensed Premises to its original condition or such condition as directed by the City Public Works Director, the Licensor may do so at its option, and the Licensee shall pay to the Licensor the cost of Licensor restoring the Licensed Premises to the condition herein stated, payment to be made within 30 days from the date of written notice given by Licensor to the Licensee of the amount of such costs.
7. Assignment or Transfer of License. Licensee shall have no right to assign its interest in this License Agreement without the prior written consent of Licensor. The Licensee, however, may license and sublet portions of the Licensed Premises to licensees, vendors and participants in the Event, provided that the substance of this Agreement is carried forward into any agreements with licensees, vendors and participants.
8. Maintenance/Alteration of Licensed Premises. During the Event, the Licensee shall keep the Licensed Premises in a sanitary condition and keep the Licensed Premises free from refuse. The Licensee shall be responsible for the repair of any damages to the Licensed Premises resulting from its use thereof pursuant to this Agreement. The Licensee shall not be permitted to make any alterations to the Licensed Premises without the prior written consent of the Licensor. On termination of this Agreement, the Licensee shall, at the Licensee's expense, clean up and properly dispose of all refuse and debris caused by the Event and restore the Licensed Premises to the condition they were originally in at the inception of this Agreement, excepting reasonable wear and tear.
9. The Licensor's Access. The Licensor, its employees, and its agents shall have the right to enter the Licensed Premises at all times for all reasonable purposes, including, without limitation, enforcing all applicable laws, regulations and/or ordinances, keeping the peace, and inspecting, cleaning, repairing, altering, or improving the Licensed Premises. Nothing in this Agreement shall be interpreted as requiring the Licensor to perform any such acts independent of the requirements of the other provisions of this Agreement.
10. Insurance and Hold Harmless Provisions.
  - a. Hold Harmless Agreement. The Licensee assumes and agrees to pay for all loss or damage to property whatsoever and injury to or death of any person or persons

whomsoever, including all costs and expenses incident thereto, however arising from or in connection with the existence, construction and maintenance or use of the Licensed Premises or any facilities used by the Licensee or its licensee, vendors and participants in connection with the Event. The Licensee shall indemnify the City against and agrees to save it harmless from any and all claims, demands, lawsuits, or liability for, and such loss or damage, injury, death, and costs and expenses incident thereto. The indemnification provisions of this Section shall not apply to damages or other losses proximately caused by or resulting from the negligence or willful misconduct of the Licensor. All indemnification obligations shall survive termination, expiration or cancellation of this Agreement.

This clause shall not be interpreted to release any vendor, participant or operator from the requirements of this Agreement and to provide insurance and certificates of insurance to the Licensor as provided below, before set-up of operations will be allowed.

- b. Liability Insurance Coverage. The Licensee shall, at their expense, maintain in effect liability insurance with limits not less than the maximum liability limits for a municipality as provided in Minnesota Statutes, Section 466.04; the City of Winona shall have additional insured status and be listed by name on an endorsement attached to such policy(ies) for the Event. Licensee's coverage shall be primary and noncontributory in the event of a loss. The insurance policy(ies) and certificate(s) shall not be canceled or its conditions altered in any manner without ten (10) days prior written notice to the City Manager of the City of Winona. The insuring company shall deliver to the City Clerk, certificates of all insurance required, signed by an authorized representative and stating that all provisions of the specified requirements are satisfied.

Licensee shall require that all licensee, vendors and operators are covered by commercial general liability coverage and that the Licensor has additional insured status. No licensee, vendor or operator shall be allowed to set-up operations until the Licensee has verified that the licensee, vendor or operator has the required commercial general liability insurance coverage.

11. Cost of Electricity. The Licensee will be responsible for paying for the costs of electricity used in conjunction with the Event.
12. Traffic and Crowd Control. The Licensee shall be responsible for establishing an adequate traffic and crowd control system. This system must be coordinated with and approved by the City Police and Fire Departments. Every effort must be made by the Licensee to prevent parking in prohibited areas.
13. Removal of Equipment and Portable Restrooms. All equipment shall be removed at the close of the Event. The portable restrooms and dumpster shall be removed no later than Monday, August 31, 2020. The Licensee shall immediately clean up refuse and debris from the Event within the Licensed Premises after the close of the Event. Representatives from the City and the Licensee shall inspect the Licensed Premises at the close of the Event to release the Licensee from its obligations under this Agreement.
14. Contact Information. The Licensee shall designate the contact persons responsible for the

various areas or activities of the Event and provide the City with the names and phone numbers of those contact persons.

15. Termination of License. If at any time the Licensee breaches a material term or condition of this Agreement, the City Manager may declare this Agreement immediately null and void, upon the Licensor's provision of written notice of the same to the Licensee.
16. General Terms.
  - a. Voluntary and Knowing Action. The parties, by executing this Agreement, state that they have carefully read this Agreement and understand fully the contents thereof; that in executing this Agreement they voluntarily accept all terms described in this Agreement without duress, coercion, undue influence, or otherwise, and that they intend to be legally bound thereby.
  - b. Authorized Signatories. The parties each represent and warrant to the other that (1) the persons signing this Agreement are authorized signatories for the entities represented, and (2) no further approvals, actions or ratifications are needed for the full enforceability of this Agreement against it; each party indemnifies and holds the other harmless against any breach of the foregoing representation and warranty.
  - c. Modifications/Amendment. Any alterations, variations, modifications, amendments or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, and signed by authorized representative of the parties.
  - d. No Partnership, Joint Venture, or Fiduciary Relationship. Nothing contained in this Agreement shall be interpreted as creating a partnership, joint venture, or relationship of principal and agent between the parties.
  - e. Records—Availability and Retention. Pursuant to Minn. Stat. § 16C.05, subd. 5, the Licensee agrees that the Licensor, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Licensee and involve transactions relating to this Agreement. The Licensee agrees to maintain these records for a period of six years from the date of termination of this Agreement.
  - f. Governing Law. This Agreement shall be deemed to have been made and accepted in Winona County, Minnesota, and the laws of the State of Minnesota shall govern any interpretations or constructions of the Agreement without regard to its choice of law or conflict of laws principles.
  - g. Data Practices. The parties acknowledge that this Agreement is subject to the requirements of Minnesota's Government Data Practices Act, Minnesota Statutes, Section 13.01 *et seq.*

- h. No Waiver. Any party's failure in any one or more instances to insist upon strict performance of any of the terms and conditions of this Agreement or to exercise any right herein conferred shall not be construed as a waiver or relinquishment of that right or of that party's right to assert or rely upon the terms and conditions of this Agreement. Any express waiver of a term of this Agreement shall not be binding and effective unless made in writing and properly executed by the waiving party.
- i. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision. Any invalid or unenforceable provision shall be deemed severed from this Agreement to the extent of its invalidity or unenforceability, and this Agreement shall be construed and enforced as if the Agreement did not contain that particular provision to the extent of its invalidity or unenforceability.
- j. Entire Agreement. These terms and conditions constitute the entire Agreement between the parties regarding the subject matter hereof. All discussions and negotiations are deemed merged in this Agreement.
- k. Headings and Captions. Headings and captions contained in this Agreement are for convenience only and are not intended to alter any of the provisions of this Agreement and shall not be used for the interpretation of the validity of the Agreement or any provision hereof.
- l. Survivability. All covenants, indemnities, guarantees, relicenses, representations and warranties by any party or parties, and any undischarged obligations of the Licensor and the Licensee arising prior to the expiration of this Agreement (whether by completion or earlier termination), shall survive such expiration.
- m. Compliance with Laws. The Licensee shall abide by all Federal, State and local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Agreement or to the facilities, programs and staff for which the Licensee is responsible.

*[Remainder of page left intentionally blank.]*

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

FOUR ONE FOUR EVENTS, LLC

By: \_\_\_\_\_  
Sam Kassel, Its Founder & Event Director

CITY OF WINONA

By: \_\_\_\_\_  
Stephen T. Sarvi, Its City Manager

By: \_\_\_\_\_  
Monica Hennessy Mohan, Its City Clerk

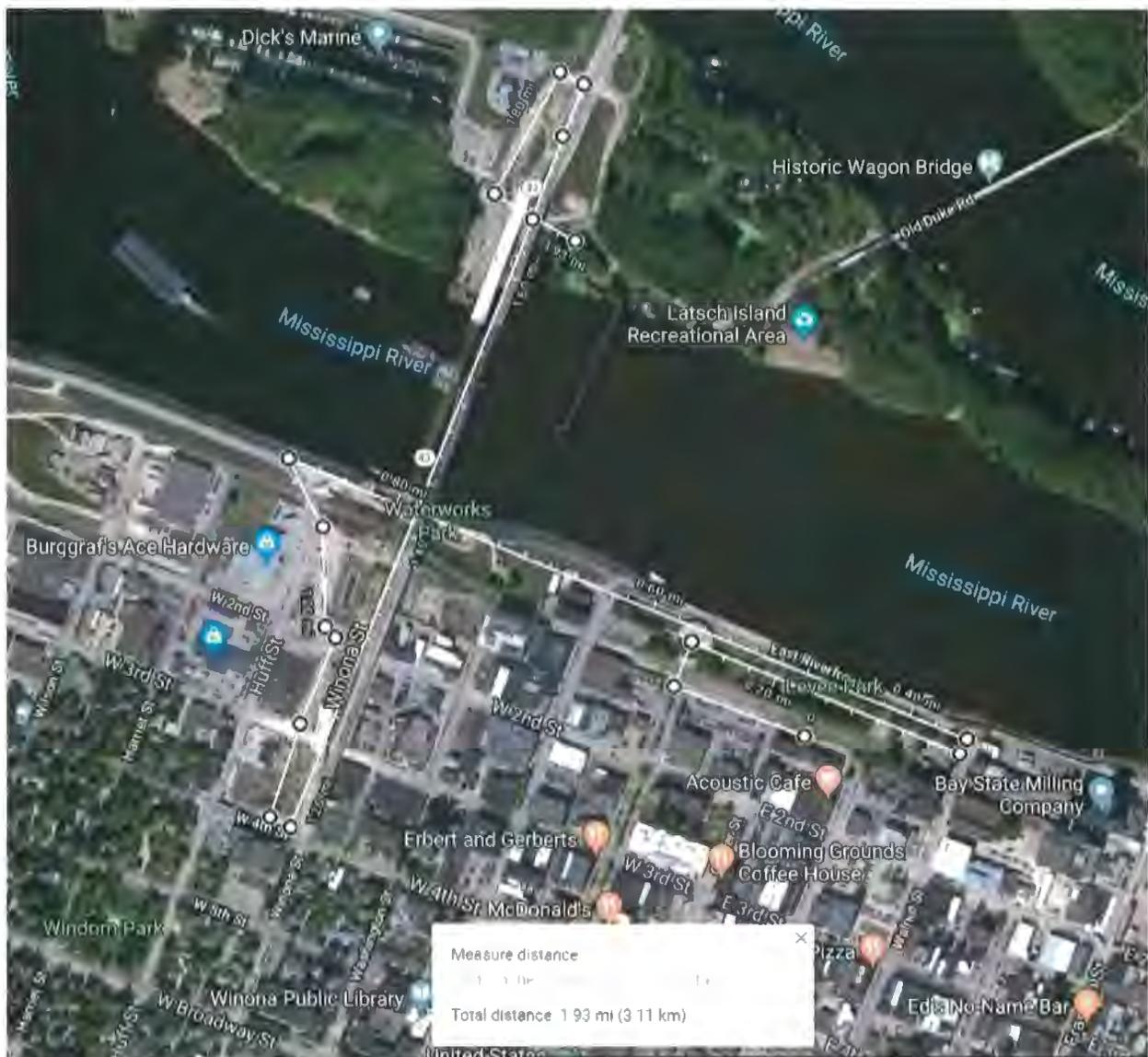
## EXHIBIT A

### ROUTE

The 5K run/walk will utilize the following route:

Island City Parking Lot; West across Center Street, West through Lot #7 to Levee Park; North onto Levee Park Patio; East on path past Lot #9; West on Cal Fremling Parkway; West on Levee Park Bike Path; South at Riverview Drive Bike Path, South across West 2<sup>nd</sup> Street; South across West 3<sup>rd</sup> Street; enter bridge pedestrian path; North on bridge pedestrian path; across bridge; South on pedestrian path underneath bridge; turn-around at end of pedestrian path to the West of Latsch Island Road; return on same route.

