

1. 10/05/2020 Marked Agenda

Documents:

[10-05-2020 MARKED AGENDA.PDF](#)

1.1. 10/05/2020 Council Meeting Agenda

Documents:

[10-05-2020 COUNCIL MEETING AGENDA.PDF](#)



Winona City Council Agenda

Monday, October 5, 2020
 6:30 P.M., Meeting No. 20
 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		
<i>Planning</i>	1. Preliminary Cluster Development Plan – St. Croix Heights Subdivision	Approved
3. Petitions, Requests, Communications		
<i>City Clerk</i>	1. Reappointment to the Citizens Environmental Quality Committee	Approved
<i>City Clerk</i>	2. Reappointments to the Planning Commission	Approved
<i>City Clerk</i>	3. Appointment to the Fine Arts Commission	Approved
<i>City Clerk</i>	4. Sign Request from River Arts Alliance	Approved
<i>City Clerk</i>	5. Request from Main Street Program to Host Halloween Event	Approved
<i>City Clerk</i>	6. Update on TCMC Passenger Rail Service	Received & Filed
<i>City Engineer</i>	7. Request for a Stop Sign Investigation on 7th Street near Kansas Street	Approved
<i>City Engineer</i>	8. Request for No Parking, School Zone Area to be added on Kansas Street for St. Martin’s Lutheran School	Approved
4. Unfinished Business		
5. New Business		
<i>Public Works</i>	1. Electric Vehicle Fast Charging Grant Considerations	Approved
<i>Planning</i>	2. Minnesota Historical and Cultural Heritage Grant Agreement – John Latsch Wagon Bridge Evaluation	Approved
<i>Parks & Recreation</i>	3. West Recreation Center – Exterior Building Mural	Approved
6. Reports of Committees		
7. Council Concerns		

City Clerk	1. Council Concerns	
8. Consent Agenda		
City Clerk	1. Approval of Minutes – September 21, 2020	Approved
City Clerk	2. Ordinance to Zone Parcel at 22839 County Road 17	Approved
City Clerk	3. Ordinance to Add Stop Signs on Harriet and Wilson Streets	Approved
City Clerk	4. Ordinance to Set the Fees for City Services for 2021	Approved
9. Adjournment		



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REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Required Public Hearings	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 2	Planning	10/5/20

Item: **Preliminary Cluster Development Plan – St. Croix Heights Subdivision**

No. **2.1**

SUMMARY OF REQUESTED ACTION:

This plat was last in front of City Council on September 3, 2019. At that time, Council was reviewing a variance request for bluffland setbacks and replacement requirements related to a road and stormwater facilities in blufflands (Attachment E). Following denial of the request, the applicant re-designed the subdivision so that variances to the bluffland regulations are not required. This is because:

1. There is no requested variance to the 50' setback from top of bluff.
2. All roads were relocated to outside the bluffland overlay.
3. The plat will preserve permeable surfaces in non-bluffland areas to serve as a replacement for stormwater facilities located in bluffland areas.

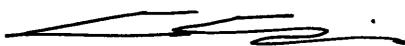
The Planning Commission reviewed the updated preliminary plat on 2/24/20 and recommended approval 5-1 (See Attachment D). In its decision, the Planning Commission recommended approval of the following variations to the subdivision code:

	Requirement	Proposed
Front Yard Setback	25'	20'
Side Yard Setback	8-10'	7.5' minimum
Rear Yard Setback	40'	20'

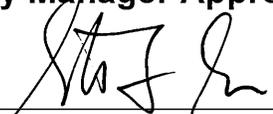
	Requirement	Proposed
ROW Width	60'	50'
Pavement Width	36'	32'
Curb and Gutter	Traditional Curb and Gutter	Swales adjacent to Pavement

In accordance with the City's Cluster Development Ordinance and Subdivision Standards, the Planning Commission is empowered to recommend these variations outside of the variance process. The variations are given final approval by Council. More information on these sections of code is provided in Attachment C. The applicant's proposal in Attachment B provides rationale for the requested variations.

Department Approval:



City Manager Approval:



Preliminary Cluster Development Plan – St. Croix Heights Subdivision

Page 2

In addition, the Planning Commission recommended accepting six (6) outlots in the plat as Park Dedication instead of charging an approximate \$40,000 fee to the developer. The outlots total approximately 29 acres of land that would be dedicated to the City (See Attachment A, Exhibit B). Although the outlots have steep slopes; they are potentially suitable for future trail development (e.g. hiking and mountain biking). In addition to the potential for trail development, the Commission made their recommendation based on favorable input from the Park and Recreation Department which noted the value of 29 acres of land versus a \$40,000 fee collected over a number of years.

Also, the Commission recommended inclusion of a 20' wide outlot on the north side of L1, B5 of the plat for future trail connection purposes along County Road 44.

Finally, the Planning Commission recommended approval with the addition of sidewalks as shown in Exhibits G and H of Attachment A. The Commission made this recommendation considering the following:

1. City ordinance requires installation of sidewalks on one side or of arterial or collector type streets within a subdivision.
2. The petitioner is requesting reductions to required setbacks and Right-of-Way width. These reductions allow for more buildable area and lot density.
3. The petitioner is requesting reduction in pavement width by four (4) feet and no curb and gutter. The reduction in pavement width saves the cost of 23,660 square feet of pavement and 5,915 feet of curbing on both sides of the street.
4. Sidewalks provide a non-street option for subdivision residents and families to walk and provide a connection to the potential public trails in the outlot.

All of the Commission's recommendations are consolidated into the resolution of approval provided in Attachment A. For this item, the following options are available to City Council:

1. Approve the plat as recommended by the Planning Commission. Under this option, a motion to adopt the attached resolution of approval would be in order.
2. Modify the plat or the recommendations of the Planning Commission. Under this option, a motion to adopt the attached resolution with modified findings and/or conditions would be in order.
3. Deny – citing specific reasons related to the proposal and City Code requirements.
4. Postpone – if more information is needed.

Attachments:

- A) Resolution of Approval
- B) Applicant Proposal
- C) 2/24/2020 Planning Commission Item
- D) 2/24/2020 Planning Commission Minutes
- E) 9/3/2019 City Council Minutes
- F) Winona County Engineering Dept. Comments

RESOLUTION

APPROVING PRELIMINARY CLUSTER DEVELOPMENT PLAN OF PROPOSED ST CROIX HEIGHTS SUBDIVISION

WHEREAS, Progro Leasing Co. LLP (the "Petitioner" or "Applicant") has submitted an application for preliminary cluster development plan approval of the proposed St. Croix Heights Subdivision (the "Preliminary Cluster Development Plan"), upon the real property legally described in Exhibit A, which is attached hereto and incorporated herein by reference (the "Development Property"); and

WHEREAS, the above-mentioned Preliminary Cluster Development Plan is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, Winona City Code, Section 43.06.34 (D), provides the procedures for consideration of the proposed Preliminary Cluster Development Plan, as follows:

D) Procedure for Cluster Development Plan Approval. Submission and review of a cluster development shall be in accordance with the provisions of Section 43.06.32 and Section 43.06.33. A cluster development preliminary plan may be required at the same time as a zoning or rezoning request.

- 1) Preliminary Plan. Planning Commission review for a preliminary cluster development plan shall be made in accordance with Section 43.06.32. In reviewing the plan, the Commission shall ensure that it meets the purpose and requirements of this section. The action of this Commission shall be to recommend the approval, denial, or modification of the plan.
- 2) Preliminary Plan to City Council. A report of the Commission's findings and recommendations shall be furnished to the City Council within 15 days of the Commission's final action. The Council shall act in accordance with Section 43.06.32. The City Council shall hold a public hearing in accordance with the procedures outlined in Section 43.06.13I). The action of the City Council shall be to approve, deny, or modify the plan. Modifications shall be made prior to Council final action.

; and

WHEREAS, Winona City Code, Section 43.06.34 (C), provides that in acting on a proposed plan, particular consideration should be given to the following criteria:

- 1) Individual lots, buildings, streets and parking area shall be designed and situated to minimize alteration of the natural site features to be preserved.
- 2) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- 3) Cluster open space shall include irreplaceable natural features, located in the tract such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings.
- 4) Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians including the handicapped and elderly.
- 5) The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
- 6) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- 7) Individual lots, buildings, and dwelling units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.
- 8) Individual lots, buildings, dwelling units, parking areas, etc. shall be situated to minimize the adverse effects of shadows, noise and traffic.

WHEREAS, the Planning Commission ("Commission") in accordance with provisions of the Winona City Code, Section 43.06.34, held a public hearing to consider the Preliminary Cluster Development Plan on February 24, 2020; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, City Staff and the Planning Commission have reviewed the submittal of the Preliminary Cluster Development Plan and have determined that it meets the requirements of the City of Winona Unified Development Code, Chapter 43, and applicable state statutes, except as provided herein; and

WHEREAS, the Planning Commission recommended that the City Council of the City of Winona ("City Council") approve the proposed Preliminary Cluster Development Plan for the St. Croix Heights Subdivision; and

WHEREAS, the City Council in accordance with provisions of the Winona City Code, Section 43.06.34, held a public hearing to consider the Preliminary Cluster Development Plan on October 5, 2020; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the City Council of the City of Winona reviewed the proposed Preliminary Cluster Development Plan of the St. Croix Heights Subdivision for compliance with the City of Winona Unified Development Code, Chapter 43, and applicable statutes of the State of Minnesota at its meeting held on October 5, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WINONA, MINNESOTA THAT: the City Council hereby adopts the Findings of Fact contained in Exhibit C addressing the required criteria contained in Winona City Code, Section 43.06.34 (C).

BE IT FURTHER RESOLVED THAT: the City Council hereby adopts the following additional Findings of Fact:

1. The subdivision, which is submitted as a cluster development, meets the purpose and requirements of the City Code Section 43.06.34 due to the proposal of development in non-bluffland areas, dedication of Outlots A-F to the City of Winona, and the provision of needed housing. Thus, the requested variations to setbacks are acceptable:

Front Yard Setback	20'
Side Yard Setback	7.5' minimum
Rear Yard Setback	20'

2. Due to the unique topography of the land and the characteristics of adjacent residential developments; the proposal meets the requirements in City Code Sections 43.06.32 and 43.06.33. Thus, the requested variations to the subdivision standards are acceptable:

ROW Width	50'
Pavement Width	32'
Curb and Gutter Improvements	Swales adjacent to Pavement

3. Due to potential future use of the Outlots for trails, the proposal to dedicate Outlots A-F to the City of Winona meets the requirements for land dedication related to a new residential subdivision.
4. With the impervious restriction areas shown on Exhibit F, the subdivision as proposed satisfies the standards for stormwater management in Bluff Impact Overlay District pursuant to Winona City Code, Section 43.02.32.

BE IT FURTHER RESOLVED THAT: the petition of Progro Leasing Co. LLP for approval of the proposed Preliminary Cluster Development Plan for the St. Croix Heights Subdivision is hereby **APPROVED** with the following modifications and subject to the following conditions:

1. As proposed by the Petitioner in Exhibits B and D, Outlots A, B, C, D, E, and F are to be dedicated to the City of Winona at no cost. Within 60 days of approval of the applicable final plat, the Petitioner shall execute a warranty deed in favor of the City of Winona, on a form acceptable to the City Attorney, for the above-referenced Outlots and provide such evidence of clear title for the same as the City may require. The City Council shall thereafter consider the same for approval at a duly noticed public meeting.
2. A "Future Trail Area" notation shall cover the *full* area of Outlots A, C, and E in the approved copy of the Preliminary Plan.
3. Location of the stormwater facilities shall not impede future trail development and shall be addressed in subsequent, respective final plat approvals.
4. Stormwater facilities shall have adequate access for future City maintenance and subsequent final plat approvals shall require the property owner to enter into a stormwater facilities maintenance agreement with the City on a form required by the City.
5. A 6' maintenance easement shall be provided adjacent to the 10' trail access provided on Lot 1, Block 6; Lot 35, Block 5; Lot 26, Block 5; and Lot 25, Block 5 as depicted in the Preliminary Cluster Development Plan. The form of permanent easement(s) shall be as required by the City contained in either the final plat(s) or through separate easement agreements, as applicable and as required by the City. Signs demarcating the easement and future trail access shall be installed at the same time as required Natural State Area (NSA) signage.
6. Portions of Lot 1, Block 6; Lot 35, Block 5; Lot 26, Block 5; and Lot 25, Block 5 may be impacted by trail development. Impacts shall be addressed during the final plat process for future respective phases of the Preliminary Cluster Development Plan for the subdivision.
7. A 20' wide outlot or easement shall be provided on the north side of Lot 1, Block 5 adjacent to Garvin Heights Road. The form of permanent easement(s) shall be as required by the City contained in either the final plat(s) or through separate easement agreements, as applicable and as required by the City.
8. A 10' utility easement shall be established adjacent to the Right-of-Way and must be shown on respective final plats for future respective phases of the Preliminary Cluster Development Plan for the subdivision. The form of permanent easement(s) shall be as required by the City contained in either the final plat(s) or through separate easement agreements, as applicable and as required by the City.

9. Impervious restrictions as shown on Exhibit F shall be incorporated into the applicable, respective final plat(s) and officially recorded as part of a binding legal document as applicable and as required by the City.
10. Five foot wide sidewalks shall be added to the respective future final plat(s) as shown in Exhibit G and H.
11. All subsequent final plats for any phase of the approved Preliminary Cluster Development Plan shall be submitted to the City Council for consideration of approval in accordance with Winona City Code, Sections 43.06.33 and 43.06.34 (D)(3) and (E), and shall comply with the approved Preliminary Cluster Development Plan and the provisions of all state statutes and standard procedures for platting in Winona County.
12. Prior to the City's execution of a Final Plat for any phase of the approved Preliminary Cluster Development Plan, the Applicant must enter into an agreement with the City for the installation of all required improvements, which shall be referred to as the "Development Agreement," unless the same is not otherwise required as a condition in the City Council resolution approving a respective final plat.

Dated this _____ day of _____, 2020.

Mark F. Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

EXHIBIT A

Legal Description of Development Property

That part of the Northwest Quarter of the Southeast Quarter and that part of the Southwest Quarter of the Northeast Quarter, all in Section 33, Township 107, Range 7, Winona County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest Quarter of the Southeast Quarter; thence North 01 degrees 00 minutes 54 seconds East, along the west line of said Northwest Quarter of the Southeast Quarter, 1087.50 feet to the point of beginning of the land to be described; thence South 88 degrees 59 minutes 50 seconds East, 124.40 feet; thence North 01 degrees 00 minutes 10 seconds East, 15.00 feet; thence South 88 degrees 59 minutes 50 seconds East, 50.00 feet; thence South 01 degrees 00 minutes 10 seconds West, 15.00 feet; thence South 88 degrees 59 minutes 50 seconds East, 140.00 feet; thence North 01 degrees 00 minutes 10 seconds East, 175.00 feet; thence South 88 degrees 59 minutes 50 seconds East, 91.49 feet; thence North 20 degrees 02 minutes 34 seconds West, 453.27 feet; thence South 60 degrees 08 minutes 56 seconds West, 37.48 feet; thence southwesterly 1.99 feet along the arc of a tangential curve, concave southeasterly, having a radius of 75.00 feet and a central angle of 01 degrees 31 minutes 24 seconds; thence North 31 degrees 22 minutes 28 seconds West, not tangent to said last described curve, 50.00 feet; thence northeasterly 3.32 feet along the arc of a curve not tangent to said last described course, said curve being concave southeasterly, having a radius of 125.00 feet, a central angle of 01 degrees 31 minutes 24 seconds, and a chord which bears North 59 degrees 23 minutes 14 seconds East and measures 3.32 feet; thence North 60 degrees 08 minutes 56 seconds East, tangent to said curve, 8.23 feet; thence North 29 degrees 51 minutes 04 seconds West, 150.00 feet; thence North 88 degrees 59 minutes 50 seconds West, 115.27 feet to the west line of said Southwest Quarter of the Northeast Quarter; thence South 01 degrees 00 minutes 54 seconds West, along said west line of the Southwest Quarter of the Northeast Quarter and along said west line of the Northwest Quarter of the Southeast quarter, 754.73 feet to the point of beginning.

AND

The Southeast Quarter of the Southwest Quarter of Section 33, Township 107, Range 7, Winona County, Minnesota.

Also, the Northeast Quarter of the Southwest Quarter of said Section 33.

Also, that part of the Southeast Quarter of the Northwest Quarter of said Section 33, lying southerly of Winona County State Aid Highway No. 44.

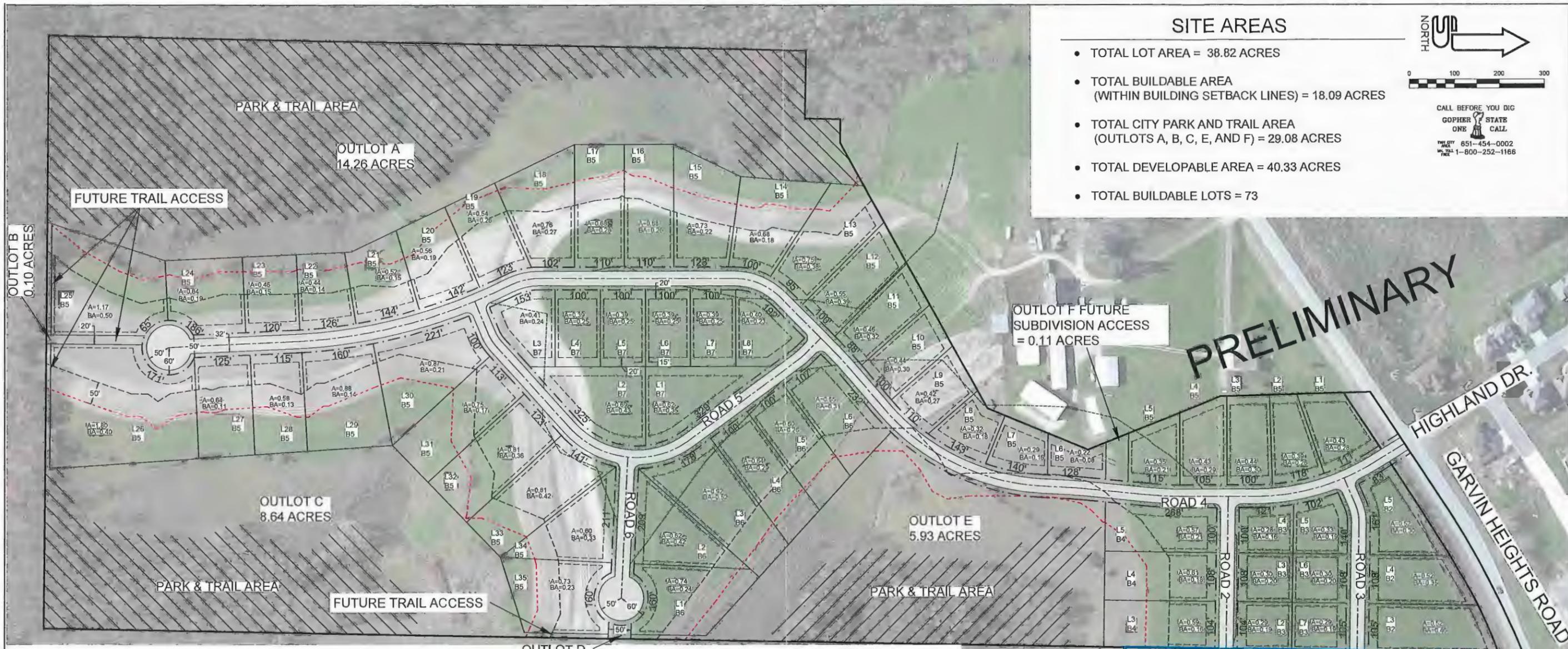
Subject to the right of way of said Winona County State aid Highway No. 44.

Excepting therefrom, that part of said Southeast Quarter of the Northwest Quarter and that part of said Northeast Quarter of the Southwest Quarter described as follows:

Beginning at the northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 22 minutes 56 seconds East, along the north line of said Northeast Quarter of the Southwest Quarter, 257.30 feet to the center line of said Winona County State Aid Highway No. 44, also being a boundary corner of Jacob Subdivision, according to the recorded plat thereof, said Winona County; thence North 56 degrees 28 minutes 10 seconds East, along said center line, 572.34 feet to the northeasterly corner of said Jacob Subdivision; thence South 01 degrees 37 minutes 54 seconds East, along the easterly line of said Jacob Subdivision, 332.20 feet; thence South 21 degrees 43 minutes 25 seconds East, along said easterly line of Jacob Subdivision, 316.37 feet; thence South 22 degrees 29 minutes 35 seconds West, along the southeasterly line of said Jacob Subdivision, 240.26 feet; thence South 60 degrees 53 minutes 42 seconds West, along said southeasterly line of Jacob Subdivision, 668.76 feet; thence North 88 degrees 53 minutes 04 seconds West, along the southerly line of said Jacob Subdivision, 51.41 feet; thence South 01 degrees 06 minutes 56 seconds West, along the easterly line of said Jacob Subdivision, 78.77 feet; thence North 88 degrees 53 minutes 04 seconds West, along the southerly line of said Jacob Subdivision, 150.00 feet to the west line of said Northeast Quarter of the Southwest Quarter; thence North 01 degrees 06 minutes 56 seconds East, along said west line of Northeast Quarter of the Southwest Quarter, 934.87 feet to the point of beginning.

EXHIBIT B

Preliminary Cluster Development Plan



SITE AREAS

- TOTAL LOT AREA = 38.82 ACRES
- TOTAL BUILDABLE AREA (WITHIN BUILDING SETBACK LINES) = 18.09 ACRES
- TOTAL CITY PARK AND TRAIL AREA (OUTLOTS A, B, C, E, AND F) = 29.08 ACRES
- TOTAL DEVELOPABLE AREA = 40.33 ACRES
- TOTAL BUILDABLE LOTS = 73

NORTH

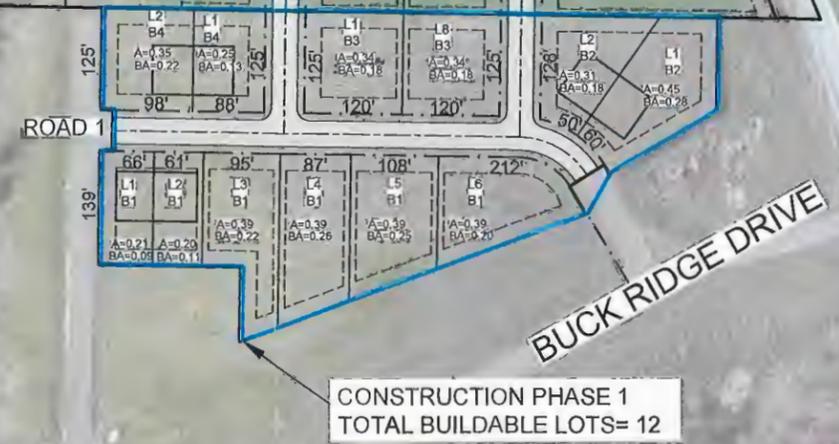
 0 100 200 300
 CALL BEFORE YOU DIG
 GOPHER STATE
 ONE CALL
 851-454-0002
 1-800-252-1166

SITE PLAN NOTES

- TOTAL LOT AREA = 38.82 ACRES
- TOTAL BUILDABLE AREA = 18.09 ACRES
- TOTAL ROAD LENGTH = 5,915' = 1.12 MI
- BLOCK 1 LOT AREA = 1.97 ACRES
- BLOCK 1 BUILDABLE AREA = 1.13 ACRES
- BLOCK 2 LOT AREA = 2.32 ACRES
- BLOCK 2 BUILDABLE AREA = 1.57 ACRES
- BLOCK 3 LOT AREA = 2.47 ACRES
- BLOCK 3 BUILDABLE AREA = 1.49 ACRES
- BLOCK 4 LOT AREA = 2.37 ACRES
- BLOCK 4 BUILDABLE AREA = 0.9 ACRES
- BLOCK 5 LOT AREA = 21.63 ACRES
- BLOCK 5 BUILDABLE AREA = 8.52 ACRES
- BLOCK 6 LOT AREA = 4.17 ACRES
- BLOCK 6 BUILDABLE AREA = 2.04 ACRES
- BLOCK 7 LOT AREA = 3.89 ACRES
- BLOCK 7 BUILDABLE AREA = 2.44 ACRES

LEGEND

- These standard symbols will be found on this plan sheet.
- DENOTES PROPERTY LINE
 - DENOTES LOT LINE
 - DENOTES RIGHT OF WAY CENTER LINE
 - DENOTES ROAD CENTER LINE
 - DENOTES BUILDING SETBACK LINE
 - DENOTES TOP OF BLUFF LINE
 - DENOTES 200' RIDGELINE TRANSITION OVERLAY DISTRICT LINE
 - DENOTES 50' BLUFF LINE BUILDING SETBACK
 - A=0.36 DENOTES LOT AREA IN ACRES
 - BA=0.15 DENOTES BUILDABLE AREA IN ACRES
 - L1 B1 DENOTES LOT NUMBER AND BLOCK NUMBER
 - DENOTES PROPOSED TWIN HOME LOTS
 - DENOTES PROPOSED BITUMINOUS SURFACE



FILE PATH S:\Shore\STC\CERTS\167-733\PROGRO LEASING CO LLP\CAD

JOHNSON & SCOFIELD INC.
 Surveying & Engineering

1203 Main Street Red Wing, MN 55066
 ph. 651.368.1558 fax 651.388.1559

DESIGNED	BY	DATE
JOP & SPV		
DRAWN	JOP	
CHECKED	SPV	

REVISED: _____
 BY: _____
 DATE: _____
 LATEST REVISION: 01/06/20
 Prepared For:
 PROGRO LEASING CO. LLC.
 C/O BERNIE BRENNER
 4020 WEST SIXTH STREET
 WINONA, MN 55987-1596
 PHONE: 507-454-1163

SAINT CROIX HEIGHTS
 WINONA, MINNESOTA

PRELIMINARY SITE PLAN

SHEET 2 OF 4

EXHIBIT C

Findings of Fact addressing the required criteria contained in Winona City Code, Section 43.06.34 (C).

