

Winona City Council Zoom Meeting Access and Procedures

June 1, 2020

Meeting type: The regular meeting of the Winona City Council is being conducted electronically pursuant to Minnesota State Statute 13D.021, following the adoption of Resolution 2020-17 Declaring a Special Emergency, as adopted by the Winona City Council on Monday, March 16, 2020.

All interested parties are invited to watch or listen to meeting via electronic means. This meeting is open to the public via web or phone. This meeting begins at 6:30 p.m.; please log in prior to the start of the meeting. You may exit the meeting at any time.

- To join the Zoom Meeting via the web, go to: <https://zoom.us/j/896465916> and enter meeting ID:
896 465 916
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For participants:

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- If using a web cam, be aware of what is in your background.
- If you have headphones, please use them as that will limit background noise.
- Please mute your audio until you wish to speak. Then unmute your audio, and ask the Mayor for permission to talk.



Winona City Council Agenda

Monday, June 1, 2020
 6:30 P.M., Meeting No. 11
 City Council Chambers – City Hall
 3rd Floor - 207 Lafayette Street

Mayor Mark Peterson

1st Ward Al Thurley
 2nd Ward Eileen Moeller
 3rd Ward Pamela Eyden

4th Ward George Borzyskowski
 At-Large Michelle Alexander
 At-Large Paul Schollmeier

1. Call to Order – Mayor & City Manager’s Comments – Roll Call	
2. Required Public Hearings	
3. Petitions, Requests, Communications	
<i>City Clerk</i>	1. Appointments to the Fine Arts Commission
<i>Parks & Recreation</i>	2. Reschedule Request by Minnesota B.A.S.S. Nation to hold a Bass Tournament at Lions Park
<i>City Clerk</i>	3. Request to Close West King for King Street Block Party
<i>Planning</i>	4. Winona HPC 2021 Preservation Goals, Objectives, & Budget Memo
4. Unfinished Business	
<i>Engineering</i>	1. Broadway Project Survey
<i>Community Development</i>	2. Presentation of the Winona Downtown Strategic Plan
<i>Public Works</i>	3. Award of Contracts – Asphaltic Materials
<i>Public Works</i>	4. Award of Contracts – Plant Mixed Bituminous Materials
5. New Business	
<i>Planning</i>	1. Emergency Ordinance Permitting Limited Sales of Goods and Delivery in Public Rights-of-Way
<i>City Clerk</i>	2. Street Closure Request for Downtown Street Market
<i>Public Works</i>	3. Approval of Winona Airport CARES Act Grant
<i>Parks & Recreation</i>	4. Prairie Island Campground – 2020 Recreational Camping Closure
<i>City Manager</i>	5. Letter of Support for Amtrak Grant Application
6. Reports of Committees	
7. Council Concerns	
<i>City Clerk</i>	1. Council Concerns

8. Consent Agenda	
City Clerk	1. Approval of Minutes – May 18, 2020
City Clerk	2. Ordinance to Designate 3 Parking Stalls In Municipal Parking Lot #2 as Handicapped Parking for Sundays Only
City Clerk	3. Claim against the City by Steven Prigge
9. Adjournment	

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> City Clerk	<i>Date:</i> 06/01/20
<i>No:</i> 3		
<i>Item:</i> Appointments to the Fine Arts Commission		
<i>No.</i> 3.1		

SUMMARY OF REQUESTED ACTION:

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

June 1, 2020

City Council
City Hall
Winona, MN 55987

Dear Council Members:

This letter is to advise that I am this date appointing Sam Zierden, Judy Myers and A. Eric Heukeshoven to the Fine Arts Commission. Ms. Zieden and Mr. Heukeshoven terms would be effective June 2, 2020 through May 16, 2023. Ms. Myers term would be effective June 2, 2020 through May 16, 2022.

I trust that you will approve this appointment.

Sincerely,


Mark F. Peterson
Mayor

Department Approval: 	City Manager Approval: 
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REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> Parks and Recreation	<i>Date:</i> 06/01/20
<i>No:</i> 3		
<i>Item:</i> Reschedule Request by Minnesota B.A.S.S. Nation to hold a Bass Tournament at Lions Park		
<i>No.</i> 3.2		

SUMMARY OF REQUESTED ACTION:

City Council
City of Winona

The Minnesota B.A.S.S. Nation would like to reschedule the Bass Tournament from Sunday, May 17, 2020 to Sunday, September 27, 2020 in Pool 6 on the Mississippi. We would like to use the St. Charles Street Boat Landing in Lions Park for weigh-in scales, live tanks with aeration, and tournament trailer.

This is a live release tournament: boaters and their co-anglers will trailer their boat, weigh in, and then return their catch to the river.

This event has a takeoff time of 7:00 a.m., weigh in time of 3:00 p.m., and finish time of 6:00 p.m.; is permitted with the DNR and the Winona County Sheriff Department; anticipates a 30+ boat field with a permitted cap of 50; anticipates 10-20 hotel rooms for the event with additional people in Winona to pre-fish three to four days in advance.

This event will not be held on the refuge but will adhere to refuge regulations. According to U.S. Fish and Wildlife, there will not be any closed areas on Pool 6 during the time of the event.

If you have any questions, please feel free to reach out to me.

Thank you

Bill Neumann
Tournament Director
MN B.A.S.S. Nation
bneumann@mnbassnation.org
Cell: 320-979-7490

Department Approval: 	City Manager Approval: 
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REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> City Clerk	<i>Date:</i> 06/01/20
<i>No:</i> 3		

Item: **Request to Close West King for King Street Block Party**

No. **3.3**

SUMMARY OF REQUESTED ACTION:

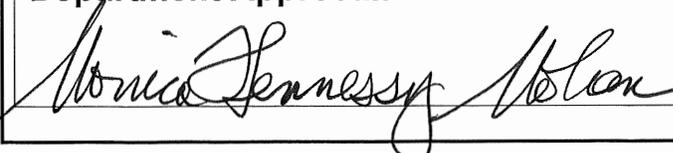
Monica Hennessy Mohan
City Clerk

We request approval to close the 600 block of West King Street from Sioux Street to Lincoln Street on Saturday, July 18, 2020 from 2:00 pm – 8:00 pm for the Annual King Street Block Party. We will join our neighbors for food and outdoor activities in this time-honored American tradition.

Council – Thank you for your consideration of this request.

Acting Block Party Co-Chairs
Jim and Jennifer Benson
664 West King Street
Winona, MN 55987
507.457.0808
bensons@hbc.com

Note: No alcohol is allowed on City streets.

Department Approval: 	City Manager Approval: 
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REQUEST FOR COUNCIL ACTION

Agenda Section: **Committee Reports**

Originating Department:

Date:

No: **3**

Planning

6/1/20

Item: **Winona HPC 2021 Preservation Goals, Objectives, & Budget Memo**

No. **3.4**

SUMMARY OF REQUESTED ACTION:

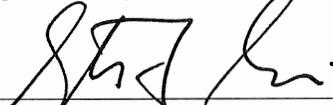
As required under City Code 22.27(i), the Winona Heritage Preservation Commission is submitting the attached report outlining ongoing preservation work, goals, objectives, and a tentative 2021 budget request to the City of Winona.

No action is required by the City Council for this item.

Department Approval:



City Manager Approval:





COMMUNITY DEVELOPMENT

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX 507-457-8212

May 13, 2020

MEMO

To: City of Winona City Council

From: Heritage Preservation Commission

Subject: Heritage Preservation Commission Goals, Objectives, Budget for 2021

City Council Members,

As part of the Heritage Preservation Commission's requirements under City Code 22.27(i), the HPC shall submit its goals, objectives, and a tentative budget for the upcoming year. At the direction of the Commission, this document lays out ongoing work being conducted by the Commission as well as upcoming work that will be facilitated by the 2021 budget request, and other preservation work priorities and goals.