### Route map



**Friday, August 29, 2020 – City to place barricades**

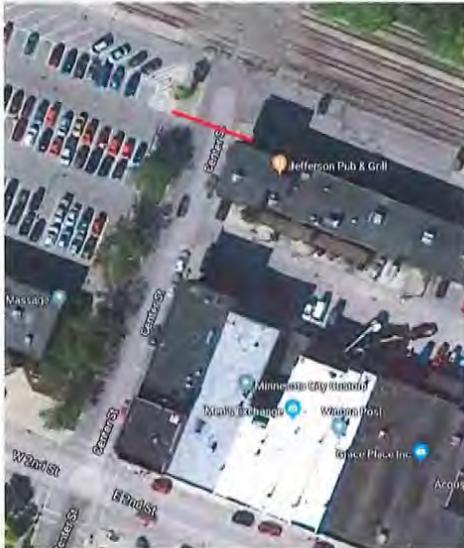
The City shall provide 16 barricades for street closures at the locations described herein. Barricades are to be delivered by the Street Department on this day; event staff will place the barricades on the road and restrict vehicular access by 8:00 a.m. on this day.

**Saturday, August 29, 2020 – Event day**

The following streets and municipal parking lots shall be closed to vehicular traffic from 8:00 a.m. to 12:00 p.m. on this day.

1. The foot of Center Street north of red line and south of the railway

*STREET DEPARTMENT: Place (2) Barricades*

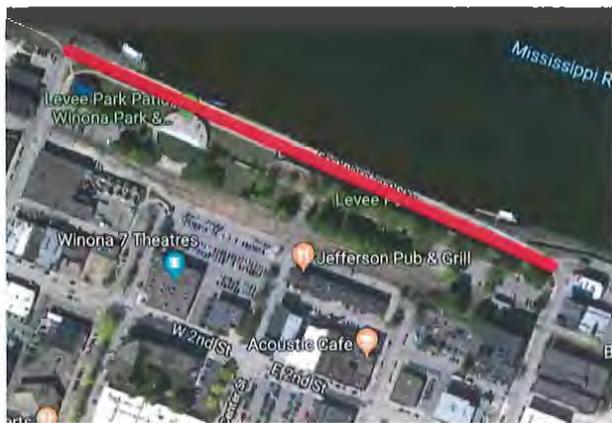


2. Municipal parking lot #7, 60 Main Street, northern two rows of parking (44 stalls)

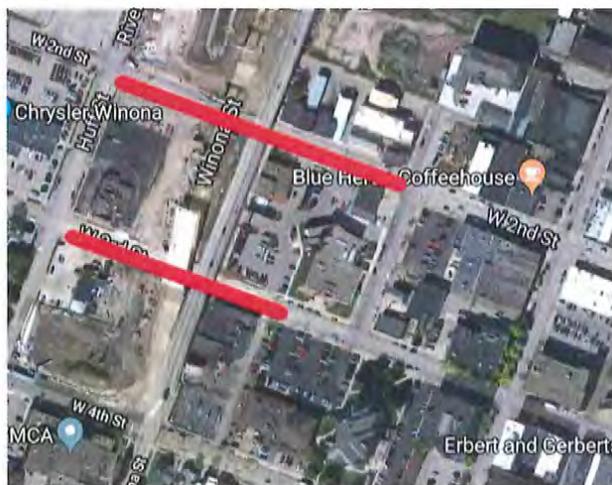
*STREET DEPARTMENT: Place (26) Cones and no parking signs for Saturday, August 29 from 8:00 a.m. to 12:00 p.m.*



3. Cal Fremling Parkway  
*STREET DEPARTMENT: Place (4) Barricades, (2) on each end*



4. West 2<sup>nd</sup> and 3<sup>rd</sup> Street between Huff Street and Washington Street  
*STREET DEPARTMENT: Place (8) Barricades, (2) on each end of red line*



5. Course turnaround, Latsch Island Road  
*STREET DEPARTMENT: Place (2) Barricades at end of bike path*



# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>Petitions, Requests, Communications</b>	<i>Originating Department:</i> <b>Parks and Recreation</b>	<i>Date</i> <b>05/04/20</b>
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*Item:* **License Agreement with WSU Outdoor Education Recreation Center**

*No.* **3.4**

## SUMMARY OF REQUESTED ACTION:

The City of Winona Parks and Recreation Department, through Council Action, has allowed the Outdoor Education and Recreation Center at Winona State to place trailers of canoes, kayaks, paddle boards, and bikes at Prairie Island Park. The attached agreement is an update to that original agreement.

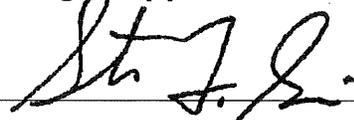
Further, Front Porch Management, the operators of Prairie Island Campground, has a desire to offer rentals to campers, guests, and the public at large. Front Porch Management plans to work with the Outdoor Education and Recreation Center at Winona State to offer rentals of canoes, kayaks, paddle boards and other recreational equipment. The attached agreement is needed to allow the Outdoor Education and Recreation Center at Winona State to place the necessary equipment within Prairie Island Park to accommodate this service. A map of the proposed area is attached.

If the Council concurs, a motion to approve the agreement and to authorize the City Manager and the City Clerk to execute the same would be in order.

**Department Approval:**



**City Manager Approval:**



## LICENSE AGREEMENT

THIS LICENSE AGREEMENT (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the City of Winona, a municipal corporation under the laws of the State of Minnesota (“Licensor” or the “City”), and the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and University, on behalf of Winona State University (“Licensee”); (collectively the “Parties”).

WITNESSETH:

WHEREAS, Licensee desires to place and store within Prairie Island Campground certain equipment for the purposes of holding bikes, canoes, kayaks and paddleboards for rental; and

WHEREAS, the Licensor is willing to permit such use subject to the terms, covenants, and conditions contained herein.

NOW, THEREFORE, IT IS AGREED by and between the Parties as follows:

1. **Grant of License and Description of Licensed Premises.** The Licensor is the owner of the Prairie Island Campground in the City of Winona, Minnesota, and has entered into a Management Services and Operation Agreement with Front Porch Management LLC (the “Operator”) for the operation and management of the Campground and an Amended and Restated License Agreement for operation of the camp store authorizing Operator’s renting from the camp store certain outdoor equipment supplied by a vendor such as Winona State University for purposes of biking, canoeing, kayaking, and paddleboarding, along with rental of equipment appurtenant thereto, such as helmets, paddles and lifejackets (collectively the “equipment”). The Licensee is hereby granted a terminable license to place and store the equipment for the purposes stated herein within Prairie Island Campground within an area designated by the Park and Recreation Department (the “Licensed Premises”). The Licensed Premises is depicted on the schematic drawing, which is attached hereto and incorporated herein by reference as Exhibit A. The configuration, set up and materials used for placing, storing, securing and holding the equipment within the Licensed Premises shall be approved by Park and Recreation Department as provided in Paragraph 8 of this Agreement.
2. **License Fee.** As and for the use of the Licensed Premises, a license fee of One Dollar (\$1.00) and other good and valuable consideration shall be paid shall be paid by the Licensee.
3. **License Term and Renewal.** The license term shall commence on February 21, 2020, and terminate on February 20, 2021. The City hereby grants to Licensee, subject to the conditions set forth below, the right and option to renew this Agreement for One (1) renewal term of Two (2) years, under the same terms, covenants, and conditions as stated

herein.

- a. The option to renew must be exercised by the Licensee first giving to the City at least Sixty (60) days prior written notice of the exercise thereof. In no event shall the Licensee be entitled to renew the term hereof, even though such notice is timely given, unless the Licensee shall have timely performed all of its obligations hereunder as of the date of the expiration of the initial term hereof to the satisfaction of the City of Winona Parks and Recreation Director.
- b. Unless otherwise expressly stated to the contrary, all provisions of this Agreement shall be applicable to any such renewal period.

**4. Termination.**

- a. Termination. Notwithstanding any provision of the Agreement, this Agreement may be terminated; 1) by mutual agreement of the Parties at any time; 2) by the City in the event of a substantial change of use, which includes, but is not limited to, redevelopment, abandonment, transfer, or sale; or 3) by either Party for good and sufficient reasons, including default, upon thirty (30) days' written notice to the other Party. For purposes of this Agreement, "good and sufficient reasons" do not include the mere convenience of either party, but instead include reasons of a material nature, including but not limited to, default, changed circumstances affecting the purpose of this Agreement, or for reasons affecting the public interest or public health, safety or welfare.
- b. Personal Property Upon Termination. If this Agreement is terminated for any reason, the Licensee shall remove its personal property from the Premises within the 30 day notice period. Failure of the Licensee to remove its personal property within 30 days of written notification shall constitute a waiver of Licensee's right and the items may then be removed, stored and/or disposed of or used at the discretion of the City. If the items are removed, stored and/or disposed of by the City, the costs of removal, storage and/or disposal shall be the responsibility of the Licensee.

5. **Use of Licensed Premises**. Subject to the other terms and provisions contained herein, the Licensee shall be permitted to use the Licensed Premises only for the specific purpose hereinabove stated; provided, however, that during the term of this License, the Licensee shall comply with all applicable laws, regulations, conditions, and covenants affecting the Licensed Premises, whether federal, state, local, or contractual. The Licensee shall not intentionally commit or allow to be committed any waste on, destruction of, or damage to, or nuisance on the Licensed Premises. Should the Licensee intentionally commit or allow to be committed any waste on or destruction to the Licensed Premises, the Licensee shall immediately restore the Licensed Premises to the original condition of the Licensed Premises at the inception of this License Agreement or as altered in accordance with

plans as submitted to, and approved by, the Park and Recreation Director of the Licensor, or his/her designated representative, or, alternatively, pay to the Licensor the cost of restoring the Licensed Premises to the condition herein stated, payment to be made within 30 days from the date of written notice given by Licensor to the Licensee of the amount of such costs. The Licensee shall at all times maintain the Licensed Premises and the equipment in good condition and promptly remove any damaged equipment on its own initiative or at the request of the Licensor or the Operator. No advertising shall be displayed on the Licensed Premises or equipment. The Licensee shall keep the Licensed Premises in a sanitary condition and keep the Licensed Premises free from refuse. On a daily basis, Licensee shall provide, or arrange for, clean-up of the Licensed Premises and any garbage. On termination of this Agreement, the Licensee shall, at the Licensee's expense, restore the Licensed Premises to the condition they were originally in at the inception of this Agreement.