- 1) Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.

The Preliminary Cluster Development Plan (Plan) meets this criterion by: 1) Adherence to the required 50' setback from top of bluff, 2) Location of all roads outside of bluffland areas, 3) and adherence to and satisfaction of all bluffland regulations in City Code section 43.02.32.

- 2) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.

The plan meets this criterion due to dedication of 29 acres of land to the City of Winona and the potential for public trail development on this property.

- 3) Cluster open space shall include irreplaceable natural features, located in the tract such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings.

The plan meets this criterion due to preservation of bluffland areas.

- 4) Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians including the handicapped and elderly.

The plan meets this criterion due to sidewalks and/or low traffic roads that provide direct access to the property proposed to be dedicated to the City of Winona and potentially used for trail development.

- 5) The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.

The plan meets this criterion due to preservation of bluffland areas which are visible from within the development and from adjacent subdivisions.

- 6) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.

The plan meets this criterion because the lot layout will facilitate a mix of attached twin homes and detached single family homes. Also, the lots are laid out with respect to the physical qualities of the land and adherence to bluffland regulations.

- 7) Individual lots, buildings, and dwelling units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.

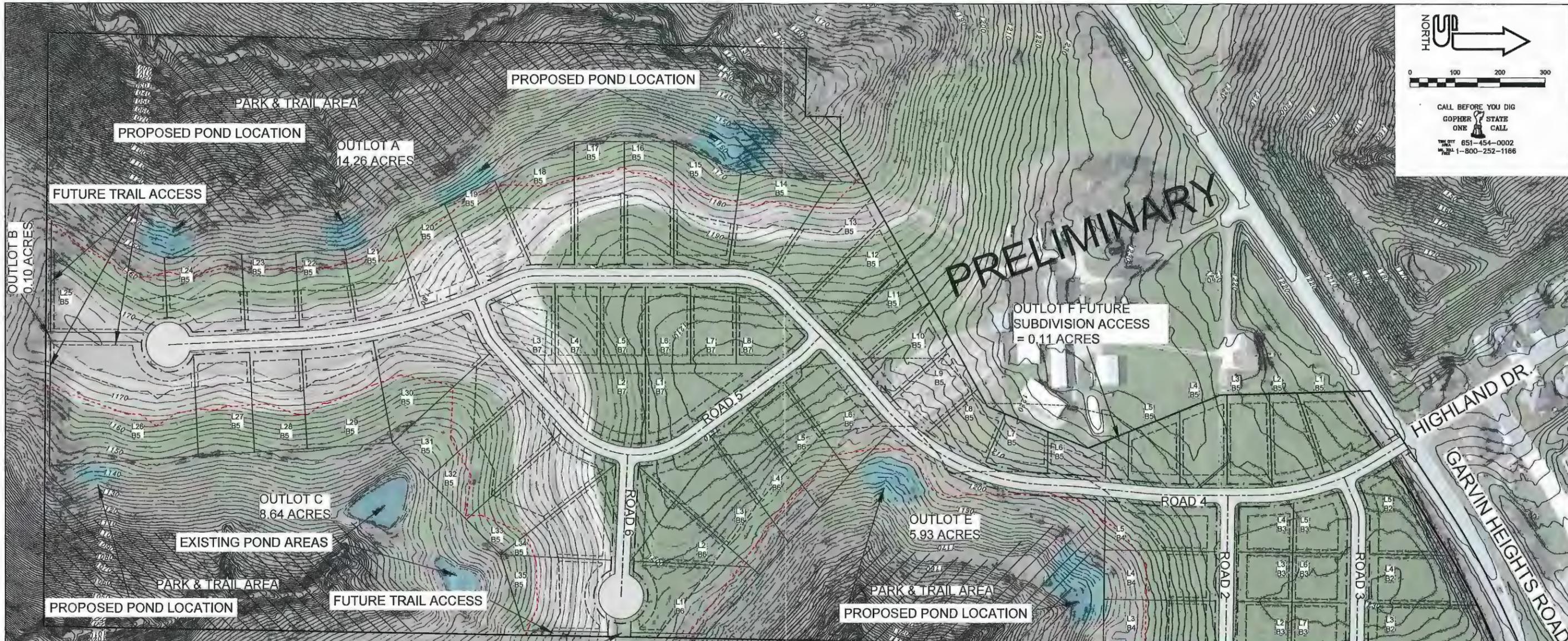
The plan meets this criterion by a development pattern that is compatible with adjacent subdivisions. Also, the plat proposes narrower streets than what is required by code – thus still providing access, but helping to reduce the amount of impervious surfacing/areas devoted to motor vehicle access.

- 8) Individual lots, buildings, dwelling units, parking areas, etc. shall be situated to minimize the adverse effects of shadows, noise and traffic.

The plan meets this criterion by a locating smaller lots with a greater development density closest to County Road 44 – thus reducing the amount of traffic that is required to go through the length of the subdivision.

EXHIBIT D

Preliminary Site Plan with 2' Existing Lidar Contours



NORTH

0 100 200 300

CALL BEFORE YOU DIG
GOPHER STATE
ONE CALL
TOLL FREE 851-454-0002
1-800-252-1166

PRELIMINARY PLAN NOTES

- SEE DETAIL SHEET FOR TYPICAL ROAD SECTION.

OUTLOT D
0.04 ACRES

LEGEND

- These standard symbols will be found on this plan sheet.
- DENOTES PROPERTY LINE
 - DENOTES LOT LINE
 - - - DENOTES RIGHT OF WAY CENTER LINE
 - - - DENOTES ROAD CENTER LINE
 - - - DENOTES BUILDING SETBACK LINE
 - - - DENOTES TOP OF BLUFF LINE
 - - - DENOTES 200' RIDGELINE TRANSITION OVERLAY DISTRICT LINE
 - - - DENOTES BLUFF LINE BUILDING SETBACK
 - 1180 DENOTES EXISTING MAJOR CONTOUR FROM MNTPO LIDAR DATA
 - 1181 DENOTES EXISTING MINOR CONTOUR FROM MNTPO LIDAR DATA
 - L1
B1 DENOTES LOT NUMBER AND BLOCK NUMBER
 - DENOTES PROPOSED TWIN HOME
 - DENOTES PROPOSED BITUMINOUS SURFACE
 - DENOTES PROPOSED POND AREAS
(EXACT SIZE TO BE DETERMINED DURING FINAL DESIGN)

JOHNSON & SCOFIELD INC.
Surveying & Engineering

1203 Main Street Red Wing, MN 55068
ph. 651.388.1556 fax 651.388.1559

DESIGNED JJP & SPV
DRAWN JJP
CHECKED SPV

REVISED	BY	DATE

LATEST REVISION: 01/08/20
Prepared For:
PROGRO LEASING CO. LLC.
C/O BERNIE BRENNER
4020 WEST SIXTH STREET
WINONA, MN 55987-1596
PHONE: 507-454-1163

SAINT CROIX HEIGHTS
WINONA, MINNESOTA

PRELIMINARY SITE PLAN WITH
2' EXISTING LIDAR CONTOURS

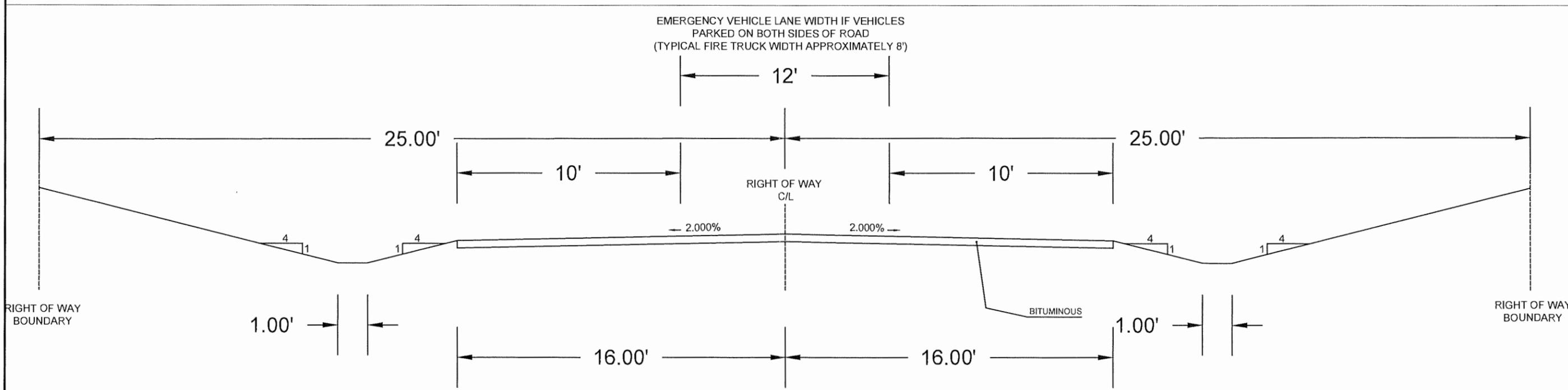
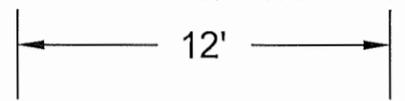
EXHIBIT E

Road Details

PRELIMINARY

TYPICAL ROADWAY CROSS SECTION

EMERGENCY VEHICLE LANE WIDTH IF VEHICLES
PARKED ON BOTH SIDES OF ROAD
(TYPICAL FIRE TRUCK WIDTH APPROXIMATELY 8')



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JOHNSON & SCOFIELD INC.
Surveying & Engineering
1203 Main Street Red Wing, MN 55068
ph. 651.368.1556 fax 651.368.1559

DESIGNED	REVISED	BY	DATE	LATEST REVISION: 01/08/20
JDP & SPV				Prepared For:
DRAWN				PROGRO LEASING CO. LLC.
JDP				C/O BERNIE BRENNER
CHECKED				4020 WEST SIXTH STREET
SPV				WINONA, MN 55967-1596
				PHONE: 507-454-1183

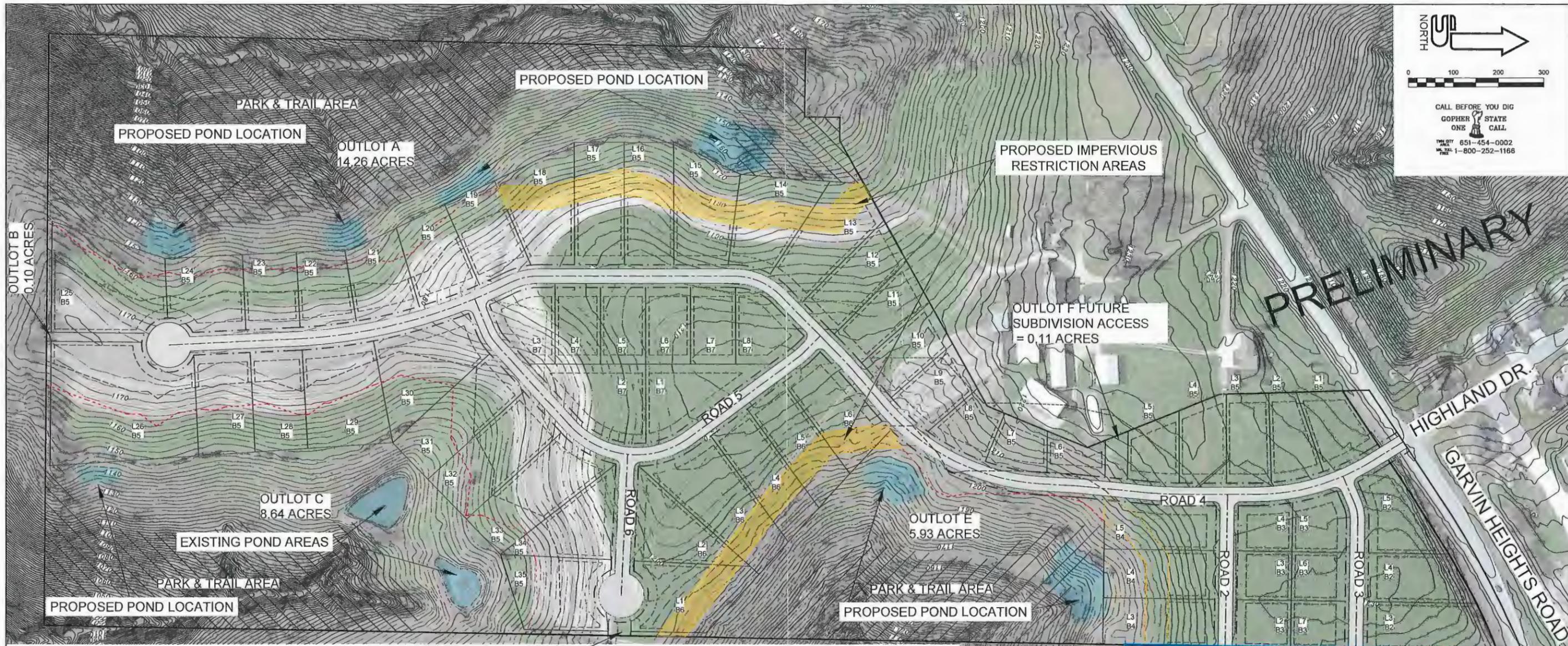
SAINT CROIX HEIGHTS
WINONA, MINNESOTA

ROAD DETAILS

SHEET 4 OF 4

EXHIBIT F

Proposed BMP Locations and Impervious Restriction Areas



NORTH

0 100 200 300

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ONE CALL
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TOLL 1-800-252-1166

**EXHIBIT D
NOTES**

- TOTAL AREA OF PROPOSED PONDS: 1.38 ACRES
- TOTAL AREA OF EXISTING POND AREAS: 0.36 ACRES
- TOTAL IMPERVIOUS RESTRICTION AREA: 1.74 ACRES
- TOTAL IMPERVIOUS RESTRICTION AREA AS SHOWN: 1.79 ACRES

OUTLOT D
0.04 ACRES

LEGEND

- These standard symbols will be found on this plan sheet.
- DENOTES PROPERTY LINE
 - - - DENOTES LOT LINE
 - - - DENOTES RIGHT OF WAY CENTER LINE
 - - - DENOTES ROAD CENTER LINE
 - - - DENOTES BUILDING SETBACK LINE
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 - - - DENOTES EXISTING MAJOR CONTOUR FROM MNTOPD LIDAR DATA
 - - - DENOTES EXISTING MINOR CONTOUR FROM MNTOPD LIDAR DATA
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 - DENOTES PROPOSED POND AREAS (EXACT SIZE TO BE DETERMINED DURING FINAL DESIGN)
 - DENOTES PROPOSED IMPERVIOUS RESTRICTION AREAS

JOHNSON & SCOFIELD INC.
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CHECKED	SPV	

REVISED

LATEST REVISION: 01/08/20

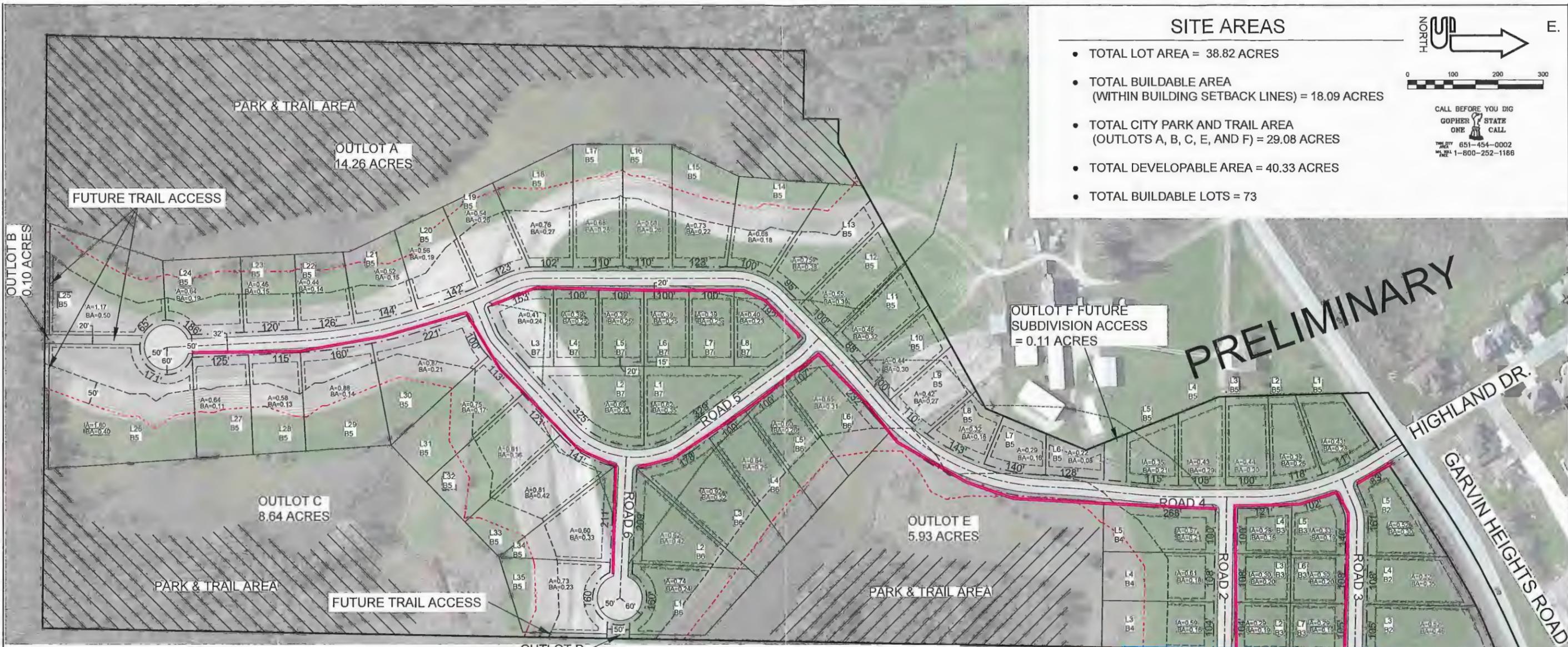
Prepared For:
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C/O BERNIE BRENNER
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WINONA, MN 55987-1596
PHONE: 507-454-1163

SAINT CROIX HEIGHTS
WINONA, MINNESOTA

EXHIBIT D: PROPOSED BMP LOCATIONS AND IMPERVIOUS RESTRICTION AREAS

EXHIBIT G

Preliminary Site Plan with Sidewalks



SITE AREAS

- TOTAL LOT AREA = 38.82 ACRES
- TOTAL BUILDABLE AREA (WITHIN BUILDING SETBACK LINES) = 18.09 ACRES
- TOTAL CITY PARK AND TRAIL AREA (OUTLOTS A, B, C, E, AND F) = 29.08 ACRES
- TOTAL DEVELOPABLE AREA = 40.33 ACRES
- TOTAL BUILDABLE LOTS = 73



SITE PLAN NOTES

- TOTAL LOT AREA = 38.82 ACRES
- TOTAL BUILDABLE AREA = 18.09 ACRES
- TOTAL ROAD LENGTH = 5,915' = 1.12 MI
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 - DENOTES PROPOSED BITUMINOUS SURFACE

OUTLOT D 0.04 ACRES

CONSTRUCTION PHASE 1
TOTAL BUILDABLE LOTS= 12

JOHNSON & SCOFIELD INC.
Surveying & Engineering

1203 Main Street Red Wing, MN 55066
ph. 651.388.1558 fax 651.388.1559

DESIGNED	BY	DATE
JJP & SPV		
DRAWN	JJP	
CHECKED	SPV	

REVISED: _____ BY: _____ DATE: _____

LATEST REVISION: 01/08/20

Prepared For:
PROGRO LEASING CO. LLC.
C/O BERNIE BRENNER
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SAINT CROIX HEIGHTS
WINONA, MINNESOTA

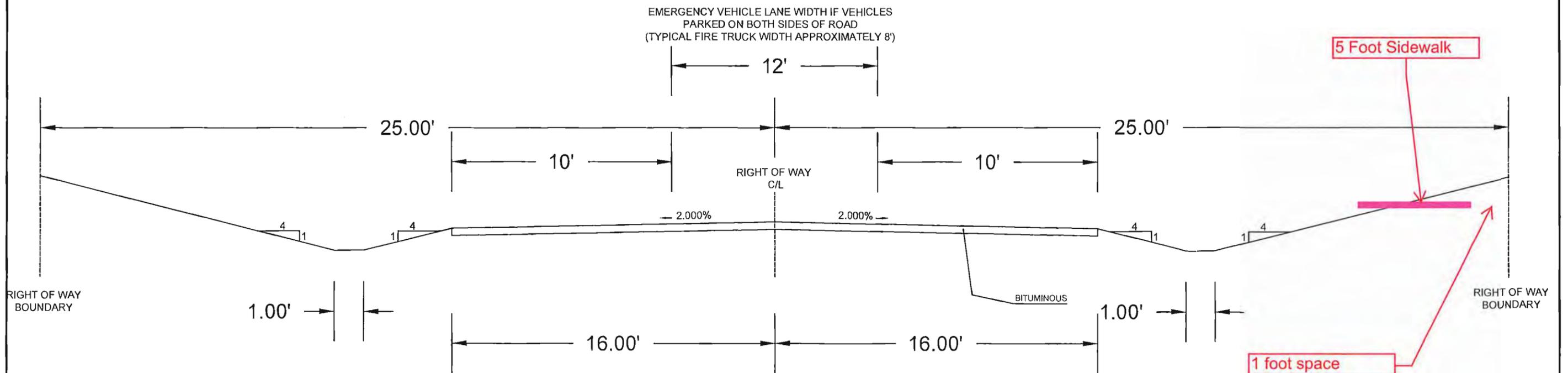
PRELIMINARY SITE PLAN

EXHIBIT H

Road Details with Sidewalk

PRELIMINARY

TYPICAL ROADWAY CROSS SECTION



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JOHNSON & SCOFIELD INC.
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JDP			
SPV			

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SAINT CROIX HEIGHTS
WINONA, MINNESOTA

ROAD DETAILS

SHEET 4 OF 4

B)



Preliminary Plat Narrative Packet

September 24, 2020

City of Winona
Planning & Zoning Department
Attention: Carlos Espinosa, City of Winona City Planner
207 Lafayette Street
Winona, MN 55987

Progro Leasing Co. LLP. (PLC). plans to develop and construct a residential subdivision on four parcels: #323292020, 323292042, 323292043, and 323292022 along the south side of Garvin Heights Road and the west end of Buck Ridge Drive.

Exhibits to Supplemental Application Packet:

- Exhibit A: Preliminary Plat Application Narrative
- Exhibit B: Subdivision Comparison Table
- Exhibit C: Revised Preliminary Subdivision Plan Set
- Exhibit D: Proposed BMP and Impervious Restriction Areas
- Exhibit E: Proposed City Sidewalk Map

If you have any questions regarding the application, please contact Brian Wodele at 507-454-4134. We appreciate the generous assistance that we have received from you and your staff, and we look forward to working with you. Thank you for your consideration of this continued application.

Brian Wodele

Professional Land Surveyor



Exhibit A:

Preliminary Plat Narrative

The proposed development faces many challenges in construction due to unique geometric features and characteristics of the property. Most of the parcel is located within or near bluff land, and the majority of the proposed development is located along the top of the bluff. The preliminary subdivision plan set in Exhibit C shows the proposed right of way width, roadway width, and setbacks for the subdivision. The reduction of right of way width, roadway width, and building setbacks are to allow for lot development on both sides of the proposed roads and provide maximum lot density. The goal is to create a beautiful subdivision that meets the needs of PLC and the City. The requested subdivision will bring 73 total lots to the City of Winona, and will create options to help satisfy the City's need for more single family housing based on the 2016 housing study.

PLC has worked to address the Planning Commission's questions and concerns regarding modifications to bluff setbacks, placing streets within the bluff impact zone, and physical street widths. PLC has also redesigned and made concessions to eliminate the need for the variances that were appealed, and ultimately reversed by City Council.

Right of Way Width:

PLC is proposing a 50' right of way width throughout the subdivision. The slight reduction of right away will allow for more buildable area and lot densities. There are examples of many similar rural subdivisions throughout the City of Winona where right of way widths are less than 60'. Please see attached Exhibit B for a list of subdivisions and their corresponding right of way widths.