Ongoing Preservation Work

National Register of Historic Places Evaluation: Old City Hall, 177 Lafayette Street (Beno's Deli)

In 2020, the City of Winona HPC received a Certified Local Government Grant to evaluate the old City Hall Building located at 177 Lafayette Street. That work is ongoing and is expected to be completed during the 2020 year. Assuming a determination of eligibility, the Commission will pursue an additional grant to nominate the property to the National Register of Historic Places in 2021 or 2022 and pursue Local Historic Designation in concert with that effort.

Cost: \$7,500
Grant Use: State Historic Preservation Office Certified Local Government Grant
City Share: \$2,000 (2019)

National Register of Historic Places Evaluation: Lake Park Bandshell

As the Winona Bandshell nears its 100th anniversary, the City of Winona may consider improvements to the bandshell that could be best facilitated with grants from the Minnesota Historical Society. Recognized as a priority by the HPC for preservation and in light of the aforementioned improvements, the Winona HPC submitted a grant application for the Lake Park Bandshell through the Minnesota Historical Society Legacy Grant.

Expected Cost: \$7,500
Expect Grant Use: Minnesota Historical Society Legacy Grant
City Share: \$2,000 (2020)

Historic District Nomination:

Windom Park Historic District

The Winona HPC submitted an application for a Certified Local Government Grant to nominate the existing Windom Park Local Historic District to the National Register of Historic Places in 2020. The proposed district's eligibility evaluation should be utilized before it is no longer timely. Due to the COVID-19 pandemic, grant awards have not yet been announced but expected costs have been narrowed down to the below:

Expected Cost: \$17,000
Expected Grant Use: State Historic Preservation Office Certified Local Government Grant
City Share: \$6,000 (2020)

Upcoming Preservation Work (budget year 2021)

Attached is the priority list for properties to begin nomination processes as approved by the HPC in February, 2019 and February, 2020. The individual projects on the list below will be reviewed and approved by City Council and the Winona HPC prior to applications for grants. The attached list includes the following priorities that should be pursued in 2020 and 2021 to meet programmatic goals of the City of Winona and capitalize on past survey work.

National Register of Historic Places Evaluation:

Latsch Island Wagon Bridge

The Latsch Island Wagon Bridge had been an identified site to pursue historic designation for some time. It has continued use and potential expanded use in the near future with the Flyway Trail development heading into Wisconsin. In February, 2020, the Commission identified the Wagon Bridge as a priority for the 2021 budget year with an application for grants in the 2020 year.

Expected Cost: \$7,500
Expect Grant Use: Minnesota Historical Society Legacy Grant
City Share: \$2,000 (2020)

Ordinance Update:

Demolition by Neglect

The Winona HPC has been working on gathering information in relation to Demolition by Neglect and would like to codify language requiring that property owners in historic districts maintain their properties to a high standard. Language would be incorporated into Chapter 22.27. It would be beneficial to support this with grant efforts in 2021 to work with a consultant to develop the appropriate framework and public outreach for the project.

Expected Cost: \$10,000
City Share: \$4,000 (2021)

National Register of Historic Places Evaluation: Winona Water Works

The Winona HPC voted to include the Winona Water Works among its top priorities in February, 2019. The Water Works building located at the corner of Johnson Street and Front Street is currently owned and operated by the City of Winona.

Expected Cost: \$7,500
Expected Grant Use: Minnesota Historical Society Legacy Grant
City Share: \$2,000 (2021)

Education Efforts: Educational events and outreach

The Winona HPC is working to expand education outreach in currently-designated buildings and districts and work with property owners to better understand the resources available to them. To that end, the HPC would like to devise education curricula that would include K-12 education and adult education and may result in close to \$20,000 in expenditures for activities spanning multiple efforts. Initial efforts may be City-funded, followed by grant funding in the future.

Expected Cost: \$20,000
City Share: \$2,000 (2021)

To facilitate the upcoming preservation work for the Winona HPC, the HPC is recommending a tentative budget request of \$8,000 from the City to leverage \$17,500 to \$27,500 in matching grant funds from the State Historic Preservation Office and Minnesota Historical Society.

Other Heritage Preservation Priorities

Historic Survey Citywide Inventory

The last citywide inventory survey was conducted in 1991-1993. The City of Winona's historic resources have changed since then and multiple buildings have aged into the 50-year window that would allow for historic designation. To continue to work effectively, the HPC will require an updated citywide inventory in the coming years.

Expected Cost: TBD

Other Upcoming Efforts

Staff Support Creation of Preservation Planner Duties and Allocations of Responsibilities

The Winona HPC supports the review of current City Staff duty and resource allocation and the potential development of a full-time preservation planner role and integration of preservation planning into ongoing planning positions. Winona has significant historic resources that are actively utilized and present the best opportunities for investment in the community. Devoting more staff resources to administering the grant, tax credit, education, and administrative work

involved with historic properties would be in the best interest of the City of Winona. This work would tie in well with or following the City of Winona Comprehensive Plan Update. The Commission recognizes that staffing is done administratively and that the needs would fall under the Community Development department and it would be up to City administration to determine how such an allocation of human capital would fit. The Commission also recognizes the ongoing needs of the City in other programmatic areas but requests that the issue be looked at for potential future years.

Financial Support

Historic properties development incentives

The Winona HPC is seeking stronger collaboration and partnership with other funding organizations and existing programs to support historic property owners to improve their buildings. This would require collaboration with other City entities and possible outside funding organizations to develop a program that is more robust than the current façade improvement program or occasional grant. This work would tie in well with the Downtown Strategic Plan.

On behalf of the Winona HPC,

Luke N. Sims
Secretary, Winona HPC
Assistant City Planner
City of Winona

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Unfinished Business	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 4	Engineering	6/01/2020
<i>Item:</i> Broadway Project Survey		
<i>No.</i> 4.1		

SUMMARY OF REQUESTED ACTION:

The results of the Broadway Project Survey were discussed in the pre-council meeting as to determine the way forward for this project. The City Council has 4 alternatives that are presented below to choose which path to pursue at this point.

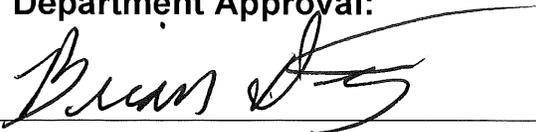
1. Continue with the 4 to 3 Lane conversion project as presented.
2. Develop plans and specifications for a project which includes mill and overlay of Broadway Street, reconstruction of all deficient curb ramps to meet current ADA standards, install approximately 3 additional RRFB's at higher pedestrian intersections, restripe Broadway as a 4-Lane road.
3. Develop plans and specifications on a project to reconstruct Broadway as a 2 Lane street with strategic left turn lanes at signalized and warranted intersections.
4. Do nothing.

Previous Council Actions Regarding this Proposed Project:

October 2, 2017 Council approved Resolution 2017-117 authorizing the application for Accelerated Innovation Deployment (AID) Demonstration program grant for the Broadway 4 lane to 3 conversion along with other pedestrian improvements.

January 2, 2018 Council approved Resolution 2018-02 which authorized staff to apply for additional project funding through the Transportation Alternative Grant program.

Staff requests that Council provide guidance and direction on this project in the form of a motion and vote to either affirm the previous Council actions and move forward with the Broadway Project as presented, or to choose another option.

Department Approval: 	City Manager Approval: 
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Resolution 2017 – 116

WHEREAS, Dennis and Donna Daniels, (“ Petitioner” or “Applicant”) has submitted an application for Final Plat approval of the proposed Daniels subdivision (“Final Plat” or “Plat”), legally described in Exhibit A which is attached hereto and incorporated herein by reference; and

WHEREAS, the Winona City Planning Commission (“Commission”) in accordance with provisions of the Winona City Code, Section 43.06.31 held a required public hearing to consider said Plat on September 25, 2017; and

WHEREAS, following its full review and consideration of all information, the Commission found that the Plat for the proposed Daniels subdivision was consistent with the intent and purpose of applicable City zoning and subdivision ordinances; and

WHEREAS, given its previous findings, the Commission unanimously recommended that City Council of the City of Winona (“City Council”) approve the Final Plat for the Daniels subdivision; and

WHEREAS, the City Council has reviewed the proposed Final Plat of the Daniels subdivision for compliance with the City Code of the City of Winona, and statutes of the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT; the City Council concurs with the recommendation of the Winona City Planning Commission and hereby approves the Final Plat for Daniels subdivision subject to the following condition(s):

1. The Final Plat shall comply with the provisions of all state statutes and standard procedures for platting in Winona County.
2. That no Development Agreement is required as the subdivision does not involve installation or construction of new public improvements.
3. The Final Plat shall be recorded within 180 days of City Council approval or the City’s approval shall be deemed null and void.
4. The Applicant shall be responsible for and pay all fees, including recording fees.