6. **Licensor's Right of Entry.** The Licensor, its employees, and its agents shall have the right to enter the Licensed Premises at all times for all reasonable purposes, including, without limitation, enforcing all applicable laws, regulations and/or ordinances, keeping the peace, and inspecting, cleaning, repairing, altering, or improving the premises. Nothing in this Agreement shall be interpreted as requiring the Licensor to perform any such acts independent of the requirements of the other provisions of this Agreement.
7. **Assignment or Transfer of License.** Licensee shall have no right to assign its interest in this License Agreement without the prior written consent of Licensor.
8. **Improvements and Alterations.** The Licensee shall not be permitted to make any improvements or alterations to the Licensed Premises without the prior written consent of the Park and Recreation Director, except, however, the Licensee shall, at Licensee's expense, make any improvements to the Licensed Premises, which are needed to maintain the Licensed Premises in their original condition or their condition as altered, if such alteration has been approved in writing by the Park and Recreation Director of Licensor. The Licensee shall at all times maintain the Licensed Premises, and any allowed improvements made thereto, and all equipment therein, in a good and safe condition. Prior to the placement of the equipment within the Licensed Premises or otherwise setting up the Licensed Premises for the storage of the equipment, the Licensee shall present plans to the Parks and Recreation Department for approval; if approved, that fact shall be noted on the plans. Plans shall be sufficiently detailed to show the configuration, set-up, materials to be used, and the shape and size of the storage area; the location of the equipment and storage units used, if any; that the same do not impede pedestrian or motorized or non-motorized vehicles or endanger public safety; the presence of utilities which may be affected by the work; and such other or different information as the Park and Recreation Department may require. In the public interest the Park and Recreation Director of Licensor may at any time and from time to time order changes or alterations to be made in the improvement(s), equipment or Licensed

Premises, including the location of the Licensed Premises. Notwithstanding any other provision contained in this Agreement, if at any time in the judgment of the City Manager or the Park and Recreation Director, the improvement(s) or equipment present a hazard to the public, the City Manager or the Park and Recreation Director may take such action as he/she shall consider appropriate to render the improvement(s) or equipment safe or to make the Licensed Premises in which the improvement(s) or equipment are located safe for public use. The City Manager may order the destruction and removal of the improvement(s) or equipment or any portion thereof, or its repair, or he/she may make the Licensed Premises unavailable for public use, or he/she may take whatever other or different action appear as appropriate, including but not limited to termination of this Agreement. Any expenses incurred as a result of action taken by the City Manager shall be paid by the Licensee.

**9. Insurance and Liability.**

- a. **Insurance.** It shall be the duty of Licensee and Licensor to maintain adequate insurance or self-insurance on their own property, both real and personal. The Licensor and Licensee shall, at their respective expense, maintain in effect bodily injury liability insurance and property damage insurance with limits not less than the maximum liability amount for a municipality and the state of Minnesota as provided in Minnesota Statutes, Sections 466.04 and 3.736, respectively. Notwithstanding anything to the contrary contained in this Agreement, Licensee and Licensor hereby release one another and their respective partners, officers, and employees from any and all liability or responsibility to the other or anyone claiming through or under them by way of subrogation or otherwise for loss or damage covered by said insurance, even if such loss or damage shall have been caused by the fault or negligence of the other party, or anyone for whom such party may be responsible.
- b. **Liability.** Licensee and Licensor agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Licensor's and Licensee's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Sections 466.04 and 3.736, respectively, and other applicable law. The Licensee knows, understands and acknowledges the risks and hazards associated with their respective use of the Licensed Premises described herein and Licensee hereby assumes any and all risks and hazards associated with its respective use.

**10. Condition of Licensed Premises.** Licensee acknowledges that it has inspected the Licensed Premises and accepts the same in an "as is" condition.

**11. General Terms.**

- a. **Voluntary and Knowing Action.** The parties, by executing this Agreement, state that they have carefully read this Agreement and understand fully the contents thereof; that in executing this Agreement they voluntarily accept all terms described in this Agreement without duress, coercion, undue influence, or otherwise, and that they intend to be legally bound thereby.
- b. **Authorized Signatories.** The parties each represent and warrant to the other that (1) the persons signing this Agreement are authorized signatories for the entities represented, and (2) no further approvals, actions or ratifications are needed for the full enforceability of this Agreement against it; each party indemnifies and holds the other harmless against any breach of the foregoing representation and warranty.
- c. **Notices.** The parties' representatives for notification for all purposes are:

**Licensor:**

Name: Monica Hennessy Mohan  
Position: City Clerk  
Address: P.O. Box 378  
Winona, MN 55987-0378  
Phone: 507-457-8256

**Licensee:**

Name: Laura Mann  
Position: Winona State University Director of Purchasing  
Address: P.O. Box 5838  
Winona, MN, 55987  
Phone: (507) 457-5069

All communications, demands, notices, or objections permitted or required to be given or served under this Agreement shall be in writing and shall be deemed to have been duly given or served if delivered in person to the other party or its authorized agent or if deposited in the United States mail, postage prepaid, for mailing by certified or registered mail, return receipt requested, and addressed to the other party to this Agreement, to the address set forth above, or if to a party not a party to this Agreement, to the address designated by a party to this Agreement in the foregoing manner. Any party may change its address by giving notice in writing, stating its new address, to any other party as provided in the foregoing manner. Commencing on the 10th day after the giving of such notice, such newly designated address shall be such address for the purpose of all communications, demands, notices, or objections permitted or required to be given or served under this Agreement.

- d. **No Partnership, Joint Venture, or Fiduciary Relationship.** Nothing contained

in this Agreement shall be interpreted as creating a partnership, joint venture, or relationship of principal and agent between the Licensee and Licensor.

- e. **Modifications/Amendment.** Any alterations, variations, modifications, amendments or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, and signed by authorized representative of the parties.
- f. **Records—Availability and Retention.** Pursuant to Minn. Stat. § 16C.05, subd. 5, the Licensee agrees that the Licensor, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Licensee and involve transactions relating to this Agreement. The Licensee agrees to maintain these records for a period of six years from the date of termination of this Agreement.
- g. **Cumulative Rights.** Except as otherwise expressly stated herein, no right or remedy herein conferred on or reserved to the Licensee or the Licensor is intended to be exclusive of any other right or remedy hereby provided by law, but each shall be cumulative in, and in addition to, every other right or remedy given herein or hereafter existing at law, in equity, or by statute.
- h. **Compliance with Laws.** The Licensee shall abide by all Federal, State and local laws, statutes, ordinances, rules and regulations now in effect or hereinafter adopted pertaining to this Agreement or otherwise.
- i. **Governing Law.** This Agreement shall be deemed to have been made and accepted in Winona County, Minnesota, and the laws of the State of Minnesota shall govern any interpretations or constructions of this Agreement without regard to its choice of law or conflict of laws principles.
- j. **Data Practices.** The parties acknowledge that data collected pertaining to this Agreement is subject to the requirements of Minnesota's Government Data Practices Act, Minnesota Statutes, Section 13.01 et seq.
- k. **No Waiver.** Any party's failure in any one or more instances to insist upon strict performance of any of the terms and conditions of this Agreement or to exercise any right herein conferred shall not be construed as a waiver or relinquishment of that right or of that party's right to assert or rely upon the terms and conditions of this Agreement. Any express waiver of a term of this Agreement shall not be binding and effective unless made in writing and properly executed by the waiving party.

- l. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision. Any invalid or unenforceable provision shall be deemed severed from this Agreement to the extent of its invalidity or unenforceability, and this Agreement shall be construed and enforced as if the Agreement did not contain that particular provision to the extent of its invalidity or unenforceability.
- m. **Entire Agreement.** These terms and conditions constitute the entire agreement between the parties regarding the subject matter hereof. All discussions and negotiations are deemed merged in this Agreement.
- n. **Headings and Captions.** Headings and captions contained in this Agreement are for convenience only and are not intended to alter any of the provisions of this Agreement and shall not be used for the interpretation of the validity of the Agreement or any provision hereof.
- o. **Survivability.** All indemnities, guarantees, releases, representations and warranties by any party or parties, and any undischarged obligations of Licensee and Licensor arising prior to the expiration of this Agreement (whether by completion or earlier termination), shall survive such expiration.

*[Remainder of page left intentionally blank]*

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

ADDRESS:

WINONA STATE UNIVERSITY

P.O. Box 5838  
Winona, MN 55987-5838

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

ADDRESS:

CITY OF WINONA, MINNESOTA

City Hall  
207 Lafayette Street  
P.O. Box 378  
Winona, MN 55987

By: \_\_\_\_\_

Its: City Manager

By: \_\_\_\_\_

Its: City Clerk

Date: \_\_\_\_\_

**EXHIBIT A**

**Depiction of Licensed Premises**

# Exhibit 1

City of Winona - Prairie Island Campground



0 100 200 400 Feet

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> <b>5</b>	<b>City Clerk</b>	<b>05/04/20</b>

*Item:* **Liquor License Fees for 2020**

*No.* **5.1**

## SUMMARY OF REQUESTED ACTION:

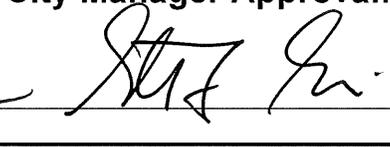
The City Clerk's Office has received several calls and emails from current liquor license holders regarding the upcoming renewals of their on-sale licenses, many of whom are requesting that the City reduce their fees due to the fact that they have been closed under the Governor's emergency orders regarding the Coronavirus pandemic.

Staff is proposing that all on-sale licenses be given a credit on the amount due for the license renewal based on the amount of time that they have been impacted by the shutdown. That is currently 7 weeks, and unknown as of today if that will be extended. Staff is also proposing the on-sale license fees be split into 2 payments, one due by Thursday, June 4 (which is a week later than is normally due), and the second payment due December 1.

Attached is a worksheet showing the estimated amount of the credit for each of the various on-sale licenses. The total cost to the City for the 7-week credit is approximately \$18,500. Staff will apply the credit for the 7 weeks to the first payment that is due in June, and if the state closure is extended, an additional credit would be applied on the second payment.

Also attached for the Council's review is a list of the approved 2020 fees for on-sale licenses with this credit applied.

If the Council concurs, a motion to approve the amended fee schedule for 2020 would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
--	---

**Proposed Credit for On-Sale Liquor Licenses  
To be applied to the 2020 Renewals**

	<b>Number</b>	<b>2019 Annual Fee</b>	<b>Per Week</b>	<b>Weeks closed</b>	<b>Amount per Licensee</b>	<b>Total Amount to credit or refund</b>
On-sale intoxicating liquor	37	\$ 3,157	\$ 60.71	7	\$ 424.98	\$ 15,724.29
On-sale brewer taproom	1	\$ 1,120	\$ 21.54	7	\$ 150.77	\$ 150.77
On-Sale Sunday	38	\$ 200	\$ 3.85	7	\$ 26.92	\$ 1,023.08
On-sale club - small	1	\$ 300	\$ 5.77	7	\$ 40.38	\$ 40.38
On-sale club - mid-size	3	\$ 463	\$ 8.90	7	\$ 62.33	\$ 186.98
On-sale club - large	0	\$ 650	\$ 12.50	7	\$ 87.50	\$ -
On-sale wine	8	\$ 660	\$ 12.69	7	\$ 88.85	\$ 710.77
On-sale 3.2% malt liquor	11	\$ 446	\$ 8.58	7	\$ 60.04	\$ 660.42
						<u>\$ 18,496.69</u>