Physical Street Width:

At the June 24th, 2019 meeting, some members of the Planning Commission expressed concern over the proposed original design of a 22' wide bituminous street width and 10' shared use path. To address this concern PLC is proposing 32' wide streets measured from edge to edge of bituminous throughout the subdivision. This roadway width facilitates safe travel through the residential neighborhood and allows for overflow parking on both sides of the street while also allowing emergency vehicle access. The typical street section shown on sheet 4 of the Preliminary Subdivision Plan Set in Exhibit C shows roadway dimensions and emergency vehicle dimensions. There are examples of many similar rural subdivisions throughout the City of Winona where roadway widths are 32' or less. Please again see attached Exhibit B for a list of subdivisions and their corresponding physical street widths.



Sidewalks:

PLC proposes no sidewalks in this subdivision. Eliminating the formerly proposed shared use path will create space for a wider physical roadway. This will address the Planning Commission's concerns regarding on street parking and emergency vehicle access. There are examples of many similar rural subdivisions throughout the City of Winona that have no sidewalks, including adjacent subdivisions that do not have sidewalks. Please refer again to Exhibit B for a list of subdivisions that do not utilize sidewalks for pedestrian traffic. In this type of subdivision the desire for privacy makes sidewalks undesirable. A sidewalk-free neighborhood allows for grass and landscaped elements to extend all the way down to the street, which, for many, has a certain appeal. Without that strip of concrete these neighborhoods are often visually greener, and more rural in character. If 5' sidewalks are added to the areas that the City has requested, as shown on Exhibit E, it will add approximately .64 acres, or 27,878 square feet, of impervious surface to the development. Due to the shape of the lots, 10 lots have >300 linear feet of sidewalk to clear snow from. With most lots having >100 linear feet of sidewalk to clear. Outlot E, which will be owned by the City, will also contain 512 feet of frontage. It would be the City's responsibility to clear this portion of the walk each time it snows.

In order to make this project viable, the PLC has worked for 2 years to incorporate requests from staff, and to adhere to guidance implemented by the Planning Commission and City Council. As a result, buildable areas of lots have been reduced, and lots have been divided in half to make up for other lots that needed to be eliminated. As a result of these changes the value of each lot has been reduced. The more costs that are imposed on the project, such as sidewalks, in turn results in the sale price of the lots becoming less and less affordable to citizens and potential residents. The PLC has made numerous concessions to requests from the City, is prepared to donate 29.08 acres of recreational property to the City and the public, and will need to pay the City nearly \$700,000 in SAC and WAC fees to hook up to City sewer and water services. The PLC is asking City Council to eliminate the requirement for sidewalks to help this project move forward, and to keep the lots as affordable as possible for its citizens.

Bluff Setback:

In response to the Planning Commission's and the City Council's concern regarding the reduction of the 50' bluff setback, PLC is no longer proposing a variance to the UDC standards. The preliminary plat was redesigned to reduce lot sizes, and eliminate and reorganize lots in order to comply with the UDC standards for bluff setbacks.



Streets Within Bluff Area:

In response to the Planning Commission's and City Council's concern regarding the placement of streets within the bluff area, PLC is no longer proposing any streets within the bluff area. The preliminary plat was redesigned to reduce lot sizes, eliminate and reorganize lots, and shift and move proposed streets in order to eliminate the need to place streets within the bluff area.

Storm water:

PLC is proposing to utilize existing storm ponds, and to construct the necessary storm ponds and other storm water treatment best management practices (BMP's) in the natural drainage ways necessary for effective storm water management. City Engineer Brian DeFrang was consulted, and would both support and recommend the construction of storm water ponds within bluff areas if the grades and resulting drainage areas dictate that these are the most effective and appropriate locations. Placing storm water facilities and ponds within the bluff area is permitted and considered an allowed use in accordance with the UDC, and does not require a variance. In order to satisfy the ordinance, PLC will place a restriction on the equivalent amount of land within the developable area that must remain pervious (capable of infiltration). A formal document and exhibit is proposed to be recorded designating the restricted areas. Please see attached Exhibit D for the proposed storm water BMP locations and proposed impervious area restricted designations.

Should the City Council approve the Preliminary Plat, PLC will begin the surveying and engineering design phase of the project. During this phase, the exact number, size, and location of the storm water BMP's will be determined from a very detailed hydraulic analysis, and planning and design process. City Engineer Brian DeFrang will be given opportunities to review, recommend changes, and accept or reject the engineering plan that is presented. The Planning Commission and City Council will also have the opportunity to review the engineering plan when the Final Plats is brought before them for approval.

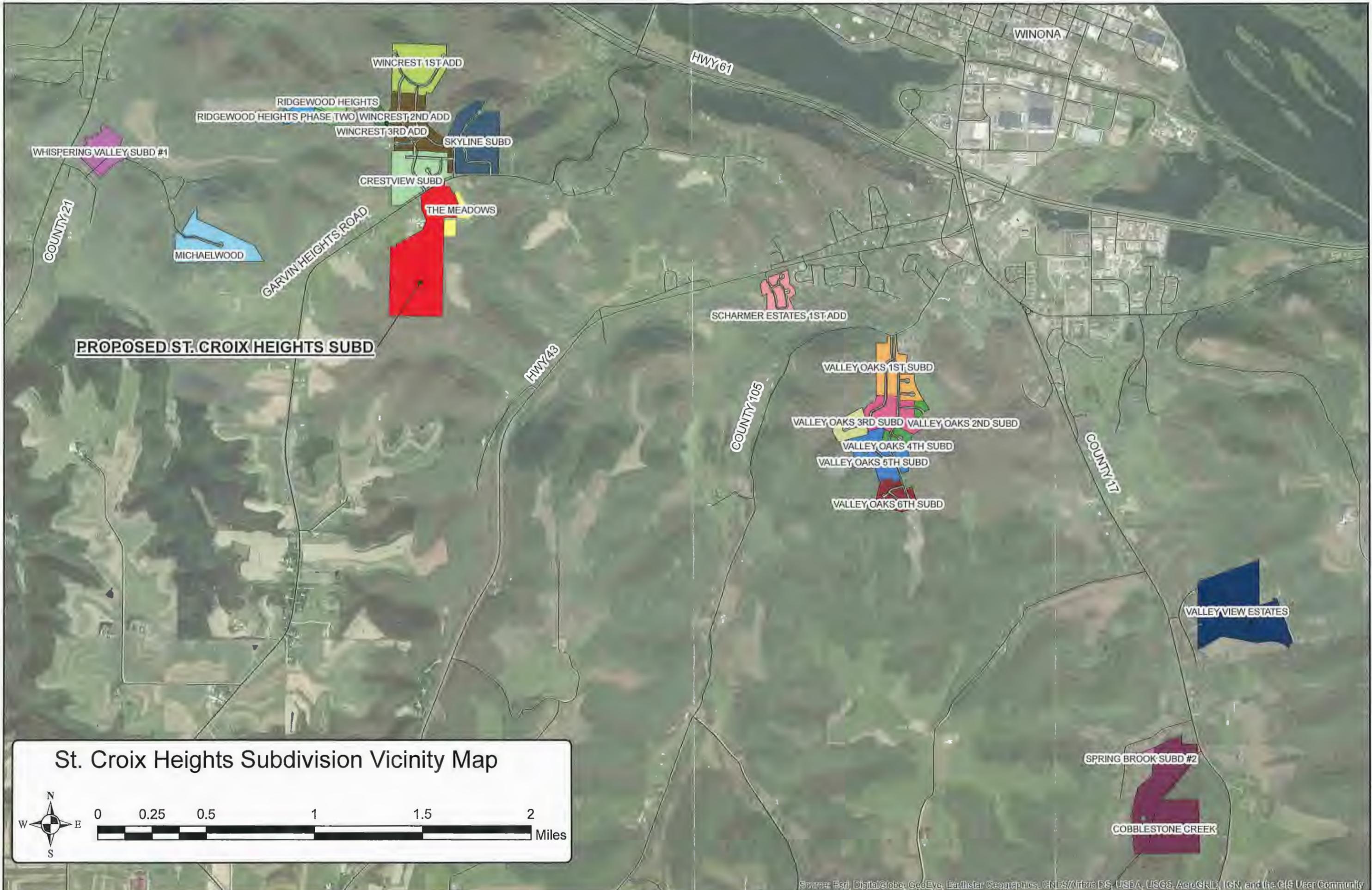
Park Dedication:

In accordance with City Code Section 43.04.24, PLC is proposing the public dedication of Outlots A through F to provide access and land for the enhancement of public recreational space. The City Park and Recreational Department is exploring the installation of a recreational trail system in these Outlots. According to the UDC, the accepted national standard for neighborhood parks is 4 acres per 1,000 populations. The Outlots will total 29.08 acres of publicly dedicated access and park land which exceeds this national standard. The Outlots will be owned by the City, and dedicated for public use.



Exhibit B: Subdivision Comparison Table

	Name of Subdivision Plat	Address	Right of Way Width (ft)	Bituminous Roadway Width (From Aerial Imagery) (ft)	Sidewalks? (Yes, No)
	St. Croix Heights	0 Garvin Heights	50	32	No
1	Crestview Subdivision	Highland Drive	60	32	No
2	The Meadows	Buck Ridge Drive	50	28	No
3	Cobblestone Creek	Cobblestone Lane	50	28 (At Bumpouts)	No
4	Spring Brook Subdivision #2	Spring Brook Drive	60	28	No
5	Valley View Estates	Clinton Drive North	60	24	No
6	Valley Oaks First Subdivision	Valley Oaks Drive	60	32	No
7	Valley Oaks Second Subdivision	Oak Leaf Drive	60	32	No
8	Valley Oaks Third Subdivision	Forest Oaks Court	60	32	No
9	Valley Oaks Fourth Subdivision	Oakwood Court	60	32	No
10	Valley Oaks Fifth Subdivision	Shady Oak Court	60	32	No
11	Valley Oaks Sixth Subdivision	Rivers Oak Court	60 (50 Radius Cul-de-sac)	32	No
12	Scharmer Estates First Addition	Debi Lei Drive	50	32	No
13	Michaelwood	Michaelwood Drive	60	26	No
14	Whispering Valley Subdivision #1	Jay Bee Drive	60	26	No
15	Wincrest First Addition	Valley View Drive	60	28	No
16	Wincrest Second Addition	Valley View Drive	60	28	No
17	Wincrest Third Addition	Ridgewood Drive	60	32	No
18	Skyline Subdivision	Skyline Drive	60	36	No
19	Ridgewood Heights	Ridgewood Drive	60	32	No
20	Ridgewood Heights Phase Two	Ridgewood Drive	60	32	No



PROPOSED ST. CROIX HEIGHTS SUBD

St. Croix Heights Subdivision Vicinity Map

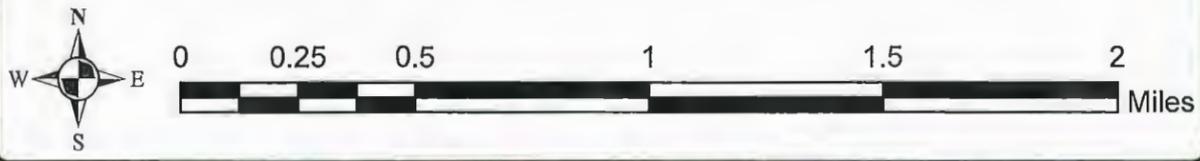




Exhibit C:

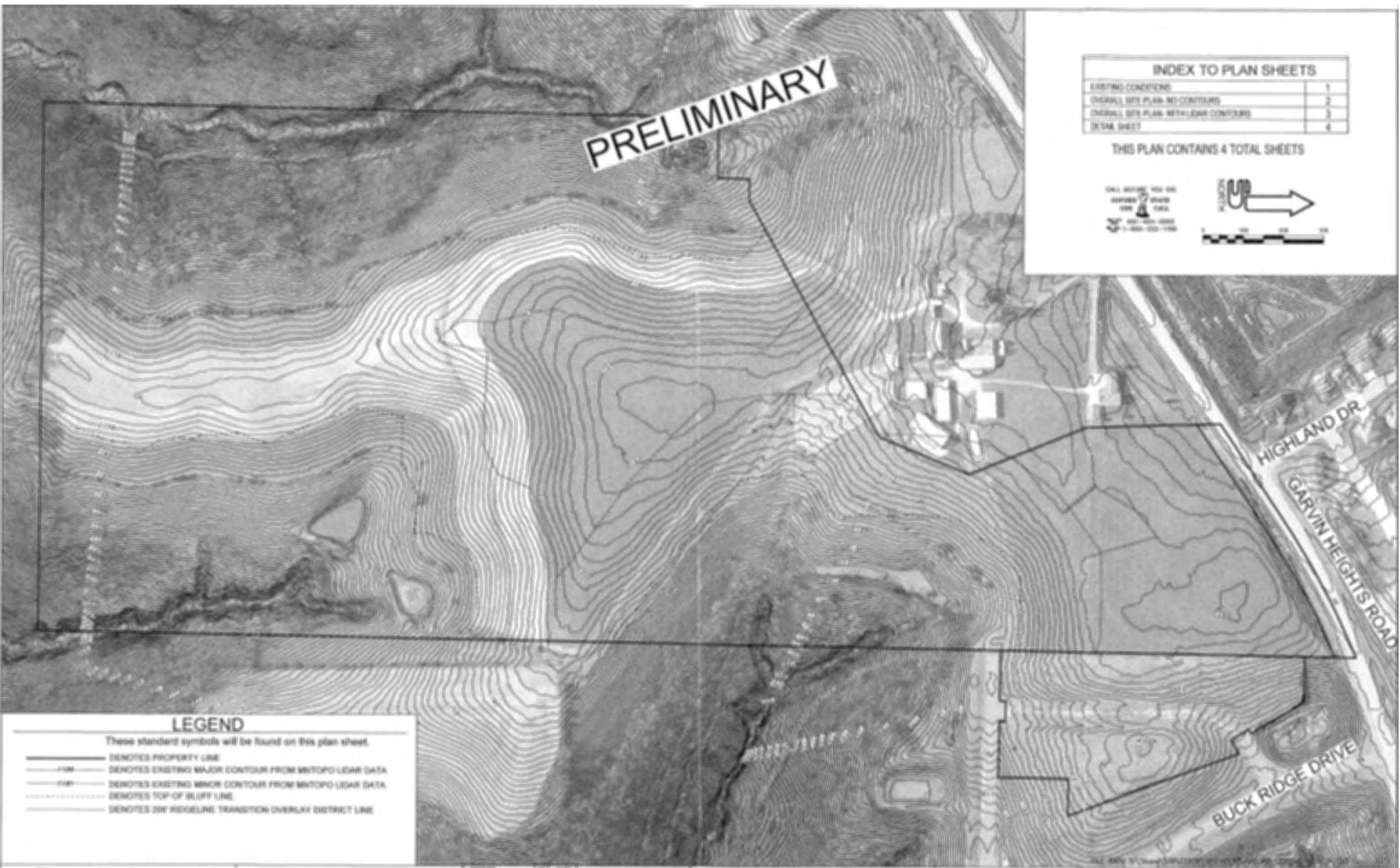
Preliminary Subdivision Plan Set

PRELIMINARY

INDEX TO PLAN SHEETS	
EXISTING CONDITIONS	1
OVERALL SITE PLAN-NO CONTOURS	2
OVERALL SITE PLAN-WITH LEAK CONTOURS	3
DETAIL SHEET	4

THIS PLAN CONTAINS 4 TOTAL SHEETS

CALL BEFORE YOU DIG
 800-4-A-DIG
 800-4-4-DIG
 1-800-442-1246



LEGEND

These standard symbols will be found on this plan sheet.

- DENOTES PROPERTY LINE
- DENOTES EXISTING MAJOR CONTOUR FROM WINTOPO LEAK DATA
- DENOTES EXISTING MINOR CONTOUR FROM WINTOPO LEAK DATA
- DENOTES TOP OF BLUFF LINE
- DENOTES 20% RIDGELINE TRANSITION OVERLAY DISTRICT LINE

JOHNSON & SCOFIELD INC.
 Surveying & Engineering

DATE	BY	REVISED	BY	DATE	REVISION
06/20/2011	JAS				
07/01/2011	JAS				
07/01/2011	JAS				

SAINT CROIX HEIGHTS
 WINONA, MINNESOTA

EXISTING CONDITIONS

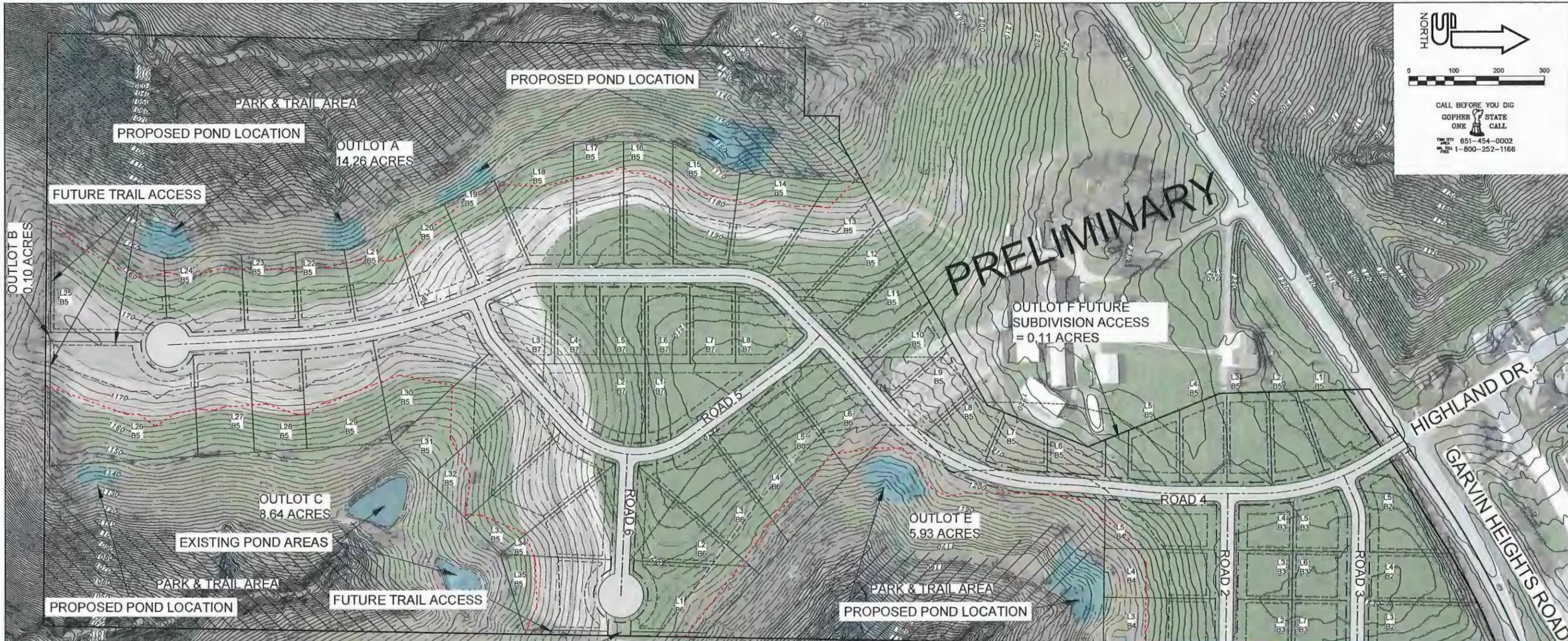


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NORTH

0 100 200 300

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OR 1-800-252-1166

PRELIMINARY PLAN NOTES

- SEE DETAIL SHEET FOR TYPICAL ROAD SECTION.

LEGEND

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DESIGNED	BY	DATE	REVISIONS
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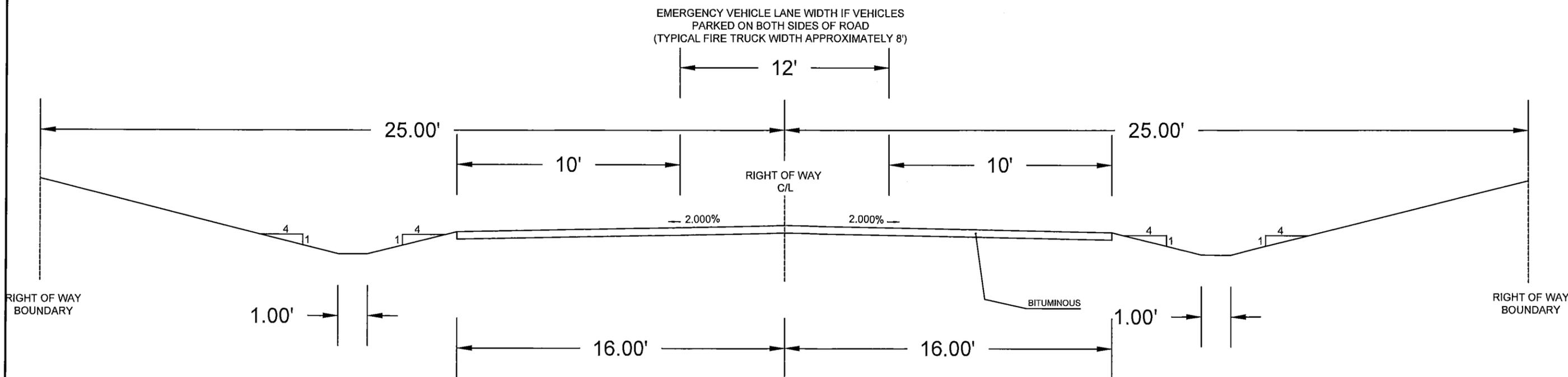
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C/O BERNIE BRENNER
4020 WEST SIXTH STREET
WINONA, MN 55987-1598
PHONE: 507-454-1163

SAINT CROIX HEIGHTS
WINONA, MINNESOTA

**PRELIMINARY SITE PLAN WITH
2' EXISTING LIDAR CONTOURS**
SHEET 3 OF 4

PRELIMINARY

TYPICAL ROADWAY CROSS SECTION



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SAINT CROIX HEIGHTS
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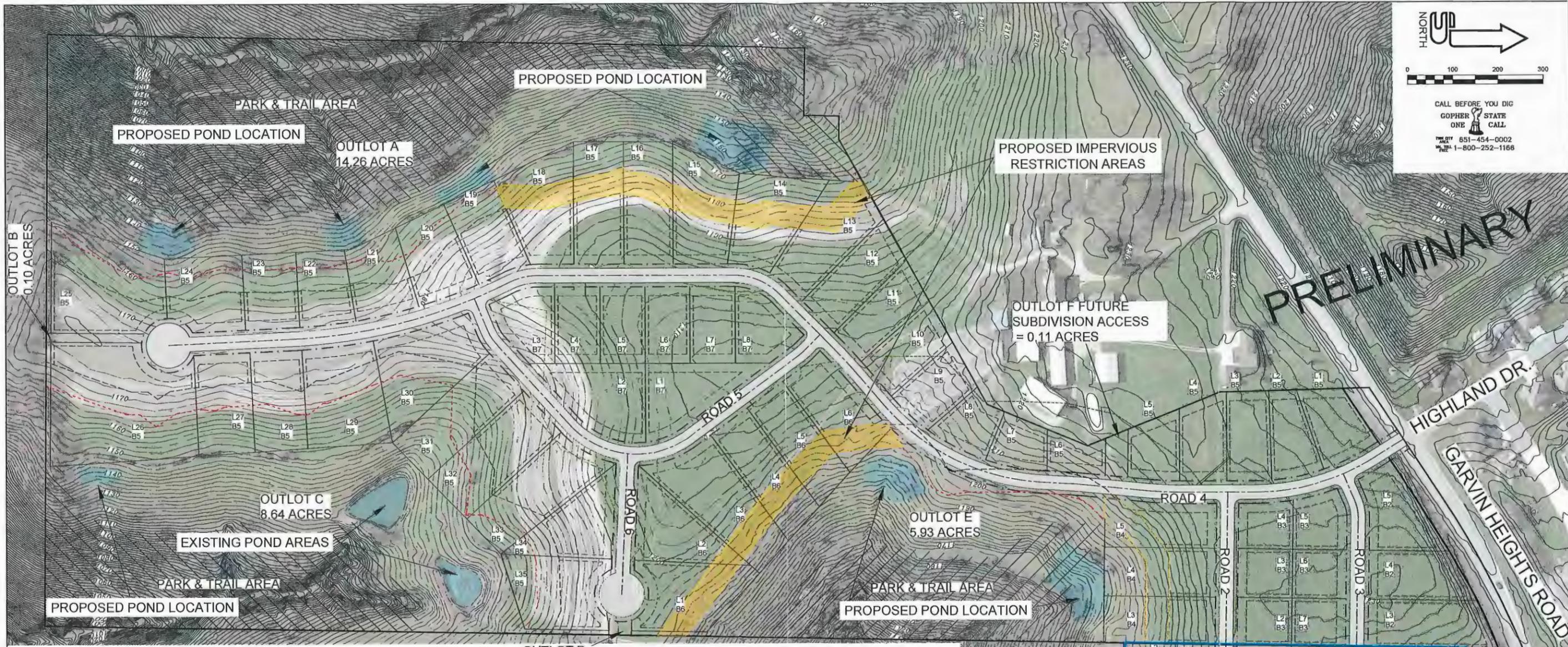
ROAD DETAILS

SHEET 4 OF 4



Exhibit D:

Proposed BMP and Impervious Restriction Areas



NORTH

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ph. 651.368.1559 fax 651.368.1559

DESIGNED	BY	DATE
..._JOP & SPV		
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CHECKED	...	

