Winona City Council
Zoom Meeting Access and Procedures

October 19, 2020

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

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

- To join the Zoom Meeting via the web, go to: https://zoom.us/j/896465916
  - Enter meeting ID: **896 465 916**
  - Passcode **207207**

- To join via phone, dial either phone number:
  1-312-626-6799 US (Priority)
  1-646-558-8656 US (Backup)
  When prompted, enter the following Meeting ID: 896 465 916

<u>For participants:</u>

- Only use one audio source; audio from computer is preferred if available.
- Be aware of background noise from your location.
- If using phone, do not use the speaker function. Please note that your phone number and/or name will be visible to other participants.
- If using a web cam, be aware of what is in your background.
- If you have headphones, please use them as that will limit background noise.
- Please mute your audio until you wish to speak. Then unmute your audio, and ask the Mayor for permission to talk.

Winona City Council Agenda

Monday, October 19, 2020
6:30 P.M., Meeting No. 21
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	
City Clerk	1. Levy Assessments for the 2020 Sidewalk Replacement Project
City Clerk	2. Levy Assessments for the 2020 Miscellaneous Utilities Project
City Clerk	3. Levy Assessments for the 2020 Sioux Street Reconstruction Project
Community Development	4. Appeal of a Decision of the Heritage Preservation Commission on Conditions in a Certificate of Appropriateness
Community Development	5. Appeal of a Decision of the Board of Adjustment – Whitewater Properties LLC/Mitchell Walch
3. Petitions, Requests, Communications	
City Clerk	1. Appointments to the Human Rights Commission
City Clerk	2. Application for On-Sale Intoxicating Liquor License for Tavern 129
City Engineer	3. Request for a Stop Sign Investigation on 4th Street between Huff Street and High Street
4. Unfinished Business	
5. New Business	
City Clerk	1. Move Polling Site for Ward 2/ Precinct 1
Parks & Recreation	2. Community Center Design Change Order
Planning	3. Cedar Brook Subdivision Preliminary Plat
City Manager	4. Health Insurance Program Funding
6. Reports of Committees	
7. Council Concerns	
City Clerk	1. Council Concerns

8. Consent Agenda	
City Clerk	1. Approval of Minutes – October 5, 2020
City Clerk	2. Ordinance to Declare Wabasha Street as a through highway from Franklin Street to Hamilton Street
City Clerk	3. Ordinance to establish a No Parking, School Zone Area on Kansas Street
9. Adjournment	

REQUEST FOR COUNCIL ACTION

Agenda Section: **Required Public Hearings**	*Originating Department:*	*Date:*
No: **2**	**City Clerk**	**10/19/20**

Item: **Levy Assessments for the 2020 Sidewalk Replacement Project**

No. **2.1**

SUMMARY OF REQUESTED ACTION:

This public hearing will be held pursuant to mailed and published notice to consider levying assessments for the 2020 Sidewalk Replacement Project.

The total amount to be specially assessed is $26,500.16, with each of 64 properties being assessed varying amounts.

The revised assessment roll is attached for your review, as well as a memo from the City Engineer describing the revisions made to the assessment roll. An opportunity should be given to anyone affected by the proposed assessments to speak for or against it.

After the hearing, if the Council concurs, a motion to adopt the attached resolution to levy the assessments would be in order.

Department Approval:	**City Manager Approval:**
Monica Hennessy Hobson	Steven F. Sinn

RESOLUTION
ADOPTING ASSESSMENT FOR THE
2020 SIDEWALK REPLACEMENT PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2020 Sidewalk Replacement Project Assessment Roll;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINONA, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2021, and shall bear interest at the rate of 7 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer/Finance Director, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Treasurer/Finance Director the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made on or before November 20 or interest will be charged through December 31 of the next succeeding year.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Dated this _____day of _____, 2020.

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

MEMO

City of Winona – Engineering
Brian DeFrang, City Engineer
207 Lafayette Street, PO Box 378
Winona MN 55987-0378
(507) 457-8269 (507) 452-1239 fax
e-mail: BDeFrang@ci.winona.mn.us

Date: October 19, 2020
To: Mayor Mark Peterson
City Council Members
From: Brian DeFrang, City Engineer
Re: Revised Assessment Roll 2020 Sidewalk Replacement Project

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	Assessment	Revised Assessment
Diocese of Winona 402 Center Street 32.455.0440	$288.14	Reduced from $408.20 due to less quantity
United States Postal Service 1720 Market St. #2400 St. Louis, MO 63155 32.000.2890	$190.74	Reduced from $428.04 due to less quantity Address of 67 W 5th is where work was done
Paul L. Johnson 718 Main Street 32.455.0390	$240.12	Reduced from $480.24 due to less quantity Address of 77 E. 8th is where work was done
Bluff City Properties 4 LLC 555 Huff Street 32.455.0610	$288.14	Reduced from $576.29 due to less quantity Address of 452 Center St. is where work was done
Joseph Waszak 17335 145th St. W Lockport, IL 60441 32.310.0380	$843.55	Reduced from $1,131.70 due to less quantity Address of 600 Main St. is where work was done

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

Name of Owner Mailing Address of Owner Property Address	Property ID Number Description of Lot or Parcel	Sidewalk Removal $1.80 (SF)	Sidewalk Removal (Cost)	Concrete Sawing $3.00(LF)	Concrete Sawing (Cost)	Construct 4-Inch $5.10 (SF)	Construct 4-Inch (Cost)	Construct 6-Inch $6.40 (SF)	Construct 6-Inch (Cost)	Subtotal	Administrative Fee (16%)	**Total Assessment**
ABRAMSON PROPERTIES LLC 26663 COUNTY RD 17 WINONA, MN 55987 ***54 E 3RD ST***	32.000.1000 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-015 ELY 10' OF WLY 20' OF NLY 20'	50	$90.00	5	$15.00	50	$255.00	0	$0.00	$360.00	$57.60	**$417.60**
OFF CENTER PARTNERS 63 3RD ST W WINONA, MN 55987 **50 E 3RD ST**	32.000.1020 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-015 SLY 99 1/4' OF WLY 50'	27.5	$49.50	0	$0.00	27.5	$140.25	0	$0.00	$189.75	$30.36	**$220.11**
HOME & COMMUNITY OPTIONS INC 66 3RD ST E *WINONA, MN 55987* ***66 3RD ST E***	32.000.1060 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-015 E 7' FRONT & 140' DEEP EAST	45	$81.00	0	$0.00	45	$229.50	0	$0.00	$310.50	$49.68	**$360.18**
ANGELA K HELGET WEDUL & TED M WEDUL 505 STATE ST HOLMEN, WI 54636 ***78 E 3RD ST E***	32.000.1090 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-015 ELY 40'	114.5	$206.10	0	$0.00	114.5	$583.95	0	$0.00	$790.05	$126.41	**$916.46**
CREIDIM ROCK HOLDINGS LLC 57 3RD ST E WINONA, MN 55987 **57 3RD ST E**	32.000.1790 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-004 Block-022 E 2/3	75	$135.00	15	$45.00	75	$382.50	0	$0.00	$562.50	$90.00	**$652.50**
VITRUVIUS LLC 702 MANKATO AVE WINONA, MN 55987 **66 W 4TH ST**	32.000.1710 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-010 Block-021 E 46'-6"	33	$59.40	0	$0.00	33	$168.30	0	$0.00	$227.70	$36.43	**$264.13**
CHASE M HOFFMANN & WENDY S HOFFMANN 23901 BURNS VALLEY RD E WINONA, MN 55987 ***51 E 4TH ST***	32.000.2440 Sect-23 Twp-107 Range-007 ORIGINAL PLAT	42	$75.60	0	$0.00	42	$214.20	0	$0.00	$289.80	$46.37	**$336.17**
LEE WILLIAM PROPERTIES LLC 83 WILDRIDGE DR WINONA, MN 55987 ***51 W 4TH ST***	32.000.2500 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-028	30	$54.00	0	$0.00	30	$153.00	0	$0.00	$207.00	$33.12	**$240.12**
CHERYL L HARTERT 1317 5TH ST W WINONA, MN 55987 ***1317 5TH ST W***	32.520.0230 Sect-21 Twp-107 Range-007 UPLAND ADDITION Lot-004 Block-002	63	$113.40	0	$0.00	63	$321.30	0	$0.00	$434.70	$69.55	**$504.25**

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BLUFF CITY PROPERTIES 4 LLC 555 HUFF ST WINONA, MN 55987 ***64 E 5TH ST***	32.000.2480 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-027	25	$45.00	0	$0.00	25	$127.50	0	$0.00	$172.50	$27.60	**$200.10**
UNITED STATES POSTAL SERVICE 1720 MARKET ST #2400 ST LOUIS, MO 63155 **67 W 5TH ST**	32.000.2890 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Block-033 NLY 220'	20	$36.00	0	$0.00	0	$0.00	20	$128.00	$164.00	$26.24	**$190.24**
AARON A YOUNG & 77 5TH ST E WINONA, MN 55987 77 **E 5TH ST**	32.000.2900 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-034 ELY 50'	42	$75.60	0	$0.00	42	$214.20	0	$0.00	$289.80	$46.37	**$336.17**
BKG PROPERTIES,LLC 5118 NICKLAUS DR NW ROCHESTER, MN 55901 **55 W 6TH**	32.000.3520 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-040 & LOT 2 BLOCK 40	30	$54.00	0	$0.00	30	$153.00	0	$0.00	$207.00	$33.12	**$240.12**
CHERIE C HARKENRIDER PO BOX 465 WINONA, MN 55987 **63 W 6TH**	32.000.3530 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-040 WLY 50'	60	$108.00	6	$18.00	60	$306.00	0	$0.00	$432.00	$69.12	**$501.12**
LIFE ESTATE CHARLOTTE A HARKENRIDER 63 6TH ST W WINONA, MN 55987 **63 W 6TH**	32.000.3530											
HURRICANE CT LLC 724 6TH ST E *WINONA, MN 55987* ***79 W 6TH ST***	32.000.3560 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-005 Block-040	60	$108.00	6	$18.00	60	$306.00	0	$0.00	$432.00	$69.12	**$501.12**
RICK L MCGONIGLE & DIANE W MCGONIGLE 1510 GILMORE VALLEY RD WINONA, MN 55987 **76 E 7TH ST**	32.000.3500 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-039 E 15' OF S 76' OF LOT 9, S 76'	102	$183.60	12	$36.00	102	$520.20	0	$0.00	$739.80	$118.37	**$858.17**
SUNRISE-SUNSET RENTALS LLC 22283 COUNTY RD 15 WINONA, MN 55987 **52 W 7TH ST**	32.000.3660 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-009 Block-040 SLY 80' OF E 1/2 & SLY 80' LOT	55	$99.00	0	$0.00	55	$280.50	0	$0.00	$379.50	$60.72	**$440.22**

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

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SHELBY M HENDERSON 1202 7TH ST W WINONA, MN 55987 **1202 7TH ST W**	32.090.0460 Sect-21 Twp-107 Range-007 CUMMINGS VILA/GOULDS ADD Lot-012 Block-005	30	$54.00	0	$0.00	30	$153.00	0	$0.00	$207.00	$33.12	**$240.12**
WINONA FAMILY PROPERTIES LLC 63 3RD ST W WINONA, MN 55987 **60 E 7TH ST**	32.000.3470 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-039 E 36'	27	$48.60	0	$0.00	27	$137.70	0	$0.00	$186.30	$29.81	**$216.11**
DIOCESE OF WINONA 55 8TH ST W WINONA, MN 55987 **55 W 8TH ST**	32.455.0280 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-005 LOTS 1 & 4 BLK 5 (PASTORAL CENTER)	108	$194.40	0	$0.00	108	$550.80	0	$0.00	$745.20	$119.23	**$864.43**
DIOCESE OF WINONA 55 8TH ST W WINONA, MN 55987 **402 CENTER ST**	32.455.0440 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-003 Block-006 W 1/2 LOT 2 & NLY 13.25' OF W 1/2 LOT 3	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 **77 E 8TH ST**	32.455.0390 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-006 ELY 55'	30	$54.00	0	$0.00	30	$153.00	0	$0.00	$207.00	$33.12	**$240.12**
MARY W LIGEZA 361 7TH ST E WINONA, MN 55987 **61 E 8TH ST**	32.455.0430 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-006 35' ON 8TH ST X 120' DEEP CO 110' E OF NW COR	51	$91.80	0	$0.00	51	$260.10	0	$0.00	$351.90	$56.30	**$408.20**
BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 **53 W 9TH ST**	32.455.0720 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 E 1/2 & E 1/2 OF N 40' LOT 4	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 **63 W 9TH ST**	32.455.0730 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-008 W 1/2 LOT 1 & W 1/2 OF N 40' LOT 4 BLK 8 & ELY 10' NLY 50'	36	$64.80	0	$0.00	0	$0.00	36	$230.40	$295.20	$47.23	**$342.43**

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SHERRY L DAHLEN & JONAS B SCHNEIDER 617 CENTER ST WINONA, MN 55987 **617 CENTER ST**	32.310.0450 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-008 Block-018	30	$54.00	0	$0.00	30	$153.00	0	$0.00	$207.00	$33.12	**$240.12**
ERICH D LIPPMAN & ELIZABETH D LIPPMAN 619 CENTER ST WINONA, MN 55987 **619 CENTER ST**	32.310.0460 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-009 Block-018	60	$108.00	0	$0.00	60	$306.00	0	$0.00	$414.00	$66.24	**$480.24** **$0.00**
RANDALL J LISOWSKI & DEBORAH LISOWSKI 621 CENTER ST WINONA, MN 55987 **621 CENTER ST**	32.310.0490 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-012 Block-018	72	$129.60	0	$0.00	72	$367.20	0	$0.00	$496.80	$79.49	**$576.29**
GERALD A BENEDICT & DAWN M BENEDICT 628 CENTER ST WINONA, MN 55987 **628 CENTER ST**	32.310.0880 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-014 Block-023 EX: PRZYBYLSKI	81	$145.80	12	$36.00	81	$413.10	0	$0.00	$594.90	$95.18	**$690.08**
BLUFF CITY PROPERTIES 4 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 **452 CENTER ST**	32.455.0610 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-007 NLY 30'	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 **468 CENTER ST**	32.455.0660 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-007	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PETER J THEIN & MICHELLE B THEIN PO BOX 1153 WINONA, MN 55987 **474 CENTER ST**	32.455.0700 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 WLY 90'	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
MICHAEL W DICKER & BARBARA A DICKER 4903 LAKE SHORE DR E WONDER LAKE, IL 60097 **469 CENTER ST**	32.455.0840 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-008 ELY110'	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
BLUFF CITY PROPERTIES 8 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 **515 CENTER ST**	32.455.1140 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-017	30	$54.00	0	$0.00	0	$0.00	30	$192.00	$246.00	$39.36	**$285.36**

PRELIMINARY ASSESSMENT ROLL #6670-REVISED
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5_2 5_6 LLC 555 HUFF ST WINONA, MN 55987 **516 CENTER ST**	32.455.1320 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-006 Block-018 N 28' OF S 1/2	57	$102.60	0	$0.00	33	$168.30	24	$153.60	$424.50	$67.92	**$492.42**
LEVEE ENTERPRISES LLP 51 4TH ST E #112 WINONA, MN 55987 **58 CENTER ST**	32.000.0321 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-010 & LOTS 4 & 5	19.25	$34.65	0	$0.00	19.25	$98.18	0	$0.00	$132.83	$21.25	**$154.08**
GREG KOWLES 631 BARONNE ST NEW ORLEANS, LA 700113 **250 CENTER ST**	32.000.2920 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-002 Block-034 & NLY 5' LOT 3	25	$45.00	0	$0.00	25	$127.50	0	$0.00	$172.50	$27.60	**$200.10**
BLUFF CITY PROPERTIES 1 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 **270 CENTER ST**	32.000.2970 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-007 Block-034	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PAUL L JOHNSON 718 MAIN ST WINONA, MN 55987 **417 LAFAYETTE ST**	32.455.0460 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-006 NLY 55'	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
MARIO W EINSMAN & SHERYL B EINSMAN 307 8TH ST W **461 LAFAYETTE ST**	32.455.0630 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 NLY 31'	36	$64.80	0	$0.00	36	$183.60	0	$0.00	$248.40	$39.74	**$288.14**
PAUL D MELLING & KATHLEEN C MELLING 465 LAYAYETTE ST WINONA MN 55987 **465 LAFAYETTE ST**	32.455.0640 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-007 SLY 29'	24	$43.20	0	$0.00	24	$122.40	0	$0.00	$165.60	$26.50	**$192.10**
PETER J THEIN & MICHELLE B THEIN PO BOX 1153 WINONA MN 55987 **479 LAFAYETTE ST**	32.455.0690 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-007 S 31'	24	$43.20	0	$0.00	24	$122.40	0	$0.00	$165.60	$26.50	**$192.10**
BLUFF CITY PROPERTIES 1 LLC 555 HUFF ST WINONA MN 55987 **517 LAFAYETTE ST**	32.455.1290 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-005 Block-018 S1/2	48	$86.40	0	$0.00	48	$244.80	0	$0.00	$331.20	$52.99	**$384.19**

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2020 SIDEWALK REPLACEMENT PROJECT
CITY PROJECT NUMBER: 999-ST-20

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*Sidewalk Removal $1.80 (SF)*	*Sidewalk Removal (Cost)*	*Concrete Sawing $3.00(LF)*	*Concrete Sawing (Cost)*	*Construct 4-Inch $5.10 (SF)*	*Construct 4-Inch (Cost)*	*Construct 6-Inch $6.40 (SF)*	*Construct 6-Inch (Cost)*	*Subtotal*	*Administrative Fee (16%)*	***Total Assessment***
BRIAN P DONAHUE & MICHELLE L DONAHUE 313 LAFAYETTE ST WINONA MN 55987 **313 LAFAYETTE ST**	32.000.3410 Sect-26 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-039 PARCEL COMMENCING AT SE CORNER	60	*$108.00*	6	*$18.00*	60	*$306.00*	0	*$0.00*	*$432.00*	*$69.12*	**$501.12**
MARIO W EINSMAN & SHERYL B EINSMAN 307 8TH ST W WINONA MN 55987 **326 MAIN ST**	32.000.3570 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-040 COM ON ELY LINE OF MAIN ST 40'	108	*$194.40*	6	*$18.00*	108	*$550.80*	0	*$0.00*	*$763.20*	*$122.11*	**$885.31**
JOSEPH T WASZAK 17335 145TH ST W LOCKPORT IL 60441 **600 MAIN ST**	32.310.0380 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-003 Block-018 WLY 100'	72	*$129.60*	0	*$0.00*	72	*$367.20*	36	*$230.40*	*$727.20*	*$116.35*	**$843.55**
CATHERINE L INGVALSON 616 MAIN ST WINONA MN 55987 **616 MAIN ST**	32.310.0470 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-010 Block-018	22	*$39.60*	0	*$0.00*	22	*$112.20*	0	*$0.00*	*$151.80*	*$24.29*	**$176.09**
CHRISTIANS IN ACTION UNIV 402 MAIN ST WINONA MN 55987 **402 MAIN ST**	32.455.0290 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-005 WLY 98' (CHURCH)	36	*$64.80*	0	*$0.00*	36	*$183.60*	0	*$0.00*	*$248.40*	*$39.74*	**$288.14**
JMS VENTURES LLC 307 8TH ST W WINONA MN 55987 **456 MAIN ST**	32.455.0750 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-002 Block-008 SLY 10' & N 40' LOT 3	36	*$64.80*	0	*$0.00*	36	*$183.60*	0	*$0.00*	*$248.40*	*$39.74*	**$288.14**
JAMES H HEARON 468 MAIN ST WINONA MN 55987 **468 MAIN ST**	32.455.0790 SANBORNS ADDITION Lot-006 Block-008 S 1/2, & N 10' LOT 7	36	*$64.80*	0	*$0.00*	36	*$183.60*	0	*$0.00*	*$248.40*	*$39.74*	**$288.14**
WINHAVEN COURT LP 701 FIFTH AVE SUITE 5700 SEATTLE WA 98104 **104 MAIN ST**	32.000.1100 Sect-23 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-016 & LOTS 2, 3, & 4 & NLY 40' OF	66	*$118.80*	0	*$0.00*	0	*$0.00*	66	*$422.40*	*$541.20*	*$86.59*	**$627.79**
WINONA WATERS INC 825 SPRINGBROOK DR WINONA, MN 55987 **111 MARKET ST**	32.577.0120 Sect-23 Twp-107 Range-007 WINONA WATERS CONDOMINIUM COMMON ELEMENT	153.42	*$276.16*	0	*$0.00*	0	*$0.00*	153.42	*$981.89*	*$1,258.04*	*$201.29*	**$1,459.33**

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

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*Sidewalk Removal $1.80 (SF)*	*Sidewalk Removal (Cost)*	*Concrete Sawing $3.00(LF)*	*Concrete Sawing (Cost)*	*Construct 4-Inch $5.10 (SF)*	*Construct 4-Inch (Cost)*	*Construct 6-Inch $6.40 (SF)*	*Construct 6-Inch (Cost)*	*Subtotal*	*Administrative Fee (16%)*	***Total Assessment***
WOODWORTH FAMILY LLC 902 2ND ST E #100 WINONA, MN 55987 **72 W MILL ST**	32.310.0550 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Block-019 W 109'7" OF SLY 50' SW 1/4	30	*$54.00*	0	*$0.00*	30	*$153.00*	0	*$0.00*	*$207.00*	*$33.12*	**$240.12**
MICHAEL J SWENSON & REBECCA L SWENSON 50 SARNIA ST W WINONA, MN 55987 **50 W SARNIA**	32.310.0500 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION Lot-013 Block-018	66	*$118.80*	12	*$36.00*	66	*$336.60*	0	*$0.00*	*$491.40*	*$78.62*	**$570.02**
MATTHEW K BIESANZ & ELIZABETH Y BIESANZ 75 SARNIA ST E WINONA, MN 55987 **75 SARNIA ST E**	32.310.0700 Sect-27 Twp-107 Range-007 LAKEVIEW ADDITION LOTS 1, 2 & 3 BLK 22	76	*$136.80*	8	*$24.00*	76	*$387.60*	0	*$0.00*	*$548.40*	*$87.74*	**$636.14**
PETZ TRUST BEATRICE L PETZ TRUST 2178 17TH ST NE ROCHESTER, MN 55906 **250 SEBO ST**	32.169.0020 Sect-20 Twp-107 Range-007 GARVIN BROOK 2ND SUBD Lot-002 Block-001	72	*$129.60*	8	*$24.00*	72	*$367.20*	0	*$0.00*	*$520.80*	*$83.33*	**$604.13**
ALTERNATE TAXPAYER BRUCE R PETZ 2178 17TH ST NE ROCHESTER, MN 55906 **250 SEBO ST**	32.169.0020											
ALEXANDER REAL ESTATE LLC 1213 GILMORE AVE #C11 WINONA, MN 55987 **60 E 10TH ST**	32.455.0710 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-007 ELY 60'	24	*$43.20*	0	*$0.00*	24	*$122.40*	0	*$0.00*	*$165.60*	*$26.50*	**$192.10**
SHARA PORTER-CASPER & JOEL CASPER 68 10TH ST W WINONA, MN 55987 **68 10TH ST W**	32.455.0820 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-010 Block-008 48' ON 10TH ST X 70' COM 62' FR MAIN ST LOTS 7 & 10 BLK 8	72	*$129.60*	0	*$0.00*	72	*$367.20*	0	*$0.00*	*$496.80*	*$79.49*	**$576.29**
PINGPING ZHANG & KURT BOLSTAD 52 10TH ST W WINONA, MN 55987 **52 10TH ST W**	32.455.0850 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-009 Block-008 ELY 50' EX: TRI PARCEL ON WEST SIDE	36	*$64.80*	0	*$0.00*	36	*$183.60*	0	*$0.00*	*$248.40*	*$39.74*	**$288.14**

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

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*Sidewalk Removal $1.80 (SF)*	*Sidewalk Removal (Cost)*	*Concrete Sawing $3.00(LF)*	*Concrete Sawing (Cost)*	*Construct 4-Inch $5.10 (SF)*	*Construct 4-Inch (Cost)*	*Construct 6-Inch $6.40 (SF)*	*Construct 6-Inch (Cost)*	*Subtotal*	*Administrative Fee (16%)*	***Total Assessment***
GUILLERMINA LOPEZ 63 10TH ST W WINONA, MN 55987 **63 10TH ST W**	32.455.1080 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-001 Block-017 W 60'	96	*$172.80*	0	*$0.00*	96	*$489.60*	0	*$0.00*	*$662.40*	*$105.98*	**$768.38**
BLUFF CITY PROPERTIES 3 LLC C/O KEVIN J BRADY 555 HUFF ST WINONA, MN 55987 **62 W 11TH ST**	32.455.1190 Sect-27 Twp-107 Range-007 SANBORNS ADDITION Lot-008 Block-017 WLY 35'	72	*$129.60*	0	*$0.00*	72	*$367.20*	0	*$0.00*	*$496.80*	*$79.49*	**$576.29**
BLUFF CITY PROPERTIES 9 LLC 555 HUFF ST WINONA, MN 55987 **62 E 11TH ST**	32.455.1350 Sect-26 Twp-107 Range-007 SANBORNS ADDITION Lot-007 Block-018 E 75' OF S 10' & E 75' LOT 10	60	*$108.00*	0	*$0.00*	60	*$306.00*	0	*$0.00*	*$414.00*	*$66.24*	**$480.24**
KEVIN J BRADY PO BOX 476 FOUNTAIN CITY, WI 54629 **72 E 11TH ST**	32.455.1370 SANBORNS ADDITION Lot-009 Block-018 M 1/3	30	*$54.00*	0	*$0.00*	30	*$153.00*	0	*$0.00*	*$207.00*	*$33.12*	**$240.12**

64 properties

TOTAL: $26,500.16

Dated: October 19, 2020

Brian DeFrang, City Engineer
License #40971

REQUEST FOR COUNCIL ACTION

Agenda Section: **Required Public Hearings**	*Originating Department:*	*Date:*
No: **2**	**City Clerk**	**10/19/20**

Item: **Levy Assessments for the 2020 Miscellaneous Utilities Project**

No. **2.2**

SUMMARY OF REQUESTED ACTION:

This public hearing will be held pursuant to mailed and published notice to consider levying assessments for the 2020 Miscellaneous Utilities Project.