Dates of Temporary Closure: March 17 - May 4



# Liquor License Fee Schedule 2020

	<u>One Month</u>	<u>Annual Fee</u>	<u>Credit for Closure</u>	<u>First Payment</u>	<u>Second Payment</u>
• <b>New License Processing Fee</b>		\$240.00			
• <b>On-Sale Intoxicating Liquor:</b>					
• Restaurant/Hotel	\$270.92	\$3,251.00	\$424.98	\$1,200.52	\$1,625.50
• Exclusive Liquor Store	\$270.92	\$3,251.00	\$424.98	\$1,200.52	\$1,625.50
• Microdistillery cocktail room	\$270.92	\$3,251.00	\$424.98	\$1,200.52	\$1,625.50
• Brewer taproom	\$96.25	\$1,155.00	\$150.77	\$426.73	\$577.50
• <b>On-Sale Sunday Intoxicating Liquor</b>	\$16.67	\$200.00	\$26.92	\$73.08	\$100.00
• <b>On-Sale Club Intoxicating Liquor</b>					
• Up to 200 Members	\$25.00	\$300.00	\$40.38	\$109.62	\$150.00
• 201 to 500 Members	\$39.58	\$475.00	\$62.33	\$175.17	\$237.50
• 501 and up	\$54.17	\$650.00	\$87.50	\$237.50	\$325.00
• <b>On-Sale Wine</b>	\$56.67	\$680.00	\$88.85	\$251.15	\$340.00
• <b>On-Sale 3.2 Percent Malt Liquor</b>	\$38.33	\$460.00	\$60.04	\$169.96	\$230.00
• <b>Consumption and display permit</b>	\$8.58	\$103.00			
• <b>Off-Sale Intoxicating Liquor</b>	\$27.92	\$335.00			
• <b>Off-Sale Microdistillery</b>	\$27.92	\$335.00			
• <b>Off-Sale Small brewer tap room</b>	\$27.92	\$335.00			
• <b>Off-Sale Brewpub malt liquor</b>	\$19.17	\$230.00			
• <b>Off-Sale 3.2 Percent Malt Liquor</b>	\$6.33	\$76.00			
• <b><u>Late Fee</u></b>		3%			
• <b>Mechanical Amusement Device</b>		\$15.00 per location and \$15.00 per machine			

**Issue checks payable to: City of Winona**

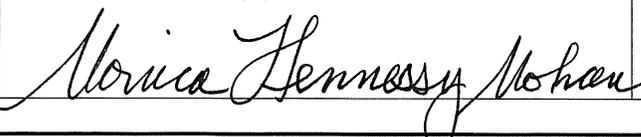
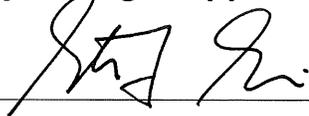
# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> <b>5</b>	<b>City Clerk</b>	<b>05/04/20</b>
<i>Item:</i> <b>Suspend Transit Fare Collection for Balance of 2020</b>		
<i>No.</i> <b>5.2</b>		

## SUMMARY OF REQUESTED ACTION:

On April 6, the City Council approved a policy to suspend the collection of transit fares effective April 7, 2020, until May 8, 2020, based on information received from the Minnesota Department of Transportation - Office of Transit and Active Transportation, encouraging transit systems to go fare-free during the Covid 19 pandemic. This step reduces interactions between transit drivers and riders, lessens the burdens on those facing unemployment, or those simply trying to get to the grocery store.

MnDOT has received additional federal funds, appropriated in the CARES Act, to assist transit systems across the state in addressing the significant decrease in transit ridership and resulting decrease in fares. MnDOT has indicated that they will be revising the 2020 Transit grant to cover the 20% local share. Therefore, staff is suggesting that the bus fare collection be suspended for the balance of 2020. If the Council concurs, a motion to approve would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> <b>5.</b>	<b>City Engineer</b>	<b>5/4/2020</b>
<i>Item:</i> <b>2020 Sidewalk Replacement Project-City Manager's Recommendation</b>		
<i>No:</i> <b>5.3</b>		

## SUMMARY OF REQUESTED ACTION:

Attached is the City Manager's recommendation to construct the 2020 Sidewalk Replacement Project. The project this year includes the area between Main to Lafayette Streets, along with alleys, complaints and curb repairs. Attached is the Engineer's Estimate. The total estimate for the project is \$109,727.77. The City's share is estimated at \$80,987.00. This amount is included in the 2020 budget for the City's share.

This sidewalk was inspected last spring and the property owners were notified that they could do the work themselves or hire a contractor to do the sidewalk replacement prior to October 31, 2019. This project consists of those sidewalks that were not replaced. The City's share is for alleys, curb and gutter, city property, etc.

If Council concurs, a motion to approve the attached resolution would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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**RESOLUTION**

**Resolution to Prepare Feasibility Report on Improvement  
(Initiated by Council)  
City Project No. 999-ST-20**

**WHEREAS**, the City Council proposes to construct the following local improvement: 2020 Sidewalk Replacement Project, and to assess the benefited property for all or a portion of the costs of such improvement, pursuant to Chapter 429, Minnesota Statutes, as amended.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Winona, Minnesota, that the proposed improvement is hereby referred to the City Manager and the City Engineer and that such persons are instructed to report to the council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark F. Peterson  
Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk

# **City Manager's Recommendation To Make Local Improvements**

(Chapter 429)

Winona, Minnesota

May 4<sup>TH</sup>, 2020

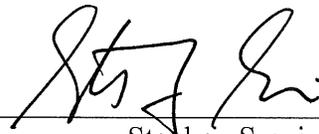
City Project Number: 999-ST-20

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**To the City Council of the City of Winona, Minnesota:**

I recommend to the City Council making the following improvements pursuant to Chapter 429, Minnesota Statutes, as amended:

## **2020 Sidewalk Replacement Project**



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Stephen Sarvi, *City Manager*

## ENGINEER'S ESTIMATE 2020 Sidewalk Replacement Project

<i>Item No.</i>	<i>Description</i>	<i>Assessable Quantity</i>	<i>Non- Assessable Quantity</i>	<i>Total Project Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Assessable Estimate</i>	<i>Non- Assessable Estimate</i>	<i>Total Project Estimate</i>
2104.504	Sidewalk Removal	3,369.67	5,338.00	<b>8,707.67</b>	SF	\$ 2.00	\$ 6,739.34	\$ 10,676.00	<b>\$ 17,415.34</b>
2104.503	Concrete Sawing	102.00	555.00	<b>657.00</b>	LF	\$ 4.00	\$ 408.00	\$ 2,220.00	<b>\$ 2,628.00</b>
2521.518	Construct 4-Inch Sidewalk	2,979.25	3,175.00	<b>6,154.25</b>	SF	\$ 5.00	\$ 14,896.25	\$ 15,875.00	<b>\$ 30,771.25</b>
2521.518	Construct 6-Inch Sidewalk	390.42	1,893.00	<b>2,283.42</b>	SF	\$ 7.00	\$ 2,732.94	\$ 13,251.00	<b>\$ 15,983.94</b>
2521.518	Construct 8-Inch		271.00	<b>271.00</b>	SF	\$ 9.00	\$ -	\$ 2,439.00	<b>\$ 2,439.00</b>
2101.524	Clear and Grub Trees		2.00	<b>2.00</b>	EA	\$ 900.00	\$ -	\$ 1,800.00	<b>\$ 1,800.00</b>
2531.503	Curb & Gutter		453.00	<b>453.00</b>	LF	\$ 36.00	\$ -	\$ 16,308.00	<b>\$ 16,308.00</b>
2104.503	Curb & Gutter Removal		453.00	<b>453.00</b>	EA	\$ 6.00	\$ -	\$ 2,718.00	<b>\$ 2,718.00</b>
2504.602	Adjust Stop Box		19.00	<b>19.00</b>	EA	\$ 300.00	\$ -	\$ 5,700.00	<b>\$ 5,700.00</b>
2531.618	Truncated Domes		200.00	<b>200.00</b>	SF	\$ 50.00	\$ -	\$ 10,000.00	<b>\$ 10,000.00</b>

<b>Totals</b>	<b>\$ 24,776.53</b>	<b>\$ 80,987.00</b>	<b>\$ 105,763.53</b>
Plus Engineering, Admin & Bonding Costs	<u>\$ 3,964.24</u>		<u>\$ 3,964.24</u>
	\$ 28,740.77		\$ 109,727.77

Dated May 4th, 2020

  
 Brian DeFrang, City Engineer  
 License #40971

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>  <b>City Engineer</b>	<i>Date</i>  <b>5/4/2020</b>
<i>No:</i> <b>5.</b>		
<i>Item:</i> <b>2020 Sidewalk Replacement Project Feasibility Report and Resolution Ordering Hearing</b>		
<i>No.</i> <b>5.4</b>		

## SUMMARY OF REQUESTED ACTION:

Attached are the City Engineer's report on the feasibility of the proposed 2020 Sidewalk Replacement Project, the areas to be assessed, and the City Manager's recommendation on the feasibility report.

The attached resolution orders a public hearing for **Monday, May 18<sup>th</sup>, 2020.**

If Council concurs, a motion to approve the attached resolution would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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**RESOLUTION**

**Resolution Receiving Feasibility Report and  
Setting Date for Hearing on Improvement  
City Project No. 999-ST-20**

**WHEREAS**, pursuant to a Resolution of the Council adopted on May 4th, 2020, a preliminary report has been prepared by the City Engineer with respect to the following local improvement:

2020 Sidewalk Replacement Project, and

**WHEREAS**, the report and the recommendation of the City Manager were presented to the City Council; and

**WHEREAS**, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Winona, Minnesota:

1. The preliminary report of the City Engineer is hereby received and the recommendation of the City Manager is hereby accepted.
2. The Council will consider the improvement in accordance with the report in the estimated total cost of \$109,727.77. A reasonable estimate of the amount to be assessed to abutting property and the description of the methodology used to calculate individual assessments amount will be available at the hearing pursuant to Minnesota Statutes, Chapter 429.
3. A public hearing shall be held on such proposed improvement at 6:30 p.m. on Monday, May 18<sup>th</sup>, 2020, in the Council Chambers of the City Hall. The City Clerk is hereby directed to give mailed and published notice of such hearing and improvement as required by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark F. Peterson, Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan, City Clerk

## 2020 Sidewalk Replacement Project

City Project Number: 999-ST-20

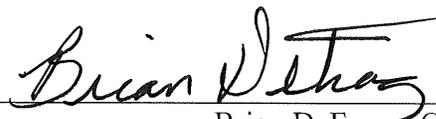
Winona, Minnesota

May 4<sup>th</sup>, 2020

### CITY ENGINEER'S REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENT AND AREA TO BE ASSESSED

To the City Manager of the City of Winona, Minnesota:

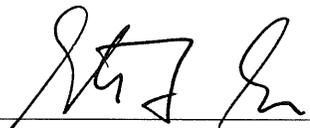
I report that the improvements as referenced above are feasible and should best be made as proposed. The estimated costs, made without survey or plans, are \$109,727.77. The areas proposed to be assessed are: *see attached Exhibit "A" incorporated herein by reference.*



\_\_\_\_\_  
Brian DeFrang, City Engineer

### CITY MANAGER'S RECOMMENDATION ON FEASIBILITY REPORT, ETC. FOR LOCAL IMPROVEMENT

I recommend to the City Council proceeding with the local improvements as referenced above and find the areas to be assessed are as shown on the resolution initiated by Council.