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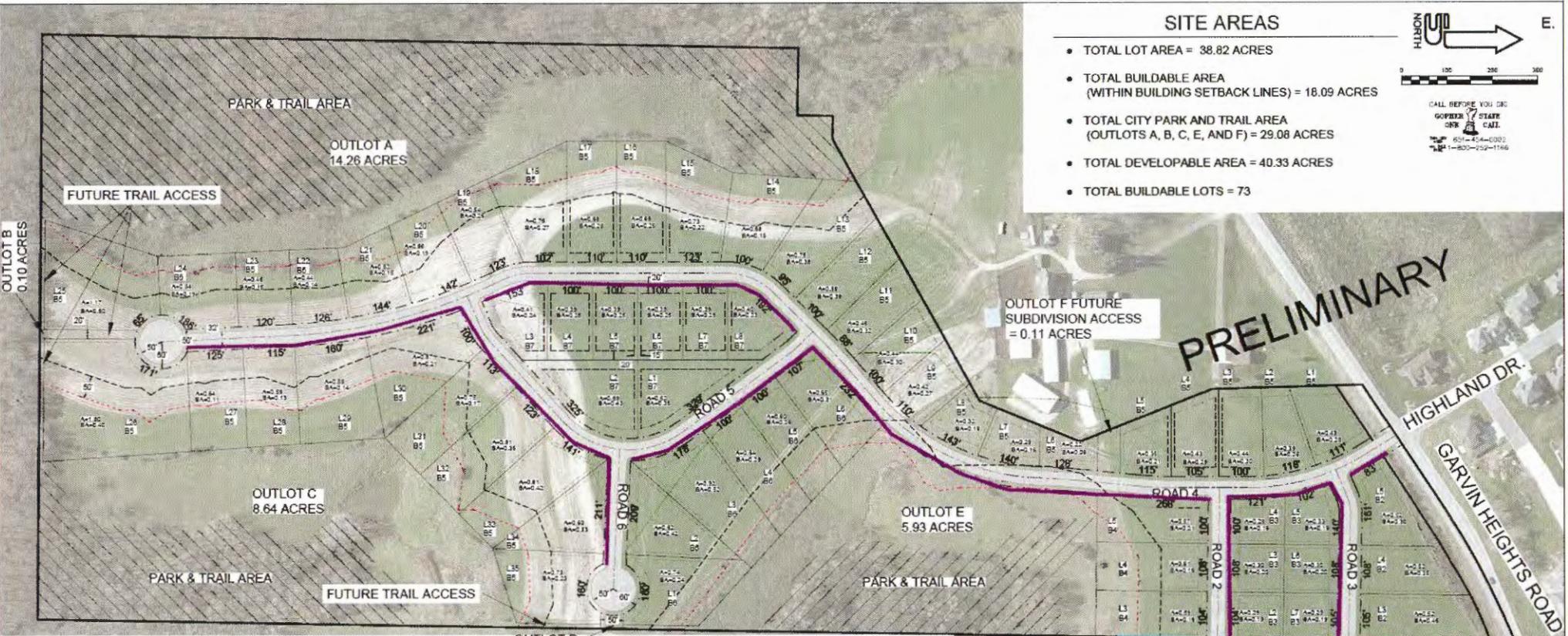
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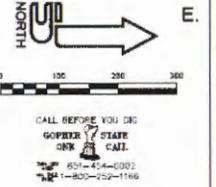
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Exhibit E: City Sidewalk Map



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- TOTAL BUILDABLE LOTS = 73



SITE PLAN NOTES

- TOTAL LOT AREA = 38.82 ACRES
- TOTAL BUILDABLE AREA = 18.09 ACRES
- TOTAL ROAD LENGTH = 5,915' = 1.12 MI
- BLOCK 1 LOT AREA = 1.97 ACRES
- BLOCK 1 BUILDABLE AREA = 1.13 ACRES
- BLOCK 2 LOT AREA = 2.32 ACRES
- BLOCK 2 BUILDABLE AREA = 1.57 ACRES
- BLOCK 3 LOT AREA = 2.47 ACRES
- BLOCK 3 BUILDABLE AREA = 1.49 ACRES
- BLOCK 4 LOT AREA = 2.37 ACRES
- BLOCK 4 BUILDABLE AREA = 0.9 ACRES
- BLOCK 5 LOT AREA = 21.63 ACRES
- BLOCK 5 BUILDABLE AREA = 8.52 ACRES
- BLOCK 6 LOT AREA = 4.17 ACRES
- BLOCK 6 BUILDABLE AREA = 2.04 ACRES
- BLOCK 7 LOT AREA = 3.89 ACRES
- BLOCK 7 BUILDABLE AREA = 2.44 ACRES

OUTLOT D
0.04 ACRES

LEGEND

- These standard symbols will be found on this plan sheet.
- DENOTES PROPERTY LINE
 - DENOTES LOT LINE
 - DENOTES RIGHT OF WAY CENTER LINE
 - DENOTES ROAD CENTER LINE
 - DENOTES BUILDING SETBACK LINE
 - DENOTES TOP OF BLUFF LINE
 - DENOTES 200' RIDGELINE TRANSITION OVERLAY DISTRICT LINE
 - DENOTES 50' BLUFF LINE BUILDING SETBACK
 - A=0.36 DENOTES LOT AREA IN ACRES
 - BA=0.15 DENOTES BUILDABLE AREA IN ACRES
 - L1 B1 DENOTES LOT NUMBER AND BLOCK NUMBER
 - DENOTES PROPOSED TWIN HOME LOTS
 - DENOTES PROPOSED BITUMINOUS SURFACE



CONSTRUCTION PHASE 1
TOTAL BUILDABLE LOTS= 12

JOHNSON & SCOTFIELD INC.
Surveying & Engineering

DESIGNED	REVISION	BY	DATE	LATEST REVISION
TOP & SPY				01/08/20
DRAWN				
CHECKED				

Prepared For:
PROVIDER LEASING CO. LLC
C/O BERNIE BRENNER
4022 WEST 84TH STREET
WINONA, MN 55997-1206
PHONE: 507-644-1163

SAINT CROIX HEIGHTS
WINONA, MINNESOTA

PRELIMINARY SITE PLAN

SHEET 2 OF 4

C)

PLANNING COMMISSION	
AGENDA ITEM: 3. Public Hearing: Updated St. Croix Heights Preliminary Plat	
PREPARED BY: Carlos Espinosa	
DATE:	February 24, 2020

BASE DATA

Petitioner: Progro Leasing

Location: 0 Garvin Heights Road

Existing Zoning: Phase One: R-1.5 Low to Medium Density Residence District (permitting twinhomes)
Phase Two: R-1 Low Density Residence District (Single-Family Homes)

Area: Total: 74.57 acres
Total Developable: 40.33 acres

Number of Lots: 12 Phase One (3 twinhomes; 6 single family)
61 In Future Phases (Single-Family)
73 Total

Lot Areas: Twin Home Lots: 8,712-19,602 Sq. Ft. (Minimum 8,000 sq. ft. required)
Single Family (Phase 1): 14,810 Sq. Ft.+ (Minimum 7,000 sq. ft. required)
Single Family (Future Phases): 9,583 Sq. Ft.+ (Minimum 8,000 sq. ft. required)

DISCUSSION

Timeline

This preliminary plat was last in front of the Planning Commission on June 24th, 2019. A copy of the minutes is Attachment A. At that meeting, action on this item was tabled.

Following the meeting, the petitioner submitted a variance request to the Board of Adjustment related to bluffland setbacks and replacement requirements for a road and stormwater facilities in blufflands (Attachment B). The variance request was ultimately denied by the City Council. In response, the applicant has re-designed the subdivision.

The updated proposal (Attachment C), does not require variances from the Board of Adjustment. This is because:

1. There is no requested variance to the 50' setback from top of bluff.
2. Road two (2) was relocated to outside the bluffland overlay.
3. The plat will preserve permeable surfaces in non-bluffland areas to serve as a replacement for stormwater facilities located in bluffland areas.

Cluster Development

The updated plat has been submitted under the City's Cluster ordinance (Attachment D). Submittal under the Cluster ordinance procedure (e.g. public hearings in front of both the Planning Commission and City Council for Preliminary and Final Plats) is required due to the City's Bluffland ordinance which applies to this plat. The Cluster ordinance allows variation in subdivision standards to preserve open space and respect the physical qualities of the land while still permitting needed residential development:

Modification and variation of the yard and lot requirements of Sections 43.02.23 and 43.02.24 may be permitted. Such modifications and variations shall be shown on any cluster preliminary subdivision plan. Distances between dwellings or dwelling groups shall not be less than 15 feet. Minimum front yards shall be a minimum of 20 feet. Any yard within the cluster development which abuts an adjoining residential development shall be the same as required for the adjoining residential development.

In accordance, the petitioner is requesting the following:

	Requirement	Proposed
Front Yard Setback	25'	20'
Side Yard Setback	8-10'	7.5' minimum
Rear Yard Setback	40'	20'

Because these standards are not in the Bluffland ordinance section of the code, the request is subject to Planning Commission review.

Review Criteria

The Cluster ordinance states the following:

Procedure for Cluster Development Plan Approval.

Preliminary Plan. In reviewing the plan, the Commission shall ensure that it meets the *purpose and requirements* of this section [next page].

The action of the Commission shall be to recommend the approval, denial, or modification of the plan.

Purpose. The City Council finds that there is a need to permit cluster developments in the city to provide for improved living and working environments, to promote more economical use of land, to provide needed housing, to encourage the building and use of a variety of types of residential housing, to encourage ingenuity and originality in total subdivision and individual site designs, to preserve open space, to respect the physical qualities of land areas, and to save scarce natural resources. To aid in achieving those needs variation in lot areas are permitted. Also procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the developments or the dedication to public use. Also procedures are established to assure adequate protection....

Approval Criteria. The approved preliminary subdivision plan for a cluster development shall provide for a total environment better than that which would be achieved under standard regulations. If, in the opinion of the Planning Commission and/or City Council, the proposed plan could be improved by the reasonable modification of the location of cluster open space or building or configurations of lots, streets and parking areas, the proposed plan shall be so modified. In acting on a proposed plan, particular consideration should be given to the following criteria:

- 1) Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
- 2) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- 3) Cluster open space shall include irreplaceable natural features, located in the tract such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings.
- 4) Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians including the handicapped and elderly.
- 5) The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.

- 6) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- 7) Individual lots, buildings, and dwelling units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.
- 8) Individual lots, buildings, dwelling units, parking areas, etc. shall be situated to minimize the adverse effects of shadows, noise and traffic.

Related to the purpose and criteria above, although the plat does not “cluster” lots close together, it does respect the physical qualities of the land by adhering to the City’s Bluffland ordinance and proposing development in non-bluffland areas historically used as farmland. In addition, adhering to the Bluffland ordinance creates undevelopable outlots which are proposed to be dedicated to the City and potentially used for recreational purposes (See Attachment C and page 7 below).

Also, the City’s 2016 housing study noted the need for 261 detached single-family housing units through the year 2031. Between 2016 and the present, the City has approved permits for the construction of 27 detached single-family housing units. Thus, this subdivision helps provide needed residential housing. In accordance, staff would recommend approval of the requested setback variations.

Subdivision Standards

The updated proposal meets many of the City’s subdivision requirements. However, the petitioner is requesting the following:

	Requirement	Proposed
ROW Width	60'	50'
Pavement Width	36'	32'
Curb and Gutter	Traditional Curb and Gutter	Swales adjacent to Pavement
Sidewalks	Required on one side of arterial or collector type streets	None

Like above, because these standards are not in the Bluffland ordinance section of the code, the request is subject to Planning Commission review.

ROW and Pavement Width

The updated proposal has a Right-of-Way width of 50' and a proposed pavement (roadway) width of 32' (Attachment C, Exhibit C). When the Planning Commission last reviewed this item, the proposal was also for a 50' Right-of-Way, *but* with a 22' roadway width and a 10' shared use path. At that time, the Commission had concerns about maintenance, parking and emergency vehicle access. In response, the petitioner has eliminated the shared use path and widened the roadway by 10 feet.

The City Engineer and Fire Department have reviewed the updated proposal for the roadway and find it acceptable. However, staff is recommending addition of a 5' wide sidewalk within the Right-of-Way (see "Sidewalks" section below).

Curb and Gutter

The petitioner is not proposing traditional curb and gutter for this subdivision. Instead, swales are proposed adjacent to the roadway (Attachment C, Exhibit C).

The City Engineer has reviewed the proposal and finds it acceptable.

Sidewalks

As noted above, when the Planning Commission last reviewed this item, the proposal was for a 22' roadway width and a 10' shared use path. At that time, the Commission had concerns about the shared use path not being maintained in the wintertime, the width of the roadway, emergency access, and parking considerations. The current proposal does not contain a shared use path or sidewalk. In support of this, the petitioner cites a number of other subdivisions in the City without sidewalks (Attachment C, Exhibit B).

However, during adoption of the Unified Development Code in 2017, the City's subdivision ordinance was updated to require sidewalks on one side of arterial or collector type streets:

B) Sidewalks or Shared Use Paths.

- 1) Sidewalks or shared use paths are not required on all streets. New subdivisions shall provide a sidewalk or shared use path on one side of any arterial or collector type street within the development. Subdivisions being created within existing neighborhoods shall provide sidewalks in a manner that matches the existing pattern of the surrounding streets that intersect the subdivision.
- 2) If sidewalks or shared use paths are required by the city council, the developer shall pay for the same.

-
- 3) The same regulations that apply for curb and gutter under subsection (e) above shall apply for sidewalks or shared use paths. All work must be guaranteed for a period of two years by the contractor and backed by a performance bond

This change not only recognized the mobility and amenity value of sidewalks, but also the fact that it is very difficult to install them after the fact. Although the petitioner is requesting not to provide sidewalks, staff recommends that they be installed in the locations shown on Attachment E for the following reasons:

1. City ordinance requires installation of sidewalks on one side or of arterial or collector type streets within a subdivision.
2. The petitioner is requesting reductions to required setbacks and Right-of-Way width. These reductions allow for more buildable area and lot density.
3. The petitioner is requesting reduction in pavement width by four (4) feet and no curb and gutter. The reduction in pavement width saves the cost of 23,660 square feet of pavement and 5,915 feet of curbing on both sides of the street.
4. Sidewalks provide a non-street option for subdivision residents and families to walk and provide a connection to the potential public trails in the outlots.

The sidewalks would be 5 feet wide. They would be maintained by individual property owners. An example cross section showing the location of the sidewalk in the ROW is provided in Attachment F.

Review Criteria

City Code Sections 43.06.32 and 43.06.33 state the following for Planning Commission review of variations to subdivision standards:

C) Modifications.

1) Undue Hardship.

- a) In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided, such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance. Any modification thus granted shall be entered in the minutes of the commission setting forth the reasons which, in the opinion of the commission, justified the modification.

In accordance, staff would recommend approval of the requested variations to the subdivision standards with the exception of the sidewalk item due to the unique bluff topography of the land and the characteristics of the adjacent residential (Meadows) subdivision.

Park Dedication/Land for Public Purposes

City Code Section 43.04.24 requires either dedication of land or a fee-in-lieu for new residential subdivisions. The petitioner is proposing to dedicate 29 acres of physical land by dedicating six (6) outlots to the City of Winona at no cost (See Attachment C, Exhibits A and C). Within these outlots, the City intends to explore the future installation of trails. Preliminary surveys of the land completed by the City Park and Recreation Department staff indicate it is potentially suitable for this use.

When the Commission last reviewed this subdivision, dedication of the outlots was tied to the Bluffland variance requests that went to the Board of Adjustment (BOA). Since the re-designed subdivision no longer requires BOA variances, the petitioner is proposing that the outlots serve as land dedication instead of paying a fee. In this case, the fee would be \$43,800 (\$600 X 73 dwelling units). The first portion of the fee (\$7,200) would be collected upon final plat of Phase One. The remainder (\$36,600) would be collected during future phases of the subdivision depending on the number of dwelling units in each final plat.

City Code 43.04.24 states the following for Planning Commission review of the proposed land dedication:

In lieu of the cash payment, the subdivider may propose the dedication of a specific parcel of land equal in value to the cash payment. The Commission shall review such a proposal during consideration of the preliminary plat. The Commission shall accept or reject such a proposal based upon the provisions of 43.04.24F.

43.04.24F

Criteria for Determining Suitability of Land to be Dedicated in Lieu of Cash.
Subdividers wishing to propose the dedication of land in lieu of cash payments must specify the precise parcel of land that would be dedicated.

Council shall obtain the opinion of the City Planning Commission as to the acceptability of that parcel for public recreational space utilization. The Planning Commission, in arriving at its recommendation, shall review the proposal with the City Parks and Recreation Department. The following factors shall be relevant in the review process: the size, shape, accessibility, maintainability, usability, contour and slope. The question of whether the proposed parcel, in conjunction with other public recreational space in the vicinity, would best meet the needs of the area or whether the City could better use the cash to enhance public recreational space in other ways shall also be a factor in the deliberations of the Commission.

Related to these criteria and as noted above, the City Park and Recreation Department has reviewed the characteristics of the outlots and finds them to potentially be suitable for trails. Also, the Park and Recreation Department recognizes the potential benefits of 29 acres of property for future trail development versus the \$40,000 fee collected over a number of years. In accordance, staff would recommend accepting the outlots as land dedication. Formal outlot dedication to the City would be addressed during the final plat for future phases of the subdivision.

Bluffland Approvals

As noted above this subdivision contains bluffland areas. The City's bluffland ordinance prohibits development below tops of bluffs. The top of bluff is shown by the dotted red line on Attachment C, Exhibit C Sheet 2. In addition, the regulations require Planning Commission approval of the proposed location of stormwater facilities (ponds) in bluffland areas (Attachment C, Exhibit D). The standards for approval are the following:

- 1) The Commission finds that the facility will not compromise the purpose and intent of this section.
- 2) The facility shall be constructed and maintained in accordance with any applicable local or state laws and permitting requirements, including the City of Winona Stormwater Management Ordinance.
- 3) Land disturbance activity shall be limited only to that which is necessary to construct the facility
- 4) Should the facility require the removal of trees, site restoration activities shall include the planting of native trees at both upslope and downslope sides of the structure, with the intent of replacing screening values of/from upland sites which are either used, or intended to be used, for structural purposes.
- 5) If associated with a plat, any overlay district designation that is lost to the facility shall be fully replaced within the plat, provided that replacement may not include land within a Bluff Impact Overlay District.
- 6) The facility must be owned, and managed, by the City of Winona. The facility must be dedicated to the City within a period of time as specified through a required Development Agreement, or other instrument, that is fully executed prior to its construction.

To satisfy criterion five, the petitioner is proposing to place a restriction requiring pervious surfacing in specific non-bluffland areas (Attachment C, Exhibit D). The amount of pervious surface area will be equal to the amount land used for the stormwater facilities. The dedication will be recorded in the future phases of the subdivision (stormwater requirements for Phase One have already been addressed by existing ponds in the adjacent Meadows subdivision). With this dedication and the additional stormwater related conditions listed in the following section, staff would recommend approval of the stormwater facilities in bluffland areas as proposed.

Other Considerations

Future Trail Access

As noted above, the City will explore the installation of trails in Outlots A-E. Outlots A, C, and E are connected through 10' wide strips of land labeled "future trail access" on the plat. Portions of building lots L1, B6; L35, B5; L26, B5; and L25 B5 may be impacted by trail development. Staff proposes addressing this during the final plat for future phases of the subdivision.

In the petitioner's previous application, an outlot was provided for a potential future 10' shared use path adjacent to Garvin Heights Road (See Attachment A map). Staff would recommend adding a 20' wide outlot back into the preliminary plat.

Stormwater

The City's stormwater ordinance requires all increased runoff created by impervious surfaces to be managed within the development. As noted above, required stormwater improvements for Phase One of this subdivision have already been addressed by existing ponds in the adjacent Meadows Subdivision. For the future phases, the stormwater management facilities (i.e. short term detention ponds) are located in outlot areas (Attachment C, Exhibit D). The City Engineer and Sustainability Coordinator have reviewed these general locations and find them acceptable due to existing topography and drainage patterns. The exact number, size, and location of the stormwater facilities will be determined following approval of the preliminary plat. The City Engineer will review and make recommendations at that time. The City Engineer will ensure that the ponds meet City Ordinance requirements and the final plats will be reviewed by both the Planning Commission and City Council.

At this time, staff would recommend that approval of the stormwater facilities contains three conditions:

1. Location of the stormwater facilities shall not impede future trail development.
2. Stormwater facilities shall have adequate access for future City maintenance.
3. A 6' maintenance easement shall be provided adjacent to the 10' trail access provided on L1, B6; L35, B5; L25, B5; and L26 B5. Sign demarcating the easement and future trail access shall be installed at the same time as required Natural State Area (NSA) signage.

Traffic

As noted in the Comprehensive Plan review for this property, the Winona County Engineer does not anticipate significant traffic issues on City Hwy 44/ Garvin Heights Road from this development. City Engineering has reviewed the internal street layout of the subdivision and finds it acceptable.

Utility Access Charges (SAC and WAC)

The developable area for the subdivision (including ROW and required building setbacks, but excluding bluffland areas) is 40.33 acres. Per code, Sewer and Water Access Charges are \$17,000 per developable acre. This calculates to a total fee of \$685,610 to be split among the final plats for each phase.

SUMMARY

In summary, the Commission is reviewing the overall Preliminary Plat and the following requested variations to standards:

	Requirement	Proposed
Front Yard Setback	25'	20'
Side Yard Setback	8-10'	7.5' minimum
Rear Yard Setback	40'	20'

	Requirement	Proposed
ROW Width	60'	50'
Pavement Width	36'	32'
Curb and Gutter	Traditional Curb and Gutter	Swales adjacent to Pavement
Sidewalks	Required on one side of arterial or collector type streets	None

Related to these variations, staff would recommend approval with the exception of the sidewalk item. For this, staff recommends requiring sidewalks as shown in Attachments E and F.

Also, the Commission is reviewing the following:

1. Outlots A-F proposed as land dedication
2. Proposed location of stormwater facilities in bluffland areas

For these, staff recommends approval as proposed.

Finally staff is recommending inclusion of a 20' wide outlet on the north side of L1, B5 for future trail connection purposes.

PLANNING COMMISSION OPTIONS

A. **Approve** - Given the previous discussion, any action recommending approval of the plat should contain the following findings and conditions:

Findings

1. The subdivision, which is submitted as a cluster development, meets the purpose and requirements of the City Code Section 43.06.34 due to the proposal of development in non-bluffland areas, dedication of Outlots A-F to the City of Winona, and the provision of needed housing. Thus, the requested variations to setbacks are acceptable.
2. Due to the unique topography of the land and the characteristics of adjacent residential developments; the proposal meets the requirements in City Code Sections 43.06.32 and 43.06.33 for variation of subdivision standards.
3. Due to potential future use of the Outlots for trails, the proposal to dedicate Outlots A-F to the City of Winona meets the requirements for land dedication related to a new residential subdivision.
4. The subdivision as proposed satisfies the standards for stormwater management in Bluff Impact Overlay District pursuant to City Code Section 43.02.32.

Conditions

1. As proposed by the petitioner, Outlots A, B, C, D, E, and F are to be dedicated to the City of Winona at no cost.
2. A "Future Trail Area" notation shall cover the *full* area of Outlots A, C, and E in the approved copy of the Preliminary Plat.
3. Location of the stormwater facilities shall not impede future trail development.
4. Stormwater facilities shall have adequate access for future City maintenance.
5. A 6' maintenance easement shall be provided adjacent to the 10' trail access provided on L1, B6; L35, B5; L26, B5; and L25, B5. Sign demarcating the easement and future trail access shall be installed at the same time as required Natural State Area (NSA) signage.
6. Portions of lots L1, B6; L35, B5; L26, B5; and L25, B5 may be impacted by trail development. Impacts shall be addressed during the final plat for future Phases of the subdivision.
7. A 20' wide outlot or easement shall be provided on the north side of L1, B5 adjacent to Garvin Heights Road.
8. A 10' utility easement shall be established adjacent to the Right-of-Way and must be shown on final plats for the subdivision.

B. **Approve with Condition for Sidewalks** – Approve with findings and conditions above with the additional condition for inclusion of sidewalks as shown on Attachments E and F.

PLANNING COMMISSION

3. PUBLIC HEARING: UPDATED ST CROIX HEIGHTS PRELIMINARY PLAT

FEBRUARY 24, 2020

PAGE 12

C. **Deny** – Citing specific reasons related to the proposal.

D. **Table** – If more information is needed.

Attachments:

- A. 6/24/19 Planning Commission Minutes and Original Preliminary Plat Map and ROW Cross Section.
- B. BOA Variance Published Notice
- C. Updated St. Croix Height Preliminary Plat Application
 - Exhibit A: Preliminary Plat Narrative
 - Exhibit B: Subdivision Comparison Table
 - Exhibit C: Preliminary Subdivision Plan Set, Sheets 1-4
 - Exhibit D: Proposed Stormwater Facility Location and Impervious Restriction areas.
- D. City of Winona Cluster Ordinance
- E. City Staff Proposed Sidewalk Location
- F. City Staff Proposed ROW Cross-section with Sidewalk

PLANNING COMMISSION MINUTES

DATE: February 24, 2020

TIME: 4:30 p.m.