The revised assessment roll is attached for your review, as well as a memo from the City Engineer describing the revisions made to the assessment roll. The total amount to be specially assessed is $494,888.10 against a total of 33 properties for water line repair fees, and water and sewer access fees. The largest portion of this assessment roll is for the installation of water and sewer service lines in the Jay Bee Drive neighborhood.

An opportunity should be given to anyone affected by the proposed assessments to speak for or against it.

After the hearing, if the Council concurs, a motion to adopt the attached resolution to levy the assessments would be in order.

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

RESOLUTION
ADOPTING ASSESSMENT FOR THE
2020 MISCELLANEOUS UTILITIES PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2020 Miscellaneous Utilities Project Assessment Roll;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINONA, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2021, and shall bear interest at the rate of 7 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer/Finance Director, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Treasurer/Finance Director the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made on or before November 20 or interest will be charged through December 31 of the next succeeding year.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Dated this _____day of _____, 2020.

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

MEMO

City of Winona – Engineering
Brian DeFrang, City Engineer
207 Lafayette Street, PO Box 378
Winona MN 55987-0378
(507) 457-8269 (507) 452-1239 fax
e-mail: BDeFrang@ci.winona.mn.us

Date: October 19, 2020
To: Mayor Mark Peterson
City Council Members
From: Brian DeFrang, Director of Public Works
Re: Revised Assessment Roll 2020 Miscellaneous Utilities

	Assessment	Revised Assessment
Kevin Ewert & Lisa Ewert 1460 Sunny Ridge Drive 32.384.0070	$12,920.00	Lowered since work was done in 2019
David Wickstrom & Joan Wickstom 139 Jay Bee Drive 32.562.0050	$16,220.00	Paid in full 10/6/2020
Donald Loucks & Shirley Loucks Rev. Trust 50 Crest Lok Way 32.329.1580	$16,220.00	Paid in full 10/5/2020

ASSESSMENT ROLL #6665

2020 MISCELLANEOUS UTILITIES

Name of Owner *Mailing Address of Owner* *Site Address*	*Property ID Number* *Legal Description*	*Water Line Repair Fee*	*Sewer/Water Access Fees*	*Sidewalk Assessments*	*Total Assessments*
LARRY T ROEMER & JEAN L ROEMER 201 THOMAS LN WINONA, MN 55987 ***201 THOMAS LN***	32.562.0170 SECT 32,TWP 107, RANGE 007 WHISPERING VALLEY SUBDIVISION LOT 12, BLOCK 3 & PART OF OUTLOT C		$ 15,809.31		$15,809.31
BENJAMIN M SCOVILLE & KATRINA N SCOVILLE 206 MICHAELWOOD DR WINONA, MN 55987 ***206 MICHAELWOOD DR***	32.333.0020 SECT 32, TWP 107, RANGE 007 MICHAELWOOD SUBDIVISION LOT 2, BLOCK 1		$ 15,809.31		$15,809.31
MARK E MALAY & VICKIE M MALAY 159 JAY BEE DR WINONA, MN 55987 ***159 JAY BEE DR***	32.334.0020 SECT 32, TWP 107, RANGE 007 MICHAELWOOD 1ST REVISION LOT 2, BLOCK 1 & OUTLOT B		$ 15,809.31		$15,809.31
CRAIG W AMBERG & CYNTHIA L ALTHOFF 164 JAY BEE DR WINONA, MN 55987 ***164 JAY BEE DR***	32.562.0180 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 1, BLOCK 4		$ 15,809.31		$15,809.31
NICHOLAS J LUNDQUIST & MARIA F LUNDQUIST 165 JAY BEE DR WINONA, MN 55987 ***165 JAY BEE DR***	32.334.0010 SECT 32, TWP 107, RANGE 007 MICHAELWOOD 1ST REVISION LOT 1, BLOCK 1 & OUTLOT A		$ 15,809.31		$15,809.31
STEPHEN P RENK & KIMBERLY K RENK 172 JAY BEE DR WINONA, MN 55987 ***172 JAY BEE DR***	32.329.1880 SECT 32, TWP 107, RANGE 007 WINONA TWP ANNEX		$ 15,809.31		$15,809.31
RICK CHRISTENSON & DEBRA CHRISTENSON 160 JAY BEE DR WINONA, MN 55987 ***160 JAY BEE DR***	32.562.0190 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 2, BLOCK 4		$ 15,809.31		$15,809.31
DONALD J ALSUM & MARIANN ALSUM 209 BARBARA CT WINONA, MN 55987 ***209 BARBARA CT***	32.562.0150 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 10, BLOCK 3		$ 15,809.31		$15,809.31
HERBERT W PETER & PAULINE T PETER 211 MICHAELWOOD DR WINONA, MN 55987 ***211 MICHAELWOOD DR***	32.333.0110 SECT 32, TWP 107, RANGE 007 MICHAELWOOD SUBDIVISION LOT 11, BLOCK 1 & OUTLOT C		$ 15,809.31		$15,809.31

ASSESSMENT ROLL #6665

2020 MISCELLANEOUS UTILITIES

Name of Owner *Mailing Address of Owner* *Site Address*	*Property ID Number* *Legal Description*	*Water Line Repair Fee*	*Sewer/Water Access Fees*	*Sidewalk Assessments*	*Total Assessments*
GARRICK G HOLEY & ERIN E HOLEY 218 BARBARA CT WINONA, MN 55987 ***218 BARBARA CT***	32.562.0100 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 5, BLOCK 3		$ 15,809.31		$15,809.31
JOHN V SHERMAN & SUSAN J SHERMAN 124 WILDWOOD DR PO BOX 191 WINONA, MN 55987 ***124 WILDWOOD DR***	32.203.0090 SECT 31, TWP 107, RANGE 007 HIDDEN MEADOW SUBD LOT 4, BLOCK 2		$16,220.00		$16,220.00
JUSTIN R GEIJEK & MACKENZIE L DISTAD 128 WILDWOOD DR WINONA, MN 55987 ***128 WILDWOOD DR***	32.203.0100 SECT 31, TWP 107, RANGE 007 HIDDEN MEADOW SUBD LOT 5, BLOCK 2		$10,220.00		$10,220.00
STEVEN H FLO & ALICE A FLO 112 JAY BEE DR WINONA, MN 55987 ***112 JAY BEE DR***	32.561.0070 SECT 31, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #1 LOT 3, BLOCK 2		$16,220.00		$16,220.00
PATRICK J LANGOWSKI & MICHELLE A PEARSON-LANGOWSKI 115 WILDWOOD DR WINONA, MN 55987 ***115 WILDWOOD DR***	32.504.0010 SECT 31, TWP 107, RANGE 007 SWAIN SUBDIVISION LOT 1, BLOCK 1 & PART		$16,220.00		$16,220.00
CHRISTIAN J MICHENER & MARY S MICHENER 135 JAY BEE DR WINONA, MN 55987 ***135 JAY BEE DR***	32.562.0040 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 2, BLOCK 2		$16,220.00		$16,220.00
NEIL R BROADWATER & JOAN A BROADWATER 109 JAY BEE DR WINONA, MN 55987 ***109 JAY BEE DR***	32.561.0020 SECT 31, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #1 LOT 2, BLOCK 1		$16,220.00		$16,220.00
DENNIS W & SUSAN A STARK REVOCABLE TRUST 138 JAY BEE DR WINONA, MN 55987 ***138 JAY BEE DR***	32.562.0250 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 8, BLOCK 4		$16,220.00		$16,220.00
VALERIE A MAHONEY 131 JAY BEE DR WINONA, MN 55987 ***131 JAY BEE DR***	32.562.0030 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 1, BLOCK 2		$16,220.00		$16,220.00

ASSESSMENT ROLL #6665

2020 MISCELLANEOUS UTILITIES

Name of Owner *Mailing Address of Owner* *Site Address*	*Property ID Number* *Legal Description*	*Water Line Repair Fee*	*Sewer/Water Access Fees*	*Sidewalk Assessments*	*Total Assessments*
KEVIN J MAHONEY & BONNIE A MAHONEY 146 JAY BEE DR WINONA, MN 55987 ***146 JAY BEE DR***	32.562.0230 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 6, BLOCK 4		$16,220.00		$16,220.00
DAVID JOHN VOGEL 100 JAY BEE DR WINONA, MN 55987 ***100 JAY BEE DR***	32.203.0060 SECT 31, TWP 107, RANGE 007 HIDDEN MEADOW SUBD LOT 1, BLOCK 2		$16,220.00		$16,220.00
PHILLIP P MCLLRATH & JESSICA M MCLLRATH 150 JAY BEE DR WINONA, MN 55987 ***150 JAY BEE DR***	32.562.0220 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 5, BLOCK 4		$16,220.00		$16,220.00
CHARLES A ORR & STEPHANIE J ORR 104 JAY BEE DR WINONA, MN 55987 ***104 JAY BEE DR***	32.561.0050 SECT 31, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #1 LOT 1, BLOCK 2		$16,220.00		$16,220.00
ROBERT L HARDTKE & DIANNE W HARDTKE 108 JAY BEE DR WINONA, MN 55987 ***108 JAY BEE DR***	32.561.0060 SECT 31, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #1 LOT 2, BLOCK 2		$16,220.00		$16,220.00
HARRY A MECHELL & LAUREN J MECHELL 154 JAY BEE DR WINONA, MN 55987 ***154 JAY BEE DR***	32.562.0210 SECT 32, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #2 LOT 4, BLOCK 4		$16,220.00		$16,220.00
DANIEL L MOUNCE 105 JAY BEE DR WINONA, MN 55987 ***105 JAY BEE DR***	32.561.0010 SECT 31, TWP 107, RANGE 007 WHISPERING VALLEY SUBD #1 LOT 1, BLOCK 1		$16,220.00		$16,220.00
JORDAN NELSON & KENDRA NELSON 121 JAY BEE DR WINONA, MN 55987 ***121 JAY BEE DR***	32.004.0010 SECT 31, TWP 107, RANGE 007 AMDAHL'S ADDITION LOT 1, BLOCK 1		$16,220.00		$16,220.00
WILLIAM L VOEGELE & MARIE C VOEGELE 136 WILDWOOD DR WINONA, MN 55987 ***136 WILDWOOD DR***	32.468.0020 SECT 31, TWP 107, RANGE 007 SCHRAMM'S 1ST ADDITION LOT 2, BLOCK 1		$16,220.00		$16,220.00

ASSESSMENT ROLL #6665

2020 MISCELLANEOUS UTILITIES

Name of Owner *Mailing Address of Owner* *Site Address*	*Property ID Number* *Legal Description*	*Water Line Repair Fee*	*Sewer/Water Access Fees*	*Sidewalk Assessments*	*Total Assessments*
PAUL D SANNERUD & PEGGY N SANNERUD 412 11TH ST E WINONA, MN 55987 ***520 CHESTNUT ST***	32.485.0060 SECT 26, TWP 107, RANGE 007 SMITSH ADDITION LOT 7, BLOCK 19, EX:	$10,885.00			$10,885.00
WALNUT CORNER LLC 853 12TH ST E APT 107 WINONA, MN 55987 ***151 E 3RD ST***	32.000.2180 SECT 23, TWP 107, RANGE 007 ORIGINAL PLAT LOT 5, BLOCK 24, W 36'			$7,350.00	$7,350.00
KEVIN J EWERT & LISA A EWERT 1454 SUNNY RIDGE DR WINONA, MN 55987 ***1460 SUNNY RIDGE DR***	32.384.0070 SECT 1, TWP 107, RANGE 007 PLEASANT VALLEY TERRACE #1 LOT 9, EX: EAST 12'		$12,920.00		$12,920.00
JUDY LYNN OEBSER 518 LINCOLN ST WINONA, MN 55987 ***518 LINCOLN ST***	32.040.1350 SECT 22, TWP 107, RANGE 007 BOLCOMS ADDITION LOT 6, BLOCK 12	$5,900.00			$5,900.00
BYRON GARY ELLINGSON & CHARLENE LOUISE ELLINGSON 174 E GARVIN HEIGHTS RD WINONA, MN 55987 ***174 E GARVIN HEIGHTS RD***	32.329.2230 SECT 34, TWP 107, RANGE 007 WINONA TWP ANNEX		$15,000.00		$15,000.00
JOSEPH A HETTINGER & ANN MARIE HETTINGER 413 WOODLAND TRAIL LINDENHURST, IL 60046 ***301 E GARVIN HEIGHTS RD***	32.329.2470 SECT 35, TWP 107, RANGE 007 WINONA TWP ANNEX		$15,000.00		$15,000.00

Dated: October 19, 2020

33 Properties

$494,888.10

Brian DeFrang, City Engineer
License #40971

REQUEST FOR COUNCIL ACTION

Agenda Section: **Required Public Hearings**	*Originating Department:*	*Date:*
No: **2**	**City Clerk**	**10/19/20**

Item: **Levy Assessments for the 2020 Sioux Street Reconstruction Project**

No. **2.3**

SUMMARY OF REQUESTED ACTION:

This public hearing will be held pursuant to mailed and published notice to consider levying assessments for the 2020 Sioux Street Reconstruction Project.

The total amount to be specially assessed is $49,938.00, with each of 25 properties being assessed $1,997.52 to replace their water service lines.

The revised assessment roll is attached for your review, as well as a memo from the City Engineer describing the revisions made to the assessment roll. An opportunity should be given to anyone affected by the proposed assessments to speak for or against it.

After the hearing, if the Council concurs, a motion to adopt the attached resolution to levy the assessments would be in order.

Department Approval:	**City Manager Approval:**
Monica Kennedy Nolan	

RESOLUTION
ADOPTING ASSESSMENT FOR THE
2020 SIOUX STREET RECONSTRUCTION PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2020 Sioux Street Reconstruction Project Assessment Roll;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINONA, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2021, and shall bear interest at the rate of 7 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer/Finance Director, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the City Treasurer/Finance Director the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made on or before November 20 or interest will be charged through December 31 of the next succeeding year.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Dated this _____day of _____, 2020.

_____
Mark F. Peterson
Mayor

Attest:

_____
Monica Hennessy Mohan
City Clerk

MEMO

City of Winona – Engineering
Brian DeFrang, Director of Public Works
207 Lafayette Street, PO Box 378
Winona MN 55987-0378
(507) 457-8269 (507) 452-1239 fax
e-mail: BDeFrang@ci.winona.mn.us

Date: October 19, 2020
To: Mayor Mark Peterson
City Council Members
From: Brian DeFrang, Director of Public Works
Re: Revised Assessment Roll 2020 Sioux Street Reconstruction Project

	Assessment	Revised Assessment
Davin Heckman & Carrie McKee Heckman 463 Sioux Street 32.000.9550	$1,997.52	None-removed due to work being done
Lino Ramirez & Maria I Rodrequez-Ramirez 477 Sioux Street 32.000.9620	$1,997.52	None-removed due to work being done
Amy E Kastello & Gary M Kastello 452 Sioux Street 32.000.9650	$1,997.52	None-removed due to work being done
Brooke M Pelowski 463 Sioux Street 32.000.9550	$1,997.52	None-removed due to work being done
George Carrie & Mary Carrie 602 Sarnia Street 32.285.0180	$1,997.52	None-removed due to work being done

PRELIMINARY ASSESSMENT ROLL #6671
2020 SIOUX STREET RECONSTRUCTION PROJECT
M.S.A.P 176-137-002 ASSESSMENT FOR NEW WATER SERVICE

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*1 Inch* *Copper Water Service* *$2,200.00 Each*	*Administrative* *Fee*	*Total* *Assessment*
EDWARD G KRONEBUSCH & KATHERINE J BANNER 408 SIOUX ST WINONA, MN 55987 ***408 SIOUX ST***	32.000.9280 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-136 ORIGINAL PLAT SLY 50'	**$1,722.00**	**$275.52**	**$1,997.52**
KENNETH L SIEBENALER 414 SIOUX ST WINONA, MN 55987 ***414 SIOUX ST***	32.000.9320 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-136	**$1,722.00**	**$275.52**	**$1,997.52**
AL K HAUSER 409 SIOUX WINONA, MN 55987 ***409 SIOUX***	32.000.9410 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-001 Block-137 ELY 62' OF NLY 22' OF LOT 4 & SLY 5' LOT 1	**$1,722.00**	**$275.52**	**$1,997.52**
GABRIEL DE LACRUZ 415 SIOUX ST WINONA, MN 55987 ***415 SIOUX ST***	32.000.9480 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-005 Block-137 SLY 48'	**$1,722.00**	**$275.52**	**$1,997.52**
KIM M DOEBBERT 421 SIOUX ST WINONA, MN 55987 ***421 SIOUX ST***	32.000.9510 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-137 NLY 48' OF ELY 50'	**$1,722.00**	**$275.52**	**$1,997.52**
AARON D STEINFELDT 469 SIOUX ST WINONA, MN 55987 ***469 SIOUX ST***	32.000.9600 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-138 N 1/2	**$1,722.00**	**$275.52**	**$1,997.52**
ALLEN P GAPPA & DIAN F GAPPA 473 SIOUX ST WINONA, MN 55987 ***473 SIOUX ST***	32.000.9610 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-008 Block-138 S 1/2	**$1,722.00**	**$275.52**	**$1,997.52**
DANIEL T NISBIT 57 LORRAINE CT WINONA, MN 55987 ***460 SIOUX ST***	32.000.9670 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-139 EX: NLY 30'	**$1,722.00**	**$275.52**	**$1,997.52**

PRELIMINARY ASSESSMENT ROLL #6671
2020 SIOUX STREET RECONSTRUCTION PROJECT
M.S.A.P 176-137-002 ASSESSMENT FOR NEW WATER SERVICE

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*1 Inch* *Copper Water Service* *$2,200.00 Each*	*Administrative* *Fee*	*Total* *Assessment*
STACEY DAVIS 458 SIOUX ST WINONA, MN 55987 ***458 SIOUX ST***	32.000.9680 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-003 Block-139 NLY 30'	**$1,722.00**	**$275.52**	**$1,997.52**
BRENDA L KUEHN 464 SIOUX ST WINONA, MN 55987 ***464 SIOUX ST***	32.000.9700 Sect-22 Twp-107 Range-007 ORIGINAL PLAT Lot-006 Block-139 EX: N 36'	**$1,722.00**	**$275.52**	**$1,997.52**
JOSEPH P HENGEL 522 SIOUX ST WINONA, MN 55987 ***522 SIOUX ST***	32.001.1470 Sect-23 Twp-107 Range-007 ORIGINAL PLAT WINONA Lot-007 Block-166 SLY 1/2 ORIGINAL PLAT	**$1,722.00**	**$275.52**	**$1,997.52**
BRIAN E BERGLER & AUBREY L BERGLER 26652 COUNTY RD 9 WINONA, MN 55987 ***520 SIOUX ST***	32.001.1480 Sect-23 Twp-107 Range-007 ORIGINAL PLAT WINONA Lot-007 Block-166 NLY 1/2	**$1,722.00**	**$275.52**	**$1,997.52**
JEFFREY S BOLDUAN & KATIE M BOLDUAN 517 SIOUX ST WINONA, MN 55987 ***517 SIOUX ST***	32.040.1360 Sect-22 Twp-107 Range-007 BOLCOMS ADDITION Lot-007 Block-012 ALL THAT PART OF LOT 5 BLK 167 ORIGINAL PLAT THAT IS DIRECTLY EAST OF LOT 7 BLK 12 BOLCOMS ADDITION EXTENDING TO SIOUX ST & LOT 7 BLK 12	**$1,722.00**	**$275.52**	**$1,997.52**
JAMES PINGRY 521 SIOUX ST WINONA, MN 55987 ***521 SIOUX ST***	32.040.1380 Sect-22 Twp-107 Range-007 BOLCOMS ADDITION Lot-009 Block-012	**$1,722.00**	**$275.52**	**$1,997.52**
CLARENCE E SMITH 523 SIOUX ST WINONA, MN 55987 ***523 SIOUX ST***	32.040.1390 Sect-22 Twp-107 Range-007 BOLCOMS ADDITION Lot-010 Block-012 PT LOT 11 & E 100' LOT 10 BLK	**$1,722.00**	**$275.52**	**$1,997.52**
STEVEN D NAPIERALSKI & JANE M NAPIERALSKI PO BOX 826 WINONA, MN 55987 ***607 SIOUX***	32.320.4740 Sect-27 Twp-107 Range-007 LIMITS Lot-004 Block-012 E 100' X 50' OF FORMER TAYLORS	**$1,722.00**	**$275.52**	**$1,997.52**

PRELIMINARY ASSESSMENT ROLL #6671
2020 SIOUX STREET RECONSTRUCTION PROJECT
M.S.A.P 176-137-002 ASSESSMENT FOR NEW WATER SERVICE

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*1 Inch* *Copper Water Service* *$2,200.00 Each*	*Administrative* *Fee*	*Total* *Assessment*
JUDITH K BAKER & JANE K BAKER 615 SIOUX ST WINONA, MN 55987 ***615 SIOUX ST***	32.320.4760 Sect-27 Twp-107 Range-007 LIMITS Lot-005 Block-012 FORMER TAYLORS ADD	**$1,722.00**	**$275.52**	**$1,997.52**
ALTERNATE TAXPAYER JUDY K BAKER 615 SIOUX ST WINONA, MN 55987 ***615 SIOUX ST***	32.320.4760			
WILLIAM J HEITMAN JR CINDY K MALOTKE 621 SIOUX ST WINONA, MN 55987 ***621 SIOUX ST***	32.495.0010 Sect-27 Twp-107 Range-007 SUNNYSIDE ADDITION Lot-OL1 LAND IN OL 1	**$1,722.00**	**$275.52**	**$1,997.52**
DELTON R DENZER & JULIE M DENZER 564 SIOUX ST WINONA, MN 55987 ***564 SIOUX ST***	32.505.0220 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-003 Block-005 LOTS 3 & 6 BLK 5	**$1,722.00**	**$275.52**	**$1,997.52**
CHARLES THOMAS ALEXANDER TRUST 1364 SKYLINE DR WINONA, MN 55987 ***566 SIOUX ST***	32.505.0240 Sect-27 Twp-107 Range-007TAYLORS ADDITION Lot-007 Block-005	**$1,722.00**	**$275.52**	**$1,997.52**
ALTERNATE TAXPAYER: CHARLES ALEXANDER & JACQUELINE ALEXANDER 5320 DAWNVIEW TER GOLDEN VALLEY, MN 55422 ***566 SIOUX ST***	32.505.0240			
SHERI LEE SIPPOLA 570 SIOUX ST WINONA, MN 55987 ***570 SIOUX ST***	32.505.0260 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-010 Block-005	**$1,722.00**	**$275.52**	**$1,997.52**
CONTRACT FOR DEED: JERRY SCHNEIDER & MARILYN A SCHNEIDER 161 HARRIET ST WINONA, MN 55987 ***570 SIOUX ST***	32.505.0260			

PRELIMINARY ASSESSMENT ROLL #6671
2020 SIOUX STREET RECONSTRUCTION PROJECT
M.S.A.P 176-137-002 ASSESSMENT FOR NEW WATER SERVICE

Name of Owner *Mailing Address of Owner* *Property Address*	*Property ID Number* *Description of Lot or Parcel*	*1 Inch* *Copper Water Service* *$2,200.00 Each*	*Administrative* *Fee*	*Total* *Assessment*
JOSHUA A DVORAK & ASHLEY N PRUKA 557 SIOUX ST WINONA, MN 55987 ***557 SIOUX ST***	32.505.0290 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-004 Block-007	**$1,722.00**	**$275.52**	**$1,997.52**
R SCOTT BRANDES & JENNIFER L BRANDES 575 SIOUX ST WINONA, MN 55987 ***575 SIOUX ST***	32.505.0330 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-009 Block-007	**$1,722.00**	**$275.52**	**$1,997.52**
ALTERNATE TAXPAYER: MARIAN E BRANDES 575 SIOUX ST WINONA, MN 55987 ***575 SIOUX ST***	32.505.0330			
LISA D LAEHN & SHAWN D LAEHN 612 SIOUX ST WINONA, MN 55987 ***612 SIOUX ST***	32.505.0450 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-003 Block-013 S 13' OF W 50' LOT 3 & N 40'	**$1,722.00**	**$275.52**	**$1,997.52**
TERRI M HANSEN 622 SIOUX ST WINONA, MN 55987 ***622 SIOUX ST***	32.505.0530 Sect-27 Twp-107 Range-007 TAYLORS ADDITION Lot-010 Block-013	**$1,722.00**	**$275.52**	**$1,997.52**
Dated: October 19, 2020	25 properties		**TOTAL:**	**$49,938.00**

Brian DeFrang, City Engineer
License #40971

REQUEST FOR COUNCIL ACTION

Agenda Section: **Required Public Hearings** *No:* **2**	*Originating Department:* **Community Development**	*Date:* **10/19/20**

Item: **Appeal of a Decision of the Heritage Preservation Commission on Conditions in a Certificate of Appropriateness**

No. **2.4**

This is a public hearing pursuant to a published notice to consider an appeal related to a petition for a Certificate of Appropriateness ("COA") for demolition of a structure located at 166 West Broadway Street, the Winona High School and Winona Junior High School Historic Site in the City of Winona, Minnesota. The COA is for the Auditorium-Gymnasium portion of the building only. The applicants are Main Square Development LLC and MDI Limited Partnership #78 ("Applicant" or "Appellant").