\_\_\_\_\_  
Stephen Sarvi, City Manager

## 2020 Sidewalk Project

### Exhibit A

60 E 10TH ST, 32.455.0710, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 ELY 60'  
OWNER(S): ALEXANDER REAL ESTATE LLC

68 W 10TH ST, 32.455.0820, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-008 48' ON 10TH  
ST X 70' COM 62' FR MAIN ST LOTS 7 & 10 BLK 8 OWNER(S): SHARA PORTER-CASPER & JOEL CASPER

52 W 10TH ST, 32.455.0850, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-008 ELY 50' EX:  
TRI PARCEL ON WEST SIDE FRONTING 1 1/2' ON 10TH ST OWNER(S): PINGPING ZHANG & KURT  
BOLSTAD

63 W 10TH ST, 32.455.1080, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-017 W 60'  
OWNER(S): GUILLERMINA LOPEZ

62 W 11TH ST, 32.455.1190, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-017 WLY 35'  
OWNER(S): BLUFF CITY PROPERTIES 3 LLC C/O KEVIN J BRADY

62 E 11TH ST, 32.455.1350, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-018 E 75' OF S 10'  
& E 75' LOT 10 EX: S 44' OF W 18' OF E 75' OWNER(S): BLUFF CITY PROPERTIES 9 LLC

72 E 11TH ST, 32.455.1370, SANBORNS ADDITION Lot-009 Block-018 M 1/3 OWNER(S): KEVIN J BRADY

54 E 3RD ST, 32.000.1000, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-015 ELY 10' OF WLY 20'  
OF NLY 20' OWNER(S): ABRAMSON PROPERTIES LLC %SCOTT ABRAMSON

50 E 3RD ST, 32.000.1020, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-015 SLY 99 1/4' OF WLY  
50' OWNER(S): OFF CENTER PARTNERS

66 E 3RD ST, 32.000.1060, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-015 E 7' FRONT & 140'  
DEEP EAST SIDE OF LOT 8 & W 2/3 LOT 9 OWNER(S): HOME & COMMUNITY OPTIONS INC

78 E 3RD ST, 32.000.1090, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-015 ELY 40' OWNER(S):  
ANGELA K HELGET WEDUL & TED M WEDUL

57 E 3RD ST, 32.000.1790, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-004 Block-022 E 2/3 OWNER(S):  
CREIDIM ROCK HOLDINGS LLC

66 W 4TH ST, 32.000.1710, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-021 E 46'-6"  
OWNER(S): VITRUVIUS LLC

51 E 4TH ST, 32.000.2440, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-004 Block-027 OWNER(S):  
CHASE M HOFFMANN & WENDY S HOFFMANN

51 W 4TH ST, 32.000.2500, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-028 OWNER(S): LEE  
WILLIAM PROPERTIES LLC

1317 W 5TH ST, 32.520.0230, Sect-21 Twp-107 Range-007 UPLAND ADDITION Lot-004 Block-002 OWNER(S):  
CHERYL L HARTERT

64 E 5TH ST, 32.000.2480, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-027 OWNER(S): BLUFF  
CITY PROPERTIES 4 LLC

67 W 5TH ST, 32.000.2890, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Block-033 NLY 220' OWNER(S):  
UNITED STATES POSTAL SERVICE

77 E 5TH ST, 32.000.2900, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-034 ELY 50' (RESOURCE  
CENTER) OWNER(S): AARON A YOUNG & KRISTEN D YOUNG

55 W 6TH ST, 32.000.3520, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-040 & LOT 2 BLK 40  
(CHURCH & PARSONAGE) EX: WLY 50' LOT 2 OWNER(S): BKG PROPERTIES,LLC

## 2020 Sidewalk Project

### Exhibit A

63 W 6TH ST, 32.000.3530, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-040 WLY 50'  
OWNER(S): CHERIE C HARKENRIDER CHARLOTTE A HARKENRIDER

79 W 6TH ST, 32.000.3560, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-005 Block-040 OWNER(S):  
HURRICANE CT LLC EDWARD LETTNER PROPERTIES PLUS

65 E 6TH ST, 32.000.3402, Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-039 S 34.92' EX: E 18.1'  
THEREOF OWNER(S): MICHAEL LEAF

76 E 7TH ST, 32.000.3500, Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-039 E 15' OF S 76' OF  
LOT 9, S 76' OF LOT 10 OWNER(S): RICK L MCGONIGLE & DIANE W MCGONIGLE

52 W 7TH ST, 32.000.3660, Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-040 SLY 80' OF E 1/2 &  
SLY 80' LOT 10 OWNER(S): SUNRISE-SUNSET RENTALS LLC

1202 W 7TH ST, 32.090.0460, Sect-21 Twp-107 Range-007 CUMMINGS VILA/GOULDS ADD Lot-012 Block-005  
OWNER(S): SHELBY M HENDERSON

60 E 7TH ST, 32.000.3470, Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-039 E 36' OWNER(S):  
WINONA FAMILY PROPERTIES LLC

55 W 8TH ST, 32.455.0280, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-005 LOTS 1 & 4  
BLK 5 (PASTORIAL CENTER) OWNER(S): DIOCESE OF WINONA

402 CENTER ST, 32.455.0440, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-003 Block-006 W 1/2 LOT 2  
& NLY 13.25' OF W 1/2 LOT 3

77 E 8TH ST, 32.455.0390, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-006 ELY 55'  
OWNER(S): PAUL L JOHNSON

61 E 8TH ST, 32.455.0430, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-006 35' ON 8TH ST  
X 120' DEEP COM 110' E OF NW COR OWNER(S): MARY W LIGEZA

53 W 9TH ST, 32.455.0720, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 E 1/2 & E 1/2  
OF N 40' LOT 4 OWNER(S): BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY

63 W 9TH ST, 32.455.0730, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 W 1/2 LOT 1 &  
W 1/2 OF N 40' LOT 4 BLK 8 & ELY 10' NLY 50' LOT 2 OWNER(S): PAUL L JOHNSON

617 CENTER ST, 32.310.0450, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-008 Block-018  
OWNER(S): SHERRY L DAHLEN & JONAS B SCHNEIDER

619 CENTER ST, 32.310.0460, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-009 Block-018  
OWNER(S): ERICH D LIPPMAN & ELIZABETH D LIPPMAN

621 CENTER ST, 32.310.0490, Sect-27, Twp-107, Range-007 LAKEVIEW ADDITION Lot-012 Block-018  
OWNER(S): RANDALL J LISOWSKI & DEBORAH LISOWSKI

## 2020 Sidewalk Project

### Exhibit A

628 CENTER ST, 32.310.0880, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-014 Block-023 EX:  
PRZYBYLSKI OWNER(S): GERALD A BENEDICT & DAWN M BENEDICT

452 CENTER ST, 32.455.0610, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-007 NLY 30'  
OWNER(S): BLUFF CITY PROPERTIES 4 LLC C/O KEVIN J BRADY

468 CENTER ST, 32.455.0660, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-007  
OWNER(S): PAUL L JOHNSON

474 CENTER ST, 32.455.0700, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 WLY 90'  
OWNER(S): PETER J THEIN & MICHELLE B THEIN

469 CENTER ST, 32.455.0840, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-008 ELY 110'  
OWNER(S): MICHAEL W DICKER & BARBARA A DICKER

515 CENTER ST, 32.455.1140, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-017  
OWNER(S): BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY

516 CENTER ST, 32.455.1320, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-006 Block-018 N 28' OF S  
1/2 OWNER(S): 5\_2\_5\_6 LLC

58 CENTER ST, 32.000.0321, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-010 & LOTS 4 & 5  
PARCEL 80' X 144.65' COM 10' NORTH OF RR IN LOT 5, E 144.65' N TO N LINE LOT 3, W TO CORNER LOT 5,  
SOUTH TO BEG OWNER(S): LEVEE ENTERPRISES LLP

250 CENTER ST, 32.000.2920, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-034 & NLY 5' LOT 3  
OWNER(S): GREG KOWLES

270 CENTER ST, 32.000.2970, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-034 OWNER(S):  
BLUFF CITY PROPERTIES 1 LLC C/O KEVIN J BRADY

417 LAFAYETTE ST, 32.455.0460, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-006 NLY  
55' OWNER(S): PAUL L JOHNSON

461 LAFAYETTE ST, 32.455.0630, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 NLY  
31' OWNER(S): MARIO W EINSMAN & SHERYL B EINSMAN

465 LAFAYETTE ST, 32.455.0640, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 SLY  
29' OWNER(S): PAUL D MELLING & KATHLEEN C MELLING

479 LAFAYETTE ST, 32.455.0690, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-007 S 31'  
OWNER(S): PETER J THEIN & MICHELLE B THEIN

517 LAFAYETTE ST, 32.455.1290, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-018 S 1/2  
OWNER(S): BLUFF CITY PROPERTIES 1 LLC

313 LAFAYETTE ST, 32.000.3410, Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-039 PARCEL  
COMMENCING AT SE CORNER OF LOT 1, THEN NLY 27', WLY 78.10', SLY 27', ELY 78.10' TO BEG OWNER(S):  
BRIAN P DONAHUE & MICHELLE L DONAHUE

326 MAIN ST, 32.000.3570, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-040 COM ON ELY LINE  
OF MAIN ST 40' FR SLY LINE OF ALLEY, THENCE E 80' S 50' W 80' N 50' IN LOT 6 & LOT 7 OWNER(S): MARIO  
W EINSMAN & SHERYL B EINSMAN

600 MAIN ST, 32.310.0380, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-003 Block-018 WLY 100'  
OWNER(S): JOSEPH T WASZAK

616 MAIN ST, 32.310.0470, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-010 Block-018 OWNER(S):  
CATHERINE L INGVALSON

## 2020 Sidewalk Project

### Exhibit A

402 MAIN ST, 32.455.0290, Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-005 WLY 98'  
(CHURCH) OWNER(S): CHRISTIANS IN ACTION UNIV FELLOWSHIP-ASSBLY OF GOD

456 MAIN ST, 32.455.0750, Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-008 SLY 10' & N  
40' LOT 3 OWNER(S): JMS VENTURES LLC

468 MAIN ST, 32.455.0790, SANBORNS ADDITION Lot-006 Block-008 S 1/2, & N 10' LOT 7 OWNER(S): JAMES  
H HEARON

104 MAIN ST, 32.000.1100, Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-016 & LOTS 2, 3, & 4 &  
NLY 40' OF LOTS 5 & 6 OWNER(S): WINHAVEN COURT LP

111 MARKET ST, 32.577.0120, Sect-23 Twp-107 Range-007 WINONA WATERS CONDOMINIUM COMMON  
ELEMENT OWNER(S): WINONA WATERS INC

72 W MILL ST, 32.310.0550, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Block-019 W 109'7" OF SLY 50'  
SW 1/4 OWNER(S): WOODWORTH FAMILY LLC

50 W SARNIA ST, 32.310.0500, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-013 Block-018  
OWNER(S): MICHAEL J SWENSON & REBECCA L SWENSON

75 E SARNIA ST, 32.310.0700, Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION LOTS 1, 2 & 3 BLK 22  
OWNER(S): MATTHEW K BIESANZ & ELIZABETH Y BIESANZ

250 SEBO ST, 32.169.0020, Sect-20 Twp-107 Range-007 GARVIN BROOK 2ND SUBD Lot-002 Block-001  
OWNER(S): PETZ TRUST BEATRICE L PETZ TRUST BRUCE R PETZ

PRELIMINARY ASSESSMENT ROLL #6670  
 2020 SIDEWALK REPLACEMENT PROJECT  
 CITY PROJECT NUMBER: 999-ST-20

Name of Owner Mailing Address of Owner Property Address	Property ID Number Description of Lot or Parcel	Sidewalk Removal \$2.00 (SF)	Sidewalk Removal (Cost) \$100.00	Concrete Sawing \$4.00(LF)	Concrete Sawing (Cost) \$20.00	Construct 4-Inch \$5.00 (SF)	Construct 4-Inch (Cost) \$250.00	Construct 6-Inch \$7.00 (SF)	Construct 6-Inch (Cost) \$0.00	Subtotal	Administrative Fee (16%)	Total Assessment
ABRAMSON PROPERTIES LLC 26663 COUNTY RD 17 WINONA, MN 55987 54 E 3RD ST	32.000.1000 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-015 ELY 10' OF WLY 20' OF NLY 20'	50	\$100.00	5	\$20.00	50	\$250.00	0	\$0.00	\$370.00	\$59.20	\$429.20
OFF CENTER PARTNERS 63 3RD ST W WINONA, MN 55987 50 E 3RD ST	32.000.1020 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-015 SLY 99 1/4' OF WLY 50'	27.5	\$55.00	0	\$0.00	27.5	\$137.50	0	\$0.00	\$192.50	\$30.80	\$223.30
HOME & COMMUNITY OPTIONS INC 66 3RD ST E WINONA, MN 55987 66 3RD ST E	32.000.1060 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-015 E 7' FRONT & 140' DEEP EAST	45	\$90.00	0	\$0.00	45	\$225.00	0	\$0.00	\$315.00	\$50.40	\$365.40
ANGELA K HELGET WEDUL & TED M WEDUL 505 STATE ST HOLMEN, WI 54636 78 E 3RD ST E	32.000.1090 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-015 ELY 40'	114.5	\$229.00	0	\$0.00	114.5	\$572.50	0	\$0.00	\$801.50	\$128.24	\$929.74
CREIDIM ROCK HOLDINGS LLC 57 3RD ST E WINONA, MN 55987 57 3RD ST E	32.000.1790 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-004 Block-022 E 2/3	75	\$150.00	15	\$60.00	75	\$375.00	0	\$0.00	\$585.00	\$93.60	\$678.60
VITRUVIUS LLC 702 MANKATO AVE WINONA, MN 55987 66 W 4TH ST	32.000.1710 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-021 E 46'-6"	33	\$66.00	0	\$0.00	33	\$165.00	0	\$0.00	\$231.00	\$36.96	\$267.96
CHASE M HOFFMANN & WENDY S HOFFMANN 23901 BURNS VALLEY RD E WINONA, MN 55987 51 E 4TH ST	32.000.2440 Sect-23 Twp-107 Range-007 ORIGINAL PLAT	42	\$84.00	0	\$0.00	42	\$210.00	0	\$0.00	\$294.00	\$47.04	\$341.04
LEE WILLIAM PROPERTIES LLC 83 WILDRIDGE DR WINONA, MN 55987 51 W 4TH ST	32.000.2500 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-028	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60