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

ABSENT: Commissioners Ballard, Hahn, and Paddock

STAFF PRESENT: City Planner Carlos Espinosa, Assistant City Planner Luke Sims, City Engineer Brian DeFrang, Community Development Directory Lucy McMartin, Community Services Director Chad Ubl

The meeting was called to order at 4:31 p.m. by Chairman Buelow.

Approval of Minutes – February 10, 2020

The minutes from the Planning Commission meeting of February 10, 2020 were reviewed. Commissioner Boettcher moved to approve the minutes. Commissioner Olson seconded the motion. All members present voted aye.

Public Hearing – Updated St. Croix Heights Preliminary Plat

Mr. Espinosa provided an overview of the plan being presented to the Commission, which is updated from the previous year's application which has changed to accommodate the Bluffland Ordinance setback requirements. The application was previously tabled and the applicants pursued variances to the 50-foot blufftop setback, replacement requirements for a road in a bluffland area, and also for stormwater requirements in bluffland areas. The updated application complies with the blufftop setbacks, road two was relocated, and the plat will preserve permeable surfaces to serve as a replacement for pervious surfaces to be added. Seventy-three lots are still proposed and will be in two phases. Phase one will have a combination of twin homes and single family structures for a total of 12 units. Phase one would come in for a final plat after approval of this preliminary plat followed by a final plat for phase two. Mr. Espinosa noted that as there are blufflands in the plat, the application is processed under the cluster ordinance which allows for variations. In this case, the variations are to reduce the front yard setback to 20 feet, reduce side yard setbacks, and reduce rear yard setbacks. Regarding the proposed setback variations, City staff is recommending approval as the revised plat adheres to blufflands regulations, petitioner is proposing outlots for public use, and the plat provides needed housing based on the need identified in the 2016 Housing Study. The applicant also proposed variations to the subdivision regulations. The proposed variations are to reduce the public right-of-way from 60 feet to 50 feet, pavement width from 36 feet to 32 feet, substituting curb and gutter along the road for swales and permeable surfaces, and to not include sidewalks

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 2

as required to be placed on one side of the street. When last proposed, the preliminary plat had a 22-foot road and 10-foot shared use path which has been changed to a 32-foot road with sidewalk or shared use path. City staff's recommendations related to variations to the subdivision standards are to approve the variations to right-of-way width, curb and gutter, and pavement width, but with the recommendation to include sidewalks. City staff recommends this as the Comprehensive Plan recognizes the amenity value and suggested requirement for sidewalks which are difficult to include after the fact, reduction in right of way width allows more developable land, reduction in pavement width and no curb and gutter saves 23,660 square feet of pavement and 59,015 feet of curbing, and sidewalks provide an off-street option for residents to use and potentially access future sidewalk and trail connections in the future. Regarding park dedication, the petitioner is proposing to dedicate 29 acres of land at no cost instead of a fee of \$43,800. Land proposed to be dedicated will be around the perimeter of the plat and may be used to connect future trails. The final outlot will serve as a potential connection to another subdivision should it ever develop to the west. City staff recommends accepting the dedication. Mr. Espinosa noted that the applicant is proposing permeable areas to meet stormwater requirements, which City staff is recommending approval for. Future trail access is also a consideration before the Planning Commission, which previously included an outlot near Garvin Heights Road to serve as a trail connection. City staff recommends reintroducing a 20-foot wide outlot adjacent to Lot 1, Block 5 to serve as that trail connection. Stormwater in phase one will be addressed with the existing facilities in the adjacent Meadows Subdivision and exact size and location will be determined under City Engineer's review but preliminary locations have been approved and found to be satisfactory.

Brian Wodele and Jake Perrine from Johnson and Scofield Surveying and Engineering came forward to speak on behalf of the applicants. Regarding the changes from the past preliminary plat which was tabled, the proposal was changed to address the physical street width, working within the bluff setback, and constructing streets outside of the bluff area. The proposed changes to the road include a removal of a shared use path and a 32-foot width, which has been approved by the City Engineer and the City Fire Department. The proposed width is similar to 19 of the 20 rural subdivisions previously approved in Winona. Four of the 20 subdivisions also have a 50-foot right-of-way rather than a 60 foot right-of-way.

Commissioner Shortridge asked if the applicant was aware the code had changed since those previous subdivisions had been constructed. Mr. Wodele responded in the affirmative.

Addressing sidewalks, Mr. Wodele noted that they did not feel that sidewalks were appropriate in this subdivision as some lots would require the landowner to clear 340 feet of sidewalk in a snow event and that there are two lots in which this would be the case. He, also noted, that there are 65 lots that have between 100 and 200 feet of

**PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 3**

frontage and there are concerns that the residents would have to clear 100 to 200 feet of frontage each snow event. Additionally, one of the outlots which will be City owned has a frontage of roughly 512 feet and the City would be responsible for clearing that in snow events. The applicant feels the sidewalk would not be feasible and adding sidewalks makes coming out ahead on construction more difficult. Compared to every other subdivision, this would be the only one with sidewalks, including the adjacent Meadows Subdivision which has none. Regarding the bluff setback, the applicant changed the proposal to meet the bluffs setbacks without any variation required and removing all road construction from the bluff areas. This required movement of lot lines and massaging of lot areas to meet the requirements and the proposal lost two buildable lots from phase one because of the re-shuffling and three lots were cut in half to make six total lots in phase two to accommodate. Regarding Outlot G, the applicant proposed removing it as the elimination of the shared use path no longer creates something to connect to and that there is sufficient room with the right-of-way for a path in the future. Adding Outlot G back will remove lot area. Mr. Wodele wanted to stress that there will be a full hydrology analysis and engineering plan that will be subject to City Engineer's review if this preliminary plat is approved and the Planning Commission will have an opportunity during final plat to approve or deny based on the City Engineer's recommendation. Mr. Wodele also noted that the nationally accepted standard for parkland dedication is four acres per 1,000 populations. The proposed subdivision will be 29 acres for roughly 290 residents and far exceeds the national standard for dedication.

Commissioner Shortridge asked if the stormwater ponds and areas would be included in the 29 acres they are proposing to dedicate. Mr. Wodele responded that this was correct. Commissioner Shortridge asked how much of the 29 acres would be usable for parks or trails. Mr. Ubl responded that it is difficult to say in acreage but when it was walked by City staff it may be suitable for a neighborhood trail system with a standard trail width of 10 feet. He noted there are some steep slopes but there is space for hiking, potentially mountain biking.

Commissioner Olson asked if there would be an area with playground equipment for children. Mr. Ubl responded that City staff would not recommend playground equipment in this area as the areas proposed are not open green space for playground systems or structures. Commissioner Shortridge added that a lot of this is steep woods and not green open space.

Chairman Buelow mentioned that there is a county park across highland drive and whether this should be an area that something should be included. Mr. Ubl mentioned that there is a neighborhood park near the water tower which staff would determine as adequate for the Wincrest Subdivision. Mr. Ubl mentioned that an asset serving kids and families in the subdivisions to the south becomes difficult because of the crossing of

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 4

Garvin Heights Road. He mentioned that the crossing is difficult but some families do currently cross it.

Commissioner Shortridge asked who maintains the trails if these become neighborhood trails. Mr. Ubl mentioned that Park Maintenance would maintain the trails.

Chairman Buelow opened the public hearing.

Randall Burgett, 102 Buck Ridge Drive, came forward to speak. Mr. Burgett mentioned he was the third house built in the Meadows Subdivision and is very familiar with the area. He mentioned that he does not believe sidewalks should be installed even though the neighborhood is an active, walking neighborhood. He noted that drifting snow is a huge issue that will create clearance problems. He mentioned that he has hiked through the area hundreds of times and that the steep areas here are perfect for trails. He thought it would be a wonderful hiking area and an asset to the City. He supported Outlot G being re-added to the plat.

Leon Bowman, 2287 Garvin Heights Road, and the Chair of Wilson Township, came forward to speak. Mr. Bowman thanked the Planning Department for keeping him informed. Mr. Bowman mentioned that he supports the removal of sidewalks because it creates additional drainage concerns into Wilson Township including a culvert that almost had to be replaced. He noted that almost a mile of sidewalk four to five feet wide is a large addition of impermeable surfacing. He raised additional concerns about the proposed ponding and where the overflow will go and that it is a major concern for Wilson Township. He mentioned that he lived in Goodview in Wee Valley and they didn't have sidewalks and they were good. However, he mentioned that looking at trails was a good idea and dedicating sidewalks to the trail system instead. He also asked for a definition of "significant" as the proposed 73 units would not create a "significant" traffic issue on Garvin Heights Road but he believed there would be a significant concern and that there is a lot of traffic on the hill as a result. He noted there may be a need for a roundabout now with all of the additional traffic and there may be a need to slow things down. Mr. Bowman also raised a concern about the use of swales instead of curb and gutter, especially in relation to holding the road in place as sod doesn't act similarly to curb and gutter. He asked if catch basins would be put in anywhere. He also asked if somebody would maintain the swales and the ponds. He mentioned that old ponds from the 1970s weren't maintained. He also raised concern about steep slopes related to the outlot on the south end.

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

Commissioner Hall asked City staff about the proposal for sidewalks and what the feeling behind that was. Mr. Espinosa mentioned that the Comprehensive Plan recommends sidewalks on both sides and that it increases mobility and that it is

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 5

incredibly difficult to add sidewalks in after the fact. Mr. Espinosa noted while the lots proposed here are large, if a property owner in town is on a corner lot that person is shoveling close to 200 feet of sidewalk as well. The City would maintain the sidewalk adjacent to its outlot in this case. He also noted that there is a sidewalk in the Valley Oaks Subdivision along the main drag to connect to a park and it is staff's understanding that it is well liked and well used. Additionally, Valley Oaks 7th Subdivision has sidewalks on both sides. Commissioner Shortridge added that it is a dead end street in that location as well.

Commissioner Shortridge raised a concern over the concept of a cluster development as a title to slide under the Bluffland Ordinance and whether this is truly a cluster development. Mr. Espinosa mentioned there are two chief characteristics. The first is small lot design, which is not represented here. The other key characteristic is the preservation of open space, which is being done in this case. By adhering to the bluffland regulations, the housing is being clustered or put in a location that is non-bluffland and has previously been used for farming. Commissioner Shortridge asked if the open land should be open, usable land, not steep, unbuildable land. Commissioner Shortridge mentioned that there are important maintenance concerns that were raised and that the land preserved isn't really usable space. Chairman Buelow expressed agreement that the acreages don't really represent small lots.

Commissioner Hall asked whether permeable pavement would be possible to use in this case. Mr. Perrine mentioned that the use of permeable pavement is typically not used in northern climates as there are some issues with freeze-thaw cycles and the cost is quit high. With the conformance requirements from the last proposal to this one, the cost of permeable pavement isn't feasible in this case.

Commissioner Olson asked how water would be directed to the ponds. Mr. Perrine responded that the water will be transported via the roadway swales and along drainage easement along lot lines, which will be natural drainage ways from the road which is the highpoint.

Commissioner Shortridge asked who maintains the swales or ditches in this case. Mr. Perrine mentioned that the City would maintain it as it would all be dedicated to the City as part of the right-of-way. Chairman Buelow asked how driveways would be facilitated and Mr. Perrine mentioned that there would be culverts and it would be addressed in the final plat. Commissioner Marks mentioned that there are some driveways that do have culverts and some that don't in the Meadows Subdivision and it has been an issue. Commissioner Shortridge raised concern about the City having to maintain all of the culverts. Mr. DeFrang mentioned that over time the culverts tend to fill in from sand and salt from the roads. Mr. DeFrang mentioned that there is not staff capacity to clear ditches every year and that he was not aware of the Meadows Subdivision issue raised by Commissioner Marks. He mentioned that a 15 inch culvert should handle the

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 6

requirements in this case and that there are concerns about those filling up. Commissioner Marks asked to clarify if there is a requirement for property owners to maintain culverts and ditches similar to sidewalks. Mr. DeFrang noted that there is not such a requirement as the City is predominantly curb and gutter and that provision was never added to City Code or ordinance. Commissioner Shortridge asked if the addition of curb and gutter would impact the road width. Mr. DeFrang mentioned that the addition of curb and gutter may bring the curb to curb width up to about 36 feet, which is typical. Commissioner Boettcher asked if there is sufficient water for major drain offs, do proposed streets have regular drains that lead elsewhere. Mr. DeFrang mentioned that swales allow for some overflow but drains and pipes do have a limited capacity and that the proposal may have some chokepoints where those pipes are to lead to ponds. He noted there could be some ponding during flash rain events and it is usually not volume that is the problem but the speed that it comes. Commissioner Shortridge asked how curb and gutter would work. Mr. DeFrang mentioned that most of the streets are designed for 10 year flood events and that the street acts as a conduit and water would stay in the street leading to catch basin, storm sewer, and then into the ponds. Mr. DeFrang mentioned that the outlet of the subdivision cannot exceed pre-development conditions so the proposal from the applicant will have to be as good as or better than the existing condition. Commissioner Shortridge asked about the location of the ponds. Mr. DeFrang noted that access will be difficult, but putting the ponds below the subdivision is where the water will go anyway, so it makes sense in that regard. Commissioner Buelow asked about maintenance of the drainage areas and ensuring that they are not impacted. Mr. DeFrang said that the easement areas need to be defined and equipment should not be used over them to ensure they work as intended. Commissioner Olson asked if there would be a different system from curb and gutter. Mr. DeFrang mentioned that it will be a ditch system but right now the specifics have not been determined. Mr. Espinosa mentioned that one of the conditions as recommended by City staff is that stormwater facilities will have adequate access for City maintenance. Commissioner Shortridge asked about the maintenance of a road without curb and gutter versus maintenance of a road with curb and gutter. Mr. DeFrang mentioned that there are some roads in town without curb and gutter and occasional you have a large event where some people may park on it but it is rare. Commissioner Shortridge asked to clarify that it will really be maintenance more than anything. Mr. DeFrang mentioned that is true and there isn't staff to address it all each year. Chairman Buelow mentioned that it saves the developer money to not do so. Mr. DeFrang mentioned that it saves about \$15 per foot for curb and gutter and \$30 per foot for sidewalk but you save on square footage of pavement. Mr. DeFrang also addressed permeable pavement and said the City doesn't have the equipment to maintain permeable pavement at this time so while it is a good concept; it isn't practical at this time.

Chairman Buelow mentioned that he likes the sidewalk requirement. Commissioner Shortridge noted that the City has to start somewhere but he mentioned that he wasn't

PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 7

certain the concern about sidewalks creating additional drainage issues can't be addressed.

Commissioner Shortridge mentioned that Outlot G presents a good connection for future connectivity. He also noted that a narrower road presents one more reason to get people up out of the way.

Commissioner Shortridge mentioned that he still has some concerns about this being considered a cluster development. He asked City staff if the blufflands setbacks would be an issue if it wasn't a cluster development. Mr. Espinosa mentioned that if it wasn't processed through the cluster ordinance, the applicant would have to come before the Board of Adjustment for variances. Mr. Espinosa directed the Commission to the cluster criteria in their packets and mentioned that it gives direction to the Planning Commission about what should be looked at when considering whether a subdivision should be looked at under the Cluster Ordinance. Commissioner Shortridge asked if staff felt it met the criteria. Mr. Espinosa mentioned that there would essentially be clustering of the homes in the land currently used as farmland and is clustered because of the Bluffland Ordinance. Commissioner Shortridge mentioned that in this case the houses are being put in the land that is developable regardless, not setting aside developable land to be used for natural space, a viewscape, easily accessible for the handicapped or elderly, but it is steep slopes and lands. Mr. Espinosa mentioned that is for the Commission to consider today but there is land being dedicated but there is no requirement for it to be flat parkland. Commissioner Shortridge mentioned that the Cluster Ordinance says something different. Mr. Espinosa mentioned that the ordinance is in the Commission's packets and that the information is in front of them for consideration.

Commissioner Boettcher mentioned that there are areas that need to be developed but criteria must also be met. In this case, the Planning Commission is not asking for anything that is out of the question and the requests are legitimate for now and the future.

Commissioner Olson moved to approve the application with staff's recommendations. Commissioner Hall seconded the motion.

Commissioner Shortridge asked to confirm that Outlot G was included in that motion. Commissioner Olson mentioned that this is correct.

Commissioner Marks mentioned that sidewalks are important to include and increases safety. She raised concern over the swales and driveways impacting them.

Commissioner Shortridge mentioned that he has a fundamental issue with the Cluster Ordinance being used in this way and also has a housing concern and it shouldn't be used for another cookie cutter subdivision. He noted that the Cluster Ordinance should

**PLANNING COMMISSION MEETING MINUTES
FEBRUARY 24, 2020
PAGE 8**

not be used to skirt the code and that the type of housing would be different if it looked more like a typical cluster development. Chairman Buelow mentioned that this is an improvement on the plan the Commission looked at last year. Commissioner Shortridge expressed worry that using the Cluster Ordinance for developments that are actual cluster developments may just create cookie cutter McMansion subdivisions that skirt some requirements. Chairman Buelow asked if the Cluster Ordinance dictates lot size. Mr. Espinosa mentioned that the Cluster Ordinance calculation provides a maximum number of lots but not lot size. He noted that the proposal before the Commission is well under that calculation. Mr. Espinosa also mentioned that the Bluffland Ordinance requires that proposed subdivisions that have blufflands in them be reviewed according to the Cluster Ordinance and that the Commission ensures that it meets the purpose and requirements of the Cluster Ordinance. Commissioner Shortridge mentioned that the purpose and requirements further point out the need for smaller lots. Chairman Buelow mentioned that he is in agreement with Commissioner Shortridge.

No further comments forthcoming, the Commission voted on the motion at hand. The Commission voted to approve 5-1 with Commissioner Shortridge dissenting.

Other Business

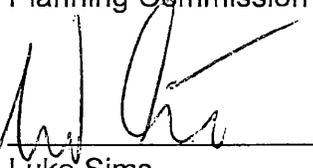
Chairman Buelow asked about the sand piles proposed by the Corps of Engineers. Ms. McMartin mentioned that the City Council will hold a pre-council meeting and comments are open on the Corps website and there is a public comment period upcoming in March as well.

Commissioner Olson asked if there was any progress with the shallow subsidy housing project on Mankato Avenue. Ms. McMartin mentioned that sometimes the proposals take two applications and that City staff has been in communication with the developer and they are deciding whether to re-submit.

Chairman Buelow asked about the upcoming meeting about the Mankato Avenue reconstruction. Ms. McMartin mentioned it is on Tuesday, February 25th at the Armory.

Adjournment

On a motion from Commissioner Olson, and second by Commissioner Shortridge, the Planning Commission unanimously voted in favor of adjournment at 6:02 p.m.



Luke Sims
Assistant City Planner

City Council Meeting
September 3, 2019
6:30 PM – City Hall

Mayor Mark Peterson called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Present:

Mayor Mark Peterson, Council Members Allyn Thurley, Eileen Moeller, Michelle Alexander, George Borzyskowski and Paul Schollmeier.

Absent:

Council Member Pamela Eyden

2.3 Appeal of a Decision of the Board of Adjustment – St. Croix Heights
Subdivision Variances

This public hearing was called pursuant to Winona City Code Section 46.06.13(J) to consider and hear an appeal filed by Mike Kennedy for a decision made by the Winona Board of Adjustment on August 7, 2019, approving variances.

Johnson and Scofield Inc. applied to the Board of Adjustment for variances related to the proposed St. Croix Heights subdivision located at 0 Garvin Heights Road, Parcel #32.329.2020. The requested variances are:

1. City Code, Section 43.02.32 C)7)b), which requires a 50' structure setback to top of bluff. Applicant proposed to reduce the required setback to a minimum of 10' for 26 lots in a 73 lot subdivision in accordance with Exhibit C.

2. City Code, Section 43.02.32 C)6)e)v), which requires bluffland areas lost due to placement of stormwater facilities be replaced in non-bluffland areas. Applicant proposed no replacement. However, in lieu of replacement, applicant proposed to dedicate Outlots A-G as shown in Exhibit C to the City of Winona at no cost. The intent for the outlots is future trail and recreation access and future road use.

3. City Code, Section 43.02.32 C)6)f)i), which requires bluffland areas lost due to placement of public streets be replaced in non-bluffland areas. Applicant proposed no replacement. However, in lieu of replacement, applicant proposed to dedicate Outlots A-G as shown in Exhibit C to the City of Winona at no cost.

The Board of Adjustment's reasoning for approval of the variances was provided in Exhibit D. Appellant is appealing the approvals and is seeking full conformance with the above cited City Code provisions for the proposed subdivision.

In accordance with City Code, a public hearing on the appeal is required. At the appeal hearing, the Appellant, their agent or attorney, and aggrieved persons may appear, either in person or in writing, to be heard and to show why the decision of the BOA of August 7, 2019, approving the variances should be overruled. A representative of the BOA shall also be given an equal opportunity to be heard.

The issue on appeal to be heard by the City Council is as follows: Was the August 7, 2019 decision of the BOA to approve the requested variances in compliance with the applicable standards and criteria contained in Winona City Code in effect at the time the variances were being considered.

The order of procedure for the hearing shall be as follows:

1. Open appeal public hearing – Mayor Peterson.
2. Discussion of appeal process and Council's quasi-judicial role – City Attorney.
3. Appellant shall have the opportunity to be heard by the City Council and address why the prior action should be overruled – up to 15 minutes.
4. Questions from City Council members of Appellant.
5. As applicable, Applicant, if different than the Appellant, shall have the opportunity to be heard by the City Council and address why the order should be affirmed – up to 10 minutes.
6. As applicable, questions from City Council members of Applicant, if different than the Appellant.
7. Opportunity for other interested persons, not already having spoken, to be heard, provided however, that such testimony is limited to the issue on appeal and does not repeat testimony already presented by the Appellant or Applicant, as applicable – 2 minutes per person not to exceed 10 minutes cumulatively.
8. City staff presentation and presentation by BOA chair whose order was appealed – up to 10 minutes.
9. Questions from City Council members of City staff.
10. Close appeal public hearing and record – Mayor Peterson.
11. Additional questions of City staff and City Attorney on appeal process and deliberations if needed.
12. Deliberations by City Council on the issue on appeal.
13. City Council may make a motion and take action on the appeal. Council options are:
 - A. Affirm the decision of the BOA adopting the findings of the same;
 - B. Affirm the decision of the BOA, but amend and adopt different findings supporting the same; or
 - C. Overrule the decision of the BOA thereby denying one or more of the

variances and adopt findings supporting the same. If the Council, desires to pursue this option, the Council should discuss each of the decision criteria and reach consensus upon findings with respect to the same for inclusion in the proposed resolution. The Council may alternatively make a motion to direct City staff to draft a specific resolution reflecting its deliberations and findings for consideration by Council at the next Council meeting.

Thereupon the Mayor opened the public hearing.

Mike Kennedy, 316 West 7 Street, noted that relevant section of the City's Unified Development Code was 43.02.32, the Bluffland Protection Overlay District, and he noted part of the intent and purpose of this was "To minimize, to the greatest extent feasible, the visual, functional, and ecological impacts of land disturbing activities of bluffs and bluff ridgelines..." He questioned the difference between detention ponds and retention ponds. He disagreed with the assertion by the developer that a housing development would have less of an impact than farming, and didn't think the cost of development should be a consideration for the variance. Mr. Kennedy also didn't think there was a need for more housing lots in the city.

Brian Wodele, Johnson and Scofield, argued that the City may look at the economic impact of the variance, and noted that the statute states that economic impact alone cannot prove the practical difficulty. Mr. Wodele noted that this is not only a question of the profit margins, but a question of whether the subdivision could happen at all. If the 50 foot setback is required throughout the development, many of the lots would not be buildable at all, and as a result there would be homes on only one side of the road. He noted that the UDC calls for concentrated lots in order to maximize the public improvements of streets and utilities. Mr. Wodele also stated that this project is by a local developer who desires to do something good for the City, and will deed land to the City for parks and trail system. Mr. Wodele reviewed the Preliminary Plat with the Council, explaining where the top of the slope of the bluff line is, and that the variance for a 10 foot setback would apply only to some of the lots; other would have setbacks of 20 to 40 feet, and the rest would comply with the 50 foot setback. He noted that some of the former cornfield area would go back to natural state with wildflowers and shrubs.

Steven Voigt, Johnson and Scofield, presented information on soil loss, erosion, and stormwater runoff both current and after development. His analysis suggested a decrease in the stormwater runoff after the development has been completed.

Schollmeier asked about the current retention ponds and what percent of the capacity are they currently holding. Mr. Voigt replied that the design of the ponds has not yet been completed, and noted he did not anticipate much more grading on the current site. Mr. Voigt also noted that the design for the ponds would be reviewed by the MPCA, the DNR, and the City Engineer.

Phil Feiten, 905 Birch Boulevard, felt that the current zoning rules should be followed

and the Council should protect the bluffs.

Bill McNeil, 1365 Skyline Drive, stated that he owns 28 acres of land nearby, and he agreed that the current ordinance requirements should be followed. He disagreed with the assertion that since the farming had been going on close to the edge of the bluff that the housing development should be within that same area.

Jim Vrchota, 1406 Highland Drive, chair of the Housing Task Force, stated that the housing study showed a need for an additional 261 single family lots within the city, and this development would help address the need. He noted that increasing the density and number of lots within a development will help make these lots affordable. He noted there is little developable land within city limits, and few developers willing to take on the risks.

