Winona City Council
Zoom Meeting Access and Procedures

August 17, 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.

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  896 465 916

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CITY OF WINONA™ MINNESOTA

Winona City Council Agenda

Monday, August 17, 2020
6:30 P.M., Meeting No. 16
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	
City Engineer	1. Request to Make an Honorary Designation of 2nd Street from Olmstead Street to the Mankato Avenue as Bytow Byway
City Clerk	2. Habitat for Humanity Street Closure Request
Parks & Recreation	3. Request for "Music & Movies" Drive-in Series
4. Unfinished Business	
5. New Business	
Finance	1. To Set the Date for the Public Hearing to Consider the Resolution to Levy Assessments for Unpaid Charges
Public Works	2. Grant for Sustainability Plan Development
City Clerk	3. Transit Grant Application – Bus Replacement
City Clerk	4. Ordinance to Ban Conversion Therapy
6. Reports of Committees	
7. Council Concerns	
City Clerk	1. Council Concerns
8. Consent Agenda	
City Clerk	1. Approval of Minutes – August 3, 2020
City Clerk	2. Ordinance to License Massage Therapists
9. Adjournment	

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date:*
No: **3**	**City Engineer**	**08/17/20**

Item: **Request to Make an Honorary Designation of 2nd Street from Olmstead Street to the Mankato Avenue as Bytow Byway**

No. **3.I**

SUMMARY OF REQUESTED ACTION:

Kashubian Capital Centennial 2020 Campaign (KCC2020) is requesting that an Honorary Designation of 2nd Street from Olmstead Street to Mankato Avenue be "Bytow Byway". KCC2020 has requested that the signs be placed on every other block near the midblock location along this previously described route. The signs would be 24" tall and 18" wide and will be in the art design as shown below. The signs will cost approximately $90 each and will be paid for out of the City fund for the KCC2020 group celebrations. The street crew would install these signs. This is the layout of the sign that would be ordered if approved.

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

Department Approval:	**City Manager Approval:**
Brian Stute	

RESOLUTION

WHEREAS, Kashubian Capital Centennial 2020 Campaign (KCC2020) is requesting 2nd Street have the honorary designation of Bytow Byway; and

WHEREAS, the cost of the signs to designate this 2nd Street corridor is estimated at $3,000; and

WHEREAS, signs would be placed mid block every other block between Olmstead Street and Mankato Avenue.

NOW, THEREFORE, LET IT BE RESOLVED that Staff will install these signs as described and funds will come from the KCC2020 city fund.

Dated this _____day of _____, 2020.

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date:*
No: **3**	**City Clerk**	**08/17/20**

Item: **Habitat for Humanity Street Closure Request**

No. **3.2**

SUMMARY OF REQUESTED ACTION:

Councilmembers,

Habitat for Humanity Winona-Fillmore Counties and Winona Volunteer Services would like to request a street closure of West Third Street between Ben Street and Harvester Avenue on Friday, August 21, 2020 from 9:00 a.m.-12:00 p.m. for a Food Drop expected to last no later than an 11:00. The final hour is just for a buffer.

We will be distributing Farmers to Families Food Boxes as part of the USDA's Coronavirus Food Assistance Program. The USDA's Agricultural Marketing Service partnered with national, regional and local suppliers, whose workforce has been significantly impacted by the closure of restaurants, hotels and other foodservice businesses, to purchase up to $3 billion in fresh produce, dairy and meat products. This is a wonderful opportunity for us to help our farmers move their product to local families. There are no income requirements and all are welcome.

If you have any questions, or if you would like to talk this through, please call or email me anytime.

Warmly,

Amanda Hedlund
Executive Director

D: (507) 457-0003 x4 | C: (507) 458-9370
director@habitatwinona.org

Department Approval:	**City Manager Approval:**
Monica Hennessy Peterson	

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date*
No: **3**	**Parks & Recreation**	**08/17/20**

Item: **Request for "Music & Movies" Drive-in Series**

No. **3.3**

SUMMARY OF REQUESTED ACTION:

Several entities have been working on possible drive-in programming during the pandemic. Treedome approached the City about collaborating with WinonArts to provide a series of concerts and outdoor movies.

The request of Council is to approve a series of five outdoor concerts and movies with amplified sound at Lake Park – Bandshell Area. The movies will begin at 9:00 p.m. and end at approximately 11:00 p.m. The dates of the events are September 5, 12, 19, 26 and October 4. The full program plan is attached for your review.