PRELIMINARY ASSESSMENT ROLL #6670  
 2020 SIDEWALK REPLACEMENT PROJECT  
 CITY PROJECT NUMBER: 999-ST-20

Name of Owner Mailing Address of Owner Property Address	Property ID Number Description of Lot or Parcel	Sidewalk Removal \$2.00 (SF)	Sidewalk Removal (Cost) \$126.00	Concrete Sawing \$4.00(LF)	Concrete Sawing (Cost) \$0.00	Construct 4-Inch \$5.00 (SF)	Construct 4-Inch (Cost) \$315.00	Construct 6-Inch \$7.00 (SF)	Construct 6-Inch (Cost) \$0.00	Subtotal	Administrative Fee (16%)	Total Assessment
CHERYL L HARTERT 1317 5TH ST W WINONA, MN 55987 1317 5TH ST W	32.520.0230 Sect-21 Twp-107 Range-007 UPLAND ADDITION Lot-004 Block-002	63	\$126.00	0	\$0.00	63	\$315.00	0	\$0.00	\$441.00	\$70.56	\$511.56
BLUFF CITY PROPERTIES 4 LLC 555 HUFF ST WINONA, MN 55987 64 E 5TH ST	32.000.2480 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-027	25	\$50.00	0	\$0.00	25	\$125.00	0	\$0.00	\$175.00	\$28.00	\$203.00
WNB FINANCIAL PO BOX 499 WINONA, MN 55987 70 W 5TH ST	32.000.2550 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-028 & LOT 7	108	\$216.00	0	\$0.00	108	\$540.00	0	\$0.00	\$756.00	\$120.96	\$876.96
UNITED STATES POSTAL SERVICE 1720 MARKET ST #2400 ST LOUIS, MO 63155 67 W 5TH ST	32.000.2890 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Block-033 NLY 220'	45	\$90.00	0	\$0.00	0	\$0.00	45	\$315.00	\$405.00	\$64.80	\$469.80
AARON A YOUNG & 77 5TH ST E WINONA, MN 55987 77 E 5TH ST	32.000.2900 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-034 ELY 50'	42	\$84.00	0	\$0.00	42	\$210.00	0	\$0.00	\$294.00	\$47.04	\$341.04
BKG PROPERTIES,LLC 5118 NICKLAUS DR NW ROCHESTER, MN 55901 55 W 6TH	32.000.3520 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-040 & LOT 2 BLOCK 40	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60
CHERIE C HARKENRIDER PO BOX 465 WINONA, MN 55987 63 W 6TH	32.000.3530 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-040 WLY 50'	60	\$120.00	6	\$24.00	60	\$300.00	0	\$0.00	\$444.00	\$71.04	\$515.04
LIFE ESTATE CHARLOTTE A HARKENRIDER 63 6TH ST W WINONA, MN 55987 63 W 6TH	32.000.3530											
HURRICANE CT LLC 724 6TH ST E WINONA, MN 55987 79 W 6TH ST	32.000.3560 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-005 Block-040	60	\$120.00	6	\$24.00	60	\$300.00	0	\$0.00	\$444.00	\$71.04	\$515.04

PRELIMINARY ASSESSMENT ROLL #6670  
2020 SIDEWALK REPLACEMENT PROJECT  
CITY PROJECT NUMBER: 999-ST-20

Name of Owner Mailing Address of Owner Property Address	Property ID Number Description of Lot or Parcel	Sidewalk Removal \$2.00 (SF)	Sidewalk Removal (Cost)	Concrete Sawing \$4.00(LF)	Concrete Sawing (Cost)	Construct 4-Inch \$5.00 (SF)	Construct 4-Inch (Cost)	Construct 6-Inch \$7.00 (SF)	Construct 6-Inch (Cost)	Subtotal	Administrative Fee (16%)	Total Assessment
MICHAEL LEAF 65 6TH ST E WINONA, MN 55987 65 6TH ST E	32.000.3402 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-039 S 34.92'	54	\$108.00	6	\$24.00	54	\$270.00	0	\$0.00	\$402.00	\$64.32	\$466.32
<b>ALTERNATE TAXPAYER</b> EDWARD LETTNER PROPERTIES PLUS 724 6TH ST E WINONA, MN 55987 65 6TH ST E	32.000.3402											\$0.00
RICK L MCGONIGLE & DIANE W MCGONIGLE 1510 GILMORE VALLEY RD WINONA, MN 55987 76 E 7TH ST	32.000.3500 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-039 E 15' OF S 76' OF LOT 9, S 76'	102	\$204.00	12	\$48.00	102	\$510.00	0	\$0.00	\$762.00	\$121.92	\$883.92
SUNRISE-SUNSET RENTALS LLC 22283 COUNTY RD 15 WINONA, MN 55987 52 W 7TH ST	32.000.3660 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-040 SLY 80' OF E 1/2 & SLY 80' LOT	55	\$110.00	0	\$0.00	55	\$275.00	0	\$0.00	\$385.00	\$61.60	\$446.60
SHELBY M HENDERSON 1202 7TH ST W WINONA, MN 55987 1202 7TH ST W	32.090.0460 Sect-21 Twp-107 Range-007 CUMMINGS VILA/GOULDS ADD Lot-012 Block-005	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60
WINONA FAMILY PROPERTIES LLC 63 3RD ST W WINONA, MN 55987 60 E 7TH ST	32.000.3470 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-039 E 36'	27	\$54.00	0	\$0.00	27	\$135.00	0	\$0.00	\$189.00	\$30.24	\$219.24
DIOCESE OF WINONA 55 8TH ST W WINONA, MN 55987 55 W 8TH ST	32.455.0280 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-005 LOTS 1 & 4 BLK 5 (PASTORAL CENTER)	159	\$318.00	0	\$0.00	159	\$795.00	0	\$0.00	\$1,113.00	\$178.08	\$1,291.08
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 77 E 8TH ST	32.455.0390 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-006 ELY 55'	60	\$120.00	0	\$0.00	60	\$300.00	0	\$0.00	\$420.00	\$67.20	\$487.20

**PRELIMINARY ASSESSMENT ROLL #6670  
2020 SIDEWALK REPLACEMENT PROJECT  
CITY PROJECT NUMBER: 999-ST-20**

Name of Owner Mailing Address of Owner Property Address	Property ID Number Description of Lot or Parcel	Sidewalk Removal \$2.00 (SF)	Sidewalk Removal (Cost) \$102.00	Concrete Sawing \$4.00(LF)	Concrete Sawing (Cost) \$0.00	Construct 4-Inch \$5.00 (SF)	Construct 4-Inch (Cost) \$255.00	Construct 6-Inch \$7.00 (SF)	Construct 6-Inch (Cost) \$0.00	Subtotal	Administrative Fee (16%)	Total Assessment
MARY W LIGEZA 361 7TH ST E WINONA, MN 55987 61 E 8TH ST	32.455.0430 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-006 35' ON 8TH ST X 120' DEEP CO 110' E OF NW COR	51	\$102.00	0	\$0.00	51	\$255.00	0	\$0.00	\$357.00	\$57.12	\$414.12
BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 53 W 9TH ST	32.455.0720 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 E 1/2 & E 1/2 OF N 40' LOT 4	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 63 W 9TH ST	32.455.0730 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 W 1/2 LOT 1 & W 1/2 OF N 40' LOT 4 BLK 8 & ELY 10' NLY 50'	36	\$72.00	0	\$0.00	0	\$0.00	36	\$252.00	\$324.00	\$51.84	\$375.84
SHERRY L DAHLEN & JONAS B SCHNEIDER 617 CENTER ST WINONA, MN 55987 617 CENTER ST	32.310.0450 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-008 Block-018	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60
ERICH D LIPPMAN & ELIZABETH D LIPPMAN 619 CENTER ST WINONA, MN 55987 619 CENTER ST	32.310.0460 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-009 Block-018	60	\$120.00	0	\$0.00	60	\$300.00	0	\$0.00	\$420.00	\$67.20	\$487.20
RANDALL J LISOWSKI & DEBORAH LISOWSKI 621 CENTER ST WINONA, MN 55987 621 CENTER ST	32.310.0490 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-012 Block-018	72	\$144.00	0	\$0.00	72	\$360.00	0	\$0.00	\$504.00	\$80.64	\$584.64
GERALD A BENEDICT & DAWN M BENEDICT 628 CENTER ST WINONA, MN 55987 628 CENTER ST	32.310.0880 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-014 Block-023 EX: PRZYBYLSKI	81	\$162.00	12	\$48.00	81	\$405.00	0	\$0.00	\$615.00	\$98.40	\$713.40
BLUFF CITY PROPERTIES 4 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 452 CENTER ST	32.455.0610 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-007 NLY 30'	72	\$144.00	0	\$0.00	72	\$360.00	0	\$0.00	\$504.00	\$80.64	\$584.64
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 468 CENTER ST	32.455.0660 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-007	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32

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PETER J THEIN & MICHELLE B THEIN PO BOX 1153 WINONA, MN 55987 474 CENTER ST	32.455.0700 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 WLY 90'	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
MICHAEL W DICKER & BARBARA A DICKER 4903 LAKE SHORE DR E WONDER LAKE, IL 60097 469 CENTER ST	32.455.0840 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-008 ELY110'	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 515 CENTER ST	32.455.1140 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-017	30	\$60.00	0	\$0.00	0	\$0.00	30	\$210.00	\$270.00	\$43.20	\$313.20
5_2_5_6 LLC 555 HUFF ST WINONA, MN 55987 516 CENTER ST	32.455.1320 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-006 Block-018 N 28' OF S 1/2	57	\$114.00	0	\$0.00	33	\$165.00	24	\$168.00	\$447.00	\$71.52	\$518.52
LEVEE ENTERPRISES LLP 51 4TH ST E #112 WINONA, MN 55987 58 CENTER ST	32.000.0321 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-010 & LOTS 4 & 5	19.25	\$38.50	0	\$0.00	19.25	\$96.25	0	\$0.00	\$134.75	\$21.56	\$156.31
GREG KOWLES 631 BARONNE ST NEW ORLEANS, LA 700113 250 CENTER ST	32.000.2920 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-034 & NLY 5' LOT 3	25	\$50.00	0	\$0.00	25	\$125.00	0	\$0.00	\$175.00	\$28.00	\$203.00
BLUFF CITY PROPERTIES 1 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 270 CENTER ST	32.000.2970 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-034	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 417 LAFAYETTE ST	32.455.0460 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-006 NLY 55'	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32