Diane Munson, 516 Dakota Street, spoke against the proposal, and said she spoke in memory of Joe Morse and Vic Ormsby.

Todd Paddock, 717 Main Street, felt there were some good aspects of this proposal and that some concessions have been made, but he disagreed with comparing a farm field to a housing development. He noted that water runoff is a big concern for the City, and he felt more information was needed regarding the development of the holding ponds.

Peter Markum, Links Lane, disagreed with the statement that these would be affordable lots if 5,000 square foot homes could be built on them. He also felt there needed to be more information on the ponds before the Council could make a decision.

Ted Hazelton, 1073 West 5 Street, felt there were too many unknowns regarding the engineering of the ponds.

Mr. Espinosa suggested that the Council focus on the five criteria for evaluating a variance request, as described in the agenda packet.

Chris Sanchez, 121 Wildwood Drive, Chair of the Board of Adjustment, stated that the Board had reviewed each of the 5 criteria, and felt they did their due diligence. He noted if the request is granted, land that is currently being used for agricultural purposes would become shrubs, wildflowers and other plants, and he felt this would be a better use than the ag use. He noted that no views would be impeded, and the Board felt that the purpose and intent of the ordinance was met. He noted that the Board members are not experts on runoff, and the ponds will be approved by the experts, including the City Engineer, the MN DNR and MPCA.

Mr. Voigt of Johnson and Scofield, noted that the plat is still in conceptual not final design, and some of the lots could be redrawn.

Borzyskowski asked of the current lots, how many would require a variance of the 10 foot setback. Mr. Voight replied approximately 26 of the 73 lots.

Moeller asked if the developer was aware of the bluffland ordinance when they purchased the property. Mr. Voight replied that the owners purchased the land approximately 7 or 8 years ago.

Alexander asked what would be the next step in the process if the variance were to be granted. Mr. Espinosa replied that a preliminary plat would be submitted to the Planning Commission, at which point more conditions or changes could be required.

Schollmeier asked if the engineers accounted for a 500 or 1,000 year storm. Mr. Voight replied that the City ordinance requires meeting a 100-year storm.

There being no one else present to speak to this issue, the Mayor closed the public hearing.

Schollmeier moved to direct staff to draft a resolution to overrule the decision of the BOA. Moeller seconded the motion.

Schollmeier said the variance request seems to be solely an economic decision, and he felt that since the ordinance was just adopted 2 years ago, the Council should let ordinance work.

Thurley supported the motion, and he thanked the BOA members and staff for their work on this proposal.

Schollmeier noted that he did vote for the rezoning, but he also believes that the bluffland ordinance was well researched and should be followed.

Mayor stated that he admired both the applicant and the developer, but he felt the Council should respect the bluffland ordinance.

Assistant City Attorney Mike Flaherty suggested that the Council articulate the reasons for their findings by going through each of the 6 criteria.

Mr. Espinosa suggested that based on the comments made this evening, the finding for question #3, does the proposal put the property to use in a reasonable manner, the Council finds that it is not reasonable to request a variance to a 10 foot setback, but rather it would be reasonable to increase the setback and develop the land according to the ordinance. Mr. Espinosa then reviewed the other variance criteria:

1: Is the variance in harmony with the purpose and intent of the zoning ordinance.

2: Is the variance consistent with the Comprehensive Plan.

4: Are there unique circumstances to the property not created by the property owner.

5: Will the variance alter the character of the neighborhood.

6: Are there other considerations for the variance besides economics; in order for this criteria to be satisfied, answers to criteria numbers 3, 4 and 5 must be affirmative. He noted that if the Council determines no to number 3, this would automatically be decided as no.

Moeller suggested for criteria #5 that putting as many housing units as possible on the site would alter the character of the neighborhood.

Schollmeier stated that for #4, the unique circumstance of the property is the Karst topography.

The motion carried with Mayor Peterson, Thurley, Moeller, and Schollmeier voting aye, and Alexander and Borzyskowski voting no.



Highway Department

5300 Hwy 61 W Winona, MN 55987-1398

Phone: (507) 457-8840

Fax: (507) 454-3699

September 29, 2020

Carlos Espinosa
City of Winona
via email

RE: St. Croix Heights Preliminary Plat

Dear Carlos:

Thank you for the opportunity to review the referenced preliminary plat. We have no comments regarding the preliminary plat.

The developer or their representative will need to obtain a county access driveway permit prior to work in the County State-Aid Highway (CSAH) 44 "Garvin Heights Road" right-of-way to construct the proposed public street across from Highland Drive. Construction of a right-turn lane will be required from CSAH 44 to the new street.

Sincerely,

A handwritten signature in black ink that reads "David F. Kramer". The signature is written in a cursive, flowing style.

David F. Kramer, P.E.
Winona County Engineer

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> City Clerk	<i>Date:</i> 10/05/20
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No: **3**

Item: **Reappointment to the Citizens Environmental Quality Committee**

No. **3.1**

SUMMARY OF REQUESTED ACTION:

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

October 5, 2020

City Council
City Hall
Winona, MN 55987

Dear Councilmembers:

This letter is to advise that I am this date reappointing Daniel Hall to serve on the Citizens Environmental Quality Committee. The term for this appointment will be October 8, 2020 through October 8, 2023.

I trust that you will approve these appointments.

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> City Clerk	<i>Date:</i> 10/05/20
<i>No:</i> 3		
<i>Item:</i> Reappointments to the Planning Commission		
<i>No.</i> 3.2		

SUMMARY OF REQUESTED ACTION:

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

October 5, 2020

City Council
City Hall
207 Lafayette Street
Winona, MN 55987

Dear Council Members:

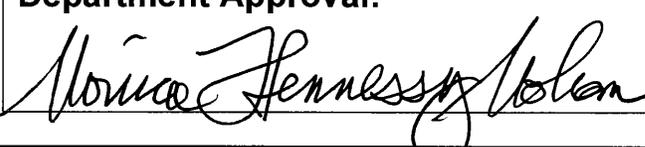
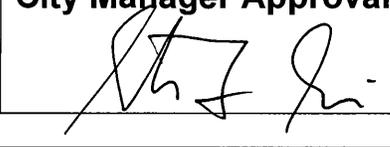
This letter is to advise that I am this date reappointing Dale Boettcher, Todd Paddock and Peter Shortridge to the Planning Commission. The term for these appointments would be effective October 31, 2020 through October 31, 2023.

I trust that you will approve these appointments.

Sincerely



Mark F. Peterson
Mayor

Department Approval: 	City Manager Approval: 
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REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests,
Communications**

Originating Department:

Date:

No: **3**

City Clerk

10/05/20

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

No. **3.3**

SUMMARY OF REQUESTED ACTION:

Following is a communication from Mayor Mark F. Peterson.

October 5, 2020

City Council
City Hall
Winona, MN 55987

Dear Councilmembers:

This letter is to advise that I am this date appointing Caitilin McCoy to serve on the Fine Arts Commission. The term would be effective October 6, 2020 and expire on May 15, 2023.

I trust that you will confirm this appointment.

Sincerely,

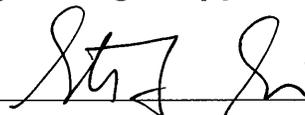


Mark F. Peterson
Mayor

Department Approval:



City Manager Approval:



REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**

Originating Department:

Date:

No: 3

City Clerk

10/05/20

Item: **Sign Request from River Arts Alliance**

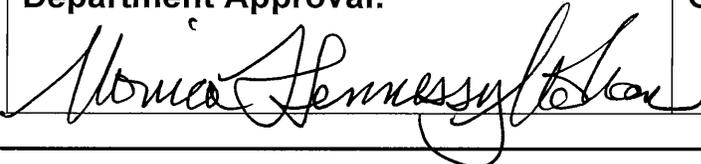
No. 3.4

SUMMARY OF REQUESTED ACTION:

The River Arts Alliance submitted an application for a sign to be displayed for the Winona Art Walk at Central Park from November 9 – November 23.

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

Department Approval:



City Manager Approval:



REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**

Originating Department:

Date:

No: 3

City Clerk

10/05/20

Item: **Request from Main Street Program to Host Halloween Event**

No. 3.5

SUMMARY OF REQUESTED ACTION:

Dear Councilmembers,

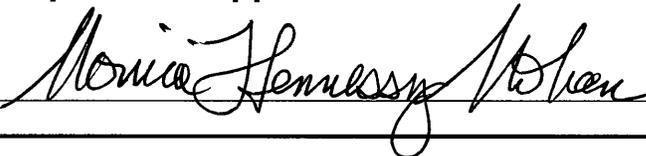
The Winona Main Street Program is planning a Halloween event on Saturday, October 31, from 2-6 p.m. called "Main Street Presents: Streets and Treats." We are requesting road closure downtown on 3rd Street from Center Street to Walnut Street, and Lafayette Street between 2nd and 3rd Street. We are requesting the street closure be from 1-7 p.m. in order to allow for adequate time for the set up and tear down of spaces where activities will be provided.

The following is a list of activities planned for this event:

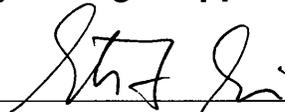
- A chalk walk scavenger hunt - A local chalk artist is making 12 Halloween-themed characters that will be spread throughout downtown. Kids will receive a bingo-style card with an image of each Halloween-themed characters they will search for. Once they find all of them they will turn in their card and receive a bag of assorted candy. Kids will not have to cross 2nd street or Main Street to find the chalk characters.
- A Halloween Window Walk - Downtown businesses will decorate their storefronts with Halloween-themed decorations, and awards given to businesses with the best decorated windows.
- A Haunted Graveyard in the empty lot next to Blooming Grounds – We have received permission from the property owner, and we will use Chamber insurance for liability in the case of injury or damage resulting from the event. Local puppeteer Dr. Bob will put on a Halloween-themed puppet show followed by a DJ set where he will play spooky Halloween music.
- Take-home mini pumpkin decorating kit – We are planning to have a station set up where kids and their parents can grab a take-home mini pumpkin decorating kit. Each kit includes a mini pumpkin and decals.
- Trunk-Or-Treat – We are partnering with The EDGE Community Church downtown to do a Trunk-Or-Treat on the closed portion of 3rd Street.

Kind regards,
Ben Strand
Winona Main Street Program
bstrand@winonachamber.com

Department Approval:



City Manager Approval:

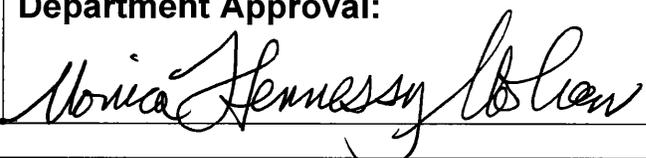


REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> City Clerk	<i>Date:</i> 10/05/20
<i>No:</i> 3		
<i>Item:</i> Update on TCMC Passenger Rail Service		
<i>No.</i> 3.6		

SUMMARY OF REQUESTED ACTION:

Council Member Schollmeier has requested time on the agenda to present an update on the Twin Cities – Milwaukee – Chicago (TCMC) Second Train proposal.

Department Approval: 	City Manager Approval: 
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TCMC SECOND TRAIN RECEIVES \$31.8 MILLION FEDERAL CAPITAL GRANT

On Sept. 23, 2020, the US Secretary of Transportation announced a \$31.8 million grant through the Federal Railroad Administration for Wisconsin and Minnesota to be used for final design and construction of freight rail track and signal improvements in and around Winona MN, La Crescent MN, and La Crosse WI. The improvements will accommodate the Twin Cities-Milwaukee-Chicago (TCMC) Second Train, a daily round trip passenger train between the Twin Cities and Chicago along the existing Amtrak Empire Builder route. This leaves the state of Minnesota as the only uncommitted partner in making the project a reality.

TCMC CAPITAL BUDGET - MN	TCMC CAPITAL BUDGET - WI	TOTAL
\$26.9M Federal (COMMITTED)	\$4.9M Federal (COMMITTED)	\$31.8M Federal
\$10M Minnesota (NOT COMMITTED)	\$6.2M Wisconsin (COMMITTED)	\$16.2M Local
\$3.8M Amtrak (COMMITTED)	\$1.2M Amtrak (COMMITTED)	\$5M Amtrak
\$40.7M Minnesota Project Cost	\$12.3M Wisconsin Project Cost	\$53M Total

Additional support: Federal Railroad Administration awarded \$12.569 million to the project for startup operating costs, Amtrak has committed to capital upgrade of the Winona station platform, Canadian Pacific Railway fully supported the federal grant application for rail infrastructure improvements.

Legislative Bonding Request

\$10 million is requested of the Minnesota Legislature. The state will receive, in return, more than \$40 million in track and signal improvements in Winona and La Crescent, Minnesota that will benefit both freight and passenger rail. This request is urgent as the FRA expects Second Train project managers to secure matching funds and execute the grant agreement by September 30, 2021.

Project Benefits

- Create jobs and generate economic growth
- Provide safe, reliable, relaxing, productive, affordable alternative to driving or flying
- Improve access to tourism, colleges, events, and more!
- Improve freight train speed and efficiency
- Improve safety at roadway crossings

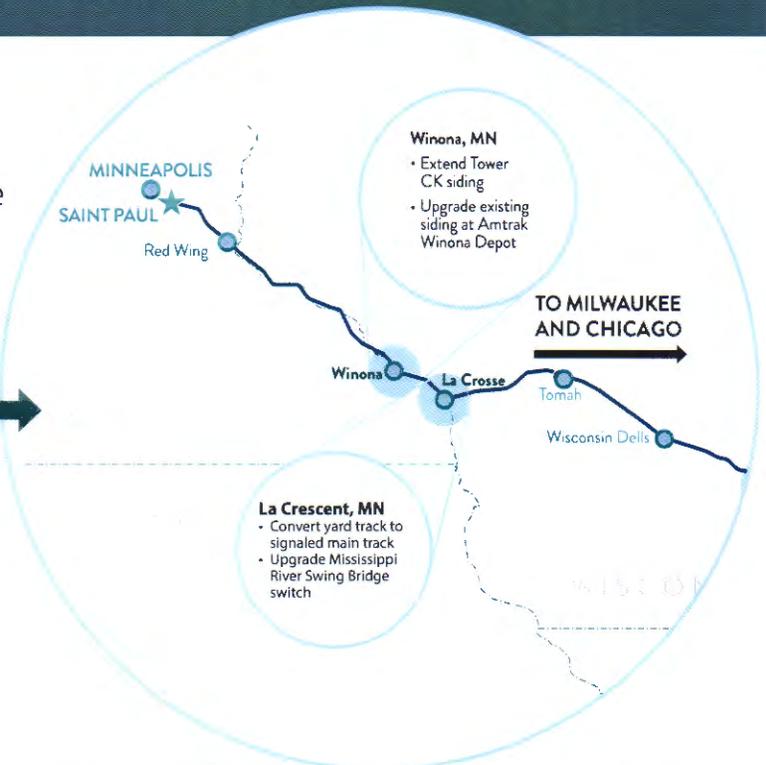
MINNESOTA IMPROVEMENTS

\$19.3 million in siding track and station access improvements in Winona

\$15.8 million for track and switch improvements in River Junction in La Crescent

\$5.0 million for special track work on the Mississippi Swing Bridge near La Crescent

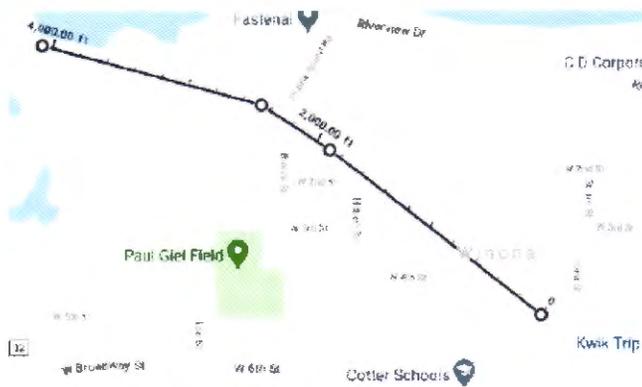
\$0.5 million for improvements to the Midway Facility in St. Paul





TCMC Second Train Improvements in Minnesota Improve Speed, Efficiency and Safety

Project Location: Tower CK in Winona, Minnesota

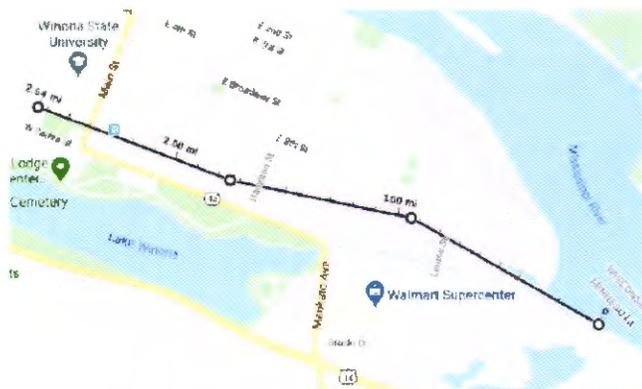


Construct new siding track connecting the main track to the CP Waseca Subdivision over ½ mile east, with power switches and signals, to alleviate congestion west of the Winona Depot.

Construct 3,260 feet of new track, reconstruct at grade crossing with Bierce Street and install four new turnouts, railroad signals and communications.

Estimated cost in 2020 dollars: \$9.1 million

Project Location: Winona Siding in Winona, Minnesota



Upgrade an existing siding track with power switches and signals to allow more efficient train meets and the ability to clear the main track more quickly and efficiently; improve safety for passengers who can board the train from the track adjacent to the platform instead of walking across tracks. Note: The Winona Station platform will be improved by Amtrak through a separate project.

Rehabilitate 11,862 feet of existing siding track, install two new turnouts, railroad signals and communications.

Estimated cost in 2020 dollars: \$10.2 million

Project Location: River Junction in La Crescent, Minnesota



Convert an un-signalized yard track to a signalized second main track. Power switches would be installed at the junction with the Marquette Subdivision. The alignment of the Bridge Switch would be modified to allow for increased train speeds through the switch, and the new main track speeds would be increased from 10 mph to 25 mph. Realign track approaches and replace special bridge track work at moveable points to increase freight speed on the Mississippi River Swing Bridge from 10 mph to 15 mph.

Construct 5,612 feet of new mainline track, 2,162 feet of new wye connection track, and upgrade 1,470 feet of yard track and 1,500 feet of special track work. Install 14 new turnouts, railroad signals and communications.

Estimated cost in 2020 dollars: \$20.8 million

REQUEST FOR COUNCIL ACTION

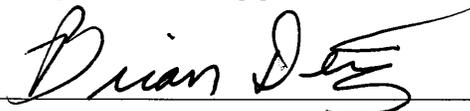
<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> City Engineer	<i>Date:</i> 10/5/2020
<i>Item:</i> Request for a Stop Sign Investigation on 7th Street near Kansas Street		
<i>No.</i> 3.7		

SUMMARY OF REQUESTED ACTION:

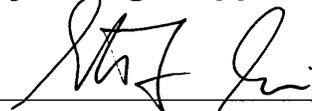
There has been a request for an investigation of need for stop signs on 7th Street near Kansas Street due to accidents. One of the criteria for a stop controlled intersection is that a sight triangle is provided so that both vehicles can see each other in an adequate amount of time to be able to stop. This distance is 140 feet for 30 MPH zones. The sight triangle distances for Kansas, Liberty, and Chestnut Streets are between 90 feet and 110 feet because of houses obstructing the view of oncoming traffic. All distances well below what it would be required to see, react, and be able to stop without a collision if traveling at 30 MPH. Due to this, it is recommended that Kansas, Liberty and Chestnut Streets be stop intersections and 7th Street be the through street. This would make 7th Street a through street from Franklin Street to Hamilton Street.

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

Department Approval:



City Manager Approval:



ORDINANCE NO. _____

AN ORDINANCE AMENDING WINONA CITY CODE,
CHAPTER 61 – TRAFFIC, SCHEDULE C

THE CITY OF WINONA DOES ORDAIN (new material is underlined in red; 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 Schedule C of Winona City Code, Chapter 61 – Traffic, Section 61.43, Through Highways and Stop Intersections, be amended as follows:

THROUGH HIGHWAYS

The following streets in the City are hereby declared to be through highways:

Wabasha Street from Franklin Street to Hamilton Street.

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

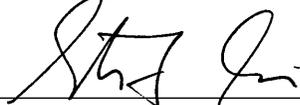
<i>Agenda Section:</i> Petitions, Requests, Communications	<i>Originating Department:</i> Engineering	<i>Date:</i> 10/5/2020
<i>No:</i> 3		
<i>Item:</i> Request for No Parking, School Zone Area to be added on Kansas Street for St. Martin's Lutheran School		
<i>No.</i> 3.8		

SUMMARY OF REQUESTED ACTION:

St. Martin's Lutheran School is requesting to add Kansas Street to the No Parking, School Zone Area for the timeframe of 7:00 am to 2:45 pm due to the bus schedule. The area is as follows:

Kansas Street, easterly side, from a point 20 feet south of the south line of Fifth Street south to the alley.

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

Department Approval: 	City Manager Approval: 
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ORDINANCE NO. _____

AN ORDINANCE AMENDING WINONA CITY CODE,
CHAPTER 61 – TRAFFIC, SCHEDULE A

THE CITY OF WINONA DOES ORDAIN (new material is underlined in red; 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 Schedule A of Winona City Code, Chapter 61 – Traffic, Section 61.26 (d), Limited Parking Zones, be amended as follows:

NO PARKING, SCHOOL ZONE AREA

No person shall park or leave standing any vehicle, either attended or unattended, except for a school bus, between the hours of 7:00 a.m. and 2:45 p.m., on any days school is in session, on the following streets:

Kansas Street, easterly side, from a point 20 feet south of the south line of Fifth Street south to the alley.

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: **New Business**

Originating Department:

Date:

No: **5**

Public Works

10/05/20

Item: **Electric Vehicle Fast Charging Grant Considerations**

No. **5.1**

SUMMARY OF REQUESTED ACTION:

The Minnesota Pollution Control Agency (MPCA) opened an RFP for the second phase of the electric vehicle fast charging corridor grants in August. Fast chargers differ from the existing level 2 electric vehicle chargers found in the Winona area by operating at a much higher wattage and much faster charge time. A fast charger can fill up a vehicle in as little as 20 minutes compared to 2 hours or more for the standard level 2 chargers. The cost for the fast chargers is also much higher, typically over \$50,000. This grant will fund up to 80% of the cost to a max of \$70,000 for each charging station using funds from the VW diesel cheating scandal settlement.

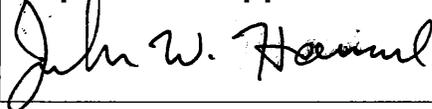
In phase 1, the City was unable to submit a grant application because Winona was not listed in a fast charger corridor. That changed for phase 2 with Hwy. 61 being a corridor and Winona being listed as a suggested location for a fast charger. However, the grant stipulates that the applicant must apply to provide chargers for the full corridor, which means it is not feasible for the City to apply directly just for a Winona based charger. Given this stipulation, the City has three choices:

1. Coordinate with other Cities on the corridor to develop a proposal.
2. Partner with private developers (who will be applying regardless of City involvement).
3. Take no action.

The Natural Resources and Sustainability Coordinator suggests the City select option 2 because private developers won the grants in phase 1 and they also have much greater knowledge and experience on the topic. This option will also be a much lesser time commitment for staff as the application and coordination would be done by the private developer. There would potentially be a cash or in kind match required, which is the only disadvantage relative to option 3.

If the City Council concurs, a motion instructing staff to explore opportunities with private developers on the grant application would be in order.

Department Approval:



City Manager Approval:



How Does EV Charging Work?

You most likely charge your cell phone or computer often, even if you don't know a lot about electricity. You just plug in the device and go about your day.

EV charging is similar. It connects the battery in your car with a power source that can charge it. There's a lot going on behind the scenes, but as an EV driver, you don't have to worry about it.

Most power outlets use AC, or alternating current. Batteries typically use DC, or direct current, to charge. This means that part of the charging process involves converting AC to DC.

There are three main types of EV charging: Level 1, Level 2, and DC fast. Levels 1 and 2 convert AC to DC using an on-board converter in the EV. Each vehicle's on-board converter has specific limits on how fast it can charge.

With DC fast charging, the conversion from AC to DC happens in the charging station, not in the EV. This allows stations to supply more power, charging vehicles faster.

How Long Does it Take to Charge an EV?

Typical time to fill up an 80-mile battery by charging type



* DC fast charging can get many EV batteries charged to 80 percent in 20-30 minutes

Types of Charging

Level 1

"Level 1" charging is just plugging in to a standard electrical outlet. Level 1 charging can be convenient for home use, but charges very slowly, offering about 5 miles of Range Per Hour (RPH). Level 1 is most useful when a vehicle will be parked for several hours.

Level 2

Some home chargers and most public charging stations are "Level 2." These stations can add 12 to 25 RPH, depending on the type of EV and its on-board charger. Level 2 charging stations are ideal for times when you'll be parked for at least an hour, such as at work, restaurants, movie theaters, sporting events or longer shopping trips. Level 2 charging will generally give you enough juice to get around town, and works up to six times faster than Level 1 charging.