The Heritage Preservation Commission ("HPC" or "Commission") held a public hearing for the COA on September 9, 2020. City Planner, Carlos Espinosa, explained the process for the Public Hearing. Staff presented information to the Commission regarding the proposed request for a COA and options for the Commission to consider. The public hearing was opened, held, and closed. Discussions about the COA ensued and Commissioners wanted more input from the State Historic Preservation Office ("SHPO"). In addition, they wanted more information about an exhibit the applicant has offered at the Winona County Historical Society ("WCHS"). The minutes of the September 9th HPC meeting are attached as Exhibit E. Due to questions and concerns the Commission had regarding the petition for a COA for demolition, a motion was made to postpone the meeting until September 23, 2020 at 4:00 pm and staff will provide information on SHPO's input and review and additional details on the proposed exhibit.

At the meeting on September 23, 2020, staff reported on the following:

Staff contacted SHPO for comments on the COA for demolition and the proposed mitigation. Related to the demolition, SHPO representatives Sarah Beimers and Kelly Gragg-Johnson stated that SHPO could provide a courtesy written response, but it would take a minimum 45 days. In addition, it would essentially duplicate the current HPC process by reviewing similar criteria such as economic value, usefulness, and integrity of the building. Overall, the representatives were unsure as to the value a review would produce. Governing state law and City Code do not provide for SHPO review of the COA in this case since specific procedures enacted in ordinance and authority has been delegated to the HPC to undertake such an analysis and make a decision regarding the this request for a COA.

Staff also provided information on the details of an educational exhibit at the WCHS being proposed by the applicant as a condition to COA approval, Exhibit H. Staff outlined to

Department Approval:	**City Manager Approval:**
Guy McMartin	

Commissioners the criteria to consider for a COA for demolition based on City Code. Those procedures and criteria follow.

Criteria under Consideration for Demolition

Pursuant to City Code, Section 22.27 (I) (6) (ii), the HPC must apply the following decision standard when approving or denying an application for a permit to demolish a local heritage preservation site:

(ii) Proposed demolition or removal of a building or structure. The Commission shall consider whether or not the demolition or removal is necessary and its impact on surrounding buildings and neighborhoods. The Commission's written finding shall refer to the following criteria:

(a) Consideration shall be given to the significance or architectural merit of the building itself, in terms of unusual or uncommon design, texture, or materials that could not be reproduced or reproduced only with great difficulty or expense, and, if applicable, the contribution the building makes to the historic or architectural character of the district.

(b) Consideration shall be given to the economic value, usefulness and replacement cost of the building as it now stands and as remodeled or rehabilitated, in comparison to the value or usefulness of any proposed structures designated to replace the present building or buildings, and to what viable alternatives may exist.

(c) Consideration shall be given to the present structural integrity of the building to determine whether it constitutes a clear and present danger to the life and safety of the public. The Commission may contract for a professional estimate of the structural integrity and an estimate of the cost of correcting dangerous deficiencies, with Council approval.

(d) Consideration shall be given as to whether or not the demolition is necessary to facilitate a defined public purpose.

Staff proposed actions for HPC Commissioners

Staff proposed the following actions that may be taken by the Heritage Preservation Commission for this Certificate of Appropriateness application:

1) Approve the request. In this case, a motion should be made to adopt a resolution of approval with the updated conditions.
2) Deny the request. In this case, a motion to deny the request and adopt the attached resolution of denial with specific written findings determined at the meeting by the HPC.

The HPC discussed the proposed COA and conditions at length at the September 23, 2020 meeting. The conditions within the proposed resolution recommended by staff included the following (Condition number 2) below was amended by the HPC at this meeting and is the subject of this appeal):

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this resolution. Alternatively, applicant shall, at applicant's expense, cause to be prepared by a qualified preservation specialist Level II documentation of the auditorium/gymnasium structure in conformance with Minnesota Historic Property Record Guidelines.

2. The applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or City of Winona ahistorical elements or fixtures of interest from the auditorium at a cost no to exceed $15,000 including the cost of moving such items.

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

HPC Action on Conditions

Conditions number 1 and number 2 above were discussed at length by the HPC at the September 23 meeting. Minutes from the September 23 meeting are also attached as Exhibit E. At the September 23 HPC meeting, the HPC adopted a resolution of approval of the COA (Exhibit D) with the following conditions: **(Note: Changes to staff recommend condition number 2 shown in red above were made by the HPC at the September 23 meeting. The HPC adopted condition number 2 differs from the above-stated staff recommendation, and is shown below in red italics. The change to condition number 2 was the only change from the staff recommendation made by the HPC in the resolution of approval of the COA adopted by the HPC on September 23, 2020. The below language in red italics is the only subject/issue now on appeal before the City Council.)**

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this resolution. Alternatively, applicant shall, at applicant's expense, cause to be prepared by a qualified preservation specialist Level II documentation of the auditorium/gymnasium structure in conformance with Minnesota Historic Property Record Guidelines.

2. *The applicant shall allow the City of Winona, Winona County Historical Society and Heritage Preservation Commission as far as reasonably possible, the ability to view the building interior and exterior for salvage or re-use, prior to the commencement of deconstruction or demolition to occur within sixty days. The parties will work in cooperation and good faith to determine elements that are salvageable. The Heritage Preservation Commission would make the final determination of elements that are to be salvaged from the auditorium. The applicant will provide elements of interest including cost for moving.*

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

Appeal

The Appellant objects to the HPC adopted condition number 2 shown in red italics above because it "creates an unworkable situation, further delays the project, and imposes an open-ended obligation." Appellant contends that the HPC adopted condition number 2 has an open ended cost and could cause delays since a public body would be doing the review in a public meeting scenario. Appellant has instead offered an Exhibit for the Winona County Historical Society (Exhibit H).

Appellant also requests that the second sentence of condition number 1 be removed "because it has become apparent that, given the limited ability to enter the building, preparation of Level II documentation would not be feasible and because at the September 23, 2020, the Heritage Preservation Commission voted down a motion to require Level II documentation."

Council Decision Options on Appeal

A resolution is attached for Council consideration on appeal. The Council has the following two alternatives in making a decision on appeal:

1. Affirm the decision of the HPC without modification or amendment to the conditions; or

2. Affirm the decision of the HPC, but overrule the HPC decision regarding condition number 2 and instead approve modified or amended condition(s).

Staff Recommendation for Modified or Amended Conditions on Appeal
If Council decides to overrule the HPC on condition number 2, staff recommends the Council adopt the following modified or amended conditions (The changes to conditions number 1 and number 2 would be to remove the second sentence of condition number 1 and modify and amend condition number 2 based on the above-mentioned reasoning asserted by Appellant.):

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit H.

2. The Applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or City of Winona historical elements or fixtures of interest from the auditorium at a cost not to exceed $15,000 including the cost of moving such items.

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

Procedures for Appeal Hearing

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

1. Open appeal public hearing – Mayor Peterson.
2. A staff report will be presented – Lucy McMartin.
3. Questions from City Council members may be asked of City staff.
4. Appellant shall have the opportunity to be heard by the City Council.
5. Questions from City Council members may be asked of Appellant.
6. Opportunity for other interested persons shall be heard.
7. Close appeal public hearing and record – Mayor Peterson.
8. Additional questions of City staff and City Attorney on appeal process and deliberations, if needed.
9. Deliberations by City Council on the issue on appeal.
10. City Council may make motion and take action on the appeal. Council options are:
    a. Affirm the decision of the HPC without modification or amendment to the conditions; or
    b. Affirm the decision of the HPC, but overrule the HPC decision regarding condition number 2 and instead approve modified or amended condition(s).

Attached for the Council's consideration are draft findings, conclusions and order, with the following exhibits:

A. Legal description of the Applicant's property;
B. The COA Application;
C. Reference map of subject area;
D. HPC Resolution of Approval;
E. Minutes from the HPC meetings on September 9, 2020 and September 23, 2020;
F. A copy of the Appeal received October 1, 2020;
G. October 19, 2020 Public Hearing Attendees
H. Proposed Exhibit at the WCHS.

CITY OF WINONA RESOLUTION _____

FINDINGS, CONCLUSIONS AND ORDER OF WINONA CITY COUNCIL ON APPEAL OF A HERITAGE PRESERVATION COMMISSION DECISION ON CERTIFICATE OF APPROPRIATENESS CONDITIONS.

WHEREAS, Main Square Development LLC and MDI Limited Partnership #78 ("Applicant" or "Appellant") petitioned the City of Winona Heritage Preservation Commission ("HPC") seeking a certificate of appropriateness ("COA") for demolition of a portion of a structure located at 166 West Broadway Street, the Winona High School and Winona Junior High School Historic Site in the City of Winona, Minnesota. The real property located at 166 West 6th Street is legally described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a copy of the COA application presented to the HPC is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, a reference map of the subject area is attached hereto and incorporated herein by reference as Exhibit C; and

WHEREAS, Winona City Code, Section 22.27(I)(1) provides (in part) as follows:

> (I) Certificate of Appropriateness. An application for a Certificate of Appropriateness shall be made to the Commission before any of the following work is begun on land located within a heritage preservation site or district. ...
>
> (ii) Destroying a building in whole or in part

;and

WHEREAS, pursuant to Winona City Code, Section 22.27 (I) (2), the building official is required to refer all applications for permits under to City Code, Section 22.27 (I) (1) (ii) to the HPC for written approval or disapproval; and

WHEREAS, pursuant to Winona City Code, Section 22.27 (I) (5), the building official shall not issue permits unless a COA is approved by the HPC or City Council; and

WHEREAS, the City of Winona received a complete COA application, Exhibit B, from the Applicant on August 24, 2020; and

WHEREAS, the HPC conducted a public meeting on September 9, 2020 and received public testimony regarding the requested COA, including from the Applicant, and following discussion postponed the meeting until September 23, 2020; and

WHEREAS, the HPC conducted a public meeting on September 23, 2020 and approved the COA with conditions; and

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

WHEREAS, Winona City Code, Section 22.27(I)(6) requires that the HPC, and the City Council on appeal, apply the following decision standard and criteria and make findings with respect to the same when approving or denying an application for a permit to demolish a local heritage preservation site:

> (ii) Proposed demolition or removal of a building or structure. The Commission shall consider whether or not the demolition or removal is necessary and its impact on surrounding buildings and neighborhoods. The Commission's written finding shall refer to the following criteria:
>
> > (a) Consideration shall be given to the significance or architectural merit of the building itself, in terms of unusual or uncommon design, texture, or materials that could not be reproduced or reproduced only with great difficulty or expense, and, if applicable, the contribution the building makes to the historic or architectural character of the district.
> >
> > (b) Consideration shall be given to the economic value, usefulness and replacement cost of the building as it now stands and as remodeled or rehabilitated, in comparison to the value or usefulness of any proposed structures designated to replace the present building or buildings, and to what viable alternatives may exist.
> >
> > (c) Consideration shall be given to the present structural integrity of the building to determine whether or not it constitutes a clear and present danger to the life and safety of the public. The Commission may contract for a professional estimate of the structural integrity and an estimate of the cost of correcting dangerous deficiencies, with Council approval.
> >
> > (d) Consideration shall be given as to whether or not the demolition is necessary to facilitate a defined public purpose.

WHEREAS, the HPC, at its meeting on September 23, 2020 approved the COA application submitted by Applicant in accordance with certain findings based on the above-referenced City Code decision standard and criteria and adopted Resolution 2020-121, which is attached hereto and incorporated herein by reference as Exhibit D; and

WHEREAS, the Minutes of the September 9, 2020 and September 23, 2020 meetings are attached hereto and incorporated herein by reference as Exhibit E; and

WHEREAS, the City received a timely appeal, dated October 1, 2020, from the Applicant appealing conditions imposed on the COA to the City Council of the City of Winona, Minnesota, a copy of the appeal is attached hereto and incorporated herein by reference as Exhibit F; and

WHEREAS, notice of this public appeal hearing before the City Council of Winona, Minnesota, was duly given pursuant to Winona City Code, Section 27.27(1)(4); and

WHEREAS, a public appeal hearing was held on October 19, 2020 before the Winona City Council to consider the appeal from the decision of the HPC on September 23, 2020 with respect only to the conditions contained in HPC Resolution 2020-121.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WINONA, MINNESOTA, based upon the record, testimony and evidence presented at said hearing, makes the following:

FINDINGS AND CONCLUSIONS

1. That the above recitals and exhibits are hereby adopted and incorporated herein by reference as findings.

2. A public appeal hearing was held on October 19, 2020 before the Winona City Council to consider the appeal from the HPC's decision approving the COA, but only with respect to the conditions contained therein.

3. The City Council of Winona, Minnesota has jurisdiction to hear the appeal and notice of the public appeal hearing before the City Council of Winona, Minnesota, was duly given, pursuant to Winona City Code, Section 22.27(l)(4).

4. The issue on appeal heard by the Winona City Council on October 19, 2020 was the following: Should the September 23, 2020 conditions contained in HPC Resolution 2020-121 approving the COA for the demolition of structures at a portion of the building located at 166 West 6th Street be affirmed, or overruled and modified or amended?

5. The individuals who testified at the public appeal hearing included representatives of the Appellant, the HPC and representatives of the public. Those individuals heard at the October 19, 2020 public appeal hearing in this matter are shown in Exhibit G, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WINONA, MINNESOTA, based upon the record, testimony and evidence presented at said hearing and the above findings and conclusion, and orders as follows ((X) one of the following ALTERNATIVES):

ORDER

___ **ALTERNATIVE 1:** AFFIRM THE DECISION OF THE HPC

That the decision of the HPC as set forth in the Resolution 2020-121, dated September 23, 2020, is hereby affirmed in its entirety based on the finding contained therein, Exhibit D, and the respective Minutes of the HPC meetings contained in Exhibit E.

___ **ALTERNATIVE 2:** AFFIRMS AND AMENDS THE DECISION OF THE HPC

That the decision of the HPC to approve the COA as set forth in the Resolution 2020-121, dated September 23, 2020, is hereby affirmed based on the findings contained therein Exhibit D, and the respective the Minutes of the HPC meetings contained in Exhibit E, except that the conditions contained therein are hereby overruled, modified and amended, to read as follows:

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit H.

2. The applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or City of Winona historical elements or fixtures of interest from the auditorium at a cost not to exceed $15,000 including the cost of moving such items.

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

Dated this _____ day of _____, 2020.

_____
Mark Peterson
Mayor

_____
Monica Hennessy Mohan
Winona City Clerk

EXHIBIT A

Legal Description

Lot 1, Block 1, MAIN SQUARE ANNEX, according to the recorded plat thereof on file in the Office of the County Recorder, Winona County, Minnesota.

EXHIBIT B

Application for Certificate of Appropriateness

EXHIBIT C

Reference Map

EXHIBIT D

HPC Resolution 2020-121

EXHIBIT E

Minutes of September 9, 2020 and September 23, 2020 HPC Meetings

EXHIBIT F

Copy of the Appeal dated October 1, 2020

EXHIBIT G

Public Hearing Attendees October 19, 2020

Name	Address

EXHIBIT H

Proposed Exhibit at the WCHS

Exhibit A

Legal Description of Property

Lot 1, Block 1, MAIN SQUARE ANNEX, according to the recorded plat thereof on file in the Office of the County Recorder, Winona County, Minnesota.

Exhibit B

Certificate of Appropriateness (COA) Application

City of Winona
Application for Certificate of Appropriateness

If additional space is needed, attach more pages. Once fully completed, submit application, with all supporting data, to:

City of Winona
Community Development Office
207 Lafayette Street, Room 210
Winona, MN 55987
(507) 457-8250

DESIGNATED PROPERTY

Name Former Winona Senior High School

Address 166 West 6th Street

OWNER

Name MDI Limited Partnership #78 Phone: 651-523-1248

Address 1600 University Ave., Suite 212 Email: gstenson@metroplains.com
St. Paul, MN 55104

PERSON FILING APPLICATION, IF OTHER THAN OWNER

Name Main Square Development LLC Phone: 507-453-8002

Address PO Box 312, Winona, MN 55987 Email: bkierlin@fastenal.com

TYPE OF WORK PROPOSED

____ Exterior Alteration ____ Relocation

_X_ Demolition ____ Sign - must also fill out sign application

____ New Construction ____ Other

Proposed Starting Date immediately after approval Date of Completion _____

PROPOSED PROJECT

Describe clearly and in detail all work to be done. Include the following items where appropriate.

___Sketches, specifications, manufacturer's illustrations or other description of proposed changes to the building façade or roof, new additions, or site improvements. Drawings/sketches will be required for major changes for such items as roofs, facades, porches, or prominent architectural features.

___Description and/or samples of proposed materials when the original material will not be retained or in the case of new construction.

___Current site plan including the location of all large trees, parking areas, walls, fences, outbuildings, or other landscape features of note and proposed changes to that plan.

___For new construction, a scaled plot plan and elevation drawings of each façade which clearly show the exterior appearance.

___Photographs of site and structure.

___Copies of structure reports where applicable.

___Give the reason for demolition/relocation and describe the proposed reuse of the site, including landscaping.

___Artist's or sign painter's drawings (to scale) with color selections for new signs or proposed changes to existing signs

Work Description (use additional pages if necessary)
See attached

The undersigned agrees that the above constitutes the construction or alteration to be undertaken at this time and that any changes or additions will require another application.

Applicant's Signature [illegible] Date 8/20/2020

Property and/or Building Owner Signature Gary L Stenson Date 8-19-2020

STAFF USE ONLY

Date received by the Heritage Preservation Commission: 8/27/2020
Date of Review/Hearing: 9/9/2020
Tabled 9/9/2020
Application ✓ Granted ____ Denied Date: 9/23/2020
Comments HIST-139-2020

Resolution Number: 2020-121 Staff's Signature Carlos Espinosa/JEM

INSTRUCTIONS

_____Complete the attached application for a Certificate of Appropriateness (COA).

_____File the application and all additional information with the Department of Community Development.

_____Attend the meeting in which your project will be reviewed. (Someone must be present.)

_____The Commission will approve or reject an application for a COA at regularly scheduled Commission meetings. For some simpler projects, a three-member subcommittee may be charged with determining whether to award your COA. In part, the approval of any COA will be based upon findings that proposed work will be compliant with review/design criteria of Historic District Design Guidelines and Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. Adopted guidelines, including a summary of Secretary of Interior Standards, can be found at www.cityofwinona.com. COA applicants are strongly encouraged to review these documents prior to submittal of applications.

_____In the event that the Commission rejects an application, it shall state its reason for doing so in writing to the applicant and suggest alternative courses of action it thinks proper. Such decisions are appealable to City Council, by the applicant.

ATTACHMENT TO
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
FOR 166 WEST 6TH STREET, WINONA, MINNESOTA

Main Square Development LLC has an agreement to purchase a portion of the property at 166 West 6th Street, Winona, Minnesota (the former Winona Senior High School, currently Washington Crossings Apartments). The portion of the property being purchased is roughly the northerly half of the property on which a portion of the building containing the former auditorium, swimming pool, gymnasium, locker rooms, and mechanical rooms is situated. Main Square Development LLC proposes to demolish that portion of the building. An aerial overlay of the property division is submitted with this application. Also submitted with this application are copies of a mold testing report; a narrative report relating to the mold testing; a report summarizing a May 30, 2018 assessment performed by the City of Winona; a report of an architectural history survey and assessment prepared by 106 Group for the current owner of the property; and five photographs of the interior of the property. The proposed reuse of the site is a parking facility. A conceptual rendering and site plan of the proposed ramp is attached. Please note, however, that the design has not been finalized, and the rendering and site plan are conceptual only at this point.

CONCEPTUAL SITE PLAN

ISG Architecture + Engineering + Environmental + Planning

CAD FILE NAME: K:\2020-SITE OPTION.DWG

West 5th Development
WINONA, MINNESOTA - 08/24/2020
ISG PROJECT NO. 20-24309

ISGInc.com

MAIN SQUARE ANNEX

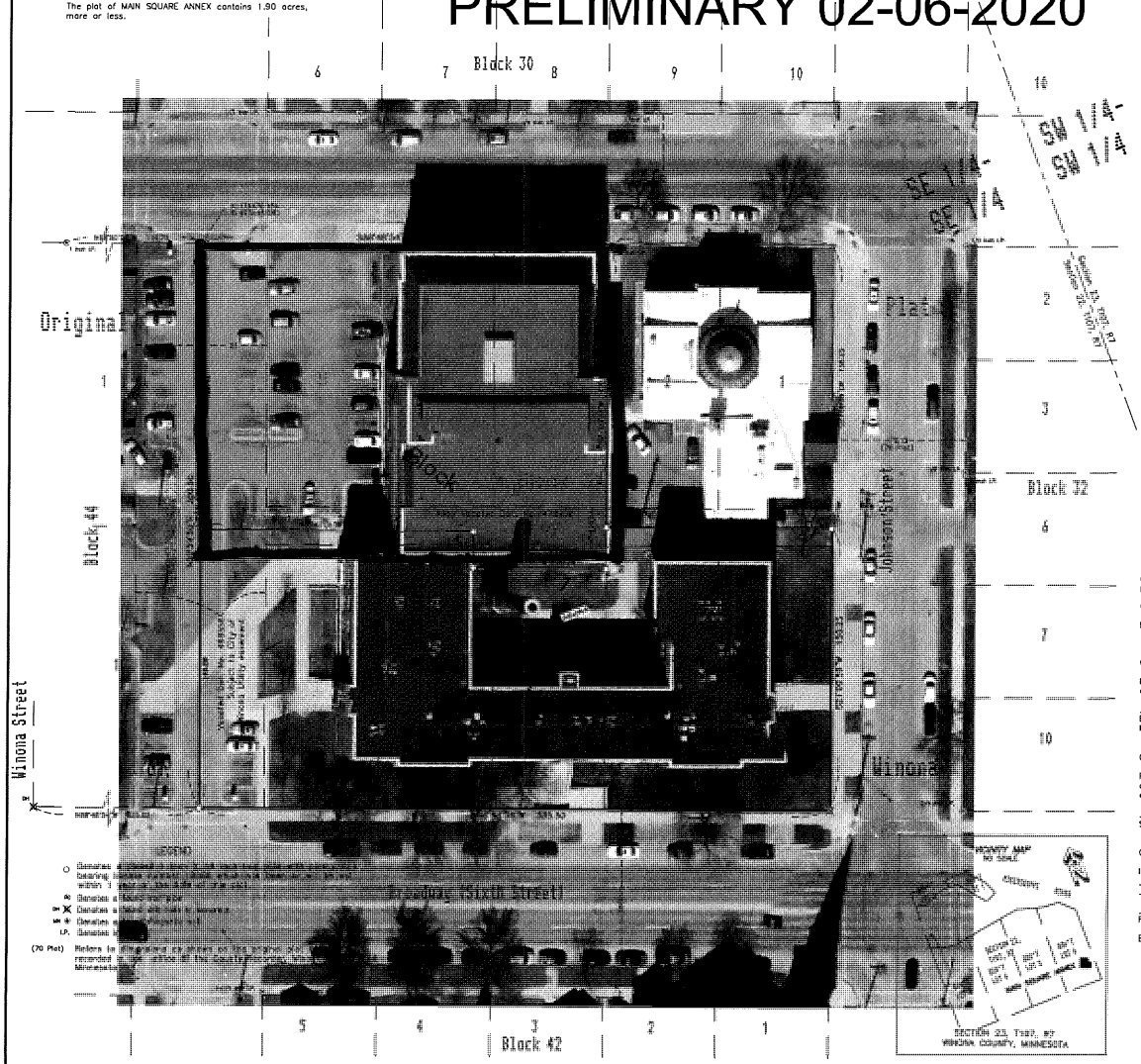
PRELIMINARY 02-06-2020

NOTES:

BASIS OF BEARINGS: Bearings and coordinates shown are based on the Winona County Coordinate System, NAD 1983 (1996 adjustment).

Record Lot size for lots in Block 31 is 60 feet by 140 feet.

The plat of MAIN SQUARE ANNEX contains 1.90 acres, more or less.



DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: that MDI Limited Partnership #78, A Minnesota limited partnership, owner of the following described property:

Lots 3 through 10, Block 31, Together with that part of vacated Washington Street appurtenant to said Block 31 and together with that portion of the vacated alley in said Block 31 appurtenant to said Lots 3 through 10, all in the Original Plat of Winona, according to the recorded plat thereof, Winona County, Minnesota.

Has caused the same to be surveyed and platted as MAIN SQUARE ANNEX.

In witness whereof said MDI Limited Partnership #78, A Minnesota limited partnership, has caused these presents to be signed by its proper partner this ___ day of _____, 20___.

Signed: MDI Limited Partnership #78
By: GLS Properties, LLC, a Florida limited liability company

_____
Gary L. Stenson, Chief Manager

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 20___, by Gary L. Stenson, Chief Manager of GLS Properties, LLC, a Florida limited liability company, General Partner of MDI Limited Partnership #78, A Minnesota limited partnership.

Notary signature: _____

Print Notary's name_____
Notary Public, _____ County, _____
My commission expires_____

SURVEYOR'S CERIFICATE AND ACKNOWLEDGEMENT

I, Tony A. Blumentritt do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20___.

_____
Tony A. Blumentritt, Licensed Land Surveyor
Minnesota License Number 18886

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 20___, by Tony A. Blumentritt.

Notary signature:_____

Print notary's name_____
Notary Public, _____ County, Minnesota
My Commission expires_____

CITY COUNCIL

City Council, City of Winona, Minnesota

This plat of MAIN SQUARE ANNEX was approved and accepted by the City Council of the City of Winona, Minnesota at a regular meeting thereof held this ___ day of _____, 20___, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Winona, Minnesota

By _____
City Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ___ day of _____, 20___.

_____
Brian K. Wadele, Winona County Surveyor
Minnesota License No. 46559

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20___ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ___ day of _____, 20___.