Thereupon Alexander moved to waive the reading of the resolution and to adopt same. The motion was seconded by Eyden, and carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

5.7 Grant Application Accelerated Innovation Deployment Demonstration Program

Mr. DeFrang reported on the Road Diet configuration for Broadway Street, also called a 4 lane to 3 lane conversion, is being brought before Council again due to the opportunity to apply for the Accelerated Innovation Deployment (AID) Demonstration program. This grant awards up to \$1 million and the federal/local split is 80/20. The Broadway project is estimated at \$1.3 million, meaning the City would be responsible for \$300,000 of the costs. MnDOT and FHWA staff are very optimistic that the City would receive the grant if this project was applied for.

There are many studies that have looked at 4 to 3 lane street conversions and here are some of the results of these studies. Traffic volumes of up to 20,000 vehicles per day can be accommodated with a 3 lane section that has a two way left turn lane (TWLTL) in the center. Broadway’s current traffic ranges from 7,000 to 9,400 vpd. Conversion from a 4 lane to a 3 lane has actually been found to be safer. Federal Highway Administration (FHWA) studies have shown a decrease in accidents at a rate anywhere from 19% to 47%. The Iowa DOT studies have shown that vehicles traveling more than

5 miles per hour over the posted speed limit reduced by 60% to 70%. Bicycle traffic has been shown to increase around 30% when designated bike lanes are added to the 4 lane to 3 lane conversion as well as pedestrian crossings increasing by 23%. The 4 to 3 conversion has been shown around the country to be safer than the current Broadway configuration, therefore this grant application should be strongly considered.

The following resolution was then presented for the Council's consideration.

Resolution 2017 – 117

WHEREAS, the City of Winona will apply for the Accelerated Innovation Deployment (AID) Demonstration program grant; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Winona act as the legal sponsor for project contained in the Accelerated Innovation Deployment (AID) Demonstration program Application to be submitted and that Brian DeFrang, City Engineer is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project on behalf of the City of Winona.

BE IT FURTHER RESOLVED, that the City of Winona has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds and adequate construction of the proposed project.

BE IT FURTHER RESOLVED, that the City of Winona has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED, that the City of Winona has committed \$300,000 towards the local match requirement.

BE IT FURTHER RESOLVED, that the City of Winona confirms if the project cost increases above the amount listed in the Application, the City of Winona will provide or secure all additional funds necessary to complete the project. The City of Winona certifies that it will comply with all applicable laws, regulations, and rules of the Application.

BE IT FURTHER RESOLVED, that the sources and uses, private investors, equity, and other financing commitment represented in the attached document are accurate.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk of the City of Winona are hereby authorized to execute such Agreement.

Thereupon Schollmeier moved to waive the reading of the resolution and to adopt same. The motion was seconded by Eyden.

The Mayor noted that he received an online petition in support of the project.

Krage noted that he was originally opposed to the proposal, but he will now reluctantly support it for the increased safety of all residents.

Schollmeier agreed with Krage that the primary reason for doing this project is for safety and to provide better access for pedestrians to cross Broadway to get to downtown.

Mayor Peterson supports the proposal, and noted that he travels this section of Broadway daily. The proposal is a proven way to increase safety.

Thurley noted that everyone is for safety and that the Council had already approved the installation of the pedestrian crossing lights and increased lighting on Broadway. He

stated that many constituents do not see this as a critical level, and would rather see an increase in traffic enforcement.

Eyden stated she was very much in favor of this proposal, and felt it was a proactive move to support pedestrian crossings to get to the downtown area. She noted that traffic counts from the 1960's never materialized, and she suggested extending the narrowing of the street further down to Franklin or even Mankato Avenue.

Borzyskowski has received a lot of input from the public, both for and against the proposal. The biggest concern is speeding, and he felt that there should be tighter enforcement and look at raising the fines.

The motion carried with the Mayor, Krage, Eyden and Schollmeier voting aye, and Thurley, Alexander and Borzyskowski voting no. Thereupon the Mayor declared the resolution duly adopted.

5.8 Library Grant Application – Historic Structure Report

Library Director Lezlea Dahlke reported that in order to maintain and preserve our historic building, we are seeking guidance from the Minnesota State Historical Society, whom has suggested the City of Winona apply for a Minnesota Historical & Cultural Heritage Grant in the full amount of \$10,000. If awarded and under the guidelines of the grant, we would apply for a Historic Structures Report (HSR). A HSR provides documentary, graphic, and physical information about a property's history and existing condition. The report would help us preserve the Library's architectural heritage and prioritize maintenance efforts, particularly concerning the care or restoration of the Kenyon Cox mural and dome area.

The remaining cost to complete the Historic Structures Report has been allocated in the 2018 budget.

The following resolution was then presented for the Council's consideration.

Resolution 2017 – 118

WHEREAS, the City of Winona is interested in gathering more information on the structural integrity and historic preservation of Winona Public Library; and

WHEREAS, the City of Winona is eligible to apply for the Minnesota Historical & Cultural Heritage Grant in the amount of \$10,000 to perform a Historic Structures Report; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Winona, Minnesota that it hereby supports the City of Winona's application for grant funding and authorizes the City Clerk and Mayor to execute such agreements as are necessary to implement the project on behalf of the City of Winona.

Thereupon Alexander moved to waive the reading of the resolution and to adopt same. The motion was seconded by Eyden, and carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

7.1 Council Concerns

Borzyskowski noted that the railroad switching is still an issue for the Mankato Avenue crossing. He wished get well to Rita Tropple, and sent his condolences to the family of Leroy Ames.

Schollmeier offered his condolences to the family of Joe Morse.

Eyden also offered her condolences to the family of Joe Morse. She invited the public to take part in the tree planting this Saturday at Unity Park.

Alexander asked that a plan be developed for the maintenance of the medians downtown, and he asked that the remains of the light fixture at 3rd and Center be removed or replaced. Alexander suggested that a short term plan be developed to remove the theater drops from the Masonic Temple and store off-site so that these do not delay the reconstruction project scheduled for early 2018.

Thurley offered his condolences to the family of Joe Morse, and wished his grandson a happy 8th birthday today.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

- Item No. 8.1: Approval of Minutes – September 18, 2017;
- Item No. 8.2: Ordinance for a Stop Sign on Zumbro Street at Wabasha Street Intersection;
- Item No. 8.3: Claim by the City of Winona against Janice Dornfeld;
- Item No. 8.4: Claim Against the City by Eric Weigel.

Thurley moved to approve the consent agenda. Alexander seconded the motion, and it carried with all voting aye.

The time being 7:20 p.m. and there being no further business to come before the Council this evening, Borzyskowski moved to adjourn. Alexander seconded the motion, and it carried with all voting aye.

Monica Hennessy Mohan
City Clerk

Mark F. Peterson
Mayor

Thereupon Alexander moved to waive the reading of the resolution and to adopt same. The motion was seconded by Schollmeier.

Thurley noted that the total premium was going down by about 4%. Ms. Burrichter noted that the municipal liability was decreasing the most because of better experience than was expected; auto physical damage was increasing due to increased costs on safety equipment.

The motion carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

5.2 Ice Park Guided Climbing Agreement

Assistant City Manager Chad Ubl reported as the Ice Climbing Park continues to grow in demand, permitting appropriate use is essential as a risk management component. Standard practice would include the awarding of guiding opportunities on an individual basis. Staff would recommend an agreement be approved to regulate appropriate use of the park. The agreement would require the Licensor to hold the required insurance, meet industry standards related to training and certifications, and would regulate the group sizes at the park. The agreement would also mitigate guiding by under qualified guides.