DC Fast

On long trips or when you're pressed for time, you'll probably want a faster charge to get where you're going. DC fast charging can deliver 100 RPH or more, charging some EVs to 80 percent in 20-30 minutes.

DC fast charging stations have various power levels. In general, higher power levels charge EVs faster. Check each DC fast charging station to find its power level. Charging speed may also depend on the type of charging port your EV has.

Note that not all plug-in cars on the road today have a DC fast charging port. Most plug-in hybrids can only charge at Level 1 or 2.



ChargePoint Express 200
50 kW DC Fast Charging Station

EV Charging Basics

Type	Miles of Range Per Hour of Charging (RPH)	Time to Fully Charge	When to Use	Connector
Level 1, Standard Wall Outlet (AC)	5 RPH	+ 16 hours for an 80-mile battery + 40 hours for a 200-mile battery	+ Get some charge while you sleep Note: slower for cars with large batteries	Note: you'll need your own cable to plug in to the wall for Level 1
Level 2 Charging Station (AC)	+ 12 RPH for cars with 3.7 kW on-board charger + 25 RPH for cars with 6.6 kW on-board charger	+ 3.5 hours for an 80-mile battery + 8 hours for a 200-mile battery	+ At work + While you sleep + Topping up around town	J1772 connector
DC Fast Charging	100 RPH or more, depending on the power level of the charger + 24 kW (up to 100 RPH) + 44 to 50 kW (up to 200 RPH)	Depends on the power level of the charger and car model, but could be 80% charged within 30 minutes	+ Short stops + Express Corridor locations	 SAE Combo (CCS) CHAdeMO Tesla

Connectors

All EVs except Tesla use the same J1772™ connector for Level 2 charging. Tesla makes adapters that allow their vehicles to charge using J1772 or CHAdeMO connectors.

Not all EVs come with DC fast charging as a standard feature. It's often available as an upgrade package.

When choosing a DC fast charging station, check the connector to make sure it fits your car's charging port. There are three different DC fast charging connector standards in North America, each used by different EVs.

SAE Combo (CCS) is compatible with

- + BMW
- + VW
- + Chevy
- + All upcoming U.S. and European cars
- + Some of the new cars from Asian manufacturers



CHAdeMO is compatible with

- + Nissan
- + Mitsubishi
- + Kia



Tesla is compatible with

- + Tesla
- Note: adapters available for J1772 and CHAdeMO



Minnesota Diesel Replacement Program

VW Settlement: Phase 2 electric vehicle fast charging corridors

Request for proposals (RFP)

FY21

Volkswagen (VW)

The RFP assists applicants in applying for and managing state grants. This document describes the **Electric Vehicle (EV) Fast Charging Corridor** grant round, and provides information that will help applicants plan their EV corridor project and submit a competitive proposal. **Proposals are due no later than 4:30 p.m. Central Time on November 25, 2020.**

The applicant should check the [EV Fast Charging Grants](#) for the most recent updates on this competitive grant, including frequently asked questions (FAQ) sheet, and addendums

Contents

1. Overview	2
2. Funding	2
3. Applicant eligibility	3
4. Proposal content.....	3
Corridor map.....	4
Corridor chart	4
Application requirements	6
5. Eligible and ineligible costs.....	9
6. Proposal review process.....	10
7. Grantee responsibilities	10
8. Proposal instructions	13
9. Questions and answers	13
Appendix 1: Scoring criteria.....	14

A Sample Grant Agreement, and application, can all be found at: [EV fast Charging Grants](#)

1. Overview

The Minnesota Pollution Control Agency (MPCA) requests proposals from eligible applicants to install EV direct current (DC) fast charging stations along identified sections of highways. For the purpose of this request for proposal, roadways have been assigned into “EV corridor groups”. These fast charging corridors along major roadways will allow eventual travel by EV drivers over long distances throughout the state, making it feasible for more Minnesotans to drive electric vehicles.

The purpose of this program is to increase use of EVs in place of gas-powered cars to mitigate nitrogen oxides, and reduce greenhouse gas emissions in the State. The intent is to support a healthy environment for all Minnesotans and achieve significant emissions reductions across the State, especially in those communities most impacted by vehicle pollution.

2. Funding

The MPCA anticipates awarding a total of approximately \$2,660,000 million. The maximum amount available is 80% of project costs, up to \$70,000 for total project costs per 50 kilowatt (kW) fast charging station. Each charging station will include a Level 2 back-up station and be installed in public places. Regardless of whether installation is on government owned property or non-government owned property charging stations will be accessible by users 24-hours per day, seven days per week for no less than 355 days per year. A maximum of 38 50-kW charging stations are anticipated to be installed through this program.

Funding is available for full-corridor proposals only: work on each corridor group must include the installation of all charging stations along it.

Funding match requirements

Grantees will be required to provide a 20% cash match. Eligible sources of a cash match include, but are not limited to, cash, loans, other grants, or capital assets dedicated to the project. Applicants must list match funding in the proposed project budget.

Payment schedule

Grant payments are disbursed *as reimbursements after the work* is completed, verified, and approved. Verification may occur through a site visit by MPCA staff to test the equipment and photograph the completed installation. MPCA may also require video evidence of installation. Invoices must include evidence of a five-year warranty for the charging station equipment, a service contract to provide maintenance for five years, any renewable energy use commitment, receipts for labor and materials, and the total project costs to ensure the MPCA Volkswagen (VW) grant is not exceeding 80% of total project costs, and photographs that include both fast charger and Level 2 backup. Requests for reimbursement can occur after each individual charging station is installed or after all charging stations along a corridor are installed.

Grantees will have three years to complete the work after grant execution.

Reporting

Quarterly data reporting to MPCA is required through the end of the contract. MPCA may request data after the end date of the contract to determine the need for additional charging capacity within an EV corridor.

Priorities

Points are available for small businesses that are certified as veteran-owned, economically disadvantaged, or targeted group businesses in Minnesota based on the business's ownership by a woman, a minority, or a person with a substantial physical disability. Please reference additional information here:

<https://mn.gov/admin/business/vendor-info/oep/sbcp/>

3. Applicant eligibility

Eligible applicants

For-profit, nonprofit and public entities, including state, local and tribal governments, are eligible to apply. Applicants that are not charging station installers must identify a subcontractor that can provide that service. While multi-organizational collaboration is allowed, no single entity may be a part of multiple proposals. If multiple organizations apply together, one must be designated a Lead to receive funding (only one name as applicant).

Ineligible applicants

- Entities or individuals that are currently suspended or debarred by the State of Minnesota and/or the federal government.
- The MPCA may also deem an applicant ineligible because of, but not limited to: enforcement issues, labor standards issues, tax status or other such issues.
- MPCA staff.

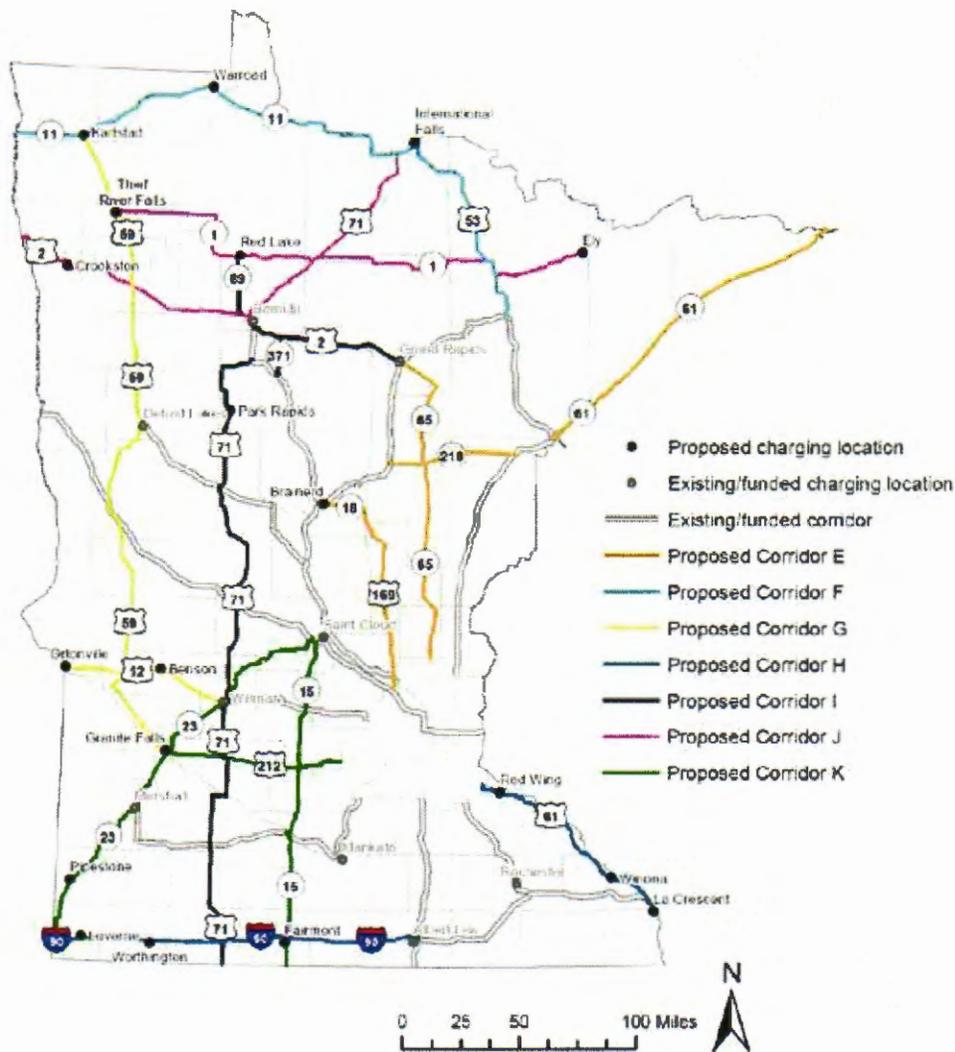
4. Proposal content

Designated highway corridors

The following map and table show the EV charging station corridor groups named E, F, G, H, I, J, and K to be built through this grant round. All fast charging station installations along the highway corridors will be 50 kW stations, providing up to 50 kW in electrical power, and include a Level 2 back up charger. Applicants must only submit one proposal per corridor (E, F, G, H, I, J, and K), and they can apply for as many corridors as they would like. Each proposal must identify one (and only one) labelled EV corridor. Funding is available for full-corridor proposals only.

Map of EV fast charging station corridor groups

Each color designates a different corridor. Cities where installation of fast charging stations is suggested include: Brainerd, International Falls, Warroad, Karlstad, Benson, Ortonville, Red Wing, Winona, La Crescent, Luverne, Worthington, Red Lake, Park Rapids, Ely, Thief River Falls, Crookston, Pipestone, Granite Falls, and Fairmont. Existing and planned fast-charger installations were considered during the development of the suggested list of charging locations.



Fast charging station corridor list

The following chart below lists the 50 kW fast charging stations to be installed along each respective highway and interstate corridor through this program. Each corridor has one or more cities where installation of a 50 kW fast charging station is suggested as listed in the chart below. Names in brown below in the corridor description column already have EV fast charging stations funded through Phase 1 of the VW Settlement and will not be considered for another station.

The number of fast charging stations must be installed at approximately 30 to 70 mile increments. Any deviation from the 30 to 70 miles must be pre-approved by the MPCA project manager. No charging stations are to be installed within the seven-county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties) Twin Cities Metropolitan Area since the program intent is to allow long-distance travel throughout Minnesota. There are also a number of existing 50 kW fast charging stations in the Twin Cities Metropolitan Area to meet demand.

Corridor Groups	Highway/Interstate	Corridor Description	Length of Corridor (in miles)	Suggested New Fast Charging Station Installation Locations	Number of stations per corridor	Additional New Charging Stations Along Corridor (installed at 30 to 70 mile increments)
E	Hwy 210	Brainerd to Duluth	114	Brainerd	1	7
	Hwy 18, Hwy 169	Brainerd to Northwest corner of Twin Cities metro area	121 miles		2	
	Hwy 61	Duluth to Grand Portage	145 mi		2	
	Hwy 65, Hwy 2	Grand Rapids to Northern border of Twin Cities metro area	138 miles		2	
F	Hwy 11, Hwy 71	International Falls to Karlstad	170 miles	International Falls, Warroad, Karlstad	4	5
	Hwy 53	International Falls to Eveleth (Corridor F has preference over intersections with J)	105 mi		1	
G	Hwy 59, Hwy 212	Karlstad to Thief River Falls to Detroit Lakes to Granite Falls. (Corridor G has preference over intersection with Corridor J)	292 mi	Benson, Ortonville	3	5
	Hwy 12	Willmar to Benson to Ortonville	73 mi		2	
H	Hwy 61	Red Wing to Winona to La Crescent	91 mi	Red Wing, Winona, La Crescent, Luverne, Worthington	3	5
	I-90	Albert Lea to Western border (Corridor H has preference over any intersecting corridors along I-90)	155 mi		2	
I	Hwy 89 to Hwy 2 to 371, Hwy 71	Red Lake to Bemidji to Park Rapids to Willmar to Jackson (Corridor I has preference over intersection with Corridor K)	335 mi	Red Lake, Park Rapids	4	5
	Hwy 2	Bemidji to Grand Rapids	70 mi		1	
J	Hwy 1	Ely to Thief River Falls	225 mi	Ely, Thief River Falls, Crookston	3	6
	Hwy 2, Hwy 71	East Grand Forks to Bemidji to International Falls (Corridor J has preference over Corridor I in Bemidji)	220 mi		3	
K	Hwy 15	St. Cloud to Fairmont	141 mi	Fairmont Pipestone, Granite Falls	2	5
	Hwy 23	St. Cloud to Willmar , to Granite Falls to Marshall to Pipestone	43 mi		1	
	Hwy 212	Granite Falls to western border of Twin Cities metro area	71 mi		2	
Total Number of stations						38

EV fast charging corridors application requirements

Site selection plan

The site selection plan must address the following site selection parameters. Charging station host site locations *do not* need to be secured prior to proposal submission. Planned process for host site identification and selection must be included in the proposed site selection plan.

- 1) Corridor description: Identify which EV Corridor will be completed through the proposal (installation of each individual Corridor must be submitted as separate proposals).
- 2) Host site selection: Describe how fast charging station host sites will be researched, identified, and secured along the Corridor. Grant funding is *not eligible* to be used to purchase or rent the host site real estate upon which the charging station is installed. The designated number of stations per corridor group and along roadways is indicated in the Fast Charging Corridor List (page 5).
 - a. Identify key stakeholders (examples: electric utilities, cities, business districts).
 - b. Describe how your company will engage with the key stakeholders.
 - c. Describe your efforts toward encouragement for businesses, governmental organizations, and non-profits to be site hosts.
 - d. Describe any efforts that will be taken to publicize electric vehicle charging stations, make others aware of its installation and encourage users.

Sustainable business model

A detailed explanation of the business model towards ensuring sustainability of the charging station(s) for at least 5 to 10 years must be provided. Within your Sustainable Business Model, please describe:

- a. Host site agreement: Please describe the business relationship between the host site and installer, describe ownership and operation responsibilities. Include sample host site agreement which must be a five year term.
- b. Describe ongoing services
 - 1) Customer service: A toll-free phone number for customer support service must be clearly posted on or near the installed fast charging stations. When a station user calls the phone number, they must obtain immediate access to assistance. Proposals must address customer support service that is accessible and responsive 24-hours, seven days a week within the application.
 - 2) Networking: The installed fast charging stations must connect to a network by WiFi or cellular connection using multiple carriers. Proposals must address networking, including network security, within the application.
 - 3) Payment options: The fast charging stations must be Payment Card Industry compliant to allow direct use of a credit or debit card at the station itself. Stations may also offer additional payment methods including subscription methods, smart cards, or smart phone applications.

Renewable energy

Describe how you will work with the electric utilities and host sites to ensure or encourage renewable energy is purchased. This requirement is met by signing up for a utility wind or solar program, community solar program, or the installation of a solar array in proximity to the charging stations. If a utility renewable energy program does not exist where the charging station is installed, wind or solar renewable energy certificates (RECs) can be purchased online. For all of these options, the amount of electricity expected to be used by the charging station(s) over a five-year span needs to be documented through participation in a utility renewable energy program or the purchase of wind or solar RECs in the marketplace.

EV fast charging station installation requirements

Site map

Selected grant recipients will be required to submit a site map to the MPCA for approval once host sites are selected and before installation occurs. The site map will include demonstration of compliance with the station requirements outlined below.

Host site selection

Describe why this location was selected, its proximity to other fast charging stations (ensuring 30 to 70 miles apart), and the types of businesses or other services and facilities within walking distance.

- a. Location, proposed latitude and longitude of station, and street address.
- b. Distance from designated EV corridor is two miles or less.
- c. Be within a short walking distance, not to exceed a quarter mile, to retail or service establishments such as restaurants, coffee shops, convenience stores, or tourism destinations.
- d. The site must be accessible to the general public for users 24-hours per day/seven days per week, with the maximum exception of 10 days per year due to scheduled events when the charger may not be accessible.
- e. The area must have dusk to dawn lighting.
- f. Host site agreements: requiring that each station will remain at the site and operational for a minimum of five years.
- g. Utility notification: Confirmation that contact has been made with the local utility to determine site locations that factor in proximity to electrical service and any necessary distribution system upgrades is required.

Fast charging station installation requirements

The items in the list below are required for fast charging station installations:

- a. Local electrical permits: Local electrical permits must be secured and regulations followed for the fast charging station installations at each respective host site.
- b. Parking spaces: A minimum of two concrete or asphalt pad parking spaces and ample real estate upon which to create parking spaces for at least one additional fast charging station in the future is required.
- c. ADA compliance: It is required that one of the parking spaces for the 50 kW station is the one that is ADA compliant, rather than the space for the Level 2 back-up station. Any deviation from the 50 kW parking space requires prior written approval from MPCA.

Number of spaces	4% or 1 in 25 spaces, in any given lot, be designated as accessible
Parking stall:	10 feet wide by 18 feet long
Accessible route width	Minimum 36 inches wide
Accessible route slope/ cross slope	Accessible Route Slope/ Cross Slope Maximum 1:20 (5%) running slope and 1:48 (2%) cross slope; Accessible vehicle spaces 1:48 (2%) in all directions
Reach range	48 inches front and side to allow reach to all operable parts from a wheelchair
Accessible controls	Operable with one hand and not requiring grasping, pinching, or twisting of the wrist or force more than 5 lbs.
Accessible ramps	A ramp or curb-cut must be accessible in order to allow for operation of charging station
Side access aisle	Side access aisle of 60 inches wide to allow space for wheelchair and equipment in and out of space
Other considerations	Ensure that bollards, wheel stops or curb do not obstruct use of charging station

- d. Future proofing: Conduit and an electrical service box of adequate size and disconnect capacity that will allow additional electrical cable to be run to the site for future installation of two additional 50 kW charging stations or a higher power station up to 350 kW must be included in the installation.
- e. Level-2 station: For emergency back-up, a Level-2 (240 volt-alternating current, Society of Automotive Engineers J-1772 connector) must be installed, activated and tested at the fast charging installation site. This Level-2 station is *not required* to be computer networked or to have intelligent capabilities.
- f. Posted signage: “Electric Vehicle Parking Only” signs are required on each side of each charging station along with “Electric Vehicle Parking Only” stenciled graphics on each striped parking pad.
- g. Installation of three to four-foot high bollards with concrete footings placed to protect the fast chargers from accidental impact.
- h. Warranty/maintenance: The fast charging station unit is required to have a five-year warranty. Proof of the charging station equipment warranty must be in the form of a line item on the receipt for the charging station. A service agreement for the first five years of maintenance of the charging stations as per the original manufacturer recommendations is required. All fast charging stations must continually be in full-working order to the extent possible. Should repair be necessary, service must be contacted within 24 hours and the station up and fully operating within 48 to 72 hours to ensure a 95% annual uptime guarantee.

Equipment requirements

Each station must offer two Society of Automotive Engineers Combined Charging System (SAE CCS) charging protocol connectors.

All charging station equipment must meet the following minimum requirements for safety testing by a Nationally Recognized Testing Laboratory (NRTL) recognized by the Occupational Safety and Health Administration (OSHA). The equipment must be listed and labeled as required by Minnesota Administrative Rule 3801.3620, the National Electrical Code (NEC) section 625.5 and be Federal Communication Commission (FCC) compliant.

Direct current (DC) fast charging stations and backup Level 2 alternating current (AC) 240 volt shall be certified to one of the following options:

- 1) Underwriters Laboratories (UL) UL 2594 (Standard for Electric Vehicle Supply Equipment). DC fast charging systems shall be certified (listed and labeled) to UL 2202 (Standard for Electric Vehicle Charging System Equipment).
- 2) International Electrotechnical Commission (IEC) 61851-23, IEC 62196, and IEC 61000 EMC standards. These charging stations must be certified (listed and labeled) with Edison Testing Laboratory (ETL).
- 3) An equivalent Nationally Recognized Testing Laboratory certification. A copy of the certification must be provided.

Equipment physical appearance and design

- 1) Electric vehicle supply equipment (EVSE) enclosure: The EVSE enclosure must be constructed for use outdoors in accordance with UL 50E Standard for Safety for Enclosures for Electrical Equipment, Environmental Considerations, Type 3R exterior enclosure or equivalent.
- 2) Environmental: The EVSE must be capable of operating without any decrease in performance over an ambient temperature range of minus 22 to 122 degrees Fahrenheit with a relative humidity of up to 95%.
- 3) Cord management system: The EVSE must incorporate a cord management system or method to eliminate potential for cable entanglement, user injury or connector damage from lying on the ground.
3. Ongoing services; customer services, networking, payment options, as described above.

5. Eligible and ineligible costs

Eligible costs

Eligible costs are those directly incurred through the host site acquisition and charging station installation, activation, and maintenance. Only eligible costs will be reimbursed.

- 50 kW DC fast charging stations, Level-2 charging units, and associated equipment including electrical service box for disconnects
- Utility equipment upgrades such as transformers and extensions
- Concrete, asphalt, conduit, signage, bollards, cable/wiring
- Paint striping and stenciling of the charging station parking spaces
- Permit fees
- Labor for researching and securing the host site, directly related to the acquisition, site design and engineering, installation, commissioning or activation, and maintenance
- Shipping of equipment
- Five year service agreement for maintenance for charging station and equipment
- Five-year warranties for DC fast and Level-2 charging station units

Ineligible costs

Ineligible costs include costs that are not directly related to the project. In addition, the following costs, even if they are directly related to the project, are ineligible.

- Purchase or rent of real estate
- Capital costs such as construction of buildings, parking facilities, etc.
- General maintenance, other than of the supply equipment (e.g., fast charging station)
- Any expenses incurred before the grant agreement is fully executed including applicant's expense for preparing the eligibility and cost proposals
- Any expenses incurred during workplan proposal and final work plan development
- Bad debts, late payment fees, finance charges or contingency funds, interest, and investment management fees
- Attorney fees
- Administrative costs
- Lobbying, lobbyists, and political contributions
- Mark-up on purchases and/or subcontracts
- Taxes, except sales tax on eligible equipment and expenses
- Activities addressing permit fees
- Activities addressing enforcement actions that involve a financial penalty
- Memberships (including subscriptions and dues)
- Food (other than staff per diem)
- Alcoholic refreshments
- Entertainment, gifts, prizes, and decorations
- Merit awards and bonuses
- Donations and fundraising
- Computer(s), tablets, and software, unless unique to the project and specifically approved by the MPCA as a direct expense
- Purchase or rental of mobile communication devices such as cell phones, unless unique to the project and specifically approved by the MPCA as a direct expense

6. Proposal review process

MPCA staff and community-based reviewers, using a two-phase process, will review proposals received by the grant deadline. Late proposals will not be considered for review.

Phase 1: Eligibility review

The MPCA will determine if eligibility requirements are met. Any proposal found to be ineligible will be eliminated from further evaluation. Minimum requirements:

- Proposal is received on time
- Applicant is eligible
- Project is eligible
- Complete proposal

Phase 2: Proposal scoring

Only proposals meeting the eligibility criteria will be considered for scoring. Reviewers will evaluate proposals per project using the weighted criteria listed in Appendix 1.

No activity or comments from applicants regarding this RFP shall be discussed with any of the reviewers during the evaluation of the proposals. However, the MPCA may request clarification of submitted information from one or more applicants. The clarifications must be made in writing. The MPCA will only accept written responses for evaluation purposes. The response to the request for clarification may be considered along with the original proposal for proposal scoring.

In addition to the ability to partially award projects, the MPCA reserves the right to refrain from awarding any grants.

At its discretion, the MPCA may perform an appropriate cost and pricing check of a proposal. The proposer's past performance as a grantee of that state agency will be considered when evaluating a grant proposal.

Financial review

Before awarding any grant over \$25,000 to any nonprofit organization, the MPCA will assess the most recent financial statement from the applicant and resolve any items of significant concern prior to making a funding decision.

Notification

All applicants will be notified by MPCA staff within 60 days of proposal due date. This timeline may be shorter or longer depending upon many different factors. Applicants selected for funding will be contacted concerning the next steps in the award process, including execution of the appropriate agreements and anything else deemed necessary.

7. Grantee responsibilities

Awardees will be required to be a registered vendor in SWIFT and will sign the grant agreement using DocuSign. To register, go to the Supplier Portal webpage [SWIFT](#) and click on the *Vendor Registration Link*.