_____
Sandra J. Suchla, Winona County Auditor/Treasurer

COUNTY RECORDER, COUNTY OF WINONA, STATE OF MINNESOTA

I hereby certify that this plat of MAIN SQUARE ANNEX was filed in the office of the County Recorder for public record on this ___day of _____, 20___, at __o'clock __.M. and was duly filed as Document No. _____

_____
Robert J. Bambenek, Winona County Recorder

By _____, Deputy

Scale 1 inch=30 feet
0 30 60 90
Scale in feet

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
4240 West 5th Street, Winona, MN 55987
(507)454-4134, FAX(507)454-2544
brianw@jsismail.com

X:PLATS\MAIN SQUARE ANNEX\19-1095 MAIN SQUARE ANNEX .dwg

Exhibit C

Reference Map of Subject Area

Beacon™ Winona County, MN

Overview

Legend

Roads

- Other
- Interstate
- US/State Highway
- City Streets
- County Road
- Township Road
- Private Drive
- **Municipalities**
- **Winona Boundary**
- **Parcel**

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

Date created: 10/13/2020
Last Data Uploaded: 10/13/2020 3:24:26 AM

Developed by Schneider GEOSPATIAL

EXHIBIT D

HPC Resolution 2020-121

To view this exhibit got to: https://www.cityofwinona.com/resolution

Exhibit E

Minutes of September 9, 2020 and September 23, 2020 HPC Meetings

HERITAGE PRESERVATION COMMISSION MINUTES

DATE: September 9, 2020

PRESENT: Genia Hesser, Cynthia Jennings, Merle Hanson, Kendall Larson, Innes Henderson, Emily Kurash-Casey, Dennis McEntaffer, Connie Dretske, and Peter Shortridge

ABSENT: Kelly Fluharty

STAFF: Carlos Espinosa, City Planner; Lucy McMartin, Director of Community Development; and Chris Hood, City Attorney

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1. **Call to Order**
   Chair Genia Hesser called the meeting to order at 4:05 p.m. A quorum was confirmed.

2. **Approval of Minutes – August 12, 2020**
   Commissioner Kurash-Casey moved to approve the minutes, seconded by Commissioner Henderson. The Commission voted on the motion at hand. All members present voted aye via roll call vote.

3. **Public Hearing – COA Application for Demolition at the Winona Senior High School and Winona Junior High School Historic Site – 166 West 6th Street**
   Carlos Espinosa, City Planner, explained the process for the public hearing. The Chair would state the case to be heard, a staff report will be presented and questions may be asked. Next, the applicant will present the case and questions may be asked. The hearing will be opened and the public can make comments and Commissioners may ask questions, statements other than questions, may be ruled out of order. After the facts and information have been brought forward, the public hearing is closed and the Commission may then discuss the item at hand and make a recommendation.

   Mr. Espinosa shared a presentation outlining the request details and history of the property at 166 West Broadway. It was placed on the National Register in 2000 under criteria related to historic context to education. The building was developed into housing and the gymnasium-auditorium area was not conducive to housing. The building remained vacant and no viable alternatives were found for the space. The building deteriorated. In 2018, the site was locally designated.

   The criteria under City Code governs the COA Application for demolition of locally designated buildings. There are four criteria that Carlos reviewed:

   A) Consideration shall be given to the significance or architectural merit of the building itself, in terms of unusual or uncommon design, texture, or materials that could not be reproduced or reproduced only with great difficulty or expense, and,

if applicable, the contribution the building makes to the historic or architectural character of the district.

The report on the condition of the building was noted. The Winona Safety Coordinator Paul Douglas declared it hazardous to health and the Building Official, Greg Karow, issued a memo that the building is a public nuisance related to it not being maintained in a safe and healthy condition. Due to these factors, economic analysis has not been provided on details and elements within the building.

Based on continued degradation of many of the historic elements of the building, it is unlikely that they could be adequately restored or reproduced without great expense.

The Applicant has included an extensive 2019 Reconnaissance Architectural History Survey and Assessment of Effects Study from 106 Group. The report has found that demolition will have direct physical impacts across aspects of the heritage preservation site's integrity resulting in an adverse effect. The report found that the demolition of the Auditorium-Gymnasium will not have an adverse effect upon the heritage preservation site's integrity of location, design, materials, or workmanship. There will be an adverse effect upon the heritage preservation site's integrity of setting, feeling and association. The Survey would not have an adverse effect on the Broadway Historic District.

B) Consideration shall be given to the economic value, usefulness and replacement cost of the building as it now stands and as remodeled or rehabilitated, in comparison to the value or usefulness of any proposed structures designated to replace the present building or buildings, and to what viable alternatives may exist.

The Auditorium-Gymnasium has a low value and high cost to remediate a portion of the health hazards. The estimated value of a new parking structure proposed by the applicant is $3-$5 million. The Winona County Assessor's Office estimates the Auditorium-Gymnasium value at $191,000 with the auditorium portion at $5,000.

No viable alternatives for use of the building both before and after degradation from water intrusion and associated over a period of 20 years.

C) Consideration shall be given to the present structural integrity of the building to determine whether or not it constitutes a clear and present danger to the life and safety of the public. The Commission may contract for a professional estimate of the structural integrity and an estimate of the cost of correcting dangerous deficiencies, with Council approval.

Carlos referenced the City of Winona Building Official's review of the building and he noted there are structural beams directly exposed to water infiltration and signs of rust on the steel beam. He determined that with continued exposure to water, there

is potential for additional deterioration and damage to the structural posts and beams as well as the bearing conditions.

A report found that there were a number of types of mold and exceeding contamination thresholds. Based on these findings, the City of Winona Safety Coordinator, Paul Douglas, has advised City staff to not enter the building due to present health risks. If entry to the building is necessary, Mr. Douglas advises use of personal protective equipment to include a full-face, air-assisted respirator. The report from Integri-Spec also notes the corrosion to metal building components observed by Building Official Karow.

D) Consideration shall be given as to whether or not the demolition is necessary to facilitate a defined public purpose.

The proposed demolition would serve a defined public purpose by remediating the current public nuisance, hazardous, degraded, dilapidated and substandard conditions present at the site, which are in violation of City Code, including but not limited to, the health risk posed by airborne mold, fungi, and other matter inside the Auditorium-Gymnasium addition.

Mr. Espinosa stated that if the HPC chose to grant the Certificate of Appropriateness, recommended conditions are: Including Level II Documentation; analysis of and deconstruction of the building's remaining historical elements, and that demolition be conducted with limited impact on the remaining contributing buildings.

Commissioner Shortridge asked what SHPO recommendation is. Mr. Espinosa will report back on this. Commissioner Dretske questioned if there are reasons to demolish the building other than the current condition of the building caused by the property owner. City Attorney Chris Hood interjected that discussion should be held after the public hearing.

Commissioner Henderson questioned if a Level II could even be performed with the condition of the building. Staff will review this.

Commissioner Shortridge noted that performance standards would apply to a new structure in this location and Certificate of Appropriateness would have to be issued. Staff confirmed this.

Commissioner Larson was interested in knowing about developers who had looked at the building for redevelopment. Ms. McMartin noted that requests from arts groups, theatre and other uses had been passed on to Metro Plains over the years and none had come to fruition. This discussion was to be deferred until after the public hearing.

The applicant was invited to present. Commissioner Henderson questioned the letter from the developer dated September 4th to see if it was admissible. All were advised that it was. Cindy Telstad referenced the letter to guide remarks addressing the COA Application. On the following Criteria:

a. Architectural significant, she noted the building was not designated based on architectural merit, but on its place on the registers due to its significance in educational history. She also noted there were not significant architectural features in this section of the building, with the exception of the North façade.

b. Related to economic value, Ms. Telstad noted the Assessor's value of the site at $191,000 and the proposed future value of $3-$5 million for the parking structure. The original purpose and use of the building was for a gymnasium, swimming pool, and auditorium for the school and viable alternatives have not developed in 20 years showing that it is not economically feasible.

c. Related to structural integrity, it was noted that the extensive water intrusion, mold, pigeon feces and other health and safety concerns during the City 2018 assessment has compromised the structural integrity as noted in the report.

d. Related to demolition for a public purpose was discussed. The site will be put to a new use for parking for businesses in downtown and potentially public parking.

Ms. Telstad continued to cover the resolution before the Commission and noted concerns with number 1 and 2 in the resolution – a Level II Review and salvaging and auctioning items within the building. Both of these conditions would require entering the building which is not safe as noted by the City report. An alternative, although mitigation is not required, would be to provide an Exhibit at the Winona County Historical Society memorializing education in Winona including the building at 166 W Broadway. Secondly, Ms. Telstad suggested the City or Winona County Historical Society could assess items such as light fixtures that may be beneficial to them in lieu of auctioning items off.

Commissioner Shortridge asked question related to the parking structure and public component. Staff clarified there are only initial discussions to meet the needs for public parking in this area. It was clarified there is no formal proposal at this time by Ms. McMartin and City Attorney Chris Hood.

Further questions regarding the proposed exhibit ensued and it was noted the intent is for an exhibit focused on the history and education in Winona County and not limited to only the school building auditorium.

Following discussion, the public hearing was opened by Chair Hesser. Jim Vrchota, 1406 Highland Drive, spoke to the importance of meeting housing needs as outlined in the City of Winona Housing Study. He further mentioned that after many years there did not appear to be a willing buyer or seller for redevelopment of the site.

Aaron Young spoke as managing director of Great River Shakespeare Festival. In 2005, GRSF looked at the auditorium portion of the building and determined it did not meet their needs because with over 1,000 seats the venue was to large.

Christie Ransom spoke as Executive Director of the Winona Area Chamber of Commerce. She noted historic buildings are important for a city however, vacant building in poor condition is not good for people coming to a new community. She further stated that utilizing the space is better than having a vacant property.

Commissioner Henderson asked about SHPO input. Staff explained the City Code Section 22.27 governs the process since the building is locally designated. Staff clarified that under code a decision would have to be made by September 30th.

A motion was made by Commissioner Larson to postpone the meeting until September 23 at 4:00 pm and asked staff for SHPO's comments related to the demolition application, SHPO's comments on potential mitigation strategies, and more precise information on the exhibit proposed by the applicant. Commissioner Jennings seconded the motion. Discussion of incorporating facades into the ramp took place. The motion carried with all present voting Aye.

4. **Windom Park Historic District National Nomination – Consultant Selection**
Commissioners reviewed and discussed proposals from Greg Gaut and 106 Group. They commented that both were professionals and deliverable dates were extremely important. One gave a cost breakout with a cost not to exceed $14,940 and one, a lump sum of $15,000. Discussion about the consultants ensued. Commissioner's suggested using the scoring sheet and returning at a future meeting with a selection would be appropriate. Chair Hesser and Commissioner Henderson agreed to work with Carlos on the scoring and return to the Commission with a recommendation.

5. **Committee Reports – COA and Annual Report Committees**
Chair Hesser noted a COA was approved for 251 East Third Street. Considerations were that the location of the windows, was not a primary façade. Aluminum windows were approved.

The Annual Report Committee provided the draft report. Commissioners agreed that replacing the cover photos with more appealing historic photos would be appropriate.

6. **Other Business**
Commissioner Kurash Casey stated that general costs related to wrapping utility boxes in the Windom Park Historic District could run $2,000-$4,000.

Commissioner Shortridge explained that there are sunsets in the Historic Tax Credit legislation that could affect local projects. A letter will be drafted to proceed with support at the HPC level and City Council.

7. <u>Adjournment</u>

On a motion from Commissioner Shortridge and a second from Commissioner Fluharty, the Commission unanimously voted to adjourn the meeting at 6:10 p.m.

_____

Carlos Espinosa
City Planner

HERITAGE PRESERVATION COMMISSION MINUTES

DATE: September 23, 2020

PRESENT: Merle Hanson, Kendall Larson, Innes Henderson, Connie Dretske, Kelly Fluharty, Michael Doyle, and Peter Shortridge. Joining later Commissioners McEntaffer, and Hesser. Commissioner McEntaffer left before votes took place.

ABSENT: Cynthia Jennings, Emily Kurash-Casey

STAFF: Carlos Espinosa, City Planner; Luke Sims, Assistant City Planner, Lucy McMartin, Director of Community Development

1. **Call to Order**
Vice Chair Kelly Fluharty called the meeting to order at 4:07 p.m.

2. **Approval of Minutes – August 12, 2020**
Lucy McMartin noted a correction on page one of the minutes noting the School Building was placed on the National Register in 2004 and not in 2000 as reflected in the minutes. Commissioner Henderson corrected page five of the minutes adding that he questioned if the utilities had been contacted about permission to wrap the utility boxes. Commissioner Doyle pointed out on page five line three should be too instead of to.

A motion to approve was made by Commissioner Shortridge, seconded by Commissioner Larson to approve with those corrections. All members present voted Aye.

A new Commission Member Michael Doyle was welcomed by the Commission.

3. **Postponed Item – COA Application for Demolition at the Winona Senior High School and Winona Junior High School Historic Site – 166 West 6th Street**
Carlos Espinosa, City Planner, provided a summary of work and actions since the meeting on September 9th. He reported that staff met with SHPO regarding input on the COA. SHPO could provide a courtesy review of the COA for 166 West Sixth Street but it would duplicate the current process. SHPO commented favorably on the mitigation of an exhibit at the Winona County Historical Society. Staff also worked with the applicant to define more clearly the exhibit proposed at the Winona County Historical Society. Both a memo from SHPO and detail of the Exhibit are attached to the Resolution for Commissioners reference.

City Code requires that HPC's review the COA and apply conditions relate only to the demolition and not the COA that would be required for the new structure.

Staff is recommending approval with the conditions below:

1) Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this resolution. Alternatively, applicant shall, at applicant's expense, cause to be prepared by a qualified preservation specialist Level II documentation of the auditorium/gymnasium structure in conformance with Minnesota Historic Property Record Guidelines.

2) The applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or the City of Winona historical elements or fixtures of interest from the auditorium at a cost not to exceed $15,000, including the cost of moving any such items.

3) Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

Commissioners may approve the COA in which case a resolution of approval is provided. Commissioners can deny the request in which case reasons for denial should be determined at this meeting and included in the attached resolution of denial.

Commissioner Hanson confirmed the smoke stack would remain and is not part of the COA request. Mr. Espinosa confirmed.

Commissioner Fluharty asked how the amount of $15,000 was arrived at. Mr. Espinosa suggested the applicant could address that question.

Prior to the applicant offering comment, Commissioner Shortridge stated that the Commission is not limited to just the staff resolution and the conditions are not written in stone. Mr. Espinosa clarified that conditions can be changed but must relate to demolition. He further noted the condition of the Exhibit at the WCHS was proposed by the applicant which is why it's included in condition number one.

Commissioner Shortridge stated that HPC is charged with preserving and documenting the building and this would include re-use of components in a new structure. He asked if requiring specific items be reused in a new structure could be part of a resolution. Mr. Espinosa clarified that in discussions with the City Attorney the cut-off for conditions is at the demolition stage.

Commissioner Dretske asked who was involved at the zoom meeting with SHPO and Community Development. Ms. McMartin clarified it was Mr. Espinosa, Ms. McMartin and Mayor Peterson. Commissioner Dretske asked if an HPC member was included in the call, if not, why. Ms. McMartin responded that direction at the last meeting asked staff to seek input from SHPO.

Commissioner Henderson addressed the previous question of Commissioner Fluharty as to the amount of $15,000 as a cap. He asked who gets to decide, how it this gets met. Mr. Espinosa responded the City would have to certify this. He also noted that in discussion with the City Attorney the HPC does not have power or ability to negotiate more or less.

General discussion occurred about the appropriateness and precedent for the applicant to propose conditions instead of the HPC. Commissioner Henderson asked about applicants input related to conditions and if this sets a precedent. Mr. Espinosa stated that each COA is specific to the property and the conditions would depend on the details of the application for the COA. Mr. Espinosa also responded to Commissioner Fluharty's question confirming the $15,000 is limited because the applicant proposed it. The HPC does not have the ability to require mitigation unless it is a condition related to the demolition. Staff noted that each COA is reviewed individually.

General discussion about the salvaging of material capped at $15,000 took place. Commissioner Shortridge discussed integrating components into the new building, which requires a COA.

Commissioner Larson noted that under the criteria used to consider demolition, structural integrity of the building should be considered. She noted that reports have focused on mold and water intrusion that could cause damage and did not address weather structural components were compromised. Staff reported that in 2018 the Building Official and other City staff were in the building those reports were included in the last agenda noting health concerns within the building.

General discussion about mitigation of mold and pigeon feces ensued. The applicant was asked about mitigation. Attorney Cindy Telsted deferred to the chair to see if she was authorized to speak. Fluharty called upon the applicant. Attorney Telsted explained that at this stage there is no formal mitigation plan but this will have to be addressed. Further discussion took place about mitigation and re-using elements of the exterior.

Commissioner Henderson asked if the $15,000 in salvage was tied to the cost of removal. The applicant confirmed labor, material, equipment and whatever deemed appropriate to salvage up to a budget of $15,000.

General discussion took place regarding the building's current condition, which Commissioners noted as an example of demolition by neglect. Additional discussion ensued of the steps necessary to complete a Level II documentation. Commissioner Henderson discussed deconstruction and demolition and avenues the City had if the building was of imminent threat of collapse. Vice-Chair Fluharty asked if Commissioner Henderson had a motion. He did not.

Commissioner Shortridge stated re-use was discussed in past COA's and questioned if the entire site was designated as historic why then can't the Commission consider this as part

of the current COA. Staff confirmed the site was designated which is why a COA would be required for new structure, separate from this COA request.

Commissioner Fluharty asked if there was a motion. No motion was brought forth.

Discussion about challenges of entering the building to determine salvageable items is impacted by the condition of the building. Discussion about the building and mitigation of conditions continued.

Commissioner Henderson made a motion that prior to commencement of deconstruction or demolition the applicant, City and HPC evaluate, as far as reasonably and safely as possible, building elements and components, including exterior materials for salvage or reuse, again prior to commencement of deconstruction or demolition activities. Ms. McMartin asked if Commissioner Henderson's motion included the Winona County Historical Society be part of the evaluation and he confirmed that should be included in the motion. Lucy suggested photographic records be included for the review due to the condition of the building. She cannot confirm if HPC or others can enter the building. Ms. McMartin stated City staff viewed the building in 2018 and noted some of the salvageable pieces of interest to the City perhaps for use in the Masonic Theatre.

Commissioner Henderson noted common sense would prevail for entering the building or not. General discussion about the cost cap of $15,000 occurred. Commissioner Shortridge suggested the $15,000 be removed from condition 2. He also suggested that the second COA be considered for reusing elements in the new design. Staff noted concerns with reviewing this within demolition parameters as advised by the City Attorney.

Commissioner Doyle offered to second the motion by Commissioner Henderson. Staff noted the City Attorney has advised that Commission Doyle not participate in the discussion or motions since he was not part of the previous public hearing. Commissioner Shortridge seconded the motion, which included removing the dollar value of $15,000 in condition # 2.

Continued discussion took place about the timeline for reviewing the elements of the building. Commissioner Shortridge noted this is a Catch-22.

Mr. Espinosa confirmed the $15,000 was the cost to remove not value of what is being salvaged.

Commissioner Hanson noted there were memories for many people within the building. He did not think the building was salvageable. He believes the enforcement fell through the cracks.

Commissioner Larson spoke to the motion noting that there is not a champion, it is about money but the Commission must be charged with preservation. She noted the building

could be a community center. She noted that she cannot vote in favor of the COA and the City Council should decide.

Commissioner Dretske commented that mitigation could be better spent on an informational exhibit on demolition by neglect rather than an exhibit on education in Winona sitting in a museum. The mitigation could show what we need to do to avoid demolition by neglect in the future. She further noted the demolition of the building is hard to support since the building was neglected.

Commissioner Henderson asked staff the avenue for petitioning the City Council to consider demolition by neglect. Ms. McMartin stated this was included in the HPC report to City Council, which included goals and objectives for next year. It would have to be approved by the HPC and City Council.

Commissioner Shortridge described a conversation with Building Official, Greg Karow regarding the building. He noted that they had orders related to boarding up the windows and water intrusion. It was difficult to get action on the orders. Commissioner Shortridge also noted the Port Authority did not fund the request of the owner for financing related to water infiltrating the building.

Commissioners had staff read back a motion that was developed after the extensive discussion summarizing Commissioner Henderson's original motion. Commissioners did not believe the motion was correct. Staff requested Commissioners to develop a clear and succinct motion as to what is included and not included in the conditions. Staff also request clarification on the organization that has final say on which items are salvaged or reused.

Commissioner Shortridge asked if a timeline can be incorporated into the COA and Luke Sims verified this was done in past COA's similar to a timeframe for variances.

General discussion about the timeframe for the approval/denial took place. Staff requested a Commissioner state the motion so staff could capture the correct language in the motion.

Commissioner Dretske read the following motion related to modification of condition # 2. The applicant, the City, Winona County Historical Society and HPC, evaluate as far as reasonably possible, the building interior and exterior for salvage or reuse, prior to the commencement of deconstruction or demolition to occur within sixty days. The parties will work in cooperation and good faith with the HPC would make the final determination of elements that are salvageable.

General discussion about the reuse of materials in the subsequent COA took place. General discussion of condition # 1, which currently states:

Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this

resolution. Alternatively, applicant shall, at applicant's expense, cause to be prepared by a qualified preservation specialist Level II documentation of the auditorium/gymnasium structure in conformance with Minnesota Historic Property Record Guidelines.

Commissioner Larson stated the importance of documentation prior to demolition. She noted that a Level II Documentation should be a priority. Staff clarified it was an Exhibit or alternatively a Level II documentation. The applicant confirmed.

Commissioner Doyle was called upon and commented on wording condition 2 before finalizing condition 1. Staff reiterated the input from the City Attorney that advised Commissioner Doyle not take part in the discussion of this item since he was not present for the public hearing. Commissioner Larson wanted to recognize Commissioner Doyle outside the HPC for comment. Staff notified Commissioners again of the input received from the City Attorney but noted the HPC can do what it wishes with this advisement.

The final iteration of the motion was confirmed by Commissioner Henderson, seconded by Commissioner Shortridge. The applicant will allow the City, Winona County Historical Society and Heritage Preservation Commission, as far as reasonably possible, to view the building interior and exterior for salvage or reuse, prior to the commencement of deconstruction or demolition and adding a 60 day time limit and removal of the $15,000 dollar value; and adding the HPC would make the final determination of elements that are salvageable. The parties will work cooperatively in good faith.

The motion was called for a vote. Commissioners Hesser, Hanson, Henderson, Dretske, Shortridge and Fluharty voted Aye. Commissioner Larson asked for clarification and then voted Aye.

Commissioner Doyle began providing comment on condition # 1. Vice-Chair clarified the Commission will proceed on this item without Commissioner Doyle's input.

Commissioner Henderson made a motion to approve the COA with conditions number # 1, modified condition #2 and condition #3. The motion was seconded by Commissioner Hesser.

Commissioner Dretske suggested a separate vote on condition # 3. General discussion took place. Commissioner Hesser clarified that was not the motion under consideration.

Commissioner Larson commented on condition number 1 noting the importance of Level II documentation. Discussion about a local review or a Level II review took place. Commissioner Larson made a motion to amend the current motion and add that the applicant prioritize a Level II documentation, seconded by Commissioner Dretske. After discussion, Commissioner Larson withdrew her motion and Commissioner Dretske removed her second. A motion was made by Commissioner Larson to require the applicant to undertake a Level II Documentation, seconded by Commissioner Dretske. The

amendment was called for a vote: Nay-Hesser, Hanson, Henderson, and Fluharty. Aye-Larson, Dretske, Shortridge. The amendment failed 4-3.

The original motion was called for a vote to approve the COA with condition # 1, modifications to # 2, and condition # 3. Aye-Hesser, Hanson, Henderson, and Shortridge; Nay-Larson, Dretske, Fluharty. The motion carried 4-3.

4. Postponed Item – Consultant Selection – Windom Park Historic District National Register of Historic Places Nomination

Staff reported that Chair Hesser, Commissioner Henderson, and Mr. Espinosa recommend Section 106 group. K. Larson spoke of support with Greg Gaut's past work in the area. Hanson suggested either could do the job. Doyle suggested that 106 Group brings an entire team. Commissioner Shortridge noted that we asked staff and a group to review and recommend and this is what they have done. A motion was made to approve the Consultant Section 106 Group. All Commissioners present, voted Aye.

5. Adjournment

A motion to adjourn was made by Commissioner Shortridge, seconded by Commissioner Hanson. The meeting was adjourned at 6:40 p.m.

_____

Luke Sims
Assistant City Planner

DRAFT

Exhibit F

Copy of Appeal dated October 1, 2020

2020
COUNCIL APPEAL FORM

SUBMIT TO: Winona City Clerk, 3rd Floor City Hall, 207 Lafayette Street, Winona, MN 55987

DEADLINE FOR APPEALS:

- Variances; Form-Based Standards Decision (End of next business day 10 days following Board of Adjustment decision; typically Monday)
- CUPs, IUPs, Land Disturbance Activity Permits, and Non-Form Based Standards Decision (End of business day 10 days following Planning Commission decision; typically Thursday)
- Certificate of Appropriateness (COA) Decision (End of business day 15 working days following Heritage Preservation Commission decision; typically Wednesday)

Appellant:

Company/Individual	Main Square Development LLC		
Contact Person	Cindy Telstad	*E-Mail*	ctelstad@streaterlaw.com
Mailing Address	PO Box 310	*Office Phone*	507-454-2925
City/State/Zip	Winona, MN 55987	*Mobile Phone*	

The following is required to file a valid appeal:

1. The appellant must be a party in interest aggrieved by the decision of the Board of Adjustment, Planning Commission, or the Heritage Preservation Commission. A party in interest is a person upon whom a decision has made a tangible impact. The party shall establish the tangible impact in this application. A party in interest includes applicants, owners of adjacent property, and residents of the City of Winona.

2. A **written statement** of the reasons for the appeal. The reasons must be based on the review criteria considered by the applicable board or commission. City staff will provide a list of the applicable criteria. The statement must 1) Establish a tangible impact, 2) Succinctly state the facts, 3) Be accompanied by such documents or exhibits the appellant believes are required, and 4) State the relief requested. The statement must be dated, signed, and submitted with this application.

3. Appeal fee for Certificate of Appropriateness (COA): $110.00
   Appeal fee all others: $215.00

Following submittal of a valid appeal, the City Clerk will schedule a public hearing in front of the City Council. You will have a maximum of 20 minutes to present your case to the Council at the meeting. The City Clerk will advise you of the meeting date and time. Questions about this form or the appeal process can be directed to the City Clerk's office at 507-457-8200.