Alexander moved to approve the agreement and to authorize Administration to execute the same. Schollmeier seconded the motion.

Eyden asked if people are allowed to climb without a guide; Recreation Coordinator Ross Greedy replied yes.

Schollmeier asked if there was a similar agreement for last season. Mr. Greedy replied no.

Thurley asked for the rationale for the smaller license fee for this year. Mr. Greedy replied that this takes into account a shorter season this year based on when the agreement would be executed.

The motion carried with all voting aye.

*

5.3 Grant Application for Transportation Alternatives Program

City Engineer Brian DeFrang reported that the Road Diet configuration for Broadway Street, also called a 4 lane to 3 lane conversion, was brought before Council on October 2nd, 2017 due to the opportunity to apply for the Accelerated Innovation Deployment (AID) Demonstration program. It is the intention to pair the AID grant with as many grants as possible to obtain the most fully developed project possible. The Transportation Alternatives Program would pair very well with the AID program as well as the Highway Safety Improvement Program (HSIP) grant that will also be applied for in the near future. The AID monies need to be appropriated within one year of grant award, therefore the other grants will be applied for first so that the timeline does not start until all of the funding is first put in line. Once the awards for both the HSIP and the Transportation Alternatives Program are announced, then the AID grant will be applied for immediately. This is anticipated to be late spring of 2018.

The following resolutions were then presented for the Council's consideration.

Resolution 2018 – 02

WHEREAS, the City of Winona will apply for the Transportation Alternatives Grant; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Winona act as the legal sponsor for project contained in the Transportation Alternatives Grant Application to be submitted and that Brian DeFrang, City Engineer is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project and act as an agent on behalf of the City of Winona.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk of the City of Winona are hereby authorized to execute such Agreement.

Resolution 2018 – 03

WHEREAS, the Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of the right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS, Transportation Alternatives projects receive federal funding; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS, the City of Winona is the sponsoring agency for the transportation alternatives project identified as Broadway Road Diet.

NOW, THEREFORE, BE IT RESOLVED, that the City of Winona hereby agrees to assume full responsibility for the operation and maintenance of the property and facilities related to the aforementioned transportation alternatives project.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk of the City of Winona are hereby authorized to execute such Agreement.

Thereupon Schollmeier moved to waive the reading of the resolutions and to adopt same. The motion was seconded by Borzyskowski.

Alexander asked for clarification on what the ongoing maintenance would require. Mr. DeFrang replied that the City would not be allowed to change the striping on the road unless a major street repaving project would be undertaken.

The motion carried with all voting aye, except Alexander and Thurley. Thereupon the Mayor declared the resolutions duly adopted.

7.1 Council Concerns

Eyden announced that there would be a benefit for Dr. Bob Armstrong, the local puppeteer who lived in the house destroyed by the fire last weekend, at Ed's No Name Bar this Friday at 5:00 p.m.

Schollmeier wished everyone a happy and healthy New Year.

Borzyskowski offered his wish list for the New Year: That the Vikings advance in the playoffs; that Winona County could find a way to share a portion of the local sales tax with the City for road repairs; that the road in front of the hospital be repaved this year instead of waiting until 2024; and that something be done to alleviate the issues with traffic waiting at the railroad crossing on Mankato Avenue. He also wished everyone a Happy New Year.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

- Item No. 8.1: Approval of Minutes – December 18, 2017;
- Item No. 8.2: Ordinance to Amend Tourist Homes Ordinance;
- Item No. 8.3: Ordinance for a Stop Sign on Laird Street at Wabasha Street Intersection.

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Unfinished Business	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 4	Community Development	6/1/20
<i>Item:</i> Presentation of the Winona Downtown Strategic Plan		
<i>No.</i> 4.2		

SUMMARY OF REQUESTED ACTION:

The City of Winona and Port Authority of Winona approved funding to complete a Downtown Strategic Plan as part of the 2019 budget process. The City and Port Authority entered into an Agreement with ISG for services in early 2019 and began holding public engagement meetings with the public, building owners, and people who live and work in downtown Winona. A Downtown Survey was developed and marketed early on in the process through the City and Winona Main Street. In addition, engagement was sought by sessions with the City Council, Port Authority, Planning Commission, the Winona Area Chamber of Commerce, Winona Main Street and Developers. Additional meetings with residents, students, and members of the Historic Preservation Commission were also part of the public engagement process. Over a six-month period, Community Development staff and ISG connected with those that live, work and play in downtown Winona to gather public input.

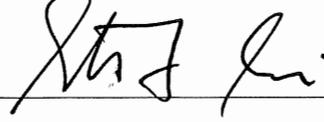
Demographic information, future trends and the make-up of downtown were incorporated into the Downtown Strategic Plan. Finally, members of the community weighed in on short-term and long-term projects ranking them from most important to least to help prioritize improvement projects and ideas for downtown. A draft plan was presented in January 2020 and public meetings were held to gather input on the draft plan. The input from these meetings and the culmination of information is included in the final draft. Staff will provide a presentation highlighting the plan.

If Council concurs, a motion to approve the attached resolution to adopt the Winona Downtown Strategic Plan would be appropriate.

Department Approval:



City Manager Approval:



RESOLUTION

WHEREAS, the City of Winona and Port Authority authorized a Downtown Strategic Plan to be undertaken in 2019; and

WHEREAS, Opportunity Winona has encouraged private investment in downtown Winona and the Winona Downtown Strategic Plan was undertaken to help insure that investment continues into the foreseeable future; and

WHEREAS, the Plan will assist in prioritizing public investment in downtown; and

WHEREAS, the Plan was developed through engagement of residents, the general public, business and building owners and the City Council and it's Commissions; and

WHEREAS, the Winona Downtown Strategic Plan final draft has been received and reviewed by the City Council.

NOW THEREFORE LET IT BE RESOLVED, the Council of the City of Winona does hereby accept and adopt the Winona Downtown Strategic Plan.

Dated this _____ day of _____, 2020.

Mark Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Unfinished Business	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 4	Public Works	06/01/20

Item: **Award of Contracts – Asphaltic Materials**

No. **4.3**

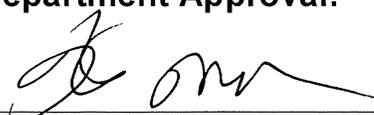
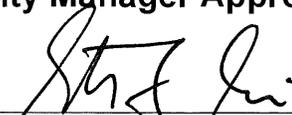
SUMMARY OF REQUESTED ACTION:

Bids were received for the purchase of Asphaltic Materials. The bids are shown on the attached abstract of bids. Last year's are also available for comparison.

Henry G. Meigs, LLC was the only bidder for Asphaltic Materials at \$78,811.20.

Staff recommendation is for award of the bids to Henry G. Meigs, LLC. The 2020 budget for this material is \$65,000.

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

Department Approval: 	City Manager Approval: 
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RESOLUTION

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it enter into a contract for Emulsified Asphalt in accordance with the specifications dated April 9, 2020, covering the same and on file with the City Clerk, and that the City Manager and City Clerk execute the contract; and

BE IT FURTHER RESOLVED that the proposal of Henry G. Meigs, LLC, in the amount of \$78,811.20, it being the most favorable proposal received and it being the lowest responsible bidder therefore, be and the same is hereby accepted, and that the bidder execute said contract and furnish bond in the amount of as required by the specifications or by law.

Dated this _____ day of _____, 2020.