Staff has indicated to Treedome, that all MDH guidelines for outdoor events and drive-in style programming must be met. Staff has also indicated to Treedome that the City has the right to cancel any one or all events due to the safety of the public.

If City Council concurs, a motion to approve the requests for the outdoor movies and concerts at the Lake Park Bandshell Area would be in order.

Department Approval:	**City Manager Approval:**

Treedome and WinonArts presents:

Lake Park Drive In Music & Movies

DESCRIPTION

Treedome and WinonArts seek to provide a safe space for an outdoor viewing experience at the historic bandshell. The Lake Park Drive In will showcase music from bands paired with a movie screening at dusk. The bandshell and surrounding area is well equipped with seating and parking to allow for a socially distanced gathering. This series of showings will provide a creative experience during the pandemic with hopes of continuing into the future.

CURRENT NEEDS

- Funding to purchase the screen, high quality projector, and FM Radio Transmitter for vehicle listening. (See budget below)
- Purchase the rights to show each film.
- Establish funding for the musicians through sponsors.
- Assign volunteers provided by Treedome.
- Establish reservation system on Eventbrite through Treedome.
- Webpage development on the Treedome website for information.
- Bring to City Council on Monday, August 17.
- Press Releases submitted by Nate Nelson.

In addition to needs listed, Maggie Panetta will create all marketing materials and collect any applicable sponsorship logos. She will additionally create the FB events, signage, and any other marketing items for the event, handle reservations and volunteers. Nate Nelson will create press releases, run audio system, purchase equipment, and organize musicians and movie rights.

PROPOSED DATES / Movies start at sunset (Approx. 9pm), band beforehand (7pm). Bands are TBA. Movies and bands will be announced incrementally but as a part of a series.

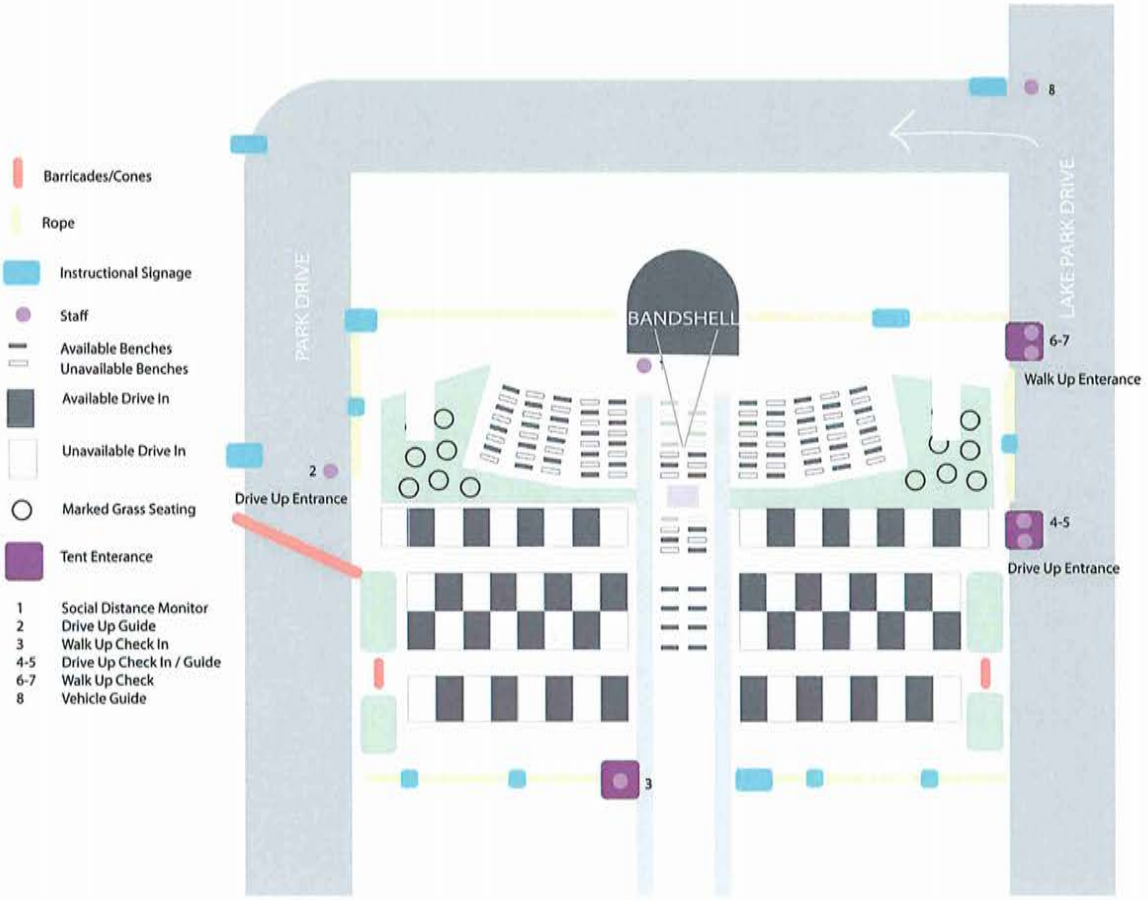
Saturday, September 5	Casablanca
Saturday, September 12	Space Jam
Saturday, September 19	Knives Out
Saturday, September 26	Open date (possible addition).
Saturday, October 4	Harriet