Main Square Development LLC

By: Robert A. Shindler
Signature

10/1/2020
Date

For Staff Use Only
Date Received: _____ Receipt # _____ Parcel #: _____

STATEMENT OF APPEAL

Main Square Development LLC ("Appellant") hereby appeals the decision of the Heritage Preservation Commission made at its meeting on September 23, 2020 approving Appellant's application for a Certificate of Appropriateness, but imposing conditions.

Appellant is a party in interest aggrieved by the decision of the Heritage Preservation Commission and the decision has a tangible impact on Appellant because Appellant was the applicant for the Certificate of Appropriateness and the decision imposes unreasonable conditions on Appellant.

Appellant filed an application for a Certificate of Appropriateness to demolish a portion of the Winona Senior High School and Winona Junior High School Historic Site, commonly referred to as the auditorium-gymnasium addition. The Heritage Preservation Commission considered the application at its regular meeting held on September 9, 2020. The staff report submitted prior to the meeting recommended approval of the application subject to the following conditions:

1. Level II documentation of the building in conformance with Minnesota Historic Property Record Guidelines must be conducted at the owner's expense by a qualified preservation specialist;

2. Analysis of and deconstruction of the building's remaining historical elements to preserve significant architectural detailing, as determined in consultation with a qualified preservation specialist, which shall be required to be reused or sold at auction; and

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings to the Winona Senior High School and Winona Junior High School Historic Site.

Because substantial documentation of the property already exists in the designation of the property on the National Register of Historic Places and as a locally designated Historic Site, Appellant proposed to establish an exhibit at the Winona County Historical Society relating to education in Winona rather than complete the Level II documentation. In addition, in lieu of the second proposed condition, Appellant proposed to work with the City of Winona and Winona County Historical Society to identify historical elements and fixtures to be salvaged and to be donated to either of those entities. After substantial discussion, the Heritage Preservation Commission postponed making a decision on the application until a subsequent meeting to be held on September 23, 2020.

The staff report submitted in advance of the September 23, 2020 meeting again recommended approval of the Certificate of Appropriateness, subject to the following revised conditions:

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this resolution. Alternatively, applicant shall, at applicant's expense, cause to be prepared by a qualified preservation specialist Level II documentation of the auditorium/gymnasium structure in conformance with Minnesota Historic Property Record Guidelines.

2. The applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or the City of Winona historical elements or fixtures of interest from the auditorium at a cost not to exceed $15,000, including the cost of moving any such items.

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

After prolonged discussion, the Heritage Preservation Commission modified the second condition to require that the applicant, the City of Winona, the Heritage Preservation Commission, and the Winona County Historical Society evaluate, as far as reasonably possible, the building's interior and exterior for salvage or reuse prior to commencement of deconstruction or demolition, which is to be completed within 60 days, which is to have no ceiling or cap on the related cost and expense, and which gives the Heritage Preservation Commission the final authority to determine which building elements must be salvaged.

Appellant objects to the second condition imposed by the Heritage Preservation Commission because it creates an unworkable situation, further delays the project, and imposes an open-ended obligation. As a governmental body, the Heritage Preservation Commission must act through public meetings. That means performance of this condition must be conducted as a public meeting or, more likely, a series of public meetings. This simply is not workable. In addition, the 60 day time factor prevents the project from moving forward during that time period because Appellant will not be able to take away action until the Commission completes its review. Finally, removal of the $15,000 cost cap creates an unlimited potential cost that lies solely within the control of the Historic Preservation Commission.

Appellant requests that the City Council affirm the Heritage Preservation Commission's approval of the Certificate of Appropriateness, but that it be subject to the following conditions:

1. Applicant shall contribute an amount not to exceed $15,000 to enable the Winona County Historical Society to produce a Winona County School Architecture and Education History exhibit in accordance with the Exhibition Proposal set forth in Exhibit E attached to this resolution. [1]

2. The applicant shall work cooperatively with the Winona County Historical Society and the City of Winona to salvage and provide to either the Winona County Historical Society or the City of Winona historical elements or fixtures of interest from the auditorium at a cost not to exceed $15,000, including the cost of moving any such items.

3. Demolition shall be conducted in a means to have limited impact upon the remaining contributing buildings on the Winona Senior High School and Winona Junior High School Site and surrounding buildings including the Winona Public Library.

Appellant believes these proposed conditions are reasonable and adequately provide for appropriate and practicable salvage of historical elements. If the second condition as imposed by the Heritage Preservation Commission stands, this project will not move forward.

In making its decision, the City Council should review all of the documents that were submitted to the Heritage Preservation Commission.

Main Square Development LLC

By: Robert a. Kierlin Date: 10/1/2020

[1] The second sentence of condition number 1 has been removed because it has become apparent that, given the limited ability to enter the building, preparation of Level II documentation would not be feasible and because at the September 23, 2020, the Heritage Preservation Commission voted down a motion to require Level II documentation.

Exhibit G

Public Hearing Attendees October 19, 2020

Name	Address

Exhibit H

Proposed Exhibit at the WCHS

Winona County School Architecture and Education History

Exhibition Proposal

Prepared by:
Jennifer Weaver, Museum Educator
Andy Bloedorn, Curator of Collections

WINONA COUNTY HISTORICAL SOCIETY

History Never Stops

EXHIBITION TITLE: Foundations of Education

SUMMARY: Winona has a unique history and many outstanding accomplishments in the field of education. This exhibit will highlight the architecture of both past and present school buildings. It will explore the history and milestones education has in Winona and educators that have paved the way.

EXHIBITION OUTLINE:

A. Title and Introduction
B. Winona County School Architecture and History
    1. Primary and Secondary Schools - Public and Private
        a. Pioneer and Victorian era Schools
        b. Rural and One-Room Schools
        c. WPA Schools
        d. Today (Building new concepts in education: Phelps Model School, Goodview Elem., Cotter - International students, Montessori)
    2. Higher Education
        a. Winona Normal School - Winona State University
        b. College of St. Teresa
        c. St. Mary's University
        d. MN Southeast Tech
C. Educators
    1. Highlight educator biographies tied to schools and topics above
D. Artifact Cases
E. Touch screen with Digitized Radiographs
F. Try-it Table
    1. Slates and slate chalk
    2. Palmer Business Handwriting practice sheets

SCOPE OF WORK:

- 1 week - Clear and rehouse existing exhibit (Barber Shop scene and WWII cases)

Personnel - Andy and Collection Assistant for Project TBD

- 4 weeks - Space construction (refinish floor, lighting, casework, walls)

Personnel - Carpenter TBD, Jennifer, Andy

- 4 weeks - Research, design and writing, artifact and image selection

Personnel - Jennifer, Andy, Museology (*This process will also include a community focus group of educators, retired and current.)*

- 2 weeks - Label and graphics printing

Personnel: Fastenal Print Shop

- 2 weeks - Installation

Personnel: Jennifer, Andy, Carpenter

BUDGET: $11, 250 - $16, 875 (225 sq. ft. at $50 - $75 per sq. ft.)

Label Writing - $2200
Collection Assist. - $400
Lighting - $1500
Floor Refinishing - $2000
Printing Labels and Graphics - $1500
Construction Supplies and Carpenter - $6000
Try-it Table Supplies - $300
Tech. Interactive - $800
Total: $14,700

DESIGN CONCEPTS:

Title Text

Subtitle Text

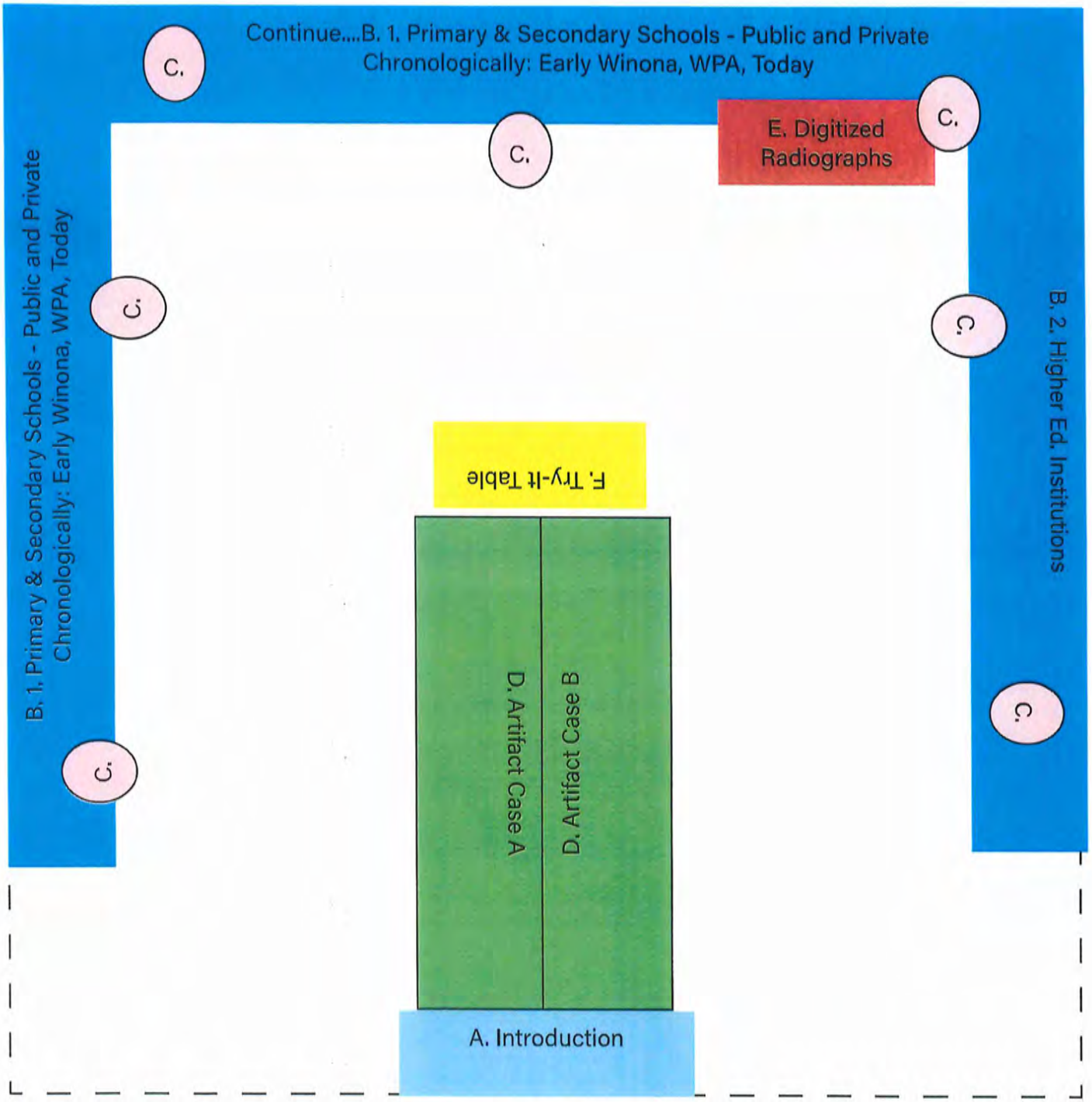
Body Text

Caption Text

△ Sample Colors
▽ Sample Images

DESIGN CONCEPTS CONT.

Approx. 15′ x 15′ space; 225 sq. ft.



SAMPLE ARTIFACT LIST

1989.110.0001
St. Stan's banner

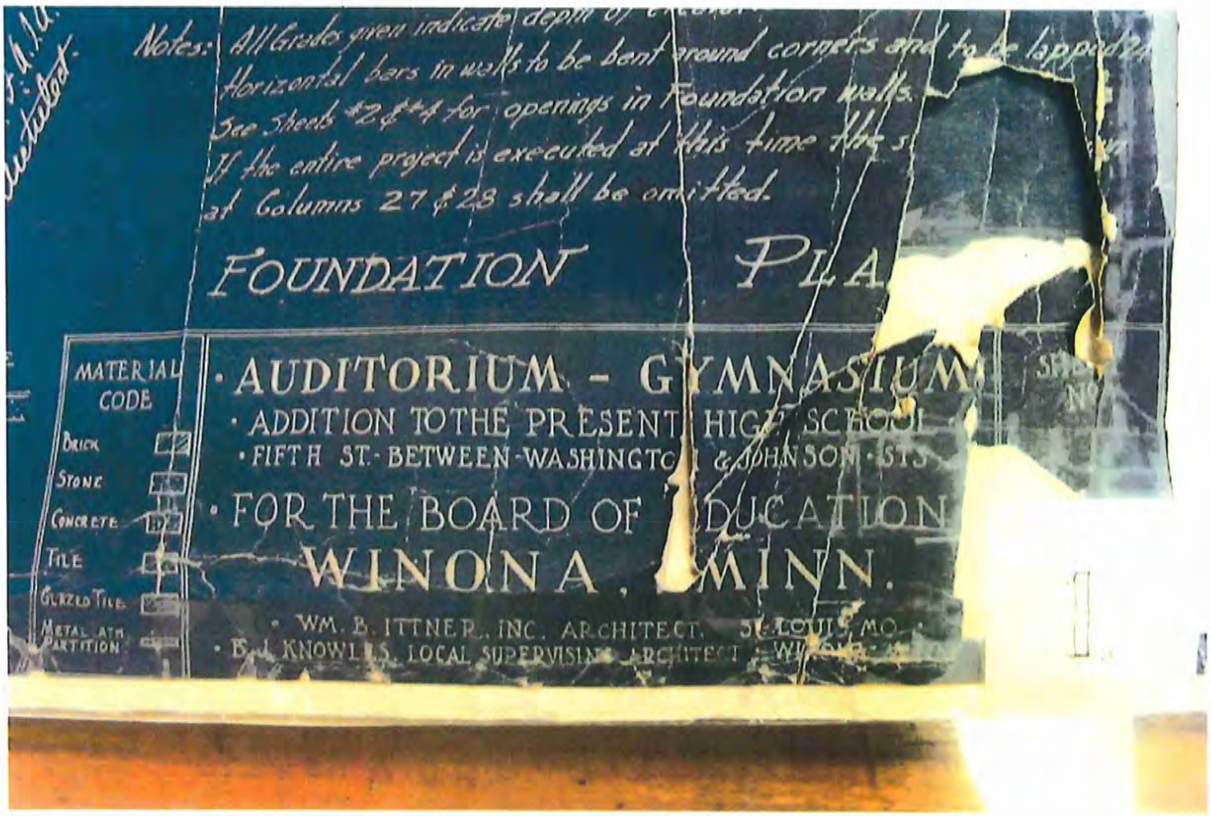
1990.037.0002
Winona High School gym suit

2009.031.0001
Winona High GAA sweater

2010.076.0004
Cotter band sweater

2018.076.0001
Madison School banner

2016.141.0086
Auditorium blueprints



REQUEST FOR COUNCIL ACTION

Agenda Section: **Required Public Hearings**	*Originating Department:*	*Date:*
No: **2**	**Community Development**	**10/19/20**

Item: **Appeal of a Decision of the Board of Adjustment – Whitewater Properties LLC/Mitchell Walch**

No. **2.5**

SUMMARY OF REQUESTED ACTION:

This is a public hearing being held pursuant to Winona City Code Section 22.21 (g) and following upon mailed and published notice to consider and hear an appeal filed by Whitewater Properties LLC/Mitchell Walch of a decision made by the Winona Board of Adjustment (BOA) dated September 16, 2020, denying a variance.

Whitewater Properties LLC/Mitchell Walch applied for a variance for the real property located at 51 Riverview Drive from City Code Section 43.02.24 which sets a maximum height of 40 feet for structures in the Mixed Use Downtown Fringe zoning district. The applicant sought a variance to construct a building at 53 feet tall. Following the BOA's decision to deny the variance, the applicant submitted an appeal dated September 28, 2020.

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 September 16, 2020, denying the height variance 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 September 16, 2020 decision of the BOA to deny a variance to Winona City Code Section 43.02.24 in compliance with the applicable standards and criteria contained in Winona City Code.

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

1. Open appeal public hearing – Mayor Peterson.
2. Opening comments on process of appeal by Mayor Peterson and legal counsel.
3. Appellant shall have the opportunity to be heard by the City Council and to show decision of the BOA should be overruled.– 20 minutes.
4. Questions from City Council members of Appellant.
5. 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 – 2 minutes per person not to exceed 10 minutes cumulatively.
6. City staff/BOA presentation– up to 10 minutes.

Department Approval:	**City Manager Approval:**

7. Questions from City Council members of City staff.
8. Close appeal public hearing and record – Mayor Peterson.
9. Legal counsel presentation on appeal process.
10. Deliberations by City Council on the issue on appeal.
11. City Council may make motion and take action on the appeal. Council options are:

    1. Affirm the decision of the BOA to deny the variance. Under this option a motion to adopt the attached findings, conclusions and order affirming the BOA's decision would be in order.
    2. Affirm and amend the decision of the BOA. Under this option a motion to adopt the attached findings, conclusions and order affirming the BOA's decision with amendments would be in order.
    3. Overrule the decision of the BOA. For this option, it is recommended Council adopt a motion to postpone further consideration and direct staff to bring proposed findings approving the variance to the next meeting. Council members supporting this option should discuss their reasoning related to the variance criteria. For Council reference, staff memos are provided in Attachments I and J.

Attached for the Council's consideration are draft findings, conclusions and order, with the following exhibits:

A. Legal description of the Applicant's property;
B. Petition to the Winona City Board of Adjustment for a Variance to Winona City Code, Section 43.02.24;
C. Reference map of subject area;
D. BOA Order #20-24-V;
E. BOA Minutes, September 2, 2020;
F. BOA Minutes, September 16, 2020;
G. Appeal of BOA Order 20-24-V received September 28, 2020;
H. Individuals who testified at Oct. 19, 2020 hearing.

In addition, following attachments are provided for Council reference:

I. Staff Memo: BOA Application Considerations for 9/2/20 Meeting
J. Staff Memo: Background Info for 20-24-V Mitchell Walch (51 Riverview Dr.)

CITY OF WINONA RESOLUTION _____

FINDINGS, CONCLUSIONS AND ORDER OF WINONA CITY COUNCIL ON APPEAL OF A BOARD OF ADJUSTMENT DECISION DENYING A VARIANCE

WHEREAS, Whitewater Properties LLC/Mitchell Walch (collectively the "Applicant") petitioned the Winona City Board of Adjustment (BOA) seeking a variance to Winona City Code, Section 43.02.24, which sets a maximum height of 40 feet for structures in the Mixed Use Downtown Fringe zoning district; and

WHEREAS, the Applicant sought the variance to the above-referenced provision of City Code in order to construct a residential building at a height of 53 feet; and

WHEREAS, the subject real property is located at 51 Riverview Drive in the City of Winona, Minnesota, and is legally described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the above-referenced real property is zoned Mixed Use Downtown Fringe; and

WHEREAS, a copy of the petition presented to the BOA by the Applicant is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, a reference map of the subject area is attached hereto and incorporated herein by reference as Exhibit C; and

WHEREAS, the BOA conducted a public hearing on September 2, 2020, and received public testimony regarding the requested variance; and

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

WHEREAS, the BOA, at its meeting on September 2, 2020, reviewed the variance request in accordance with and made certain findings based on the City Code and state statutory criteria governing requests for variances; and

WHEREAS, the BOA, following its meeting on September 2, 2020, adopted an Order, #20-24-V, dated September 16, 2020, denying the variance for 51 Riverview Drive, Winona, Minnesota, which is attached hereto and incorporated herein by reference as Exhibit D; and

WHEREAS, the Minutes of the September 2, 2020 and September 16, 2020 BOA meetings are attached hereto and incorporated herein by reference as Exhibits E and F, respectively; and

WHEREAS, on September 28, 2020, the City received an appeal of the above-referenced Order of the BOA to the City Council of Winona, Minnesota; a copy of the appeal is attached hereto and incorporated herein by reference as Exhibit G; and

WHEREAS, notice of this public appeal hearing before the City Council of Winona, Minnesota, was duly given pursuant to Winona City Code, Section 43.06.13 J); and

WHEREAS, a public appeal hearing was held on October 19, 2020, before the Winona City Council to consider the appeal from Order #20-24-V, dated September 16, 2020, of the Winona City Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WINONA, MINNESOTA, based upon the record, testimony and evidence presented at said hearing, makes the following:

FINDINGS

1. Whitewater Properties LLC/Mitchell Walch (Applicant or Appellant) petitioned the Winona City Board of Adjustment (BOA) seeking variances to Winona City Code, Section, Section 43.02.24, which sets a maximum height of 40 feet for structures in the Mixed Use Downtown Fringe zoning district.

2. The Applicant sought the variance to the above-referenced provision of City Code in order to construct a residential building at a height of 53 feet.

3. The subject real property is located at 51 Riverview Drive in the City of Winona, Minnesota, and is legally described in Exhibit A, which is attached hereto and incorporated herein by reference.

4. The above-referenced real property is zoned Mixed Use Downtown Fringe.

5. A copy of the petition presented to the BOA is attached hereto and incorporated herein by reference as Exhibit B.

6. A reference map of the subject area is attached hereto and incorporated herein by reference as Exhibit C.

7. The BOA conducted a public hearing on September 2, 2020 and received public testimony regarding the requested variance.

8. All required notices regarding the BOA public hearing were properly made.

9. The BOA, at its meeting held on September 2, 2020 reviewed the variance request in accordance with and made certain findings based on the City Code and state statutory criteria governing requests for variances.

10. The BOA following its meeting on September 2, 2020, adopted an Order, #20-24-V, dated September 16, 2020, denying the variance for 51 Riverview Drive, Winona, Minnesota, which is attached hereto and incorporated herein by reference as Exhibit D.

11. The Minutes of the September 2, 2020 and September 16, 2020 BOA meetings are attached hereto and incorporated herein by reference as Exhibits E and F, respectively.

12. On September 28, 2020 the City received an appeal of the above-referenced Order of the BOA to the City Council of Winona, Minnesota; a copy of the appeal is attached hereto and incorporated herein by reference as Exhibit G.

13. A public appeal hearing was held on October 19, 2020 before the Winona City Council to consider the appeal from Order #20-24 dated September 16, 2020, of the Winona City Board of Adjustment.

14. The City Council of Winona, Minnesota has jurisdiction to hear the appeal and notice of the public appeal hearing before the City Council of Winona, Minnesota, was duly given, pursuant to Winona City Code, Section 43.06.13 J).

15. The issue on appeal heard by the Winona City Council on October 19, 2020 was the following: Should the September 16, 2020 Order of the BOA to deny the above-referenced variance to Winona City Code, Section 43.02.24, be affirmed, amended, or overruled?

16. The individuals who testified at the public appeal hearing included representatives of the Appellant, the BOA, the Applicant, and representatives of the public. Those individuals heard at the October 19, 2020 public appeal hearing in this matter are shown in Exhibit H, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WINONA, MINNESOTA, based upon the record, testimony and evidence presented at said hearing and the above findings, concludes and orders as follows ((X) one of the following ALTERNATIVES):

CONCLUSIONS AND ORDER

___ **ALTERNATIVE 1:** AFFIRMS THE ORDER OF THE BOA

1. That the Order of the Winona BOA dated September 16, 2020, Order #20-24-V, denying the above-referenced variance to Winona City Code, Section 43.02.24 is hereby affirmed in its entirety based on the findings

herein and contained in Exhibits D, E and F, which are in compliance with applicable provisions of law and City Code.

___ **ALTERNATIVE 2:** AFFIRMS AND AMENDS THE ORDER OF THE BOA

1. That the Order of the Winona BOA dated September 16, 2020, Order #20-24-V, denying the above-referenced variance to Winona City Code, Section 43.02.24 is hereby affirmed in its entirety based on the findings herein and contained in Exhibits D, E and F, which are in compliance with applicable provisions of law and City Code, except that the same are hereby amended to modify the findings, as follows:

    a. The variance request is not in harmony with the general purposes and intent of the zoning ordinance because:

        i. _____.
        ii. _____.

    b. The variance is not consistent with the Comprehensive Plan because:

        i. _____.
        ii. _____.

    c. The variance does not put the property to use in a reasonable manner because:

        i. _____.
        ii. _____.

    d. There are not unique circumstances to the property, or there are unique circumstances to the property created by the property owner because:

        i. _____.
        ii. _____.

    e. The variance will alter the essential character of the locality because:

        i. _____.
        ii. _____.

    f. The variance request is based solely on economic considerations because:

i. _____.
ii. _____.

____ **ALTERNATIVE 3:** OVERRULES THE ORDER OF THE BOA

1. That the Order of the Winona BOA dated September 16, 2020, Order #20-24-V, denying the above-referenced variance to Winona City Code, Section 43.02.24 is hereby overruled, and the variance to Winona City Code, Section 43.02.24 requested by the Applicant in order to construct a residential building at a height of 53 feet for 51 Riverview Drive, Winona, Minnesota, is hereby approved.

2. That the findings and reason(s) for approving the variance are as follows:

   a. The variance request is in harmony with the general purposes and intent of the zoning ordinance because:

      i. _____.
      ii. _____.

   b. The variance is consistent with the Comprehensive Plan because:

      i. _____.
      ii. _____.

   c. The variance puts the property to use in a reasonable manner because:

      i. _____.
      ii. _____.

   d. There are unique circumstances to the property not created by the property owner because:

      i. _____.
      ii. _____.

   e. The variance will not alter the essential character of the locality because:

      i. _____.
      ii. _____.

   f. The variance request is not based solely on economic considerations because:

i. _____.
ii. _____.

Dated this _____ day of _____, 2020

_____
Mark Peterson
Mayor

_____
Monica Hennessy Mohan
Winona City Clerk

EXHIBIT A

Legal Description – 51 Riverview Drive

Lot 1, Block 1, Daniels First Subdivision, Winona County, Minnesota.

EXHIBIT B

Petition to the Winona City Board of Adjustment for a Variance to Winona City Code, Section 43.02.24

B.

Gray boxes to be filled in by staff only.