Mark F. Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

ABSTRACT OF BIDS - 2020
Asphaltic Materials and Plant Mixed Bituminous Materials

Dunn Blacktop

H.G. Meigs, LLC

Item	Description	Qty	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
Section I	Emulsified Asphalt						
	HFRS-2	46,800	gal			\$ 1.6200	\$ 75,816.00
	Freight	46,800	gal			\$ 0.0640	\$ 2,995.20
	Total Emulsified Asphalt						\$ 78,811.20
Section II	Plant Mixed Bituminous Materials						
	SC-250 picked up at plant	300	ton	\$ 70.00	\$ 21,000.00		\$ -
	SPWEB340B picked up at plant	480	ton	\$ 56.00	\$ 26,880.00		\$ -
	Total Plant Mixed Bituminous				\$ 47,880.00		\$ -
Total Emulsified Asphalt					\$ -		\$ 78,811.20
Total Plant Mixed Bituminous					\$ 47,880.00		\$ -
					LOW BIDDER		LOW BIDDER
Keith A. Nelson, Public Works Director				Date			
License #17058							

ABSTRACT OF BIDS - 2019
Asphaltic Materials and Plant Mixed Bituminous Materials

Dunn Blacktop

H.G. Meigs, LLC

Item	Description	Qty	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
Section I	Emulsified Asphalt						
	HFRS-2	46,800	gal			\$ 1.9200	\$ 89,856.00
	Freight	46,800	gal			\$ 0.0706	\$ 3,304.08
	Total Emulsified Asphalt						\$ 93,160.08
Section II	Plant Mixed Bituminous Materials						
	SC-250 picked up at plant	300	ton	\$ 70.00	\$ 21,000.00		\$ -
	SPWEB340B picked up at plant	480	ton	\$ 57.00	\$ 27,360.00		\$ -
	Total Plant Mixed Bituminous				\$ 48,360.00		\$ -
Total Emulsified Asphalt					\$ -		\$ 93,160.08
Total Plant Mixed Bituminous					\$ 48,360.00		\$ -
					LOW BIDDER		LOW BIDDER
Keith A. Nelson, Asst. City Mgr. for Public Works				Date			
License #17058							

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Unfinished Business	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 4	Public Works	06/01/20
<i>Item:</i> Award of Contracts – Plant Mixed Bituminous Materials		
<i>No.</i> 4.4		

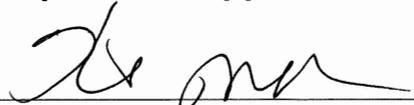
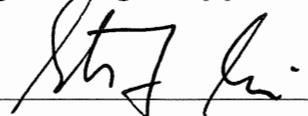
SUMMARY OF REQUESTED ACTION:

Bids were received for the purchase of Plant Mixed Bituminous Materials. The bids are shown on the attached abstract of bids. Last year's are also available for comparison.

Dunn Blacktop was the only bidder for Plant Mixed Bituminous Materials at \$47,880.00.

Staff recommendation is for award of the bids to Dunn Blacktop. The 2020 budget for this material is \$64,400.00.

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

Department Approval: 	City Manager Approval: 
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RESOLUTION

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it enter into a contract for Plant Mixed Bituminous Materials in accordance with the specifications dated April 9, 2020, covering the same and on file with the City Clerk, and that the City Manager and City Clerk execute the contract; and

BE IT FURTHER RESOLVED that the proposal of Dunn Blacktop Company, in the amount of \$47,880, it being the most favorable proposal received and it being the lowest responsible bidder therefore, be and the same is hereby accepted, and that the bidder execute said contract and furnish bond in the amount of as required by the specifications or by law.

Dated this _____ day of _____, 2020.

Mark F. Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

ABSTRACT OF BIDS - 2020
Asphaltic Materials and Plant Mixed Bituminous Materials

Dunn Blacktop

H.G. Meigs, LLC

Item	Description	Qty	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
Section I	Emulsified Asphalt						
	HFRS-2	46,800	gal			\$ 1.6200	\$ 75,816.00
	Freight	46,800	gal			\$ 0.0640	\$ 2,995.20
	Total Emulsified Asphalt						\$ 78,811.20
Section II	Plant Mixed Bituminous Materials						
	SC-250 picked up at plant	300	ton	\$ 70.00	\$ 21,000.00		\$ -
	SPWEB340B picked up at plant	480	ton	\$ 56.00	\$ 26,880.00		\$ -
	Total Plant Mixed Bituminous				\$ 47,880.00		\$ -

Total Emulsified Asphalt	\$ -	\$ 78,811.20
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Total Plant Mixed Bituminous	\$ 47,880.00	\$ -
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LOW BIDDER

LOW BIDDER

Keith A. Nelson, Public Works Director
 License #17058

Date

ABSTRACT OF BIDS - 2019
Asphaltic Materials and Plant Mixed Bituminous Materials

Dunn Blacktop

H.G. Meigs, LLC

Item	Description	Qty	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
Section I	Emulsified Asphalt						
	HFRS-2	46,800	gal			\$ 1.9200	\$ 89,856.00
	Freight	46,800	gal			\$ 0.0706	\$ 3,304.08
	Total Emulsified Asphalt						\$ 93,160.08
Section II	Plant Mixed Bituminous Materials						
	SC-250 picked up at plant	300	ton	\$ 70.00	\$ 21,000.00		\$ -
	SPWEB340B picked up at plant	480	ton	\$ 57.00	\$ 27,360.00		\$ -
	Total Plant Mixed Bituminous				\$ 48,360.00		\$ -

Total Emulsified Asphalt	\$ -	\$ 93,160.08
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Total Plant Mixed Bituminous	\$ 48,360.00	\$ -
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LOW BIDDER

LOW BIDDER

Keith A. Nelson, Asst. City Mgr. for Public Works
 License #17058

Date

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i> Planning	<i>Date:</i> 6/1/2020
<i>No:</i> 5		

Item: **Emergency Ordinance Permitting Limited Sales of Goods and Delivery in Public Rights-of-Way**

No. **5.1**

SUMMARY OF REQUESTED ACTION:

To better support the Winona Community in its response to the COVID-19 pandemic emergency and facilitate the City's ability to quickly adapt and assist businesses, City staff is recommending a temporary ordinance creating an administrative approval process to allow temporary street closures and use of public rights-of-way for the sale of goods, delivery of services, customer seating, or other service areas. The proposed temporary ordinance limits the space a business may be allowed to encroach into the public rights-of-way to sidewalks and adjoining parking spaces up to the width of the business building or further with permission from neighbors. Businesses opting to utilize the public right-of-way shall submit a rights-of-way use notification form to the City Clerk with a certificate of insurance prior to using the public right-of-way. In collaboration with the Winona Chamber of Commerce and Winona Main Street program, this temporary ordinance will allow for the City to adapt to the rapidly changing pandemic situation and orders from the Governor of the State of Minnesota.

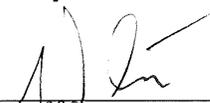
The proposed duration of this temporary ordinance is through the duration of Resolution No. 2020-044 passed by the City Council on March 16, 2020 or through November 1, 2020, whichever is later.

Should the City Council agree with the proposed language, a motion to introduce and approve the attached emergency ordinance and template license agreement would be in order.

Attachments:

1. An Emergency Ordinance temporarily permitting limited sales of goods and delivery of services within public rights-of-way during the COVID-19 local emergency
2. Alcohol sales template license agreement

Department Approval:



City Manager Approval:



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE TEMPORARILY PERMITTING LIMITED SALES OF
GOODS AND DELIVERY OF SERVICES WITHIN PUBLIC RIGHTS-OF-WAY DURING
THE COVID-19 LOCAL EMERGENCY

THE CITY OF WINONA DOES ORDAIN:

Section 1. PREAMBLE - STATEMENT OF EMERGENCY. An emergency exists due to the COVID-19 pandemic, which has resulted in the declaration of a local emergency by the Mayor and City Council of the City of Winona by adoption of Resolution No. 2020-044 on March 16, 2020, which Resolution is incorporated herein by reference. The COVID-19 pandemic has also resulted in the declaration of a Peacetime Emergency and the issuance of successive executive orders by Minnesota Governor Walz. The COVID-19 pandemic and the requirements of Governor Walz's executive orders have limited or otherwise affected the operation of many commercial and not-for-profit establishments in the City of Winona. There is a pressing and emergent need for these establishments to expeditiously, safely and efficiently sell goods and deliver services to the public so that the businesses may continue to generate revenues and the public may maintain access to necessary products and services to the greatest extent possible while limiting close personal exchanges between customers and employees and practicing physical and social distancing between persons during the COVID-19 pandemic.