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MARIO W EINSMAN & SHERYL B EINSMAN 307 8TH ST W 461 LAFAYETTE ST	32.455.0630 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 NLY 31'	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
PAUL D MELLING & KATHLEEN C MELLING 465 LAYAYETTE ST WINONA MN 55987 465 LAFAYETTE ST	32.455.0640 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 SLY 29'	24	\$48.00	0	\$0.00	24	\$120.00	0	\$0.00	\$168.00	\$26.88	\$194.88
PETER J THEIN & MICHELLE B THEIN PO BOX 1153 WINONA MN 55987 479 LAFAYETTE ST	32.455.0690 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-007 S 31'	24	\$48.00	0	\$0.00	24	\$120.00	0	\$0.00	\$168.00	\$26.88	\$194.88
BLUFF CITY PROPERTIES 1 LLC 555 HUFF ST WINONA MN 55987 517 LAFAYETTE ST	32.455.1290 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-018 S1/2	48	\$96.00	0	\$0.00	48	\$240.00	0	\$0.00	\$336.00	\$53.76	\$389.76
BRIAN P DONAHUE & MICHELLE L DONAHUE 313 LAFAYETTE ST WINONA MN 55987 313 LAFAYETTE ST	32.000.3410 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-039 PARCEL COMMENCING AT SE CORNER	60	\$120.00	6	\$24.00	60	\$300.00	0	\$0.00	\$444.00	\$71.04	\$515.04
MARIO W EINSMAN & SHERYL B EINSMAN 307 8TH ST W WINONA MN 55987 326 MAIN ST	32.000.3570 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-040 COM ON ELY LINE OF MAIN ST 40'	108	\$216.00	6	\$24.00	108	\$540.00	0	\$0.00	\$780.00	\$124.80	\$904.80
JOSEPH T WASZAK 17335 145TH ST W LOCKPORT IL 60441 600 MAIN ST	32.310.0380 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-003 Block-018 WLY 100'	108	\$216.00	0	\$0.00	72	\$360.00	36	\$252.00	\$828.00	\$132.48	\$960.48
CATHERINE L INGVALSON 616 MAIN ST WINONA MN 55987 616 MAIN ST	32.310.0470 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-010 Block-018	22	\$44.00	0	\$0.00	22	\$110.00	0	\$0.00	\$154.00	\$24.64	\$178.64
CHRISTIANS IN ACTION UNIV 402 MAIN ST WINONA MN 55987 402 MAIN ST	32.455.0290 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-005 WLY 98' (CHURCH)	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
JMS VENTURES LLC 307 8TH ST W WINONA MN 55987 456 MAIN ST	32.455.0750 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-008 SLY 10' & N 40' LOT 3	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32

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JAMES H HEARON 468 MAIN ST WINONA MN 55987 468 MAIN ST	32.455.0790 SANBORNS ADDITION Lot-006 Block-008 S 1/2, & N 10' LOT 7	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
WINHAVEN COURT LP 701 FIFTH AVE SUITE 5700 SEATTLE WA 98104 104 MAIN ST	32.000.1100 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-016 & LOTS 2, 3, & 4 & NLY 40' OF	66	\$132.00	0	\$0.00	0	\$0.00	66	\$462.00	\$594.00	\$95.04	\$689.04
WINONA WATERS INC 825 SPRINGBROOK DR WINONA, MN 55987 111 MARKET ST	32.577.0120 Sect-23 Twp-107 Range-007 WINONA WATERS CONDOMINIUM COMMON ELEMENT	153.42	\$306.84	0	\$0.00	0	\$0.00	153.42	\$1,073.94	\$1,380.78	\$220.92	\$1,601.70
WOODWORTH FAMILY LLC 902 2ND ST E #100 WINONA, MN 55987 72 W MILL ST	32.310.0550 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Block-019 W 109'7" OF SLY 50' SW 1/4	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60
MICHAEL J SWENSON & REBECCA L SWENSON 50 SARNIA ST W WINONA, MN 55987 50 W SARNIA	32.310.0500 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-013 Block-018	66.4	\$132.80	12	\$48.00	66.4	\$332.00	0	\$0.00	\$512.80	\$82.05	\$594.85
MATTHEW K BIESANZ & ELIZABETH Y BIESANZ 75 SARNIA ST E WINONA, MN 55987 75 SARNIA ST E	32.310.0700 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION LOTS 1, 2 & 3 BLK 22	76	\$152.00	8	\$32.00	76	\$380.00	0	\$0.00	\$564.00	\$90.24	\$654.24
PETZ TRUST BEATRICE L PETZ TRUST 2178 17TH ST NE ROCHESTER, MN 55906 250 SEBO ST	32.169.0020 Sect-20 Twp-107 Range-007 GARVIN BROOK 2ND SUBD Lot-002 Block-001	72	\$144.00	8	\$32.00	72	\$360.00	0	\$0.00	\$536.00	\$85.76	\$621.76
ALTERNATE TAXPAYER BRUCE R PETZ 2178 17TH ST NE ROCHESTER, MN 55906 250 SEBO ST	32.169.0020											

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ALEXANDER REAL ESTATE LLC 1213 GILMORE AVE #C11 WINONA, MN 55987 60 E 10TH ST	32.455.0710 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 ELY 60'	24	\$48.00	0	\$0.00	24	\$120.00	0	\$0.00	\$168.00	\$26.88	\$194.88
SHARA PORTER-CASPER & JOEL CASPER 68 10TH ST W WINONA, MN 55987 68 10TH ST W	32.455.0820 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-008 48' ON 10TH ST X 70' COM 62' FR MAIN ST LOTS 7 & 10 BLK 8	72	\$144.00	0	\$0.00	72	\$360.00	0	\$0.00	\$504.00	\$80.64	\$584.64
PINGPING ZHANG & KURT BOLSTAD 52 10TH ST W WINONA, MN 55987 52 10TH ST W	32.455.0850 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-008 ELY 50' EX: TRI PARCEL ON WEST SIDE	36	\$72.00	0	\$0.00	36	\$180.00	0	\$0.00	\$252.00	\$40.32	\$292.32
GUILLERMINA LOPEZ 63 10TH ST W WINONA, MN 55987 63 10TH ST W	32.455.1080 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-017 W 60'	96	\$192.00	0	\$0.00	96	\$480.00	0	\$0.00	\$672.00	\$107.52	\$779.52
BLUFF CITY PROPERTIES 3 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 62 W 11TH ST	32.455.1190 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-017 WLY 35'	72	\$144.00	0	\$0.00	72	\$360.00	0	\$0.00	\$504.00	\$80.64	\$584.64
BLUFF CITY PROPERTIES 9 LLC 555 HUFF ST WINONA, MN 55987 62 E 11TH ST	32.455.1350 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-018 E 75' OF S 10' & E 75' LOT 10	60	\$120.00	0	\$0.00	60	\$300.00	0	\$0.00	\$420.00	\$67.20	\$487.20
KEVIN J BRADY PO BOX 476 FOUNTAIN CITY, WI 54629 72 E 11TH ST	32.455.1370 SANBORNS ADDITION Lot-009 Block-018 M 1/3	30	\$60.00	0	\$0.00	30	\$150.00	0	\$0.00	\$210.00	\$33.60	\$243.60

64 properties

**TOTAL: \$29,620.98**

Dated: May 4th, 2020

  
 Brian DeFrang, City Engineer  
 License #40971

# REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**

Originating Department:

Date

No: 5

**Public Works**

**5/4/2020**

**Item: Request Approval for Modification of Flood Control Structure and Occupation within Easement**

No. 5.5

## SUMMARY OF REQUESTED ACTION:

Bay State Milling is requesting approval from the City of Winona, with Army Corps of Engineers(ACOE) review, that a monitoring well be removed and replaced within the flood control easement on their property. Additionally, the request asks that a concrete pad and electrical transformer be allowed to be constructed within the easement. Both are as shown on the attached survey and as described in the letter of request.

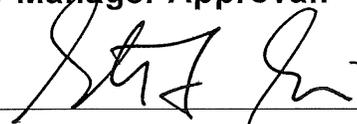
Each request will be reviewed by the ACOE, if the Winona City Council provides their approval to proceed.

City staff has reviewed the request and recommends for the Council to provide approval and forwarding of the request to the ACOE.

Department Approval:



City Manager Approval:





355 W 2nd St  
Suite 200  
Winona, MN 55987

April 28, 2020

To: Keith Nelson, Public Works Director  
Winona City Hall  
207 Lafayette Street  
Winona, MN 55987

Re: Bay State Milling proposed warehouse easement and well request

Mr. Nelson,

- A. Bay State Milling requests to construct a concrete pad for the installation of an electrical transformer and disconnect that will be partially located on the flood control easement #3646 (attached).

The attached drawing indicates the location of the new transformer. The concrete pad will project into the easement a maximum of approximately 3.50 feet at its northwest corner.

- B. Bay State Milling requests to abandon an existing monitoring well (flood control structure A1) on their property and to replace it in another location. It is our understanding that the well is a requirement of the Corps of Engineers for the purpose of monitoring ground water levels. The existing well is within the footprint of a proposed new warehouse.

The attached drawing indicates the location of both the existing and proposed wells. I am not aware of requirements for the location of the well, so if this location cannot be approved please let us know and we will work with you to identify an acceptable location.

Braun Engineering will supervise the relocation of the well. Following is their description of the existing and proposed wells:

The existing well appears to be a flush-mount 1.5"-diameter steel casing with a depth of 10 feet. The water is at the top of the pipe in the well. Since the well is meant to monitor water levels that vary with the adjacent river, it is possible the well is deeper than 10 feet and just obstructed there. There was no locking cover so anyone could drop a rock down there and damage the well.

The following proposed well is based on Braun's understanding that the purpose of this well is solely to measure the shallowest groundwater table elevation at the site. The depth we propose is also based on our observations of the groundwater table during our previous investigations. If any previous monitoring information is available, that may change the depth we plan to install.

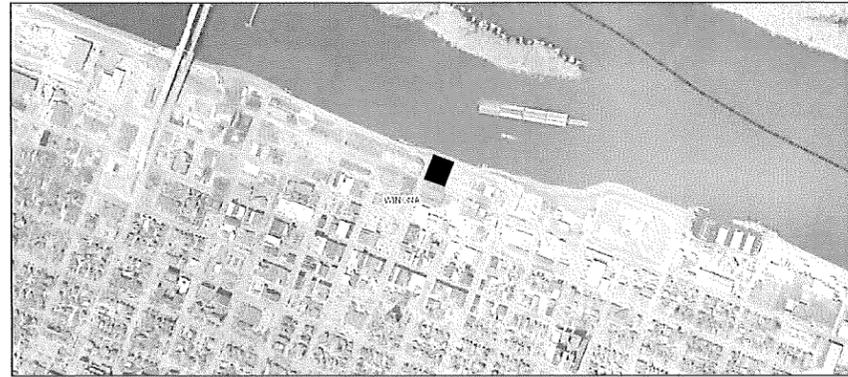
Braun Engineering would propose that we install a 25 foot well, PVC casing with a 0.010 slot screen from 5 feet below the ground surface to the termination depth. The screen will be installed into washed well sand. This construction will increase the likelihood to intercept the shallow groundwater table even if the river is down. The protective cover would be a 2.5-foot tall stick-up locking cover instead of flush mount in a 4-ft x 4-ft concrete pad to comply with MDH requirements. We would also propose to install 4 protective bumpers around it. The MDH allows variances for a flush mount if aboveground obstructs traffic, so that is an option if necessary.

We appreciate your attention to these matters. Please let us know if you need any other information from us or if there is anything we can do to expedite their approval.