Weather permitting; move to rain date the following Sunday. **All lineups subject to change.**

BANDSHELL LAYOUT

The bandshell area is suitable for this event due to its mixed seating opportunities. This allows patrons to choose where they are most comfortable, and give attendants the ability to socially distance all patrons between grassy seating, bench seating, and parking. By providing seating, we are creating an equitable space for all patrons regardless of owning a vehicle. No more than 120 patrons will be seated in the walk-up seating (benches and grassy area), and no more than 120 patrons (or 30 vehicles) will be placed in the drive-up seating. Each group of patrons will be limited to 4, or 6 from the same household. Benches that are not available due to social distancing will be taped off.

- There will be one point of entry for walk in. Markings for the waiting area will be taped 6 ft apart.
- Car Entrance will have two points of entry, with check in on Lake Park Drive. Reservations are required for all cars.
- Attendants will walk folks to a site and direct vehicles. Attendants will place patrons in the most spaced manner possible and provide a clear pathway.
- We will supply 8 designated volunteers for safety and check-in, ensuring that all volunteers have proper protective masks (Treedome will organize volunteers).
- Circles will be marked in the grass for proper distancing.
- All surfaces will be wiped down before and after use. (See safety protocol for more information)



BUDGET

We are seeking sponsors for musical acts and/or movie rights (ex. MMWF show). Additional funding is needed to pay for equipment, production, and any marketing / signage costs. Any equipment purchases for this project allow us to pursue more screenings in the future without worrying about rental scheduling and fees. Donations will be accepted to support the project in hopes of pursuing it again next year or to cover any remaining charges.

Administrative Costs		
Production	Paid to Treedome Productions ($500/show) for management, setup, and tear-down and logistics.	$2,500
Marketing / Promotion	Digital only, wayfinding signage,	$150
Misc Supplies	Disinfectant, tape, etc.	$150
		$2800

Production Equipment		
Projector Purchase	Panasonic PTEZ770ZU-RST-01 Projector,	$3,800
FM Transmittor Purchase	Williams FM Transmitter,	$1,150
Screen Purchase	Wholesale Purchase.	$1,100
Sound Equipment	Already Available.	$0
		$5,950

Production Staff		
Tech Assistant		$800
Sound Engineer		$1,000
		$1,800

Music & Movies		
Movie Rights	Purchased through Swank Films.	$1,200
Musicians	Negotiated by Treedome.	$2,000
		$3,200

PROJECT TOTAL: $13,750

One time purchases, making equipment available for future use: $5,950

Rental pricing will be included if equipment is not able to be funded or to be purchased.

SAFETY PROCEDURES

- All staff will be required to wear face masks at all times, and face shields if available. Attendees will be required to wear a face mask any time they are not seated, i.e. during check-in or walking.
- All tables, benches, check-in materials, sound equipment will be sanitized before and after use.
- Walk-up entrance will have marks painted 6-feet apart with tape and/or water-soluble spray paint.
    - No more than 120 patrons will be seated in combined bench and grassy area seating.
    - No more than 120 patrons will be in vehicle slots.
- A path will be made using the above method directing people to the various seats, and attendants will guide patrons, one group at a time, to their seats after check-in to keep pathways clear.
- While there are more seating locations than necessary, specific location reservations for spots at the walk-up will NOT be available, allowing staff to space out locations and spots adequately during the event to keep the number within MDH guidelines.
- Drive-up locations will require prior registration including names of patrons and one telephone number per household. Walk-up will require name and telephone number as well, given at time of arrival.
- All procedures will be in line with MDH guidelines including a maximum capacity of 250 patrons and a written plan according to the MDH.