Section 2. TEMPORARY USE OF PUBLIC RIGHTS-OF-WAY. Notwithstanding anything to the contrary contained in the City of Winona City Code, or any special ordinance or policy of the City, but subject to the requirements and restrictions contained in Section 4 of this ordinance, retail businesses having a brick and mortar location within the City of Winona may place and sell their goods or deliver services, including but not limited to by establishing drive-up or drive-thru areas, customer ordering, waiting or pick-up areas, or customer seating or service areas on the businesses' property, including private parking lot areas owned by the business or for which the business otherwise has the permission of the owner, or within the following portions of public rights-of-way:

- A. upon the sidewalk located directly adjoining the business and equal to the width of the business adjacent to the sidewalk or as allowed under agreement with neighboring businesses or property owners; and
- B. upon any public parking spaces immediately adjoining the building where the business is located to an equal extent as any other businesses adjoining the same parking spaces who wish to make use thereof pursuant to this ordinance.

Section 3. TEMPORARY STREET CLOSURES. The City Council or the City Manager, in their respective judgment and discretion, may close City streets or any portions of City streets (including only one lane) to facilitate the purposes of this ordinance and the uses hereby granted. Any street closures shall be of limited duration.

A written plan for street closure(s) shall be submitted by the business or businesses seeking closure to the City for review and approval. The written plan shall contain the information in this Section and a map showing the location of the street closure. No request for closure of a street shall be of a duration longer than 12 hours per day for a period of more than two consecutive days. No request for street closure of the same street shall be more frequent than 2 days within a 7 day period. The determination whether to close any street for a request under this Section shall be based on, in the judgment and discretion of the City Manager, factors including but not limited to the following: the operational needs of the City; the public health, safety, and welfare; weather conditions; the number of events previously scheduled; the number of streets closed at any given time and the interrelation of such streets; and the needs of and burden upon the traveling public and pedestrians resulting from a proposed street closure. The business making application for street closure shall make arrangements with the City for placement and removal of street closure barricades. The City Manager shall receive input from the Police Chief, Fire Chief, City Engineer, Public Works Director, and City Clerk in making such determinations for street closures. The City Manager may bring any request for a street closure to the City Council for consideration by the City Council. If a request is denied by the City Manager, the applicant may request the City Council consider the request at the next City Council meeting.

Section 4. REQUIREMENTS AND RESTRICTIONS.

- A. All businesses shall at all times preserve a minimum of five (5) feet in width for pedestrian traffic on sidewalks in addition to the area presently occupied by trees, transformer boxes or other permanent installations, shall not block disabled person parking spaces or ramps, and shall otherwise meet the requirements of the Americans with Disabilities Act as the same pertains to the portion of the sidewalk being used by such business pursuant to this ordinance.
- B. Personal property, including but not limited to goods, merchandise, umbrellas, signs, clothing racks, displays, tables and chairs placed within a public parking area shall be demarcated by bright, highly visible partitions placed within the parking space(s), including but not limited to cones, removable fencing or ropes. The means of demarcation shall not extend beyond the parking spaces and a 12-foot driving lane shall be maintained at all times, unless the City Council or City Manager otherwise closes the street for an event as provided in Section 3. The means of demarcation shall be temporary and removable and shall not be lower than 30 inches nor higher than 48 inches.
- C. The use of the public rights-of-way, except as specifically provided for in this ordinance, shall remain subject to any other applicable laws, regulations, and license and permit requirements.
- D. No food or beverages shall be sold within public rights-of-way under this ordinance for immediate consumption except by a licensed bar or restaurant, and only in compliance with all state and local regulations for bars or restaurants, except as otherwise provide in this ordinance.

- E. No alcoholic beverages shall be sold or otherwise served for on premises consumption within public rights-of-way under this ordinance for immediate consumption or otherwise except by an establishment pursuant to a license agreement with the City, which agreement shall be on the form provided by the City and administratively approved by the City Manager and City Clerk or their designees, or otherwise by an establishment holding a valid license encompassing such public rights-of-way pursuant to, and only in compliance with, all state and local regulations for the sale of alcoholic beverages. The license agreement shall include a depiction of the temporary expanded service area within the public right-of-way, and the same shall be compact and contiguous to the business holding the liquor license and otherwise must be in compliance with all state and local regulations for the sale of alcoholic beverages. In such cases, barriers must be established so as to designate a compact and contiguous additional licensed service area within the public right-of-way for inclusion in the licensed premises.
- F. Alcohol shall only be consumed upon the licensed premises from which the alcohol was sold or in the approved expanded service area pursuant to Section 4.E. of this ordinance.
- G. No personal property, including but not limited to goods, merchandise, umbrellas, signs, clothing racks, displays, tables and chairs, may be placed within any public right-of-way so as to cause damage to or the physical alteration of such public right-of-way or any permanent facilities located therein.
- H. No personal property, including but not limited to goods, merchandise, umbrellas, signs, clothing racks, displays, tables and chairs, may be placed within any public right-of-way so as to obstruct or interfere with building exits, fire hydrants, standpipes, or other public safety equipment.
- I. If the business is not the fee owner of the public right-of-way, such business may only make temporary outdoor use thereof pursuant to this ordinance with the written approval from the fee owner of the premises.
- J. All businesses using the public right-of-way for the purposes herein stated shall make immediate adjustments to said use area in the event City staff notifies them either verbally or in writing that some use by the business is not in compliance with the requirements of this ordinance.
- K. Any business using a public right-of-way pursuant to this ordinance shall fully indemnify, defend, hold harmless, and release the City, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with said business' use or operations within the public rights-of-way.

- L. No business may make use of a public right-of-way pursuant to this ordinance without first submitting a certificate of insurance to the City Clerk evidencing general liability insurance that includes premises and operations insurance and products and completed operations insurance with minimum coverage amounts of \$300,000 per occurrence and \$500,000 aggregate, and which names the City of Winona as an additional insured.
- M. All business seeking to operate under the permitted use granted hereby, prior to the use thereof, shall register with the City Clerk through a rights-of-way use registration form and submit the certificate of insurance required in Paragraph L, and the City Clerk shall keep a list of said businesses. A copy of this ordinance shall be provided to all eligible businesses at the time the business registers with the City Clerk. Registration shall include the name of the business, the contact person, the contact information, and the address of the business. This information shall be required in addition to the license agreement required for businesses desiring to sell alcohol and have customers consume alcohol within their licensed premises.
- N. Any business using a public right-of-way pursuant to this ordinance is responsible for providing waste receptacles and ensuring the area is litter free at all times during such use.
- O. On-site signage and storage are authorized, as well as limited on-site directional signage. Temporary tables, tents and sun shelters may be erected, but any structure requiring state building and fire code permits must submit plans and permit applications for accelerated review by city staff.
- P. No placement of personal property of any kind or nature, including but not limited to goods, merchandise, umbrellas, signs, clothing racks, displays, tables or chairs, upon a public right-of-way pursuant to this ordinance, shall be for a period longer than 15 hours within any 24-hour period.
- Q. No placement of personal property of any kind or nature, including but not limited to goods, merchandise, umbrellas, signs, clothing racks, displays, tables or chairs as described herein shall be made or remain on a public right-of-way pursuant to this ordinance overnight between the hours of 10:00 p.m. and 7:00 a.m. daily.
- R. COVID-19 Requirements. All businesses operating under the permitted authority granted herein shall have read and shall follow the protocols, practices, and guidelines as applicable to their businesses, specified by the State of Minnesota and any potential amendments to operating orders during the COVID-19 Peacetime Emergency and related executive orders and legislation. Violations of this Section shall result in the licensee receiving a verbal warning and an opportunity to comply with this Section within the time specific by the City notice thereof. If a second violation occurs, the permission granted hereby may be revoked immediately by written notice from the City Manager and the business

shall immediately cease operations within the public right-of-way upon receipt of such notice.