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date 8-14-20 Owner Whitewater Properties

Owner Address 20687 CR 33 Altura MN 55910

Petitioner Same as owner Phone No. 507-450-8046

Petitioner Address " "

As property owner or petitioner, I hereby make application to modify the City Code at the following address:
51 Riverview Dr Winona

It is understood that only those points specifically mentioned are affected by action taken on this appeal.

Purpose in seeking Board of Adjustment hearing: Allowance of a height modification to help create additional extra parking and keep more space for outdoor green space

See handout for required submittal information and general appeal information.

The specific ordinance modification desired is

I hereby certify that I am the owner of the above described property or am otherwise legally empowered to make this appeal.

Mitchell Wah
(Applicant's Signature)

Received by: Carlos

The Board meets on the first and third Wednesday of every month. Petition must be filed by noon on the Friday 19 days prior to the Wednesday meeting date. The petitioner is required to attend the meeting.

Petition #	20-24V	Receipt #	594138	Filing Fee	215.00
Variance#	1300	Invoice #	3316		
Date Received	8-14-20	Hearing Date	9-2-20	Zoning	MU-DR

F

Whitewater Properties, LLC

20687 County Road 33 Altura, MN 55910

8/14, 2020

For the Attention of Build

Building Height Background: Based Design Standards as applicable to MU-DF zones limit building height of structures to 40 feet, request should be made for a variance to increase the primary structure building height to 53 feet (*** This would be less if flat roof)

Justification: It is clear that the combined limits of story height and building height create a hardship condition. This is acknowledged in the City's 2020 Downtown Strategic Plan (page 51) which recommends reconsideration of height restrictions for MU-DC and MU-DF zones. Although this site is located just outside of the study area boundary for the Plan (page 6), the commentary is still pertinent.

If granted, this variance should not create a hardship condition for adjacent properties.

If granted this creates more parking over the minimum requirements (*rough plan does not show any bike lockers which there are many spaces for them. This would count for additional spaces on top of what we have lined out and works well with the new bike path)

This creates a smaller building footprint, increasing more outdoor area (*green space)

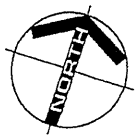
This lot can sustain the same amount of units without the height variance but for the reasons stated above; this is much more feasible for how the property should be placed out with respect to the city's sights and for the tenants to have a better atmosphere.

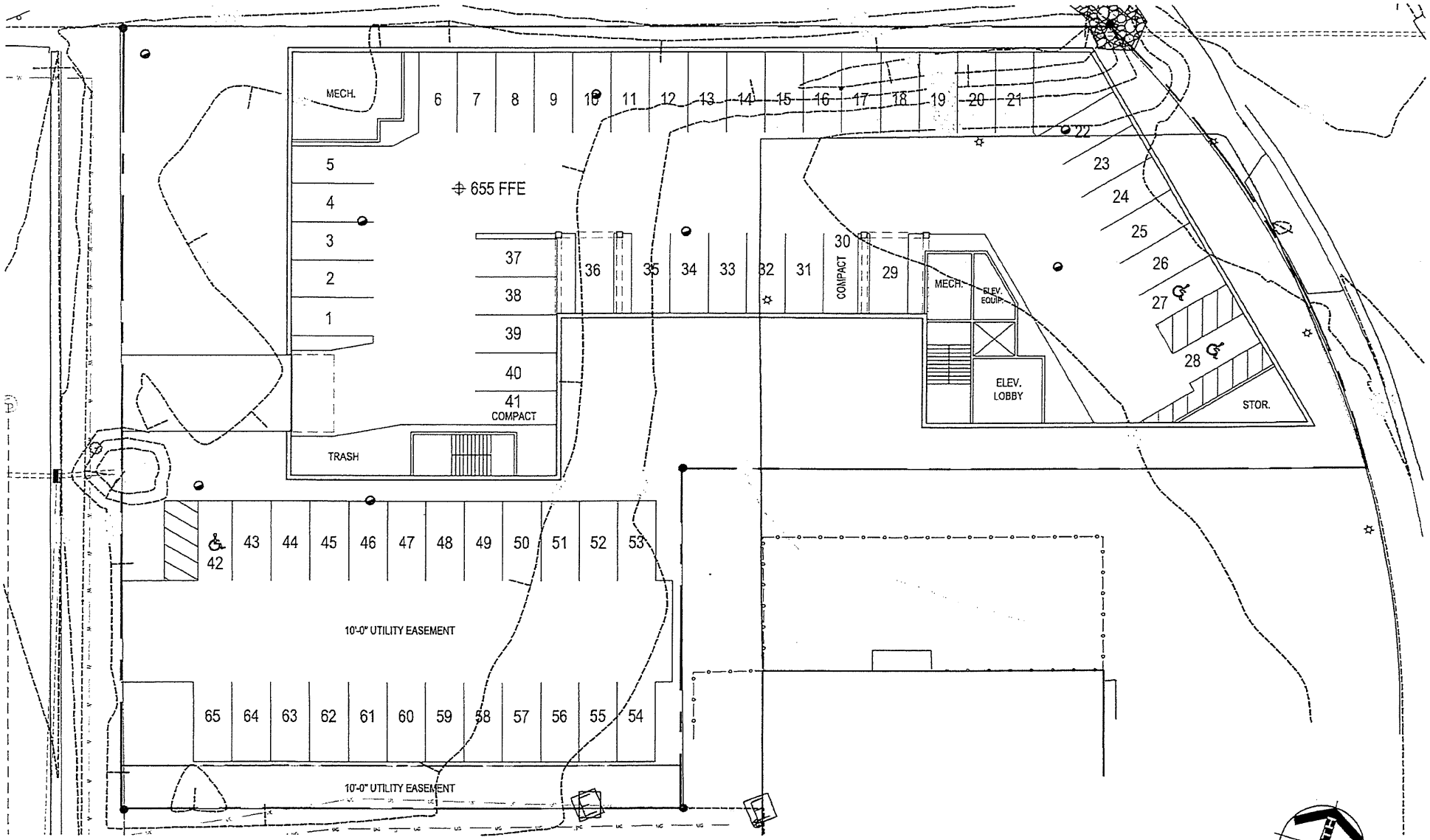
fully utilize downtown zones for their economic productivity with respect to tax revenue (2020 Downtown Strategic Plan, page 52).

Mix of uses. Encourage a wide range and integrated mix of industrial, retail, restaurant, park, entertainment and residential uses along the riverfront. 3. Housing and related uses that capitalize on the riverfront's amenities while providing for public access. (2007 riverfront revitalization plan pg 18)

1 PARKING LEVEL FLOOR PLAN - 41 SPACES UNDER BUILDING; 24 AT GRADE

ORIGINAL SCALE: 1"=20'





1 PARKING LEVEL FLOOR PLAN - 41 SPACES UNDER BUILDING; 24 AT GRADE

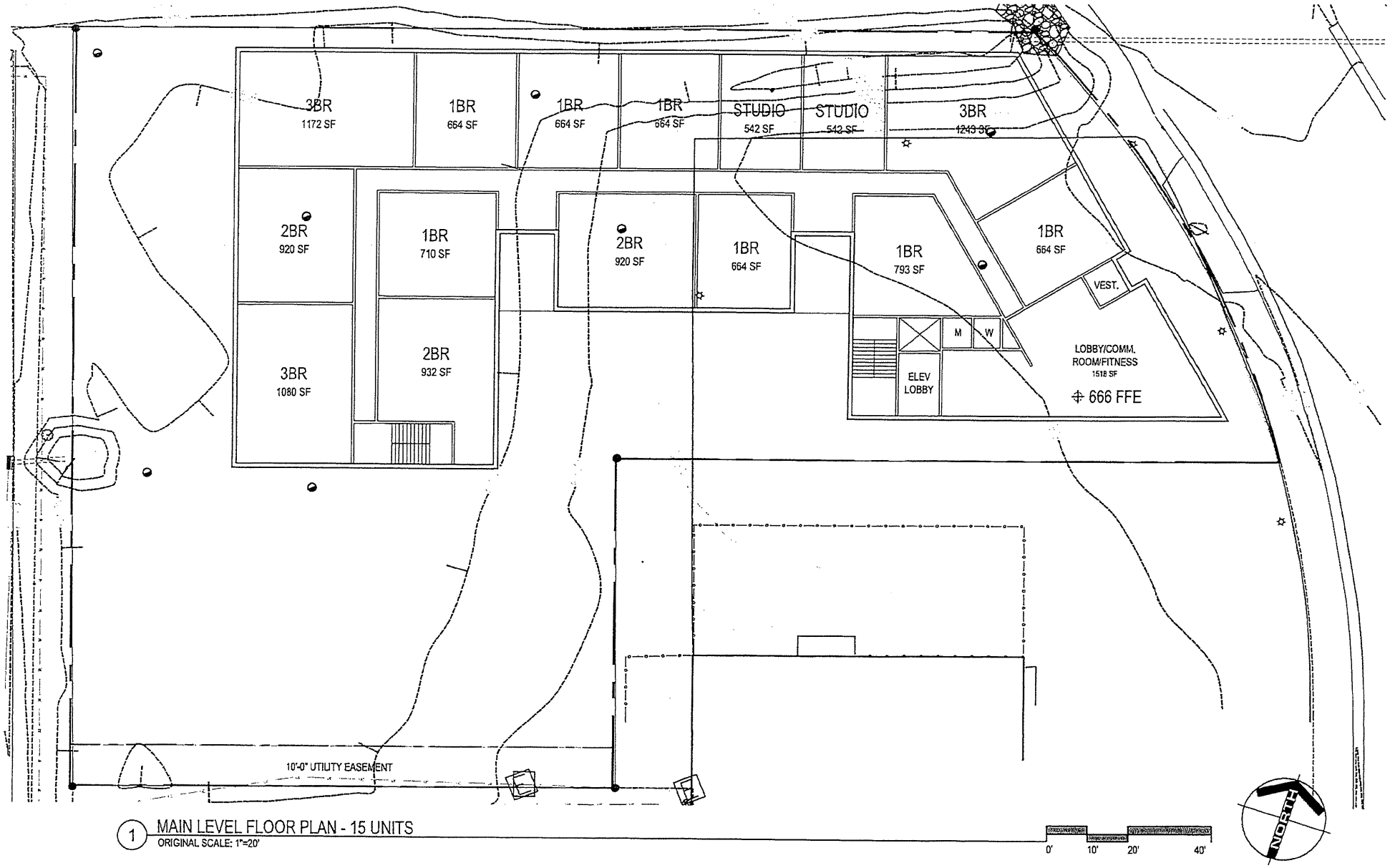
ORIGINAL SCALE: 1"=20'

0' 10' 20' 40'

1 MAIN LEVEL FLOOR PLAN - 15 UNITS
ORIGINAL SCALE: 1"=20'

0' 10' 20' 40'

NORTH



1 MAIN LEVEL FLOOR PLAN - 15 UNITS
ORIGINAL SCALE: 1"=20'

1 UPPER LEVELS FLOOR PLAN - 16 UNITS
ORIGINAL SCALE: 1"=20'

0' 10' 20' 40'

NORTH

EXHIBIT C

Reference Map

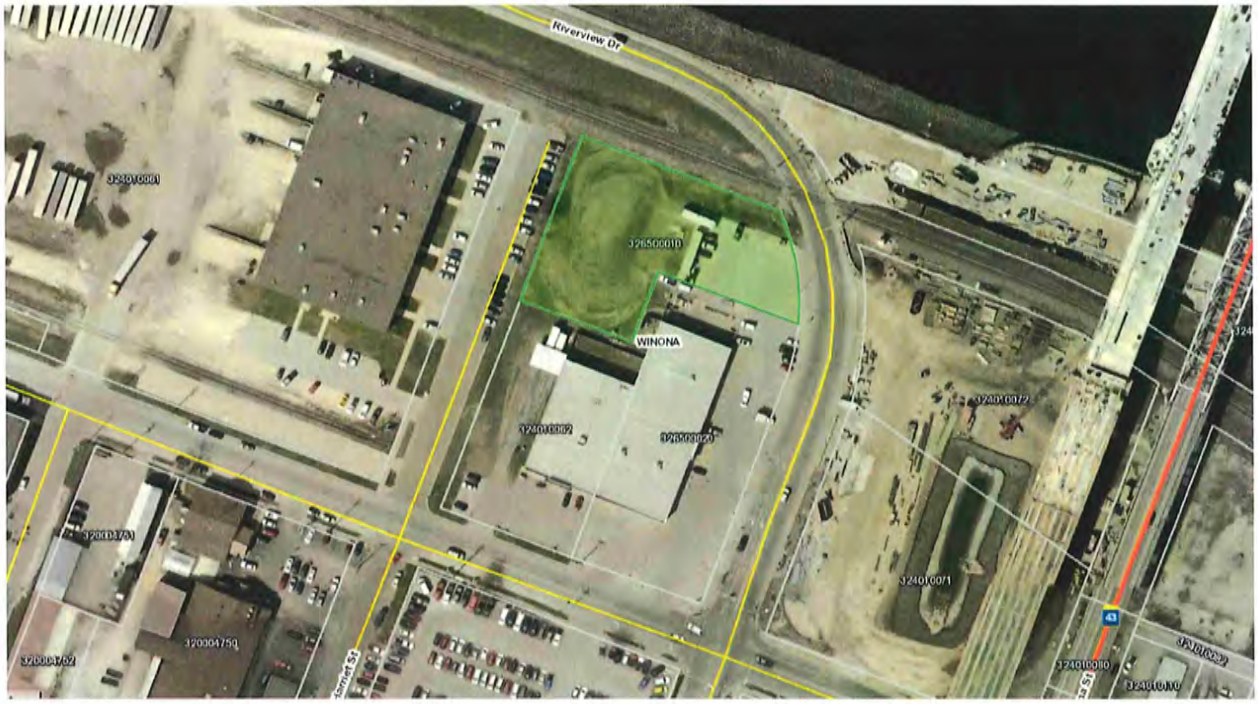


EXHIBIT D

BOA Order #20-24-V

D.

CERTIFICATION

I, Greg Karow, Secretary for the Winona City Board of Adjustment, do hereby certify that I have compared the annexed paper writing with the original Order of the Winona City Board of Adjustment RE: Petition **#20-24-V,** and Petitioner(s) **Mitchell Walch, Whitewater Properties,** now remaining of record in my office, and that the same is a true and correct copy of said original.

WITNESS, my hand at Winona, Minnesota, this 16th day of September, 2020.

Secretary
Board of Adjustment

CITY OF WINONA, MINNESOTA
BOARD OF ADJUSTMENT RESOLUTION FOR PETITION 20-24

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA, MINNESOTA DENYING THE REQUEST FOR A VARIANCE TO CONSTRUCT A 53 FOOT TALL BUILDING

WHEREAS, the applicant, Mitchell Walch, seeks a variance to Winona City Code 43.02.24 Table 43-4 to construct a 53 foot tall building at 51 Riverview Drive, Winona, Minnesota, legally described on the attached Exhibit A, which property is zoned MU-DF; and

WHEREAS, the Board of Adjustment conducted a public hearing on September 2, 2020, and received public testimony regarding the requested variance; and

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

WHEREAS, the Board of Adjustment subsequently reviewed the requested variance at its meeting on September 2, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA, MINNESOTA, that it adopts the following findings of fact related to the requested variance:

Standard #1 The variance request is consistent with the general purposes and intent of the zoning ordinance.

Finding #1 The Board determined that the variance is not in harmony with the purpose and intent of the ordinance because it facilitates construction of a building that is effectively one-story taller than permitted. This amount of added density is not an appropriate use of the land in this area.

Standard #2 The variance is consistent with the Comprehensive Plan.

Finding #2 The Board determined that the variance is not consistent with the Comprehensive Plan because the land use designation is Downtown Fringe and this has not been changed. Further, Downtown Fringe encourages medium density mixed-use buildings. The variance would facilitate construction of a building that has a relatively high density and is not mixed-use.

Standard #3 The variance puts the property to use in a reasonable manner.

Finding #3 The Board determined that the variance is not reasonable given adjacent buildings are 20-30' in height.

Standard #4 There are unique circumstances to the property not created by the property owner.

Finding #4 The Board determined that there are not unique circumstances given the property is undeveloped.

Standard #5 The variance will not alter the essential character of the locality.

Finding #5 The Board determined that the variance will alter the character of the locality because it would allow a building that is significantly taller than buildings in the vicinity.

Standard #6 There are other considerations for the variance besides economics.

Finding #6 The practical difficulties test listed above in standards 3-5 is not met. In accordance, there are not sufficient other considerations.

Passed by the Board of Adjustment of the City of Winona, Minnesota this 11th day of September, 2020.

VOTE: N KOUBA Y SANCHEZ Y CONWAY Y MURPHY Y BUEGE Y KROFCHALK Y BREZA

ATTEST:

Secretary

Chairman

EXHIBIT A

Legal Description of 51 Riverview Drive

Lot 1, Block 1, Daniels First Subdivision, Winona County, Minnesota.

EXHIBIT B
Reference Map

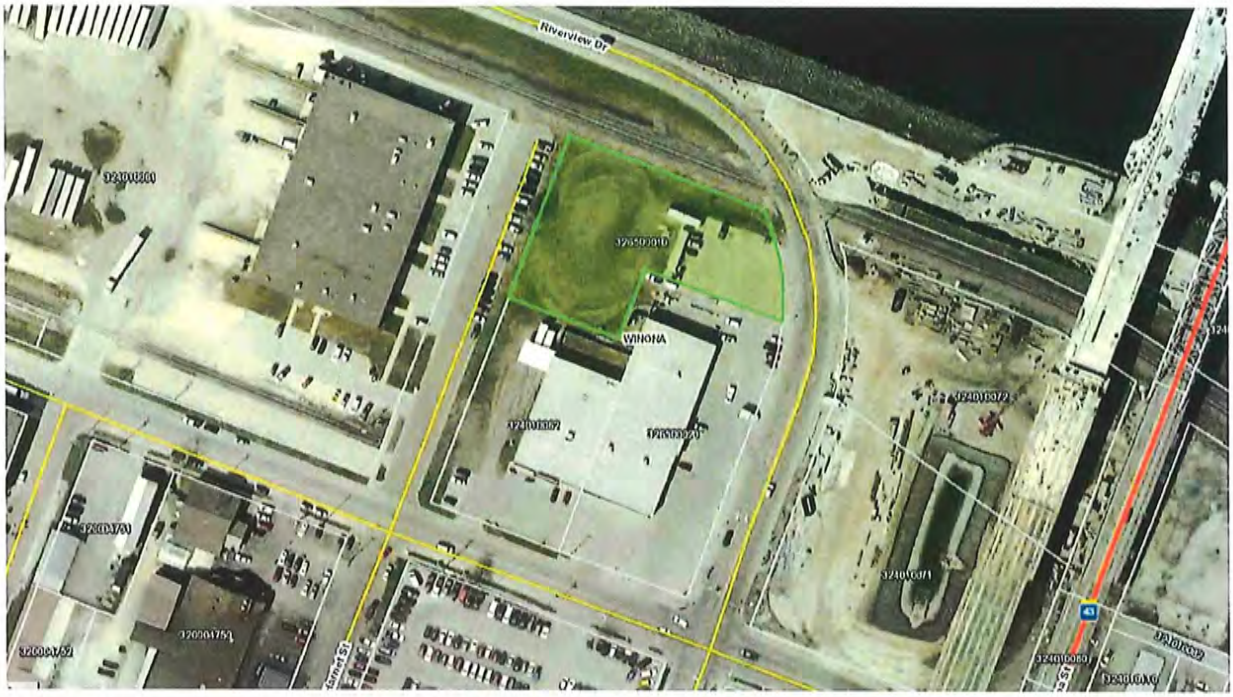


EXHIBIT E

BOA Minutes, September 2, 2020

BOARD OF ADJUSTMENT
Regular Meeting

DATE: **September 2, 2020**

TIME: **5:00 p.m.**

PLACE: **Zoom Online Meeting**

PRESENT: **Buege, Breza, Conway, Kouba, Krofchalk, Murphy, Sanchez**

ABSENT: **None**

Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes from the Board's August 5, 2020 meeting were approved unanimously upon motion by Dave Kouba and seconded by Tim Breza. All were in favor of approving the minutes.

Petition No. 20-25-V, Immanuel Methodist Church

Chairman Sanchez opened the public hearing and read the petition:

Immanuel Methodist Church – City Code Section 43.02.23 which sets a minimum lot size of 16,000 square feet for a church in an R-2 Medium Density Residence district. Applicant wishes to split approximately 1,600 square feet off an existing 6,292 square foot lot with a church on it. The 1,600 square feet is proposed to be sold to an adjacent property for access to an existing garage. The remaining parcel housing the church will be approximately 4,692 square feet. Property is described as R-2 zoning, Sect-21, Twp-107, Range-007, LIMITS FRAC LOT 2 BLK 4 WILSIES ADD LOT 50, or at 455 South Baker.

Michael Bernatz, spoke in favor of the variance. Mr. Bernatz is the Attorney representing the Immanuel Methodist Church. Also representing the church by phone was Dennis Davis; Trustee President, Immanuel Methodist Church and Sandra Davis, Treasurer of the Immanuel Methodist Church.

It was mentioned that Immanuel Methodist Church owns three separate parcels with the church being on one lot, the variance request to split up the property on another lot, and a vacant lot.

The existing structure on the parcel that the church wants to split is the existing garage space and the church would like to be able to access the existing garage without going onto the church property.

Mr. Bernatz mentioned that the use of the space would not be noticeable and right now it's being used as a rental with the garage and it would continue to be

used as a rental. This variance request is to make it more accessible to the garage.

Tom Conway asked that if the property is split, will the church still have access to that as another exit off of the property and it was clarified by Mr. Bernatz, that would be the case and an easement would be drafted as part of the purchase agreement.

Chairman Sanchez closed the hearing and opened it up considerations.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Yes, no change in zoning and use of the property and it is still in compliance with the ordinance.

Is the variance consistent with the Comprehensive Plan? Yes it is, churches are very common in neighborhoods and zoning is allowing it.

Does the proposal put the property to use in a reasonable manner? Yes, the use of space. The space use is not changing, only ownership.

Are there unique circumstances to the property not created by the landowner? Yes, there is nothing that has created any circumstances and the use of the building was before the zoning ordinance was in place.

Will the variance, if granted, retain the essential character of the locality? Yes, Nothing changes only ownership of land.

Travis Buege asked if this was going to be used as a single family dwelling or retained as a rental and it was clarified that it would remain a rental.

Dave Kouba made a motion to approve the variance request as submitted; it was seconded by Tom Conway. All were in favor of approving except for one member who opposed. The motion passed.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Petition No. 20-24-V, Mitchell Walch

Mitchell Walch – City Code Section 43.02.24 which sets a maximum height of 40 feet for structures in the Mixed Use Downtown Fringe zoning district. Applicant wishes to construct a residential building at 53 feet tall. Property is described as Mu-DF zoning, Sect-22 Twp-107 Range-007 DANIELS FIRST SUBDIVISION Lot-001 Block-001 or at 51 Riverview Drive.

Mitchell Walch is requesting a variance to construct a residential apartment building at 53 feet and the ordinance sets a height at 40 feet. He also mentioned

that he had been to a previous Board of Adjustment meeting requesting 60 feet and it was denied. He said he can get extra space at 53 feet for additional parking and green space.

Speaking for the variance was Greg Wohletz, 678 Mankato Avenue. Mr. Wohletz said there was a need for this type of housing within the city and studies that support this type of use.

Staff received several letters by email in support of the variance. Dave McCorquodale, Agent/Realtor for Coffee House Realty, wrote in favor for the variance request. Mr. McCorquodale also commented on the housing shortage in Winona and the need for more affordable housing units.

Brandon Hutkowski also stated the need for more housing and was in favor of the request.

Joe Czeiska was also in favor of the variance request and stated how it would be a great opportunity to have the apartment building overlooking the Mississippi River and an asset the building would be for Winona.

Michael Onstad of Black Squirrel Properties also sent a letter supporting the request. In Mr. Onstad's letter he said he owned neighboring property located at 330 West Second and he looked forward to having the housing units as his neighbor.

Dave Kouba said he supports the project and there is a need for housing.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Jon Krofchalk said the downtown area was just rezoned and it was a downtown fringe area; whereas, if there was going to be a change, it should be a change in zoning. Tom Conway reiterated that this was a downtown fringe area and it should be done in Planning and Zoning to be in harmony with the purpose and intent of the ordinance. He also mentioned that a decision was to be made based on a zoning requirement and the Board was outside their scope to be able to make a decision. Staff brought forward the language from the ordinance again that this is a downtown fringe and if there was a change, it would be a change to the ordinance and in fact they require a change to the entire Comprehensive Plan to change this to a downtown core area rather than a downtown fringe.

This process could take up to two years and because this is such a unique situation there could be special consideration due to the character of the nature of the building and what they are trying to accomplish. With that being said, Staff did reiterate the idea that because the change to ordinance would take considerable amount of time, they felt it was appropriate to bring this to the Board of Adjustment to try to make evaluation of this unique situation.

Staff also mentioned that reasoning behind different heights in buildings is to make a smooth transition from the downtown core area to the fringe area and to residential and gradually making restrictions for the height.

The Board voted on this finding question and Dave Kouba and Travis Buege voted yes, Jon Krofchalk, Tom Conway, Jim Murphy, Chris Sanchez and Tim Breza voted no. The variance is not in harmony with the purpose and intent of the ordinance because it facilitates construction of a building that is effectively one-story taller than permitted. This amount of added density is not an appropriate use of the land.

Is the variance consistent with the Comprehensive Plan? Dave Kouba and Tom Conway voted yes, Travis Buege, Jon Krofchalk, Tim Breza, Chris Sanchez and Jim Murphy voted no. The reason for the no vote was because the Comprehensive Plan has not changed and as such it is not consistent.

Does the proposal put the property to use in a reasonable manner?
Dave Kouba and Chris Sanchez voted yes. Jon Krofchalk, Jim Murphy, Tim Breza, Travis Buege and Tom Conway all voting no. It is not reasonable given adjacent buildings are 20'-30' in height.