PATRON INFORMATION

Before You Go:

- Make a reservation on Eventbrite for a group of up to 4 people, or up to 6 people from the same household.
- Choose from one of three options for seating:
    1. Bench seating. We recommend bench seating for small groups or members of the same household.
    2. Drive-In. Vehicles MUST register ahead of time. Only 30 vehicle reservations are available.
    3. Grassy Area. 12 grassy spots are available for group seating.
- Recommended donation of $10/person on Eventbrite. Available when making your reservation and at the event.
- You may choose to attend the movie ONLY if you plan to arrive after sunset. You must identify this in your reservation so we hold your spot!
- Print out or have your reservation number available at check in.

- When reservations are full, walk-up attendees will be given access if there are reservation cancellations. There will be a waiting list for vehicles that wish to attend; no drive-up vehicles will be permitted without a reservation.

When You Arrive:

- Check-in will open up approximately 30 mins before music begins. We recommend arriving before sunset (when the movie begins) to enjoy live music that has been paired with each movie.
- WALK-UP: Enter on Lake Park Drive, the South side of the bandshell.
    - Masks are required when checking in for the event and when moving to your seat. Masks will NOT be provided at this event.
    - Show your reservation or reservation number, and an attendant will show you to a spot (grassy area or bench).
    - You may bring your own chairs if you plan to be seated on the grass.
    - Please remain at least 6 feet from other people when navigating through the area. You MUST wear a mask if you walk around for any reason. .
    - No alcoholic beverages are allowed.
- DRIVE-UP: Enter on Lake Park Drive heading East. An attendant will show you to a spot or direct you to the secondary entrance on the other side of the lot.
    - Masks are required when checking in for the event. Masks will NOT be provided at this event.
    - Tune in to _____ (TBA) on the radio to listen in from inside your vehicle.
    - Please do not bring your own chairs to place outside your vehicle; you may sit in the back of your vehicle.
    - Please remain at least 6 feet from other people.
    - No alcoholic beverages are allowed.

The Fine Print & More:

- Alcoholic beverages are prohibited.
- Surrounding parking lots are open and free! We do encourage walking and biking to free up traffic for vehicles entering the DriveIn on Lake Park Drive.
- Public restrooms will not be available.
- Exit on the North side of the bandshell only. (We will mark as many paths as possible)
- For more information email maggie@treedomemn.com. (Public contact).

To discuss this project further or to provide funding for this project please contact:

Nath e at nathan@treedomemn.com / (763) 489-8365
or Le onArts at lgundersheimer@ci.winona.mn.us / (

CITY OF WINONA MINNESOTA

WINONAArts

TREEDOME

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date*
No: **5.**	**Finance**	**8-17-20**

Item: **To Set the Date for the Public Hearing to Consider the Resolution to Levy Assessments for Unpaid Charges**

No. **5.1**

SUMMARY OF REQUESTED ACTION:

The Council is requested to set a public hearing for September 21, 2020, to consider a resolution to levy assessments for unpaid charges.

If the Council concurs to hold the Public Hearing, the attached resolution should be adopted.

Department Approval:	**City Manager Approval:**
Jessica L Wojahn	

RESOLUTION

WHEREAS, Minnesota Statutes, sections 366.012, 415.01, 429.101, 444.075 and 514.67; the City of Winona Charter, sections 1.02 and 8.02; and the City Code of the City of Winona, sections 22.17 and 22.18, respectively, provide that the City may collect unpaid charges incurred by the City for services rendered by the City on behalf of benefited real property; and

WHEREAS, pursuant to the forgoing authority, the City may assess such unpaid service charges against the real property benefited and certify the same to the county auditor to be collected along with property taxes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it hold a hearing on September 21, 2020, in the City Hall Council Chambers at 6:30 PM, to consider the assessments on file with the City Clerk; and

BE IT FURTHER RESOLVED that the City Council of the City of Winona, Minnesota, that the City Clerk is hereby directed to give public notice of such hearing, as required by law.