Section 5. PENALTY; ENFORCEMENT. Any person using public rights-of-way in violation of the requirements and restrictions contained in Section 4 of this ordinance shall be subject to a civil penalty in an amount not to exceed \$100. Each day on which a violation occurs shall be a separate offense and may be otherwise enforced in the same manner as any violation of City Code.

Section 6. EFFECTIVE DATE. This emergency shall be effective from and after its adoption.

Section 7. EXPIRATION DATE. This emergency ordinance shall expire upon the date on which City Council Resolution No. 2020-044, dated March 16, 2020, declaring the local emergency due to the COVID-19 pandemic is repealed, or November 1, 2020, whichever is later.

Passed by the City Council of the City of Winona, Minnesota, this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

LICENSE AGREEMENT

_____ **[LICENSEE BUSINESS NAME]**

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 _____ [Licensee Business Name] (the "Licensee"); (collectively the "parties").

RECITALS:

WHEREAS, the Licensor is the owner of public streets, sidewalks, and municipal parking lots in the City of Winona, County of Winona, State of Minnesota (the "public area"); and

WHEREAS, the Licensee is the [owner/lessee] of real property located adjacent to the public area at _____ [street address], Winona, MN, at which Licensee operates the _____ [name of establishment]; and

WHEREAS, the Licensee is the holder of a license issued by the City for the sale of _____ [type of on-sale license, e.g. intoxicating liquor, beer and wine, brew pub, tap room] for on-premises consumption at _____ [name of establishment] (Licensee's "liquor license"); and

WHEREAS, the Licensee desires to use the public area for commercial retail purposes, including the sale and service of food and beverages, including alcoholic beverages, pursuant to the City's Emergency Ordinance No. ____, adopted June 1, 2020 (the "Emergency Ordinance"), as the same may be extended or modified by adoption of subsequent emergency ordinances by the City; 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 public area. Licensor hereby grants to Licensee a non-exclusive, terminable license to use that portion of the public area as depicted on Exhibit A, attached hereto and incorporated herein by reference (the "licensed public area"), for commercial retail purposes as more particularly described in Section 3 below. The Licensee shall use the specified public area only for such authorized purposes.
2. Term. The term of this Agreement shall be for the period commencing at 8:00 a.m. on _____, 2020 and shall expire on at such time as the City's Emergency Ordinance, or any extensions or modifications thereof by subsequent emergency

ordinances by the City, expires, is repealed, or otherwise ceases to be in effect.

3. Purpose. Licensor authorizes Licensee to use the licensed public area for commercial retail purposes pursuant to the City's Emergency Ordinance, specifically including the sale and service of food and beverages to Licensor's patrons, including, subject to the requirements herein, alcoholic beverages (the "authorized purposes"). A copy of the City's Emergency Ordinance is attached hereto and incorporated herein by reference as Exhibit B.
4. Permits and Inspections. Nothing in this Agreement shall be interpreted to exempt the Licensee from observing all applicable ordinances and state statutes applicable to Licensee's business, including with respect to the sale and/or consumption of alcohol. Inspections shall be made by staff of Licensor to ensure Licensee's compliance with all applicable local laws and state statutes, as applicable and under the jurisdiction of Licensor.
5. Alcoholic Beverages. The Licensee shall obtain all applicable licenses or permits with regard to the sale and/or consumption of alcoholic beverages within the licensed public area. By executing this Agreement, Licensor consents to and approves of the sale, service and consumption of alcoholic beverages from open containers on the licensed public area, and further agrees that for the duration of this Agreement, the licensed public area shall be considered to be an additional patio space/service area within the outdoor spaces included in the compact and contiguous premises to which Licensee's liquor license applies. A depiction of said compact and contiguous licensed premises to which Licensee's liquor license applies, which includes the licensed public area, is attached hereto as Exhibit A and incorporated herein by reference, and shall temporarily supersede and replace the depiction of said licensed premises in Licensee's liquor license for the duration of this Agreement.
6. Use of Licensed Public Area. Subject to the other terms and provisions contained herein, the Licensee shall be permitted to use the licensed public area only for the authorized purposes for the term stated herein. During the term of this License, the Licensee shall comply with all applicable laws, regulations, conditions, and covenants affecting the licensed public area, 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 public area. Should the Licensee commit or allow to be committed any waste on or destruction to the licensed public area, the Licensee shall immediately restore the licensed public area to its original condition at the inception of this License Agreement, or, alternatively, pay to the Licensor the cost of restoring the licensed public area 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 Agreement without the prior written consent of Licensor.

8. Maintenance/Alteration of Licensed Public Area. At all times while this Agreement is in effect, the Licensee shall keep the licensed public area in a sanitary condition and keep the same free from refuse. The Licensee shall be responsible for the repair of any damages to the licensed public area resulting from its use thereof pursuant to this Agreement. The Licensee shall not be permitted to make any alterations to the licensed public area without the prior written consent of the Licensor. On termination of this Agreement, the Licensee shall, at the Licensee's expense, restore the licensed public area 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 public area 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 public area. 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 public area by the Licensee in connection with this Agreement. The Licensee shall indemnify the City against and agree 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.

 - B. Liability Insurance Coverage

The Licensee shall, at its expense, maintain in effect liability insurance with limits not less than specified in the City's Emergency Ordinance or any ordinance or requirement applicable to Licensee by virtue of Licensee's liquor license, whichever is greater. 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. The certificate must state that coverage includes the expanded service area.

11. Contact Information. The Licensee shall designate the contact persons responsible for the Licensee's use of the licensed public area pursuant to this Agreement and provide the same to the City Clerk commensurate with execution of this Agreement.

12. Termination of License. If at any time the Licensee breaches a material term of this Agreement, then this Agreement shall become null and void, at the option of the Licensor, immediately upon the City Clerk's provision of written notice of the same to the Licensee.

13. **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. 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.
- k. Recitals. The recitals hereto are made a part hereof by reference.

[Signature page to follow]

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

LICENSEE: _____

By: _____
Print Name: _____
Its: _____

LICENSOR: CITY OF WINONA, MINNESOTA

By: _____
Print Name: Stephen T. Sarvi
Its: City Manager

And By:

By: _____
Print Name: Monica Hennessy Mohan
Its: City Clerk

EXHIBIT A

**DEPICTION OF LICENSED PUBLIC AREA INCLUDING EXPANSION OF
LIQUOR LICENSED PREMISE**

EXHIBIT B

CITY EMERGENCY ORDINANCE

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
No: 5	City Clerk	06/01/20
<i>Item:</i> Street Closure Request for Downtown Street Market		
No. 5.2		

SUMMARY OF REQUESTED ACTION:

The following request was received from Ben Strand, Main Street Program:

In an effort to support downtown businesses (particularly the restaurants) the Winona Chamber of Commerce and Winona Main Street Program request to close Third Street from Johnson Street to Franklin Street, the northbound lane of Walnut Street between 2nd and 3rd Street, and the northbound lane of Lafayette Street from 2nd to the entrance of Island City Brewing Company every Friday from 4 p.m. to 10 p.m. from June 5 to October 30 (can re-evaluate after 8 weeks). All cross streets (with the exception of the two sections mentioned earlier) would remain open for traffic. "No Parking" signs will need to be up the day before each week (Thursdays) so the public is aware of the street closure, and we will need barricades set up at each block.

This effort is aimed at allowing restaurants to have one night a week where they can expand their outdoor seating capacity in a safe manner, and retail businesses can display product outside their store/into the street if they wish (similar to the Farmer's Market but on a bigger scale). Community members will feel safer to spend time downtown if there is more space to practice social distancing and no traffic to worry about.

The Chamber and Main Street will work collaboratively to notify downtown businesses about this initiative so they can prepare and get a plan in place, such as safety measures (sanitization, tables and seating), staffing needs, etc. The Chamber and Main Street will also create their own materials to promote safety guidelines. We will promote the enforcement of guidelines provided by the State and the Health Department (use of masks, sanitization procedures, social distancing, etc.). Businesses can request them as needed.