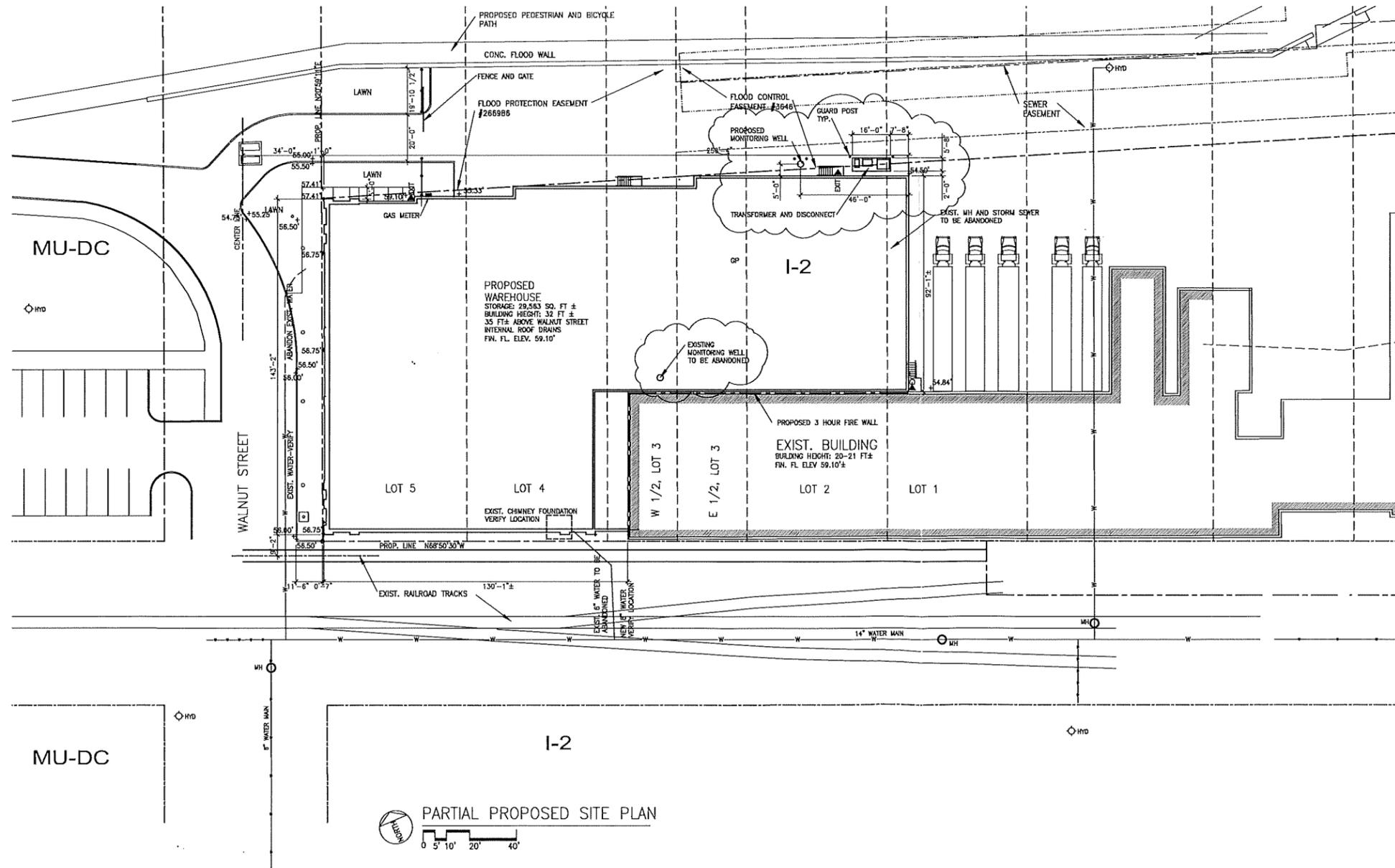
Thank you,

Owen Warneke  
OWA Architects, LLC

Cc: Al Simanovski, Bay State Milling  
Mike Long, Bay State Milling



VACINITY MAP  
NO SCALE



PARTIAL PROPOSED SITE PLAN  
0 5' 10' 20' 40'

GENERAL CONTRACTOR:

KBS  
865 ENTERPRISE DRIVE SW  
PLAINVIEW, MN 55964

DESIGN-BUILD CONTRACTORS

HVAC:

WHV INC.  
374 EAST 2ND STREET  
WINONA, MN 55987

ELECTRICAL:

BAUER ELECTROTECH  
517 41ST AVE.  
WINONA, MN 55987

FIRE SUPPRESSION:

VIKING AUTOMATIC SPRINKLER CO.  
4420 19TH ST. NW  
ROCHESTER, MN 55901

PLUMBING:

WHV INC.  
374 EAST 2ND STREET  
WINONA, MN 55987

CONSULTANTS:

STRUCTURAL ENGINEERS

TEKTON ENGINEERS  
105 EAST 4TH STREET, SUITE 200  
NORTHFIELD, MN 55057

CIVIL ENGINEERS

JOHNSON & SCOFIELD INC. SURVEYING  
AND ENGINEERING  
4240 WEST 5TH STREET  
WINONA, MN 55987  
507-454-2544



OWA ARCHITECTS  
32 WALNUT STREET, WINONA, MN  
55901

BAY STATE MILLING WAREHOUSE  
 32 WALNUT STREET, WINONA, MN  
 BAY STATE MILLING COMPANY  
 55 FRANKLIN STREET, WINONA, MN



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

OWEN WARRIENE  
LICENSE NO.: 15797  
REVISIONS:

DATE: 4-30-20  
DRAWN BY: DW

SHEET  
**A0.1**  
PROJECT NO. 1913

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> <b>5</b>	<b>Public Works</b>	<b>5/4/2020</b>

*Item:* **Airport FBO Lease Fees**

*No.* **5.4**

## SUMMARY OF REQUESTED ACTION:

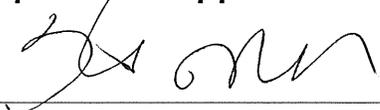
The City of Winona is scheduled to receive a onetime grant dedicated to hardships related to the Winona Airport operations during the Covid 19 events. The grant is for the amount of \$30,000 and must be used for maintenance and operations of the airport.

During the Covid 19 events all operations at the airport have been suspended and reestablishment of operations is unknown and anticipated to be slow. City staff is recommending that fees normally collected from the Fixed Base Operator (B2W) be suspended for a one year period beginning immediately. That total amount of the fees collected in 12 months is \$7,036.

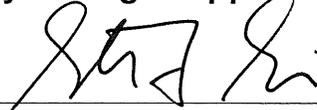
The FBO performs a valuable service to the Winona Airport and providing assistance to help the company continue its operations through and after this uncertain time is very important to the wellbeing of the Winona Municipal Airport.

If Council is in concurrence approval of the attached resolution would be in order.

**Department Approval:**



**City Manager Approval:**



**RESOLUTION**

**WHEREAS**, a Federal grant for Airport operations and maintenance has been designated for the City of Winona, and

**WHEREAS**, it is beneficial to the Winona Airport to assist the Winona Fixed Base Operator to continue local operations,

**NOW THEREFORE LET IT BE RESOLVED**, that the normal lease and rental fees charged to the Winona Fixed Base Operator be waived for 12 months starting May 8, 2020.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark Peterson  
Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk

# REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> <b>New Business</b>	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> <b>5</b>	<b>Public Works</b>	<b>05/04/20</b>

*Item:* **Donation of Retaining Wall Section**

*No.* **5.7**

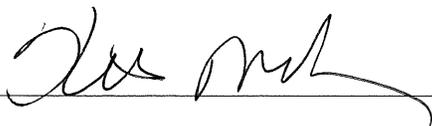
## SUMMARY OF REQUESTED ACTION:

A small section, approximately sixteen (16) inches, of retaining wall has been built by a private property owner, within the flood control easement along Prairie Island. It is necessary for said section of the retaining wall to remain in order to provide structural integrity for the fill placed within the easement. The private property owner is willing to donate said section of retaining wall to the City of Winona. Ownership by the City of Winona will assist in the ongoing protection of the wall and the stability of fill within the easement.

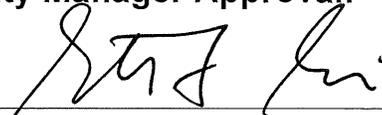
It is recommended by City staff that the donation of said retaining wall section be accepted by the City Council. See the attached offer by Connie Tropple to donate the section of retaining wall within the flood control easement at 590 and 586 Prairie Island Road N, to the City of Winona.

If the Council is in concurrence, approval of the attached resolution would be in order.

**Department Approval:**



**City Manager Approval:**



**RESOLUTION**

**WHEREAS**, approximately sixteen (16) inches of a concrete block retaining wall has been built within the Winona Flood Control easement at 590 and 586 Prairie Island Road N, with approximately eight (8) inches thereof extending onto property subject to said easement located at 586 Prairie Island Road N; and

**WHEREAS**, the retaining wall built within the flood control easement is owned by Connie Tropple; and

**WHEREAS**, the city permitted Tropple to construct said section of the retaining wall and to place fill within the flood control easement as the best resolution of factors affecting the easement, including but not limited to the elevation of the surface of the easement in the subject area, erosion within and from the easement area, access across the easement by individuals and vehicles, and public safety; and

**WHEREAS**, it has been determined that ownership of that section of retaining wall within the easement would be beneficial to the protection of the Flood Control System and should be owned and maintained in perpetuity by the City of Winona; and

**WHEREAS**, Connie Tropple is willing to donate to the City of Winona that portion of the retaining wall within the flood control easement to the City of Winona,

**NOW THEREFORE LET IT BE RESOLVED**, that the Council of the City of Winona does hereby accept the donation of the retaining wall currently built within the flood control easement at 590 and 586 Prairie Island Road N.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mark Peterson  
Mayor

Attest:

\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk

In order to ensure integrity of the retaining wall that supports fill placed within the flood control easement, it is my desire to donate a portion of the retaining wall within the easement to the City of Winona. The placement of the retaining wall and fill occurred pursuant to directives received from the City of Winona in accordance with USACE requirements. The blocks and the construction material lying within the dike easement, including approximately 8 inches on the Meier property (586 Prairie Island Rd) are included in this donation.

Acceptance of this donation would require the city to own said blocks and construction material in perpetuity. The city may sell not or otherwise transfer said blocks and material to the owner of the adjacent property located at 586 Prairie Island Rd. In addition, ongoing maintenance of the blocks and material shall be the responsibility of the city. However, prior the commencement of maintenance, the city shall reasonably notify the owner of the property located at 590 Prairie Island Road to assure that the integrity of the main portion of the wall is not impacted.

Dimensions are approximately

H = 50"

L = 16"

W = 16" (plus gravel and supporting construction material)

Signed:

Connie Tropple

April 29, 2020

# REQUEST FOR COUNCIL ACTION

Agenda Section: **Council Concerns**

Originating Department:

Date:

No: **7**

**City Clerk**

**05/04/20**

Item: **Council Concerns**

No. **7.1**

## SUMMARY OF REQUESTED ACTION:

Time is reserved for Council Concerns.

Department Approval:



City Manager Approval:



# REQUEST FOR COUNCIL ACTION

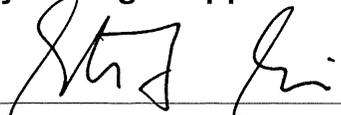
<i>Agenda Section:</i> <b>Consent Agenda</b>	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> <b>8</b>	<b>City Clerk</b>	<b>05/04/20</b>

*Item:* **Consent Agenda**

*No.* **8.**

## SUMMARY OF REQUESTED ACTION:

**City Clerk: Item No. 8.1: Approval of Minutes – April 20, 2020**  
Minutes of the April 20, 2020 City Council meeting have been distributed. If the minutes are satisfactory, a motion to approve same would be in order.

<b>Department Approval:</b> 	<b>City Manager Approval:</b> 
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