Dated this _____day of _____, 2020

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date:*
No: **5**	**Public Works**	**8/17/2020**

Item: **Grant for Sustainability Plan Development**

No. **5.2**

SUMMARY OF REQUESTED ACTION:

The Minnesota Pollution Control Agency (MPCA) awarded the City of Winona a grant for $7,725 to assist the City in developing climate adaptation and community outreach components of a sustainability plan. The official grant award is contingent on MPCA approval of an approved work plan. Staff prepared the attached work plan, and asks for Council input and review before submitting to the MPCA. The City is contributing staff and Green Corps member time towards the grant in-kind match.

The outreach aspects have been pushed back 3-4 month from the initial plan, but may need to be adjusted based on Covid-19 developments. In person meetings or face-to-face interactions would be ideal for gathering resident input, but will not be possible if the pandemic is still widespread.

If the City Council concurs with the work plan assembled by staff, a motion to authorize staff to submit the work plan and to execute the grant agreement would be in order.

Department Approval:	**City Manager Approval:**

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

EA climate adaptation grant project workplan

Environmental Assistance (EA) Grant Program

Doc Type: Grant Application

Project title:

Climate Adaptation and Resilience in Winona's Comprehensive Sustainability Plan

***Organization type:** ☐ Non-profit ☒ Local/Regional government ☐ Public college/university ☐ Tribal government

1. Statement of project details

The City of Winona intends to develop a comprehensive sustainability plan and utilize EA Grant funds to do authentic outreach to the community and to develop robust climate change adaptation and resilience sections of the plan.

Goal statement, project evaluation plan, tasks, and subtasks

Goal statement: Create a sustainability plan that is widely supported by the community, reduces the City of Winona's environmental footprint, and that prepares our community for the future.

Project evaluation plan: Success will be measured by engagement with all target groups, public satisfaction with the process and outcome, a plan that addresses the full spectrum of climate adaptation and resilience conditions and issues, and has actionable next steps.

Task 1 of 7: Develop Project Plan

Subtask 1a: Create Sustainability Plan Advisory Team (Pre-grant award)
Timeframe: Complete by August 2020
Title of person(s) responsible: Natural Resource Sustainability Coordinator
Estimated Funds: **Grant: $**_____ **In-kind Match: $**_____ **Cash Match: $**_____ **Total:** $ 0

Subtask 1b: Create Outline of Sustainability Plan Topics
Timeframe: Complete by September 2020
Title of person(s) responsible: Natural Resource Sustainability Coordinator
Estimated Funds: **Grant: $**_____ **In-kind Match:** $ 147.50 **Cash Match: $**_____ **Total:** $ 150

Subtask 1c: Prepare RFP
Timeframe: Complete by early October 2020
Title of person(s) responsible: Natural Resource Sustainability Coordinator
Estimated Funds: **Grant: $**_____ **In-kind Match:** $ 205 **Cash Match: $**_____ **Total:** $ 205

Subtask 1d: Select Consultants
Timeframe: Early November 2020
Title of person(s) responsible: City Council, Natural Resource Sustainability Coordinator
Estimated Funds: **Grant: $**_____ **In-kind Match:** $ 230 **Cash Match: $**_____ **Total:** $ 230

Task 1 Total: **Grant: $**_____ **Match: $ 585** **Total: $ 585**

Task 2 of 7: Project Scoping

Subtask 2a: Establish report milestones and timelines for technical consultant work
Timeframe: September to October 2020
Title of person(s) responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant:** $ 225 **In-kind Match:** $ 145 **Cash Match: $**_____ **Total: $ 370**

Subtask 2b: Create Outreach and Engagement Plan
Timeframe: October to December 2020
Title of person(s) responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant:** $ 225 **In-kind Match:** $ 170 **Cash Match:** $_____ **Total:** $395

Task 2 Total: **Grant:** $ 450 **Match:** $ 315 **Total:** $ 765

Task 3 of 7: Plan Development

Subtask 3a: Public Engagement and Outreach
Timeframe: January to April 2021
Title of person(s) responsible: Engagement and Outreach Consultant
Estimated Funds: **Grant:** $_750_____ **In-kind Match:** $__600__ **Cash Match:** $_____ **Total:** $1,350