Downtown businesses need as much help and support as possible as things start opening up and the "dial" continues to turn. The Chamber and Main Street Program firmly believe this initiative will provide the necessary support. Our historic downtown district is a crucial pillar and economic contributor to our community, and it's important for businesses to have opportunities like this to help them survive and recover from the challenges they have faced and will continue to face as a result of the pandemic.

Note: With the closure of Third Street, the bus stop at Third and Center Streets will need to be relocated to the corner of Fourth and Center from 4:00 – 6:15 pm on each of these Fridays. Note also that each business would need to make an application under the Temporary Service Area ordinance presented in the previous agenda item. Those businesses serving alcohol would need to enter into a license agreement with the City prior to serving on City right-of-ways.

Department Approval: 	City Manager Approval: 
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REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 5	Public Works	6/01/2020

Item: **Approval of Winona Airport CARES Act Grant**

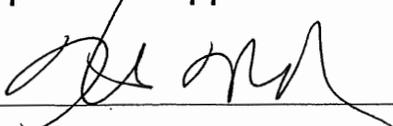
No. **5.3**

SUMMARY OF REQUESTED ACTION:

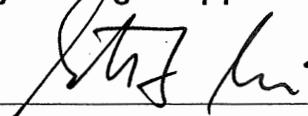
The City of Winona Municipal Airport is eligible and has been offered a grant of up to \$30,000 to be used on maintenance and operations of the airport. The City Council is being asked to approve the acceptance of this grant and to authorize the Director of Public Works to sign all documentation related to the grant.

If the Winona City Council is in agreement approval of the attached resolution would be in order.

Department Approval:



City Manager Approval:



RESOLUTION

WHEREAS, a CARES Act Grant of up to \$30,000 has been offered for maintenance and operations expenses of the Winona Municipal Airport.

NOW THEREFORE LET IT BE RESOLVED that the CARES Act Grant be accepted and furthermore that the Director of Public Works is hereby authorized to sign any documentation related to that grant.

Dated this _____ day of _____, 2020.

Mark Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 5	Parks and Recreation	06/01/20
Item: Prairie Island Campground – 2020 Recreational Camping Closure		
No. 5.4		

SUMMARY OF REQUESTED ACTION:

The City of Winona Parks and Recreation Department has been working with Front Porch Management regarding the 2020 Prairie Island camping season. The COVID-19 guidelines for camping have evolved over the past three months, specifically the guidelines for recreational short term camping.

Staff will recommend that the City close recreational short term camping at Prairie Island Campground for the 2020 season.

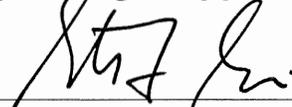
Staff and Front Porch Management will present more information regarding the recommendation as well as plans for maintenance within the Campground due to the vacant sites.

If the Council concurs with the staff recommendation presented, a motion to close recreational short term camping for the 2020 season at Prairie Island Campground would be in order.

Department Approval:



City Manager Approval:

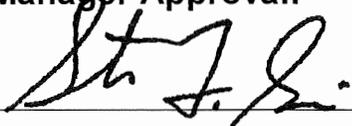


REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 5	City Manager	06/01/20
<i>Item:</i> Letter of Support for Amtrak Grant Application		
<i>No.</i> 5.5		

SUMMARY OF REQUESTED ACTION:

Attached is a letter drafted by Amtrak seeking support from the City of Winona for a joint grant application by the Minnesota Department of Transportation (MNDOT) and the Wisconsin Department of Transportation (WISDOT) for the Consolidated Rail Infrastructure and Safety Improvement (CRISI) Grant. If the Council concurs, a motion to approve and authorize the Mayor to sign the letter would be in order.

Department Approval:	City Manager Approval: 
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City Hall
207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
507.457.8234
www.cityofwinona.com

June 2, 2020

Elaine L. Chao
Secretary, U.S. Department of Transportation
1200 New Jersey Ave.
Washington, DC 20590

RE: Letter of Support for the 2020 Consolidated Rail Infrastructure and Safety Improvement Grant application of the Minnesota and Wisconsin Departments of Transportation for Twin Cities-Milwaukee-Chicago Passenger Rail Expansion

Dear Secretary Chao:

I am writing you in support of the Minnesota and Wisconsin departments of transportation joint application for a Consolidated Rail Infrastructure and Safety Improvement Grant, which combined with state matching funds, would allow implementation of additional Amtrak passenger rail service connecting Winona with the Twin Cities, Lacrosse, Milwaukee and Chicago (TCMC).

Winona is the market center for southeast Minnesota and southwest Wisconsin. Our robust economy is supported by a wide range of economic sector including higher education, technology, manufacturing, health care and the arts. To continue to grow and keep our young talent and attract new residents, the 8,000 students at Winona State University and the 5900 at St. Mary's University, quality transportation service is critical. Having safe transportation is an inducement tool for the schools, improves the quality of life for our residents and supports the mobility needs of the elderly, the disabled, and those without personal, private transportation. Offering cleaner passenger rail service helps to reduce emissions and supports the beauty of the Mississippi Valley we all love.

Successful implementation of the TCMC project would double the number of schedule options daily to get people to the businesses, educational institutions, and attractions of our region. The additional schedules would allow business day trips to our local commercial enterprises from other cities on the route, providing business travelers with productive work time while aboard and making Winona an even more attractive place to start or expand an enterprise.

Please consider carefully the Minnesota and Wisconsin DOT grant application for the additional Twin Cities-Winona-Milwaukee-Chicago Amtrak train. The economy of Winona and communities like ours depend on convenient transportation to get visitors and workers to and from the region. Investing in this project would be a wise use of taxpayer dollars that support businesses and travelers in our region and across the upper Midwest.

Thank you for your consideration,

Mayor Mark F. Peterson

REQUEST FOR COUNCIL ACTION

Agenda Section: **Council Concerns**

Originating Department:

Date:

No: **7**

City Clerk

06/01/20

Item: **Council Concerns**

No. 7.1

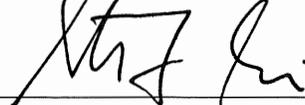
SUMMARY OF REQUESTED ACTION:

Time is reserved for Council Concerns.

Department Approval:



City Manager Approval:



REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Consent Agenda	<i>Originating Department:</i>	<i>Date:</i>
<i>No:</i> 8	City Clerk	06/01/20

Item: **Consent Agenda**

No. **8.**

SUMMARY OF REQUESTED ACTION:

City Clerk: Item No. 8.1: Approval of Minutes – May 18, 2020

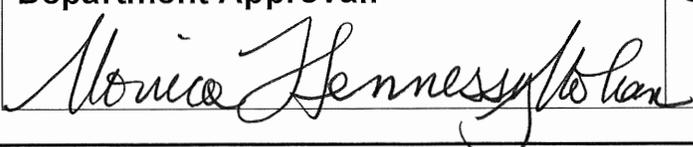
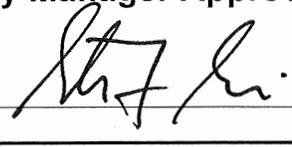
Minutes of the May 18, 2020 City Council meeting have been distributed. If the minutes are satisfactory, a motion to approve same would be in order.

City Clerk: Item No. 8.2: Ordinance to Designate 3 Parking Stalls In Municipal Parking Lot #2 As Handicapped Parking For Sundays Only

An ordinance to designate three parking stalls in Municipal Parking Lot #2 as handicapped parking for Sundays only was introduced at the May 18, 2020 Council meeting. The purpose and effect of the proposed ordinance has been published by law. Accordingly, the ordinance may now be considered for final adoption.

City Clerk: Item No. 8.3: Claim against the City by Steven Prigge

Steven Prigge has filed a claim against the city due to a fall on a city sidewalk. The claim has been forwarded to the League of Minnesota Cities- Insurance Trust, and is on file in the City Clerk's Office.

Department Approval: 	City Manager Approval: 
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