Grant agreement

Each awardee must formally enter into a grant agreement. The agreement will address the conditions of the award, including implementation of the project. Once the agreement is signed, the recipient is expected to read and comply with all conditions of the agreement.

A sample State of Minnesota Grant Agreement can be found at [EV Fast Charging Grants](#) for your reference. Much of the language reflected in the agreement is required by statute.

Grant monitoring

Minn. Stat. §16B.97 and Policy on Grant Monitoring require the following:

- One monitoring visit during the grant period on all state grants of \$50,000 and higher.
- Annual monitoring visits during the grant period on all grants of \$250,000 and higher.
- Conducting a financial reconciliation of grantee's expenditures at least once during the grant period on grants of \$50,000 and higher. For this purpose, the grantee must make expense receipts, employee timesheets, invoices, and any other supporting documents available upon request by the State.

The monitoring schedule will be determined at a later date.

Public data

Proposals are private or nonpublic until opened. Once the proposals are opened, the name and address of the applicant and the amount requested is public. All other data in a proposal is private or nonpublic data until all agreements are fully executed. After the MPCA has fully executed all agreements, all remaining data in the proposals is public with the exception of trade secret data as defined and classified in Minn. Stat. § 13.37. A statement by a grantee that the proposal is copyrighted or otherwise protected does not prevent public access to the proposal (Minn. Stat. § 13.599, subd. 3).

Conflict of interest

Minnesota state agencies must work to deliberately avoid actual, potential, and perceived conflicts of interest at the individual and organizational levels. Please refer to the State of Minnesota, Office of Grants Management for information on any potential, actual, or perceived conflicts of interest:

http://www.mn.gov/admin/images/grants_policy_08-01.pdf.

Grantee bidding requirements

For non-governmental organizations (NGOs)

Any grant-funded services and/or materials that are expected to cost:

- \$100,000 or more must undergo a formal notice and bidding process
- Between \$25,000 and \$99,999 must be competitively awarded based on a minimum of three verbal quotes or bids
- Between \$10,000 and \$24,999 must be competitively awarded based on a minimum of two verbal quotes or bids or awarded to a targeted vendor

For grant-funded projects that include construction work of \$25,000 or more, prevailing wage rules apply, per Minn. Stat. §§177.41 through 177.44. The bid request must state the project is subject to *prevailing wage*. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

The grantee must take all necessary affirmative steps to assure that targeted vendors from businesses with active certifications through these entities are used when possible:

- State Department of Administration's Certified Targeted Group, Economically Disadvantaged and Veteran-Owned Vendor List
- Metropolitan Council's targeted vendor list: Minnesota Unified Certification Program
- Small Business Certification Program through Hennepin County, Ramsey County, and City of St. Paul: Central Certification Program

The grantee must maintain:

- Written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

- Support documentation of the purchasing and/or bidding process utilized to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable.

The grantee must not contract with vendors who are suspended or debarred in Minnesota:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>

For municipalities

Grantees that are municipalities must follow:

- The contracting and bidding requirements in the Uniform Municipal Contracting Law as defined in Minn. Stat. §471.345
- The requirements of prevailing wage for grant-funded projects that include construction work of \$25,000 or more, per Minn. Stat. §§177.41 through 177.44. The bid request must state the project is subject to *prevailing wage*. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

The grantee must not contract with vendors who are suspended or debarred in Minnesota:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>

Audits

Per Minn. Stat. §16B.98, subd. 8, the grantee's books, records, documents, and accounting procedures and practices of the grantee or other party that are relevant to the grant or transaction are subject to examination by the granting agency and either the legislative auditor or the state auditor, as appropriate. This requirement will last for a minimum of six years from the grant agreement end date, receipt, and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

Affirmative action and non-discrimination requirements for all grantees:

- A. The grantee agrees not to discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status in regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age in regard to any position for which the employee or applicant for employment is qualified. Minn. Stat. §363A.02. The grantee agrees to take affirmative steps to employ, advance in employment, upgrade, train, and recruit minority persons, women, and persons with disabilities.
- B. The grantee must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The grantee agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Minnesota Rules, part 5000.3500
- C. The grantee agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

Voter registration requirement

The grantee will comply with Minn. Stat. §201.162 by providing voter registration services for its employees and for the public served by the grantee.

Prevailing wage

This project is subject to prevailing wage requirements.

8. Proposal instructions

Proposers must submit the following in order for the proposal to be considered complete:

- Application (in word format.)
- Host site agreement example
- Site selection plan

If an applicant requests multiple corridors, each corridor must be submitted individually.

Proposal submission instructions

Proposals must be received electronically by the MPCA no later than 4:30 p.m. Central Time on November 25, 2020. The email properties header will reflect the date and time submissions are received. Proposal submissions received after the deadline will not be considered eligible.

Email proposals and required forms to grants.pca@state.mn.us with the subject line: EV Fast Charging. The MPCA is not responsible for any errors or delays caused by technology-related issues, even if they are caused by the MPCA.

Proposals submitted via any other method, including but not limited to fax, mail, in-person deliveries, will not be accepted.

9. Questions and answers

We are obligated to be transparent in all aspects of our grant work. To meet our obligation, all questions must be submitted in the same manner, and answers are only provided via the EV Fast Charging webpage. It is the applicant's responsibility to check the EV Fast Charging webpage for the most recent updates on a competitive grant, including questions and answers and addendums.

Applicants who have any questions regarding this RFP must email questions to grants.pca@state.mn.us, subject line: "EV Fast Charging", no later than **2:30 p.m. Central Time on November 12, 2020**. Answers to questions will be posted within three days of receipt on the FAQ sheet found here: [EV Fast Charging Grants](#).

The contact for this RFP is: Tracey Josephson, Contract Specialist, at Tracey.josephson@state.mn.us or 651-757-2477.

MPCA personnel not listed are **not** authorized to discuss this RFP with applicants. Any contact regarding this RFP with other MPCA personnel may result in disqualification.

Appendix 1: Scoring criteria

Evaluation factors

A 100-point scale will be used to evaluate complete, eligible proposals. These scores will be used to develop final recommendations. Proposals will be evaluated and ranked according to the following criteria.

	Max points
<p>Professional experience:</p> <p>Organization has experience installing EV charging stations in the US</p> <p>Yes- 10 points</p> <p>No- 0 points</p>	10
<p>Cost:</p> <p>Lowest total grant amount requested for the particular corridor will get 22 points (formula for scoring = lowest ÷ next lowest score x 22% = # of points)</p> <p><i>You will receive more points if you request less than the full grant amount offered.</i></p>	22
<p>Site selection plan:</p> <p>Brief description of how you would identify and engage with the following stakeholders along a corridor if awarded this grant:</p> <ol style="list-style-type: none"> Identify key stakeholders (examples: electric utilities, cities, business districts). Describe how your company will engage with the key stakeholders. Describe encouragement plan for businesses, governmental organizations, and non-profits to be site hosts. Describe any efforts that will be taken to publicize electric vehicle charging stations, make others aware of its installation and encourage users. 	28
<p>Sustainable Business Model Plan:</p> <p>Points will be awarded based on the quality and completeness of addressing economic sustainability of the fast charging stations over a 5 to 10 year timeframe.</p>	10
<p>Renewable Energy Use:</p> <p>Percentage of electricity to power the fast charging stations is from renewable sources (wind, solar).</p> <ul style="list-style-type: none"> Up to 25% = 5 points 26 to 50% = 10 points 51 – 99% = 15 points 100% = 20 points 	20
<p>Level 2 back up</p> <p>Additional points for a networked Level 2 charging station = 2 points</p> <p>Additional points for a dual port Level 2 charging station installation = 3 points</p>	5
<p>Targeted Group and Economically Disadvantaged Business and Individuals and Veteran-owned Small Businesses:</p> <p>Eligible businesses must be currently certified by the Office of Equity in Procurement (OEP) prior to the solicitation opening date and time. For information regarding certification, contact OEP at 651-201-2402 or procurement.equity@state.mn.us</p>	5
	100

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 5	Planning	10/5/20

Item: **Minnesota Historical and Cultural Heritage Grant Agreement – John Latsch Wagon Bridge Evaluation**

No. **5.2**

SUMMARY OF REQUESTED ACTION:

In accordance with the duties of the Heritage Preservation Commission to evaluate and nominate the historic resources of the City of Winona, the Winona HPC and City Council approved seeking grant funding to evaluate the John Latsch Wagon Bridge for eligibility for the National Register of Historic Places (NRHP).

The City of Winona has been awarded a Minnesota Historical and Cultural Heritage Grant by the Minnesota Historical Society for the City of Winona to hire a consultant to complete the eligibility determination for the John Latsch Wagon Bridge. The grant totals \$5,000 and will be matched by \$2,500 within the 2020 budget for the Winona HPC and staff time.

An eligibility evaluation is the first step in potential designation on the NRHP. A successful determination of eligibility would enable a future grant project to nominate the John Latsch Wagon Bridge to the NRHP. Designation on the National Register of Historic Places is an honor and also enables potential grant or tax credit funding avenues for the historical resource.

If the City Council concurs with staff recommendation, a motion to approve the attached resolution and enter into the grant agreement would be in order.

Attachments:

- Resolution entering into grant agreement
- Minnesota Historical and Cultural Heritage Grant Agreement

Department Approval:

Luke Sims

City Manager Approval:

Steve Li

RESOLUTION

**AUTHORING EXECUTION OF MINNESOTA HISTORICAL AND CULTURAL
LEGACY GRANT AGREEMENT**

WHEREAS, the City of Winona is a Certified Local Government (CLG) as defined by the Minnesota State Historic Preservation Office (SHPO); and

WHEREAS, the Minnesota Historical and Cultural Legacy Grants are made available to eligible communities for the evaluation and nomination of properties for their historic integrity and merit; and

WHEREAS, the Winona Heritage Preservation Commission has identified the John Latsch Wagon Bridge as a preservation priority and sought grant funding for evaluation of eligibility for the National Register of Historic Places; and

WHEREAS, the City of Winona has applied for and been awarded a Minnesota Historical and Cultural Legacy Grant to evaluate the John Latsch Wagon Bridge for eligibility for the National Register of Historic Places.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota that the Mayor and City Clerk are hereby authorized to execute the agreement and such agreements and any amendments as necessary to implement the project on behalf of the City of Winona.

Dated this _____ day of _____, 2020.

Mark F. Peterson
Mayor

Attest:

Monica Hennessy Mohan
City Clerk

MINNESOTA HISTORICAL SOCIETY

**GRANTS OFFICE
345 KELLOGG BOULEVARD WEST
SAINT PAUL, MINNESOTA 55102**

MINNESOTA HISTORICAL AND CULTURAL HERITAGE GRANT AGREEMENT

City of Winona (hereafter called the Grantee) hereby signifies its acceptance of a state grant in the amount of **\$5,000** from the Arts and Cultural Heritage Fund through the Minnesota Historical Society (hereafter called the Society), in accordance with the guidelines for the Society's Historical and Cultural Heritage Grants Program. The grant is limited to the following project: **Latsch Island Wagon Bridge National Register Evaluation** (MNHS Grant Number: **2007-24957**) as described in the Grantee's grant application. Grantee may provide matching funds in the amount of \$2,500 as specified in the application.

All grant activities must occur between the project start date and completion date. The start date will be **10/01/2020**. This grant will conclude **10/01/2021**. This Project Completion Date is the date by which all project work must be completed.

The Grantee agrees to administer the grant in compliance with the following provisions:

1. ASSURANCES

- a. The Grantee agrees that this project will be administered and conducted in accordance with Minn. Stat. 16B.98 for Grants Management.
- b. The Grantee must follow Minn. Stat. Chap. 177.41-44 regarding prevailing wage rates and contracts and corresponding Rules 5200.1000 to 5200.1120.
- c. The Grantee agrees that this project will be administered and conducted in accordance with the Secretary of the Interior's Standards for Archeology and Historic Preservation (as published in the Federal Register of September 29, 1983), the Historic and Architectural Survey Manual (June 2017), and the SHPO Manual for Archaeological Projects in Minnesota (July 2005).
- d. The Grantee agrees that work will be carried out by project personnel who meet the Secretary of the Interior's Professional Qualifications Standards (as published in the Federal Register of September 29, 1983).
- e. Pursuant to 2013 Minnesota Laws, Chapter 137, Article 4, Section 2, Subdivision 5, the Grantee must give consideration to Conservation Corps Minnesota and Northern Bedrock Historic Preservation Corps, or an organization carrying out similar work.
- f. The Grantee will acknowledge the support of the Society in materials produced and in programs or presentations financially supported by the Society. If intellectual property is created, the parties will discuss the allocation of ownership and use rights.

- g. Copyright to copyrightable materials, including computer software, shall vest in the Grantee with a non-transferable royalty-free license to the Society for its non-commercial use. The Grantee shall grant the Society an option to license any such material(s) it wishes to develop for commercial purposes on terms and conditions, including a royalty, as the parties hereto agree in a subsequent writing.
- h. Except for (a) the above limitation, (b) the Grantee's right to control publication of its own research results, (c) patented and patent-pending property and (d) the Grantee's confidential information, the Society will have the free, irrevocable, non-exclusive unlimited right to use any research results collected by the Grantee for any purpose.
- i. The Grantee agrees that this project will be administered and conducted in accordance with Minn. Stat. 129D.17 for the Arts and Cultural Heritage Fund.

2. FINAL REPORTS AND PROJECT PRODUCTS

- a. The final report and project products are due within 30 days after the project completion date
- b. The final report must be completed electronically in the Minnesota Historical Society's Grants Portal (<https://mnhs.fluxx.io>).
- c. The Final Product(s) to be uploaded with the final report are: **Electronic copy of a SHPO standardized inventory form for each surveyed property (<https://mn.gov/admin/shpo/identification-evaluation/manual/>) and National Register property evaluation.**

3. COST PRINCIPLES AND LIMITATION

- a. Only the items set forth in the Approved Project Budget (**see Attachment A**) may be charged against the grant project.
- b. Any project expense not specifically approved in the Approved Project Budget will not be allowed except upon written request by the Grantee and written approval by the Society.
- c. Changes in the Approved Project Budget may not exceed twenty (20) percent of the Approved Project Budget. Changes that occur after the project begins which exceed twenty (20) percent will not be allowed except upon written request by the Grantee and written approval by the Society
- d. Changes in the Project Completion Date will not be allowed except upon written request by the Grantee and written approval by the Society.
- e. All work will conform to the Secretary of the Interior's Standards as outlined in the approved Scope of Work Form. Any change to the Scope of Work Form after it is approved must be requested in writing and approved by the Grants Office.
- f. No grant funds may be used to pay indirect costs, commonly referred to as overhead.

4. PROCEDURES FOR CONTRACTING SERVICES AND MATERIALS

- a. Any services and/or materials that are expected to cost \$20,000 or more must undergo a formal notice and bidding process.
- b. Any services and/or materials that are expected to cost between \$10,000 and \$19,999 must be scoped out in writing and offered to a minimum of three (3) bidders.
- c. Any services and/or materials that are expected to cost between \$5,000 and \$9,999 must be competitively based on a minimum of three (3) verbal quotes.
- d. Support documentation of the procurement process utilized to contract services and/or materials must be maintained by the grantee and are subject to examination by Minnesota Historical Society, its designated representatives, or any applicable agency of the State of Minnesota for a minimum of six (6) years from the approval date of the Final Report.

5. MAINTAINING GRANT RECORDS FOR AUDIT

- a. The Grantee must maintain records and accounts consistent with generally accepted accounting principles, and to provide for such fiscal control as is necessary to assure the proper disbursing of and accounting for grant funds. The Grantee must maintain records and accounts (including documentation of the procurement process) for this project on file for a minimum of six (6) years after approval of the Final Report.
- b. The Grantee agrees to maintain records to document any matching funds claimed as part of the project. The Grantee further agrees to secure reasonable written proof of the value of Staff or Volunteer Labor, and for Donated Materials contributed to the project.
- c. The Grantee agrees that accounts and supporting documents relating to project expenditures will be adequate to permit an accurate and expeditious audit. An audit may be made at any time by the Society, its designated representatives, or any applicable agency of the State of Minnesota.

6. ACKNOWLEDGEMENT OF SUPPORT

- a. For restoration/preservation grant projects, the Grantee agrees to post a sign during project work stating: This project has been financed in part with funds provided by the State of Minnesota from the Arts and Cultural Heritage Fund through the Minnesota Historical Society.
- b. All publicity releases, informational brochures, and public reports relating to an approved grant project shall contain an acknowledgment as follows: This publication was made possible in part by the people of Minnesota through a grant funded by an appropriation to the Minnesota Historical Society from the Minnesota Arts and Cultural Heritage Fund. Any views, findings, opinions, conclusions, or recommendations expressed in this publication are those of the authors and do not necessarily represent those of the State of Minnesota, the

Minnesota Historical Society, or the Minnesota Historic Resources Advisory Committee.

7. HOLD HARMLESS

- a. The Grantee agrees to hold the Society *harmless from any loss, damage, or expense*—including reasonable attorneys' fees and other costs of defense—arising as the result of any claim, action, complaint, or discrimination proceeding, or litigation of any kind whatsoever, directly or indirectly brought about as a result of the funded project; or,
- b. Each party will be responsible for its own acts and behavior and the results thereof. The State's liability is governed by the Minnesota Tort Claims Act, Minn.Stat.Sec.3.736 and other applicable laws.

8. MODIFICATION

No person or body other than the Society is authorized to modify any of the terms of this agreement, including the scope of performance and cost limitations herein established. The Society shall not be liable for any costs incurred by the Grantee, which are not in conformance with the terms of this agreement

9. NONDISCRIMINATION

- a. The Grantee agrees that in the hiring of common or skilled labor for the performance of any work on the grant project that no contractor, material supplier or vendor shall, by reason of race, creed, color religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age, discriminate against any person or persons who are citizens of the United States, or resident aliens, who are qualified and available to perform the work to which the employment relates.
- b. The Grantee agrees no contractor, material supplier or vendor shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in the preceding paragraph, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, color, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

10. DISALLOWANCES

Any cost paid for with grant funds which is subsequently found to be disallowable under audit shall be refunded to the Society by the Grantee.

11. CANCELLATION

The Society may withhold, cancel, or revoke in whole or in part the grant amount if it determines that the Grantee has materially breached any term or condition of this agreement. Grantees will be given a 30-day notice. In lieu of cancellation, Grantees may be given proposed remedies to ensure the successful completion of the project.

In addition, both parties may mutually agree to cancel the agreement if they determine that the project will not produce beneficial results commensurate with further expenditure of funds or because of circumstances beyond the control of either party. In the event of cancellation, the Society may withhold proceeds of the Grant; demand that the Grantee return any already disbursed proceeds to the Finance Commissioner; and seek any additional legal or equitable remedy(ies).

Finally, the Grantee hereby acknowledges that the proceeds of the Grant are being financed in part with funds provided by the State of Minnesota and administered through the Society, and that, per Minnesota Session Laws 2019, 1st Special Session, Chapter 2, Article 4, Section 2, Subdivision 4, the funding will be canceled to the extent a court determines that the appropriation, or portion thereof, unconstitutionally substitutes for a traditional source of funding.

12. SPECIAL CONDITIONS

The Society may require special conditions to ensure that the project meets applicable standards. Conditions must be worked sequentially as listed below.

1. Prior to submission of the grant final report, Grantee must submit a draft of the inventory form and National Register evaluation at 75% completion to the Grants Office for review, comment, and possible edit. (Upload to Milestone/Condition 1 report in the SOCIETY'S grants portal, <https://mnhs.fluxx.io>. Reviews may take up to 30 working days. Incomplete materials, or revisions to already submitted requests, restart the review clock.)

Certification:

We have read the above agreement and agree to abide by all of its provisions. Upon execution, this Agreement controls all activities during the project period.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on the date(s) indicated below intending to be bound thereby.

Signatures:

Project Director

Date

Authorized Officer

Date

ATTACHMENT A

**MINNESOTA HISTORICAL SOCIETY
Heritage Preservation Department
Minnesota Historical & Cultural Heritage Grants**

Approved Project Budget

Grantee: City of Winona
MHS Grant #: 2007-24957
Project: Latsch Island Wagon Bridge National Register Evaluation

Budget Item(s):

Budget Item	Amount Requested	Grant Amount	Match
1. Consultant Services	\$5,000.00	\$5,000.00	\$2,500.00
Total: \$5,000.00			Total: \$2,500.00

REQUEST FOR COUNCIL ACTION

<i>Agenda Section:</i> New Business	<i>Originating Department:</i>	<i>Date</i>
<i>No:</i> 5	Parks and Recreation	10/05/20
<i>Item:</i> West Recreation Center – Exterior Building Mural		
<i>No.</i> 5.3		

SUMMARY OF REQUESTED ACTION:

The Fine Arts Commission recently received a grant from the Winona Foundation for public art projects, specifically to create murals on exterior public buildings.

Mr. Zach Krage, from Anthem Skate Park, approached the Fine Arts Commission with a request to create a mural on the exterior of the West Recreation Center.

Following a review of the proposal, the Fine Arts Commission recommends approval of the mural based on the proposal submitted by Mr. Krage. The proposal is attached for your review.

Staff is in agreement with the recommendation from the Fine Arts Commission. The mural meets several components of the Parks Comprehensive Plan, specifically to add public art within the community and Park System.

The funding for this project will be covered by the Winona Foundation grant as well as by Mr. Krage.

Staff recommends approval of the West Recreation Center mural project.

If Council concurs, a motion to approve the West Recreation Center mural project at no cost to the City of Winona would be in order.

Department Approval: 	City Manager Approval: 
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		skatepark & board shop	Anthem Skatepark and Boardshop 800 W. 5th Street Winona, MN 55987 507-858-5210
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Mural Design and Inspiration
<p>The design of the mural created by Lacrosse artist Landon Sheely, represents the communal nature of Anthem Skatepark and Board Shop. The skatepark is a place where a multi-generational group comes together through their shared interest in skateboarding. The mural represents the camaraderie and safety present in Anthem.</p>
<p>Reason for design change: The design originally presented to the Fine Arts Commission attempted to meet the requirements of the grant. When we learned that the mural no longer needed to meet those requirements, we went with a design that better fit the artist's style and better represents the atmosphere of the skatepark.</p>
<p>Note on Maintenance: Anthem Skatepark and Board Shop will be responsible for maintenance of the mural while in a lease agreement with the City of Winona.</p>

Mural Budget	
\$600	Base color paint (10 gallons black, 2 gallons red, 1 gallon blue, 1 gallon yellow)
\$120	Spray paint, brushes, rollers
\$420	Signage quote from Formographics in Winona, MN for replacement of sign grade polycarbonate sheet and vinyl application (incorporated into mural)
\$60	Marquee Installation
\$100	Winona Rental scaffolding
\$1,300	

Timeline	
October 22-23	Prep and basecoat application
October 24-28	Art application

REQUEST FOR COUNCIL ACTION

Agenda Section: **Council Concerns**

Originating Department:

Date:

No: 7

City Clerk

10/05/20

Item: **Council Concerns**

No. 7.1

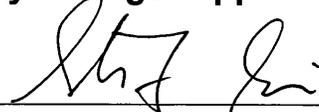
SUMMARY OF REQUESTED ACTION:

Time is reserved for Council Concerns.

Department Approval:



City Manager Approval:



REQUEST FOR COUNCIL ACTION

Agenda Section: **Consent Agenda**

Originating Department:

Date:

No: **8**

City Clerk

10/05/20

Item: **Consent Agenda**

No. **8.**

SUMMARY OF REQUESTED ACTION:

City Clerk: Item No. 8.1: Approval of Minutes – September 21, 2020

Minutes of the September 21, 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 Zone Parcel at 22839 County Road 17

An ordinance to establish the zoning at 22839 County Road 17 as R-3 Multi-Family Residence was introduced at the September 21, 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.

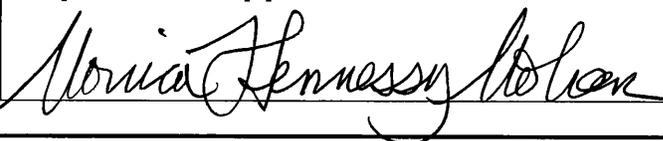
City Clerk: Item No. 8.3: Ordinance to Add Stop Signs on Harriet and Wilson Streets

An ordinance to install stop signs on Harriet Street and Wilson Street at the intersections with Third Street was introduced at the September 21, 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. 8.4: Ordinance to Set the Fees for City Services for 2021

An ordinance to set the fees for city services for 2021 was introduced at the September 21, 2020 Council meeting. The purpose and effect of the proposed ordinance has been published by law. Attached for the Council's consideration is the Summary Publication for this ordinance. Accordingly, the ordinance may now be considered for final adoption, including the approval of the Summary Publication.

Department Approval:



City Manager Approval:



**SUMMARY PUBLICATION OF CITY OF WINONA
ORDINANCE NO. 4139
AN ORDINANCE AMENDING SECTION 51.01 OF
THE CITY CODE RELATING TO ESTABLISHMENT OF FEES**

SUMMARY: Ordinance No. 4139 amends Section 51.01 of the City Code of Winona, Minnesota, which section sets forth the fees to be charged by the City.

The complete text of Ordinance No. 4139 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 .

Dated this _____ day of _____, 2020.

Mayor

Attested By:

City Clerk