Subtask 3b: Climate Change impact analysis
Timeframe: October to March 2021
Title of person(s) responsible: Technical consultant
Estimated Funds: **Grant:** $_2,400___ **In-kind Match:** $_110___ **Cash Match:** $_____ **Total:** $ 2,510

Subtask 3c: Climate Change adaptation and resilience Recommendations
Timeframe: October to April 2021
Title of person(s) responsible: Technical consultant
Estimated Funds: **Grant:** $_1,800_____ **In-kind Match:** $___375_ **Cash Match:** $____ **Total:** $ 2,175

Task 3 Total: **Grant:** $_4,950____ **Match:** $_1,085____ **Total:** $_6,035____

Task 4 of 7: Plan Review

Subtask 4a: Public Engagement and Outreach
Timeframe: May to July 2021
Title of person(s) responsible: Engagement and Outreach Consultant
Estimated Funds: **Grant:** $_600_____ **In-kind Match:** $__275__ **Cash Match:** $_____ **Total:** $ 875

Subtask 4b: Refining Climate Change adaptation and resilience Recommendations
Timeframe: May to August 2021
Title of person(s) responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant:** $_900___ **In-kind Match:** $__240__ **Cash Match:** $_____ **Total:** $ 1,140

Task 4 Total: **Grant:** $_1,500____ **Match:** $__515___ **Total:** $_2,015___

Task 5 of 7: Plan Rollout

Subtask 5a: Public Engagement and Outreach
Timeframe: October to December 2021
Title of person(s) responsible: Engagement and Outreach Consultant
Estimated Funds: **Grant:** $_525____ **In-kind Match:** $__205___ **Cash Match:** $_____ **Total:** $ 730

Task 5 Total: **Grant:** $_525____ **Match:** $__205___ **Total:** $__730___

Task 6 of 7: Evaluation

Subtask 6a: Public polling and surveys
Timeframe: October 2020 to October 2021
Title of person(s) responsible: Engagement and Outreach Consultant
Estimated Funds: **Grant:** $ 300 **In-kind Match:** $ 55 **Cash Match:** $_____ **Total** $ 355

Subtask 6b: Staff and advisory committee summary report
Timeframe: October 2021
Title of person(s) responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant:** $_____ **In-kind Match:** $__135____ **Cash Match:** $____ **Total:** $ 135

Task 6 - Total: **Grant:** $300 **Match:** $190 **Total:** $490

Task 7 of 7 -- Reporting

Subtask 7a: Will submit an Interim Report within 1 year of the execution of the grant agreement or at 50% completion of the project, whichever occurs first.
Timeframe: May 1, 2021– July 30, 2021
Person(s) Responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant**: $0 **In-kind Match**: $140 **Total:** $140.00

Subtask 7b: Will submit a Final Report 1 month prior to the end of the grant agreement or at 100% completion of the project, whichever occurs first.
Timeframe: October – December 30, 2021
Person(s) Responsible: Natural Resources Sustainability Coordinator
Estimated Funds: **Grant:** $0 **In-kind Match:** $280 **Total:** $280.00

Task 7 - Total: **Grant:** $0 **Match:** $420 **Total:** $420

2. Anticipated environmental outcomes

Table 1: Anticipated environmental outcomes

Type of Environmental Outcome from adaptations that reduce impacts of climate change and increase resilience	Description of how anticipated environmental outcome will result	Estimated annual amount of change, if quantifiable	GHG emissions reduction co-benefit, if applicable
Greater climate change knowledge and understanding	The sustainability plan will include information on climate change, and therefore provide education. Understanding the issue will help policy makers and residents to make better decisions.	Unknown, goal of 200 participants in planning through comments, public meetings and workshops.	Unknown
Energy conservation	The risks of climate change should inspire some readers of the sustainability plan as well as those who actively participate in the plan's development to redouble their efforts to be better environmental stewards.	20 kwh/month for 10 participants.	Possibly 1 ton GHG (personal action)
Resilience to extreme weather	Knowledge of risks and likelihood of extreme weather will allow our community to prepare for it.	Unknown, great potential to prevent hardship, property loss, and even death.	Unknown
Preservation of natural areas	The sustainability plan will need to highlight how our natural ecosystems provide valuable services, and thus should be protected.	Expect at least 2 additional rain gardens, 10 additional trees.	1 ton annually (from tree sequestration)
Improved stormwater quality	The sustainability plan will highlight ways to improve stormwater and water quality.	5% reduction in stormwater pollutant load (goal).	None.