Are there unique circumstances to the property not created by the landowner? Dave Kouba voted yes. Jon Krofchalk, Jim Murphy, Tim Breza, Travis Buege, Chris Sanchez and Tom Conway all voted no because the property is undeveloped.

Will the variance, if granted, retain the essential character of the locality?
Tom Conway, Jim Murphy, Jon Krofchalk, Travis Buege and Tim Breza all voting no. Chris Sanchez and Dave Kouba voted yes. Travis Buege mentioned that there were no other buildings that were that size and the buildings in the area were approximately twenty feet tall, so it is not consistent with the neighborhood.

Dave Kouba made a motion to approve the variance as requested. No one seconded the motion. The motion failed. There was a motion by Jon Krofchalk to direct Staff to draft a resolution for denial of the variance request for submittal to the next Board of Adjustment meeting for a final vote of the resolution and it was seconded by Tim Breza. All were in favor except for Dave Kouba. The motioned carried.

Adjournment

Dave Kouba made a motion to adjourn with a second by Tim Breza. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:55 p.m.

Greg Karow
Secretary

EXHIBIT F

BOA Minutes, September 16, 2020

F.

BOARD OF ADJUSTMENT
Regular Meeting

DATE: **September 16, 2020**

TIME: **5:00 p.m.**

PLACE: **Zoom Online Meeting**

PRESENT: **Buege, Breza, Conway, Kouba, Krofchalk, Murphy, Sanchez**

ABSENT: **None**

Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes from the Board's September 2, 2020 meeting were approved unanimously upon motion by Tom Conway and seconded by Dave Kouba. All were in favor of approving the minutes.

Petition No. 20-26-V, Steve Zolondek

Chairman Sanchez opened the public hearing and read the petition:

Steve Zolondek - City Code Section 43.02.24, which limits garages in a B-1 zoning districts to 15 feet in height. Applicant wishes to construct a garage at 18 feet in height.

Property is described as B-1 zoning, Sect-25, Twp-107, Range-007, HAMILTON ADDITION, Lot-005, Block-005 E C HAMILTON'S ADDITION, or at 901 East Sanborn Street.

Steve Zolondek, 722 East Wabasha, spoke on the variance. His said the intent is to build a storage building for Boomer's Plumbing and be used to store materials for his business and also for a couple of his business vehicles. Mr. Zolondek said he needs a fourteen foot overhead door to be able to get the equipment to fit into the building.

Travis Buege had a question about setbacks and property lines and the location of the lot where the building would go and Jon Krofchalk commented that there was an adjacent property that had a roof line that was possibly taller than what was being proposed.

With no further questions from the Board, Chairman Sanchez closed the meeting to the public and opened it up for additional discussion.

The Board went through the variance finding questions and question number one asked if the variance was in harmony with the purpose and intent of the ordinance? Yes, there are a number of adjacent buildings within the same lot and around the areas and it does not have a negative impact on the neighborhood.

Is the variance consistent with the Comprehensive Plan? Yes, based on zoning and because it is a B-1 zone, it allows these types of structures.

Does the proposal put the property to use in a reasonable manner? Yes, it is the same type of use as to what is already on the lot.

Are there unique circumstances to the property not created by the landowner? No.

Will the variance, if granted, retain the essential character of the locality? Yes, there are many of the same structures and buildings in the neighborhood.

Tim Breza made a motion to approve the variance request as submitted; it was seconded by Tom Conway. All were in favor of approving the variance as request. The motion passed.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Other Business

The second item of business was to vote on the proposed resolution drafted by direction of Staff from the September 2, 2020 meeting for resolution 20-24-V for Mitchell Walch and his variance request which was for a height variance and was denied.

The Board passed resolution 20-24-V upon motion by Jon Krofchalk and it was seconded by Tom Conway. All were in favor except for Dave Kouba who voted against. The motion passed to accept resolution 20-24-V as proposed.

Adjournment

Tim Breza made a motion to adjourn with a second by Jim Murphy. The vote of the Board was unanimous.

There being no further business to come before the Board, the meeting was adjourned at 5:20 p.m.

_____
Greg Karow
Secretary

EXHIBIT G

Appeal of BOA Order #20-24-V received September 28, 2020

G.

2020
COUNCIL APPEAL FORM

SUBMIT TO: Winona City Clerk, 3rd Floor City Hall, 207 Lafayette Street, Winona, MN 55987

DEADLINE FOR APPEALS:

- Variances; Form-Based Standards Decision (End of next business day 10 days following Board of Adjustment decision; typically Monday)
- CUPs, IUPs, Land Disturbance Activity Permits, and Non-Form Based Standards Decision (End of business day 10 days following Planning Commission decision; typically Thursday)
- Certificate of Appropriateness (COA) Decision (End of business day 15 working days following Heritage Preservation Commission decision; typically Wednesday)

Appellant:

Company/Individual	Whitewater Properties LLC Mitchell Wahl		
Contact Person	Mitchell Wahl	*E-Mail*	mitch@coffeehouserealty.com
Mailing Address	20687 CR 33	*Office Phone*	
City/State/Zip	Altura MN 55910	*Mobile Phone*	507-450-8046

The following is required to file a valid appeal:

1. The appellant must be a party in interest aggrieved by the decision of the Board of Adjustment, Planning Commission, or the Heritage Preservation Commission. A party in interest is a person upon whom a decision has made a tangible impact. The party shall establish the tangible impact in this application. A party in interest includes applicants, owners of adjacent property, and residents of the City of Winona.

2. A **written statement** of the reasons for the appeal. The reasons must be based on the review criteria considered by the applicable board or commission. City staff will provide a list of the applicable criteria. The statement must 1) Establish a tangible impact, 2) Succinctly state the facts, 3) Be accompanied by such documents or exhibits the appellant believes are required, and 4) State the relief requested. The statement must be dated, signed, and submitted with this application.

3. Appeal fee for Certificate of Appropriateness (COA): $110.00
   Appeal fee all others: $215.00

Following submittal of a valid appeal, the City Clerk will schedule a public hearing in front of the City Council. You will have a maximum of 20 minutes to present your case to the Council at the meeting. The City Clerk will advise you of the meeting date and time. Questions about this form or the appeal process can be directed to the City Clerk's office at 507-457-8200.

Mitchell Wahl 9.27.20

Signature Date

For Staff Use Only
Date Received: _____ Receipt #_____ Parcel #: _____

Mitchell Walch

Whitewater Properties LLC

51 Riverview Dr Winona MN 55987

Appeal letter

I am appealing the board of adjustments decision due to these findings-

The board of adjustments support the project and the height but does not want to make the call to approve it, they would rather hand it to the council due to the size of the request on having such a large impact in the city.

The city needs housing, this project would be a great asset to the downtown area of Winona.

This height request does not affect the number of units rather creates a better opportunity for extra parking as well as extra green space not required by code to be more harmonious to the potential tenants as well as residents of this city. I am requesting one story higher than code; there are buildings 3 story in height within a block, a couple others higher than 3 stories within 2 blocks.

I would like to request the height of 53' to be approved. This height still helps transition the zones.

Finding 1- The board's findings did not support the density- there is no increased density with the added height. They deemed it not in harmony due to being 1 story higher than zoning. (Reason for a variance) This being said, the building holds the same amount of units if it were 3 stories. There is no added residents added due to the height change.

Finding2- The height was taller previous to the re zone, this property was purchased with the marketing of a 4 story building. This is not changing density due to height. This is a similar use with a lower density than downtown core.

Finding3- Board stated adjacent buildings are 20-30' in height. Buildings nearby
Island City- 3 stories high Fastenal new building- 62' Rivers Edge-58' all within blocks of this location.

Finding4- Adjacent to the river front which should naturally have a higher building for the views of the area. Analyzing the riverview development plan (to take advantage of parcels closer to the river that are left in the downtown or purchase riverfront parcels to remove industrial for development opportunities)
.

Finding5-Picture the building there with 3 stories, a 4th will not affect the location much. This area is transitional along the river with many larger buildings taller down to the east.

Finding 6- Green space, extra parking, advantages of a riverview development for the citizens in your city looking for housing, and more. In the near future this will look very different around this location with the new projects being so close. This is the gateway into downtown from our beautiful river road.

Mitchell Walch
Mitchell Walch

9-25-20

CITY OF WINONA, MINNESOTA
BOARD OF ADJUSTMENT RESOLUTION FOR PETITION 20-24

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA, MINNESOTA DENYING THE REQUEST FOR A VARIANCE TO CONSTRUCT A 53 FOOT TALL BUILDING

WHEREAS, the applicant, Mitchell Walch, seeks a variance to Winona City Code 43.02.24 Table 43-4 to construct a 53 foot tall building at 51 Riverview Drive, Winona, Minnesota, legally described on the attached Exhibit A, which property is zoned MU-DF; and

WHEREAS, the Board of Adjustment conducted a public hearing on September 2, 2020, and received public testimony regarding the requested variance; and

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

WHEREAS, the Board of Adjustment subsequently reviewed the requested variance at its meeting on September 2, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF WINONA, MINNESOTA, that it adopts the following findings of fact related to the requested variance:

Standard #1 The variance request is consistent with the general purposes and intent of the zoning ordinance.

Finding #1 The Board determined that the variance is not in harmony with the purpose and intent of the ordinance because it facilitates construction of a building that is effectively one-story taller than permitted. This amount of added density is not an appropriate use of the land in this area.

Standard #2 The variance is consistent with the Comprehensive Plan.

Finding #2 The Board determined that the variance is not consistent with the Comprehensive Plan because the land use designation is Downtown Fringe and this has not been changed. Further, Downtown Fringe encourages medium density mixed-use buildings. The variance would facilitate construction of a building that has a relatively high density and is not mixed-use.

Standard #3 The variance puts the property to use in a reasonable manner.

Finding #3 The Board determined that the variance is not reasonable given adjacent buildings are 20-30' in height.

Standard #4 There are unique circumstances to the property not created by the property owner.

Finding #4 The Board determined that there are not unique circumstances given the property is undeveloped.

Standard #5 The variance will not alter the essential character of the locality.

Finding #5 The Board determined that the variance will alter the character of the locality because it would allow a building that is significantly taller than buildings in the vicinity.

Standard #6 There are other considerations for the variance besides economics.

Finding #6 The practical difficulties test listed above in standards 3-5 is not met. In accordance, there are not sufficient other considerations.

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

VOTE: __ KOUBA __ SANCHEZ __ CONWAY __ MURPHY __ BUEGE

__ KROFCHALK __ BREZA

ATTEST:

_____ Secretary

_____ Chairman

EXHIBIT A

Legal Description of 51 Riverview Drive

Lot 1, Block 1, Daniels First Subdivision, Winona County, Minnesota.

EXHIBIT B
Reference Map

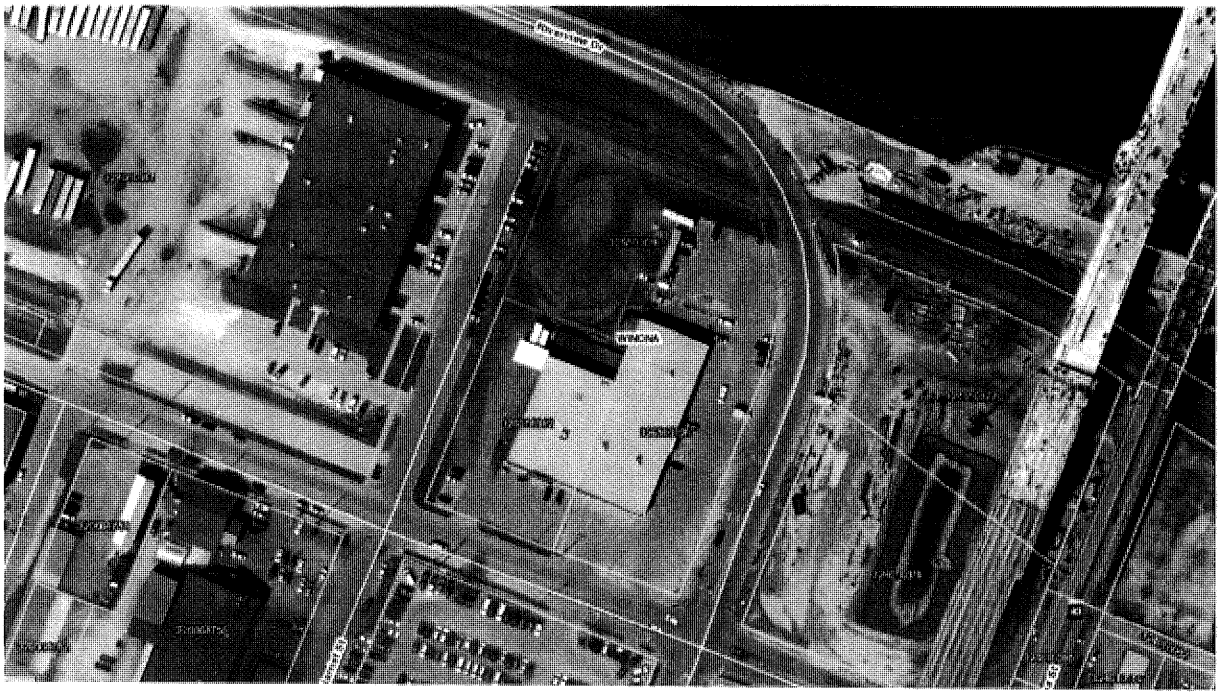


EXHIBIT H

List of individuals who testified at the October 19, 2020 public appeal hearing

Name	Address

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Carlos Espinosa

DATE: August 28, 2020

SUBJECT: BOA Application Considerations for 9/2/20 Meeting

Applicant: Mitch Walch – 51 Riverview Drive.

Considerations related to Board of Adjustment Variance Criteria are provided below:

1) **Is the variance in harmony with the purpose and intent of the ordinance?**

   The property is zoned Mixed-Use Downtown Fringe. This district was created during development of the 2017 Unified Development Code update. The purpose statement for this zoning district is the following:

   > MU-DF – The purpose of the MU-DF Mixed Use Downtown Fringe District is to provide an area for a mixture of uses that supports the downtown core area, including commercial, public, institutional, and residential, but accommodates light industrial uses as well. This district's physical character is intended to be similar to that of the MU-DC district but also serves as a transition to adjacent residential neighborhoods with lower development densities and building heights than the downtown core.

   The proposed 53' building height is significantly lower than the maximum permitted height in the downtown core (75'). In addition, the property is surrounded by commercial uses (versus low-rise residential properties). Given these characteristics, it would appear the variance is in harmony with the purpose and intent of the code.

2) Is the variance consistent with the Comprehensive Plan?

The Comprehensive Plan designates this parcel as Downtown Fringe:

DF - Downtown Fringe	
Area supporting the central downtown core, with a similar mix of uses but a lower intensity. Includes 'arts district,' medium density residential, mixed neighborhood retail and offices, employment centers, public spaces, and satellite parking facilities.	• Medium densities; mixed-use buildings are encouraged • Pedestrian-oriented design • Redevelopment opportunities • Appropriate transitions to adjacent neighborhoods

As noted, the Downtown Fringe classification of the property is meant to facilitate a similar mix of uses as downtown (east of the bridge), but at a lower intensity (e.g. mass/scale and density). At a 53' height, the variance would facilitate a use similar to the core of downtown with a lower relative intensity – which is in accordance with the Comprehensive Plan.

3) Does the proposal put property to use in a reasonable manner?

There are many other examples of tall buildings in Winona surrounded by structures of a significantly lower height (i.e. Watkins, Valley View Tower, Sheehan Hall). In addition, buildings are often taller adjacent to a body of water to maximize views. In accordance, a building more than 40 feet in height may be reasonable at this location.

4) Are there unique circumstances to the property not created by the landowner?

The property is located immediately adjacent to the riverfront, which as noted above, is a location where taller buildings are often located.

5) Will the variance, if granted, retain the essential character of the locality?

If granted, the variance will facilitate a building which is taller than the immediate area. Adjacent buildings are 20-30 feet in height. However, the area will likely transition with new development next to the bridge and the Fastenal office building. An example of this is the mixed use building at the

southeast corner of Second and Huff which replaced a single story restaurant with an approximate 40' tall commercial/residential structure.

6) **Are there other considerations for the variance request besides economics?**

   If the findings of questions 3-5 are affirmative this criterion is satisfied.

Applicant: Immanuel Methodist Church – 455 S. Baker

Considerations related to Board of Adjustment Variance Criteria are provided below:

1) **Is the variance in harmony with the purpose and intent of the ordinance?**

   The property is zoned R-2 Medium Density Residence District. Although the church is proposed to be on a smaller lot, the variance facilitates the sale of the adjacent residential property by providing access to off street parking in a garage – this secures appropriate use of the land and conserves and protects property values.

2) **Is the variance consistent with the Comprehensive Plan?**

   The Comprehensive Plan designates this parcel for traditional neighborhood uses including churches – which is proposed to continue, albeit on a smaller lot.

3) **Does the proposal put property to use in a reasonable manner?**

   It is reasonable to sell a residential home with access to off-street parking. The church already exists on a lot that is smaller than requirements. It i proposed to be reduced in size by 1,600 square feet, but with no changes to overall use.

4) **Are there unique circumstances to the property not created by the landowner?**

   The church has been in existence for over 100 years – which predates the zoning code.

5) **Will the variance, if granted, retain the essential character of the locality?**

Although the land was previously owned by the church, it was not used by church attendees, rather as the church parsonage. As such, sale of the land will not remove off-street parking previously used during church services. Thus, it is not expected that sale of the land will not alter the character of the area.

6) **Are there other considerations for the variance request besides economics?**

If the findings of questions 3-5 are affirmative this criterion is satisfied.

MEMORANDUM

J.

TO: Board of Adjustment

FROM: Carlos Espinosa

DATE: August 27, 2020

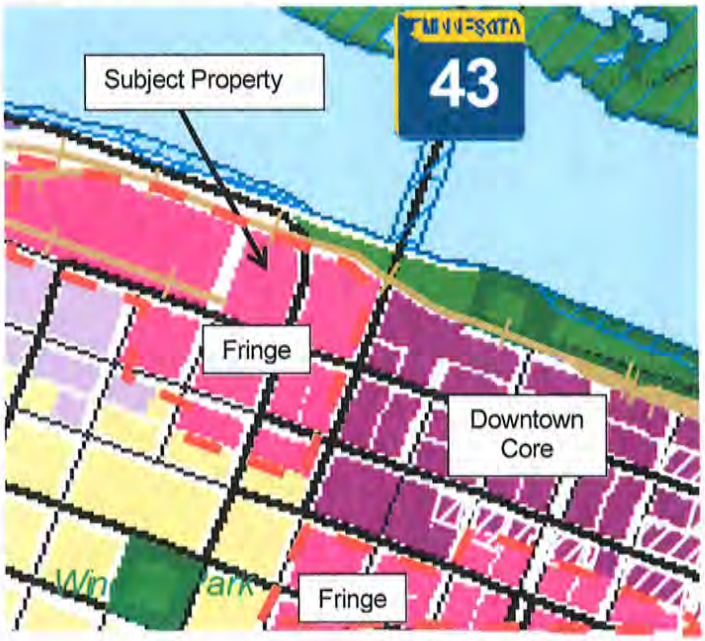
SUBJECT: Background Info for 20-24-V Mitch Walch (51 Riverview Dr.)

The subject property at 51 Riverview Drive was historically zoned M-2 General Manufacturing. In 2000, the property was rezoned to B-2 (see next page and attached report). The B-2 zoning district allowed a maximum height of 75'. The property remained zoned B-2 until 2017 when it was rezoned to Mixed Use Downtown Fringe (MU-DF). The MU-DF zoning reduced the maximum height from 75' to 40'.

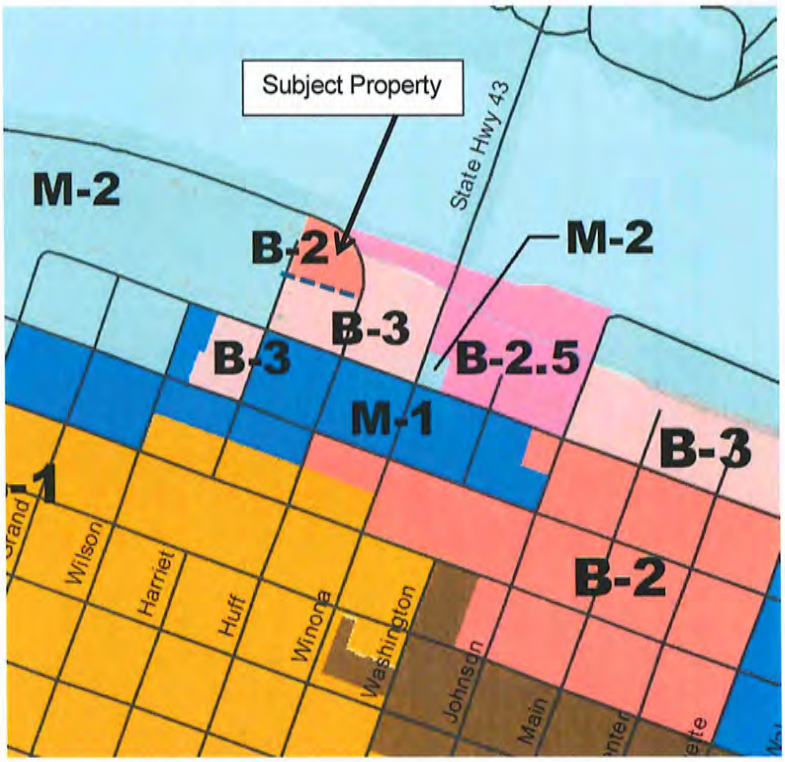
The 2017 change in zoning and maximum height was done based on guidance from the 2007 Comprehensive Plan. The plan designated the area as "Downtown Fringe" (see below). The Downtown Fringe designation was meant to facilitate ""a similar mix of uses but a lower intensity" than the downtown core (east of the bridge). As such, it was determined in 2017 that this area should have a lower maximum height than the downtown core. That height was set at 40'. This provided a graduation of building heights from 35' and 40' in the R-2 and R-3 zoned neighborhoods to the south of downtown (and the typical 25'-35' building heights in the industrial areas to the east and west of downtown), to 40' in the downtown fringe, and 75' in the downtown core.

Thus, as reflected in the staff memo, although the current variance request for 53' still exceeds the maximum permitted 40' height, the current petition is more in-line with the Comprehensive Plan's guidance than the previous 63' request.

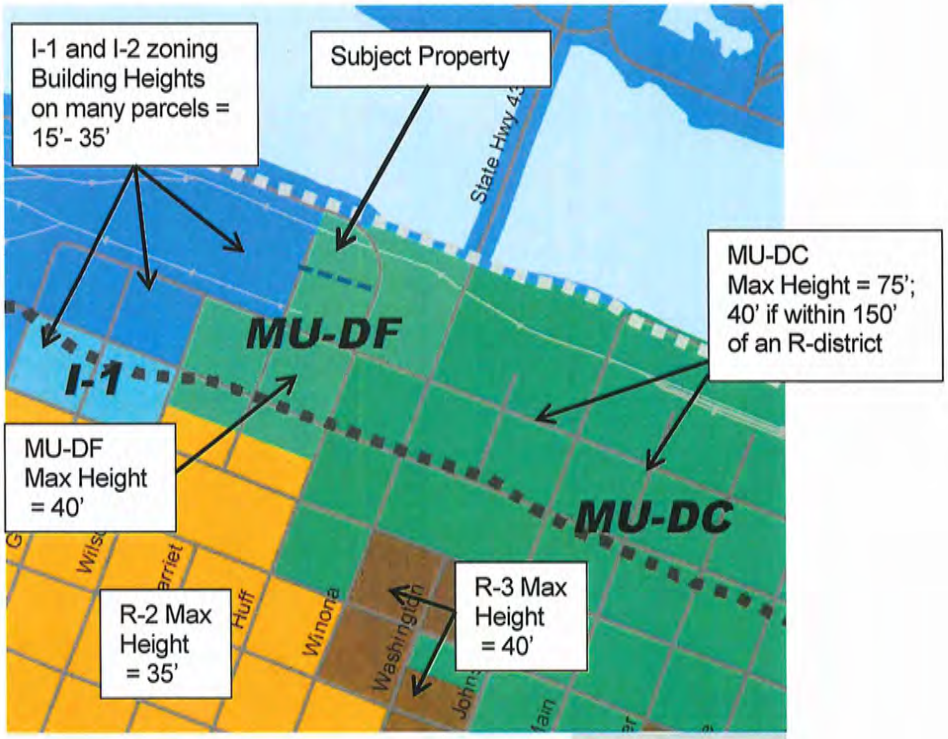
The proposal still includes four stories of dwelling units above parking. To achieve the reduction in height from the previous application, the applicant has sunk the parking level 6'-7' into the ground and is proposing to reduce the maximum clear height (floor-to-ceiling) of the first residential story from 12' down to 9'. A separate variance application will be needed to reduce the clear height.



Pre-2017 Zoning of Area – Subject Property Rezoned from M-2 to B-2 in 2000



Current Zoning of Area



PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Zone Change – Daniels/Chamberlain

DATE: March 27, 2000

BASE DATA

PETITIONER:	Dennis Daniels and Don Chamberlain
PROPERTY OWNER:	Same
LOCATION:	Exhibit A – Generally north of West Second Street, southerly of the Union Pacific Rail Line, easterly of Harriet Street, and westerly of Riverview Drive.
AREA:	2.75 Acres
EXISTING ZONING:	M-2 (General Manufacturing District)
REQUESTED ZONING:	Exhibit A – B-2 (Central Business District) and B-3 (General Business District)
CURRENT USE:	Current use of the property is now devoted to two retail businesses (Sears/Daniels Hardware).
SURROUNDING LAND USE/ZONING:	North: Union Pacific Rail Line/M-2 South: West Second Street – Auto Dealership/M-2 East: Riverview Drive – Motel – Convenience Store/B-3 West: Harriet Street – Manufacturing – Office Complex/M-2
ACCESS/UTILITIES:	The property has direct access to Riverview Drive, West Second Street, and Harriet Street. The site also has access to adequate City utilities.
PURPOSE OF REQUEST:	This request seeks to rezone approximately 1.75 acres of the site from M-2 to B-3 and approximately 1 acre of the site from M-2 to B-2. Generally, the B-3 portion of the request would apply to property which is currently used

for the Sears/Daniels Hardware building complex. The B-2 portion of the request would apply to vacant land, located northerly of Daniels Hardware and which is owned by Dennis Daniels. The maximum height requirement of the B-2 District is 6 stories (75 feet). The maximum height requirement of the B-3 District is 3 stories (40 feet). Given these standards, B-2 zoning would permit a greater level of height flexibility in planning for the future use of proposed B-2 land.