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date:*
No: **5**	**City Clerk**	**08/17/20**

Item: **Transit Grant Application – Bus Replacement**

No. **5.3**

SUMMARY OF REQUESTED ACTION:

The City Clerk has prepared the transit grant application to the Minnesota Department of Transportation – Office of Transit for funds to replace three transit buses for the Winona Transit Service in 2021. The City had applied for grant funds to replace one bus last year, but that application was not funded.

The State and Federal grant share will provide 90% of the costs of the bus replacements. The balance of the capital costs will be funded through Transit reserves, and a small portion will be paid by the City of Goodview.

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

Department Approval:	**City Manager Approval:**
Monica Hennessy Cohen	

RESOLUTION

BE IT RESOLVED that the City of Winona enter into an Agreement with the State of Minnesota to replace transit buses which provide public transportation service in the cities of Winona and Goodview; and

BE IT FURTHER RESOLVED that the City of Winona agrees to provide a local share of up to 10% of the total capital costs; and

BE IT FURTHER RESOLVED that the City of Winona agrees to provide 100% of the local share necessary for expenses that exceed funds available from the State; and

BE IT FURTHER RESOLVED that the City of Winona authorizes the City Manager and the City Clerk to execute the aforementioned Agreement and any amendments thereto.

Dated this _____day of _____, 2020.

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date:*
No: **5**	**City Clerk**	**08/17/20**

Item: **Ordinance to Ban Conversion Therapy**

No. **5.4**

SUMMARY OF REQUESTED ACTION:

The Human Rights Commission presented a resolution against conversion therapy to the City Council at the March 16, 2020, meeting. The resolution stated:

> **Therefore Be It Resolved** that in order to secure and maintain the safety of LGBTQ+ youth and families in the City of Winona, the Winona Human Rights Commission recommends that the Winona City Council makes a formal statement and sends letters to local and state representation requesting the Minnesota State Legislative and Executive branch take the necessary steps to pass a state-wide measure that would make it unlawful for any provider to provide conversion therapy or reparative therapy to a minor.

The City Council concurred with this resolution, and the Mayor signed a letter to the State representatives. However, no action was taken by the Minnesota Legislature on the proposed legislation, and therefore the HRC is requesting that the City draft a local ban on these practices. Four other cities in Minnesota have already adopted a similar ban, including Minneapolis, St. Paul, Duluth and Red Wing. Violations of this ordinance would be punishable by administrative fines set by city council resolution. The proposed fines will be presented at the next Council meeting, upon adoption of the ordinance.

Therefore, if the Council concurs, a motion to introduce the attached ordinance would be in order.

Department Approval:	**City Manager Approval:**
Monica Hennessy Mohan	

ORDINANCE NO. _____

AN ORDINANCE AMENDING WINONA CITY CODE, CHAPTER 62 – OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

THE CITY OF WINONA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. That Winona City Code, Chapter 62 – Offenses Against Public Peace, Safety and Morals be amended to add a new Section 62.34, as follows:

Section 62.34 PROHIBITION OF CONVERSION THERAPY

(a) Findings and Purpose.

(1) Conversion therapy is an ineffective and unsafe practice based on the discredited premise that a person's gender identity or sexual orientation is a mental disorder that can be cured or corrected; and

(2) The practice of conversion therapy has been found to be dangerous to an individual's mental health and physical well-being, and there is no scientifically valid evidence that supports the practice of conversion therapy; and

(3) The American Psychological Association, American Medical Association, and American Academy of Pediatrics, among many others, have all been critical of conversion therapy; and

(4) The purpose of this Section is to protect the physical and psychological well-being of minors, including LGBTQ minors, from the harm caused by conversion therapy.

(b) Definitions. For the purposes of this Section, the following terms shall have the meanings stated below:

(1) *Conversion therapy* means any practice or treatment by a provider that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, identity exploration, development, including sexual orientation and gender identity, and neutral interventions to prevent or

address unlawful conduct or unsafe sexual practices, if such counseling is not conducted with the goal of changing the person's sexual orientation or gender identity.

(2) *Gender expression* means a person's expression of gender identity through appearance and behavior, including how an individual believes that they are perceived by others.

(3) *Gender identity* means a person's sense of self as a woman, man, another gender, or genderless. When a person's gender identity or gender expression and sex assigned at birth are not congruent, the individual may identify along the transgender spectrum.

(4) *Minor* means any person under the age of eighteen (18) years of age.

(5) *Provider* means an individual who is licensed, certified, or registered under the laws of the State of Minnesota, including mental health practitioners and mental health professionals as defined in Minnesota Statutes, Section 245.462, to provide mental health services. Providers include, but are not limited to, physicians specializing in the practice of psychiatry, psychologists, marriage and family therapists, social workers, clinical counselors, behavioral clinicians or therapists, nurses, or any other persons offering such mental health services. A provider does not include members of the clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants.

(6) *Sexual Orientation* means a component of identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction. A person may be attracted to men, women, both, neither, and/or to people who are genderqueer, androgynous, or have other gender identities. Individuals may identify as lesbian, gay, heterosexual, bisexual, queer, pansexual, or asexual, among others.

(c) Prohibited Practices. It shall be unlawful for a provider to provide conversion therapy to a minor.

(d) Enforcement. Violations of this Section are punishable by administrative fines set by city council resolution pursuant to Section 22.33 (1)(h) of the Winona City Code. With the exception of the procedure for setting the administrative fine amount(s) set forth in Section 22.33(1)(h), Section 22.33(1)(a), (e), and (f) of the Winona City Code do not apply to violations of this section, and any Provider charged by administrative citation shall instead have the right to a hearing before the City Manager or his or her designee if such appeal is filed within Seven (7) days of the issuance of the administrative citation.

(e) Severability. If any of the parts or provisions of this Section or the application thereof to any person or circumstances is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this Section, including the application of such parts or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Section are severable.

SECTION 2. That this ordinance shall take effect upon its publication.

Passed by the City Council of the City of Winona, Minnesota, this ____ day of _____, 2020.

_____
Mayor

Attested By:

_____
City Clerk

REQUEST FOR COUNCIL ACTION

Agenda Section: **Council Concerns** *No:* **7**	*Originating Department:* **City Clerk**	*Date:* **08/17/20**
Item: **Council Concerns** *No.* **7.1**		

SUMMARY OF REQUESTED ACTION:

Time is reserved for Council Concerns.

Department Approval:	**City Manager Approval:**
Monica Hennessy Cochran	[signature]

REQUEST FOR COUNCIL ACTION

Agenda Section: **Consent Agenda**	*Originating Department:*	*Date:*
No: **8**	**City Clerk**	**08/17/20**
Item: **Consent Agenda**		
No. **8.**		

SUMMARY OF REQUESTED ACTION:

City Clerk: ***Item No. 8.1:*** **Approval of Minutes – August 3, 2020**
Minutes of the August 3, 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 License Massage Therapists**
An ordinance to create a new section in Winona City Code, Section 52.19 "Massage Therapists and Massage Therapy Businesses" in order to establish licensing procedures and regulations for massage therapists was introduced at the August 3, 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. In addition, the Council is requested to adopt the attached Summary Ordinance to publish in the official newspaper rather than publishing the entire ordinance. If the Council concurs, a motion to adopt the summary publication would be in order.

Department Approval:	**City Manager Approval:**

SUMMARY PUBLICATION OF CITY OF WINONA
ORDINANCE NO. 4133

AN ORDINANCE AMENDING WINONA CITY CODE, CHAPTER 51 – LICENSES AND PERMITS AND SERVICE CHARGES OF THE CITY, AND CHAPTER 52 – BUSINESS REGULATIONS

SUMMARY: Ordinance No. 4133 amends Winona City Code, Chapter 51 – Licenses and Permits and Service Charges of the City, and Chapter 52 – Business Regulations, to update and remove references to massage and related language from Section 52.17, Regulation of Various Commercial Adult-Orientated Services, and to create a new Section 52.19, entitled "Massage Therapists And Massage Therapy Businesses" in order to establish licensing procedures and regulations applicable to massage therapists and massage therapy businesses in the City of Winona, along with establishing applicable license fees, among other changes.

The complete text of Ordinance No. 4133 may be obtained at no charge from the City Clerk at City Hall, 207 Lafayette Street, Winona MN 55987, or from the City of Winona website www.cityofwinona.com.

Passed by the City Council of the City of Winona, Minnesota, this ____ day of _____, 2020.

_____
Mayor

Attested By:

_____
City Clerk