SITE HISTORY:

This site has been zoned M-2 since adoption of the 1960 Zoning Ordinance and Comprehensive Plan. To a great extent, this classification reflected former use of the area by the Chicago and Northwestern Depot and rail yard. (Rail yards are first permitted within M-2 Districts.) Since original zoning, the following changes in area land use patterns have occurred:

- Early 1980's – Port Authority acquires former rail depot site (located northerly of Second Street). Depot and rail yard removed for redevelopment purposes.

- Early 1990's – Construction of Riverview Drive.

- 1996 – Property easterly of Riverview Drive, westerly of interstate bridge, and northerly of West Second Street rezoned from M-2 to B-3. Generally, this was necessary to accommodate the motel development (motels are not permitted within M-2 zones).

- 1996 – Construction of AmericInn Motel and convenience store (westerly of Riverview Drive).

- 1998 – Construction of Sears/Daniels Hardware Retail Complex (on the rezoning site). Rezoning was not necessary to accommodate this development.

- 2000 – Construction of Harriet Street extension and office/light manufacturing complex (easterly of Harriet Street).

ANALYSIS

1. Was there an error or oversight in original zoning of the site?

   As noted under the base data section, current M-2 zoning reflected Comprehensive Plan recommendations and land use patterns (the rail yard) which existed at that time. No error is noted.

2. Has there been a change in area development patterns since original zoning, which may warrant rezoning?

   As noted under the previous site history discussion, the site and surrounding area have experienced significant change since 1960. This change, resulting in reduced industrial activity within the immediate area of the site, has further been influenced by the following:

   1. Construction of the permanent dike, resulting in a reduced dependency of the river by riverfront properties.

   2. Industrial development policy amendments which now "encourage" industries to locate within defined industrial parks.

   3. The needs of industry which now require larger tracks of land than can be provided on small parcels found in the area.

Give the previous discussion, the site and surrounding area are currently in a state of "transition". Additionally, in considering area use patterns which now exist, it is obvious that this transition has not (significantly) been influenced by underlying manufacturing zoning.

3. Would potential uses within the requested zoning impose undue hardship (ie: noise, odors, etc.) on adjacent property?

   A copy of permitted uses within current M-2 and requested B-2/B-3 zoning districts is attached. In comparing these districts, the M-2 zone generally permits virtually any commercial/industrial use, while the B-2 classification would permit most commercial and residential uses. Although commercial zoning "could" introduce uses which may not be compatible with the intent and purpose of the M-2 district, the previous discussion indicated that area land use patterns have shifted to a commercial focus and are not representative of the true intent of this district. Additionally, for reasons listed under Part 2, it is highly unlikely that the area will again experience a return toward heavy industrial use. With this

discussion, rezoning is not expected to impose "undue hardship" on adjacent/area properties.

4. Would the public interest be better served if rezoning was considered in another area?

In addressing this question, the public interest is served when the highest and best use of property is achieved and overall benefits of rezoning outweigh disadvantages. As previously discussed, the site is part of a larger area which is experiencing a transition of use (manufacturing to commercial). Given this, current M-2 zoning does not truly reflect this transition. Again, this classification has had a minimal influence in driving current use, and, if retained, "could" negatively impact these uses (refer to Exhibit B – permitted M-2 uses). Commercial zoning would appropriately recognize the transition. Additionally, given current long range plans and policies, future use of this site for general manufacturing purposes is not anticipated. With this, commercial zoning would appear to reflect the highest and best future use of the area.

5. Could the rezoning be construed as being spot zoning?

Spot zoning occurs if one of the following tests are met:

A. Approval of the rezoning request will result in a convenience only to the property owner or petitioner.

Although beneficial to the property owner, the previous discussion concluded that:

1. Current M-2 zoning of the site is "outdated" and does not reflect actual use and modified City industrial development plans and policies which have developed since original 1960 zoning.

2. Retention of M-2 zoning "could" have long term negative impacts on current/planned use of the site and area.

3. Since a return to industrial use of the site is not anticipated, the public interest would be best served by applying zoning which is appropriate to the site.

B. Approval of the request would be arbitrary, capricious, or unreasonable.

Rezoning would serve to extend current commercial zoning, now existing to the east, to the "self contained" rezoning site (the site is bound on all sides by defined geographical features). It would serve to better reflect shifts in land use which has occurred since 1960. Additionally, current zoning, because it does not reflect present land use policies, has become both ineffective and outdated in providing for the highest and best use of

the area. Given the previous, rezoning would not be arbitrary, capricious, or unreasonable.

C. Approval of the request would be inconsistent with goals and objectives of the Comprehensive Plan.

Generally, the 1995 Comprehensive Plan views this site as an extension of the Downtown Winona Commercial area. As such, the plan recommends commercial use of it. In part, this recommendation was adopted to recognize the site's relationship to Riverview Drive (a primary entrance into the downtown core) and to encourage a greater degree of use flexibility of riverfront properties (ie: M-2 zoning does not permit residential and certain service establishments while commercial zoning does).

RECOMMENDATION

In summary, the analysis has concluded that:

1. No error or oversight was made in establishing original (M-2) zoning of the site. Given long range plans/policies existing in 1960, this classification was appropriate.

2. Since original zoning, a transition of both use and use policies, relative to the site, have occurred. Given these changes, a change in zoning, from manufacturing to commercial, is warranted.

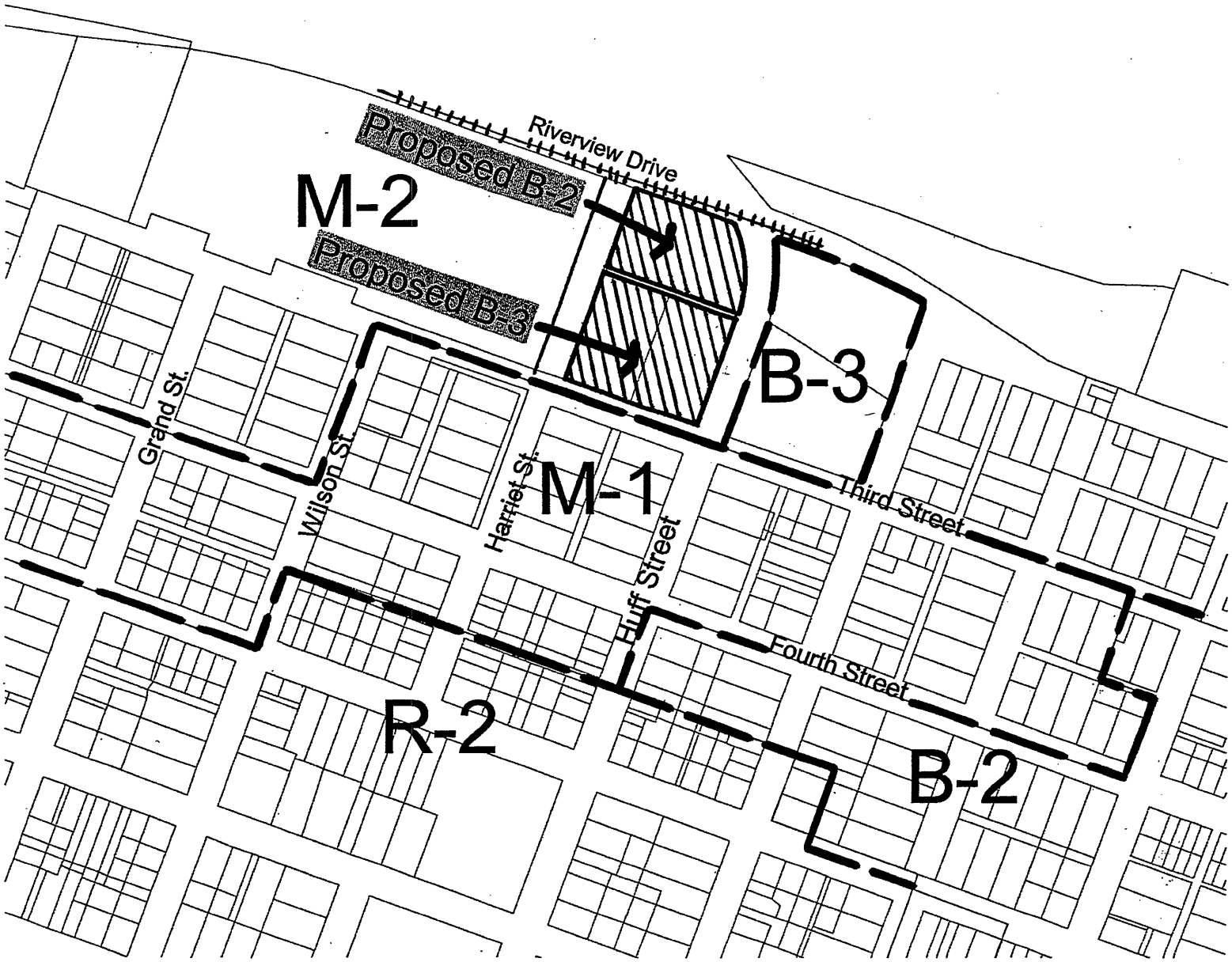
3. Rezoning would not impose undue hardship on existing adjacent lands.

4. Rezoning would serve to better recognize the transition of use (occurring since original zoning) and would promote a higher use of land than may be accomplished under present zoning.

5. Spot zoning is not evident.

Given the previous, approval of the request is recommended.

PROPOSED REZONING SITE
DANIELS/CHAMBERLAIN



A

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date:*
No: **3**	**City Clerk**	**10/19/20**

Item: **Appointments to the Human Rights Commission**

No. **3.1**

SUMMARY OF REQUESTED ACTION:

Tyler Treptow-Bowman and Robert Gardner have applied for appointments to the Human Rights Commission. If the Council concurs, a motion to adopt the resolution appointing Mr. Gardner for the term of October 20, 2020 through September 16, 2022 and Mr. Treptow-Bowman for the term of October 20, 2020 through September 16, 2023 would be in order.

RESOLUTION

BE IT RESOLVED by the City Council of the City of Winona, Minnesota that it hereby appoints Tyler Treptow-Bowman and Robert Gardner to serve on the Human Rights Commission. The term for Robert Gardner will be effective October 20, 2020 through September 16, 2022. The term for Tyler Treptow-Bowman will be effective October 20, 2020 through September 16, 2023.

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

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date:*
No: **3**	**City Clerk**	**10/19/20**

Item: **Application for On-Sale Intoxicating Liquor License for Tavern 129**

No. **3.2**

SUMMARY OF REQUESTED ACTION:

Andre Klonecki, doing business as Tavern 129, LLC, Kitchen, has applied for an On-Sale Intoxicating Liquor License and a Sunday On-Sale License for the bar located at 129 West Third Street. The effective dates of the licenses would be January 1, 2021, through June 30, 2021.

All of the documents are in order, and if the Council concurs, a motion to approve the liquor licenses would be in order.

Department Approval:	**City Manager Approval:**
Monica Kennessy Lohan	

REQUEST FOR COUNCIL ACTION

Agenda Section: **Petitions, Requests, Communications**	*Originating Department:*	*Date:*
No: **3**	**City Engineer**	**10/19/2020**

Item: **Request for a Stop Sign Investigation on 4th Street between Huff Street and High Street**

No. **3.3**

SUMMARY OF REQUESTED ACTION:

There has been a request for an investigation of need for stop signs along 4th Street between Huff Street and High Street due to accidents, as there have been 16 accidents in this 8 block stretch of 4th Street in the last 5 years.

In regards to the investigation, 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 avoid a collision by slowing or stopping. This distance is 140 feet for 30 MPH zones. The sight triangle distances for Harriet, Wilson, Grand, Olmstead, McBride, Sioux, Ewing, and John Streets are between 65 feet and 110 feet because of houses obstructing the view of oncoming traffic. These distances are all well below what is required to see, react, and be able to stop without a collision if traveling at 30 MPH. Due to this, it is recommended that Harriet, Wilson, Grand, Olmstead, McBride, Sioux, Ewing, and John Streets be stop intersections and 4th Street be the through street. This would make 4th Street a through street from Huff Street to John 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:

Fourth Street from Huff Street to John 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

Agenda Section: **New Business**	*Originating Department:*	*Date:*
No: **5**	**City Clerk**	**10/19/20**

Item: **Move Polling Site for Ward 2/ Precinct 1**

No. **5.1**

SUMMARY OF REQUESTED ACTION:

Earlier this summer, the Council approved the list of polling sites for the 2020 elections, including several site changes to address concerns from the COVID-19 virus. The polling site for Ward 2/Precinct 1 was moved to the Minnesota Conservatory for the Arts building, which is owned by St. Mary's University. This site was used for the Primary Election, but due to their class schedule, is not available for the General Election.

Staff toured alternate sites and determined that site that best meets Covid19 restrictions is the City's Senior Friendship Center, located at 251 Main Street.

Registered voters in the precinct will get a postcard informing them of this change, and we will put up signs at both St. Anne's as well as the MCA on Election Day informing the voters to the new polling site.

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

Resolution

WHEREAS, the City of Winona was required to move the polling site for Ward 2, Precinct 1; and

WHEREAS, the remaining polling sites will remain at the current locations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that the polling site for Ward 2, Precinct 1 be moved the Senior Friendship Center, 251 Main Street.

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

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date*
No: **5**	**Parks and Recreation**	**10/19/20**

Item: **Community Center Design Change Order**

No. **5.2**

SUMMARY OF REQUESTED ACTION:

City staff and ISG recently presented to the City Council the schematic design of the Community Center, being studied at the East Recreation Center.

The City Council, at the pre-Council presentation, directed staff to continue the design process for the proposed Community Center. Staff has worked with ISG on a few refinements that were mentioned at the pre-Council meeting, including continued design for a second gym.

Aside from the overall community need for additional gym space, the second gym within the Community Center allows for more community programming. The second gym has become an important feature, as some in the community have voiced concern that the youth that currently use the existing facility will be displaced with the additional youth, adult, and older adult programming. The addition of a second gym significantly increases the Department's ability to program multiple spaces at one time.

The addition of the second gym also had increased the scope of the project from a design perspective. ISG has provided a change order related to the increase in scope, it is attached for your review.

Staff recommends accepting this change order and increase in design services in the amount of $48,725.00

If Council concurs a motion to accept the change order would be in order.

Department Approval:	**City Manager Approval:**

OCTOBER 05, 2020
Chad Ubl
Director of Community Services
City of Winona
207 Lafayette Street
Winona, MN 55987
cubl@ci.winona.mn.us

RE: AMENDMENT #01 TO CONSULTANT SERVICE CONTRACT: EAST RECREATION CENTER - INCREASED PROJECT SCOPE (2ND GYMNASIUM)

Dear Mr. Chad Ubl,

This Amendment to the Agreement between I+S Group ("Architect") and City of Winona ("Client") for the professional services in connection with the East Recreation Center Expansion + Renovation project.

Section I - Consultant's Services and Responsibilities

Section 1: B - Additional design services include re-design and engineering of expansion for 2nd gym space and removing multipurpose room.

Exhibit 3 - Compensation

Compensation for Additional Services (but included in the project total budget) related to the re-design & engineering of expansion for 2nd gym space and removing multipurpose room will be based on a lump sum basis of Forty Eight Thousand, Seven Hundred Twenty Five dollars ($48,725)

Sincerely,

Ryan Welke, AIA
Project Manager

Ryan.Welke@ISGInc.com

ACKNOWLEDGMENT OF ACCEPTANCE

Accepted this _____ day of _____, 2020.

Name: _____

Title: _____

Signature: _____

This proposal is valid for 30 days.

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date*
No: ***5***	**Planning**	**10/19/20**
Item: **Cedar Brook Subdivision Preliminary Plat**		
No. **5.3**		

SUMMARY OF REQUESTED ACTION:

This preliminary plat is related to the proposed Cedar Brook Senior CO-OP at 22839 County Road 17. The plat includes three parcels of property: one for the CO-OP (Lot 1 Block 1), one for the proposed "Cedar Brook Road" to be dedicated to the City, and one Outlot that will remain undeveloped at the current time (See Attachment B).

On September 28th, the Planning Commission reviewed the plat and unanimously recommended approval with the condition that the developer shall install an 8' wide paved shoulder demarcated by a 1' wide fog line along Cedar Brook Road instead of installing a sidewalk. The Commission made this recommendation considering that the subdivision is only serving one multi-family residential development and the development is restricted to ages 62+. A site plan showing these improvements is provided in Attachment C.

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) Preliminary Plat
C) Site Plan with Fog Line on Cedar Brook Road
D) 9/28/2020 Planning Commission Item
E) 9/28/2020 Planning Commission Minutes

Department Approval:	**City Manager Approval:**

RESOLUTION

APPROVING A PRELIMINARY PLAT FOR THE CEDAR BROOK SUBDIVISION

WHEREAS, Cedar Brook Cooperative (the "Petitioner" or "Applicant") has submitted an application for preliminary plat approval of the proposed Cedar Brook Subdivision (the "Preliminary Plat"), 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 Plat is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, the Planning Commission ("Commission") in accordance with provisions of the Winona City Code, Section 43.06.32, held a public hearing to consider the Preliminary Plat on September 28, 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 Plat 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 Plat for the Cedar Brook Subdivision; and

WHEREAS, the City Council of the City of Winona reviewed the proposed Preliminary Plat of the Cedar Brook 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 19, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINONA, MINNESOTA THAT: the City Council hereby adopts the following Findings of Fact related to the requested Preliminary Plat:

1. Given the subdivision is only serving one multi-family residential development and such development is restricted to ages 62+, the proposed following variation to subdivision standards is acceptable:

Item	Requirement	Proposal
Sidewalks or Shared Use Paths	Required on one side of criterial or collector type streets	8 foot wide paved shoulder demarcated by 1foot wide fog line on Cedar Brook Road

2. With approval of the variation in number one above, the Preliminary Plat for the Cedar Brook Subdivision otherwise complies with the City of Winona Unified Development Code, Chapter 43, relating to preliminary plat approval.

BE IT FURTHER RESOLVED THAT: the Preliminary Plat for the Cedar Brook Subdivision is hereby **APPROVED** with the following modifications and subject to the following conditions:

1. The Applicant shall install an 8 foot wide paved shoulder demarcated by a 1 foot wide fog line along Cedar Brook Road and into the proposed development on Lot 1, Block 1 as shown in Exhibit C, which is attached hereto and incorporated herein by reference. Within the Development Property on Lot 1, Block 1, a sidewalk shall connect to the shoulder as shown in Exhibit C.

2. All subsequent final plats for any phase of the approved Preliminary Plat shall be submitted to the City Council for consideration of approval in accordance with Winona City Code, Section 43.06.33, and shall comply with the approved Preliminary Plat, this resolution, and the provisions of all state statutes and standard procedures for platting in Winona County.

3. Prior to the City's execution of a Final Plat for any phase of the approved Preliminary Plat, 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," as well as a Declaration of Covenants and Agreement for Maintenance of Stormwater Facilities on forms required by the City, unless the same is/are 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 Southwest Quarter of the Southeast Quarter and that part of the Southeast Quarter of the Southwest Quarter of Section 1; also that part of the Northwest Quarter of the Northeast Quarter and that part of the Northeast Quarter of the Northwest Quarter of Section 12; all in Township 106, Range 7, Winona County, Minnesota, and all described as follows:

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

EXHIBIT B

Preliminary Plat

CEDAR BROOK SUBDIVISION

KNOW ALL PERSONS BY THESE PRESENTS: Mitchell M. Bublitz, and Jan D. Bublitz, husband and wife, fee owners of the following described property located in the City of Winona, County of Winona, State of Minnesota, to wit:

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

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

Have caused the same to be surveyed and platted as CEDAR BROOK SUBDIVISION and do hereby dedicate to the public for public use the public way as created by this plat.

In witness whereof said Mitchell M. Bublitz & Jan D. Bublitz, have hereunto set their hand this _____ day of _____, 20__.

_____ Mitchell M. Bublitz

_____ Jan D. Bublitz

STATE OF _____, COUNTY OF_____

This instrument was acknowledged before me on _____ by Mitchell M. Bublitz & Jan D. Bublitz.

_____

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Brian Wadele, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____ 20__.

_____
Brian Wadele, Licensed Land Surveyor
Minnesota License Number 46559

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me on _____ by Brian Wadele, Licensed Land Surveyor, Minnesota License Number 46559.

_____

Notary Public, _____ County, Minnesota

My Commission Expires: _____

CITY COUNCIL, CITY OF WINONA, MINNESOTA

This Plat of CEDAR BROOK SUBDIVISION was approved and accepted by the City Council of the City of Winona, Minnesota at a regular meeting thereof held this _____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03.

By:_____, City Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20__.

_____
Brian Wadele, Winona County Surveyor
Minnesota License No. 46559

COUNTY AUDITOR/TREASURER, WINONA COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20__.

_____
Sandra J. Suchla, Winona County Auditor/Treasurer

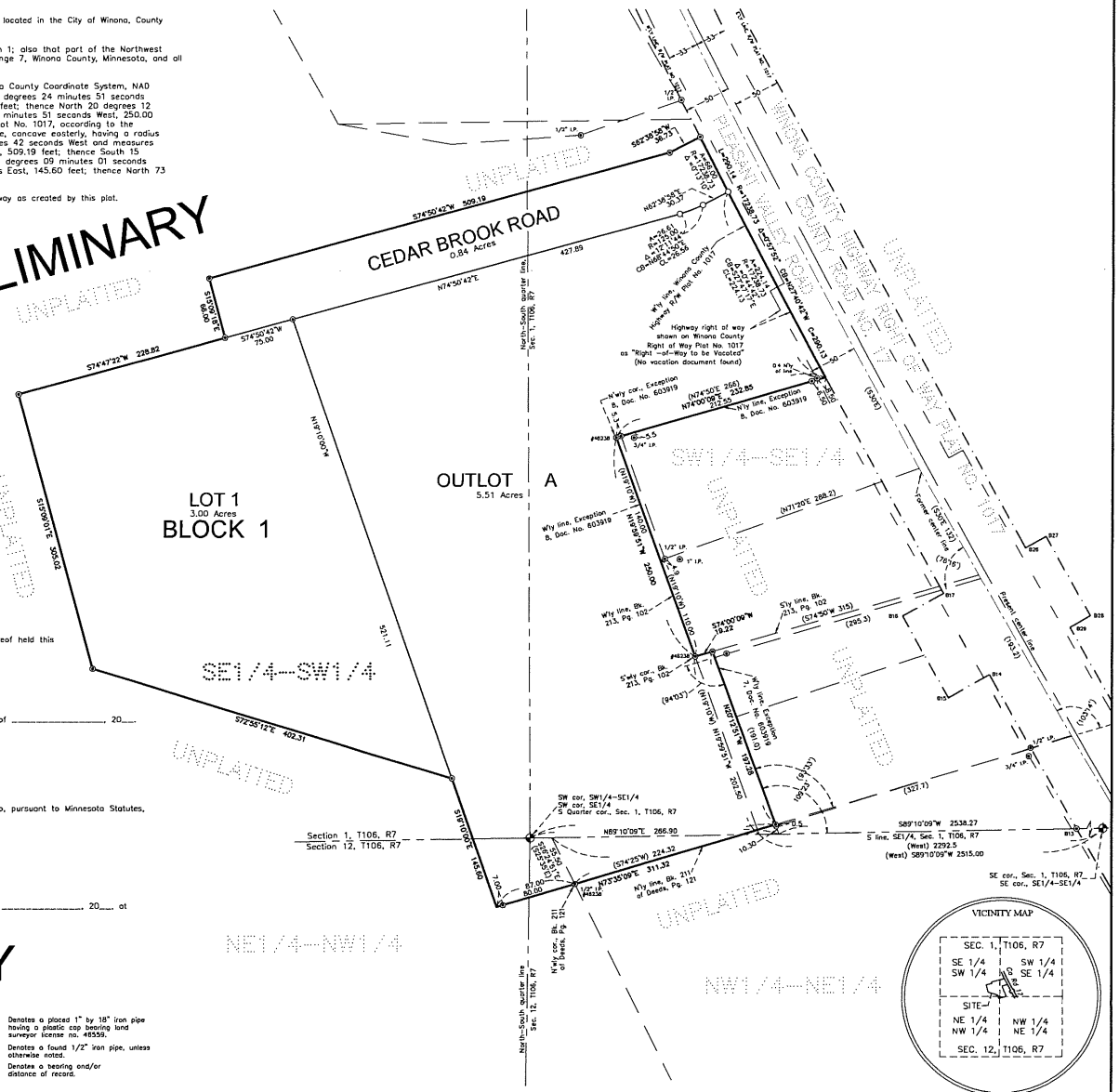
COUNTY RECORDER, COUNTY OF WINONA, STATE OF MINNESOTA

I hereby certify that this plat of CEDAR BROOK SUBDIVISION was filed in the office of the County Recorder for public record on this _____ day of _____, 20__, at ____o'clock ____M. and was duly filed as Document No._____.

_____
Robert J. Bambenek, Winona County Recorder

By_____, Deputy

PRELIMINARY



PRELIMINARY

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
4240 West 5th Street, Winona, MN 55987
(507)454-4134, FAX(507)454-2544
brianw@jslmail.com

The bearings and coordinates shown hereon are based on the Winona County Coordinate System, NAD83, 1996 adjustment (HARN).

0 60 120 180
1"=60'
Scale in Feet

(N21°45'20"E 342.74) Denotes a bearing and/or distance of record.

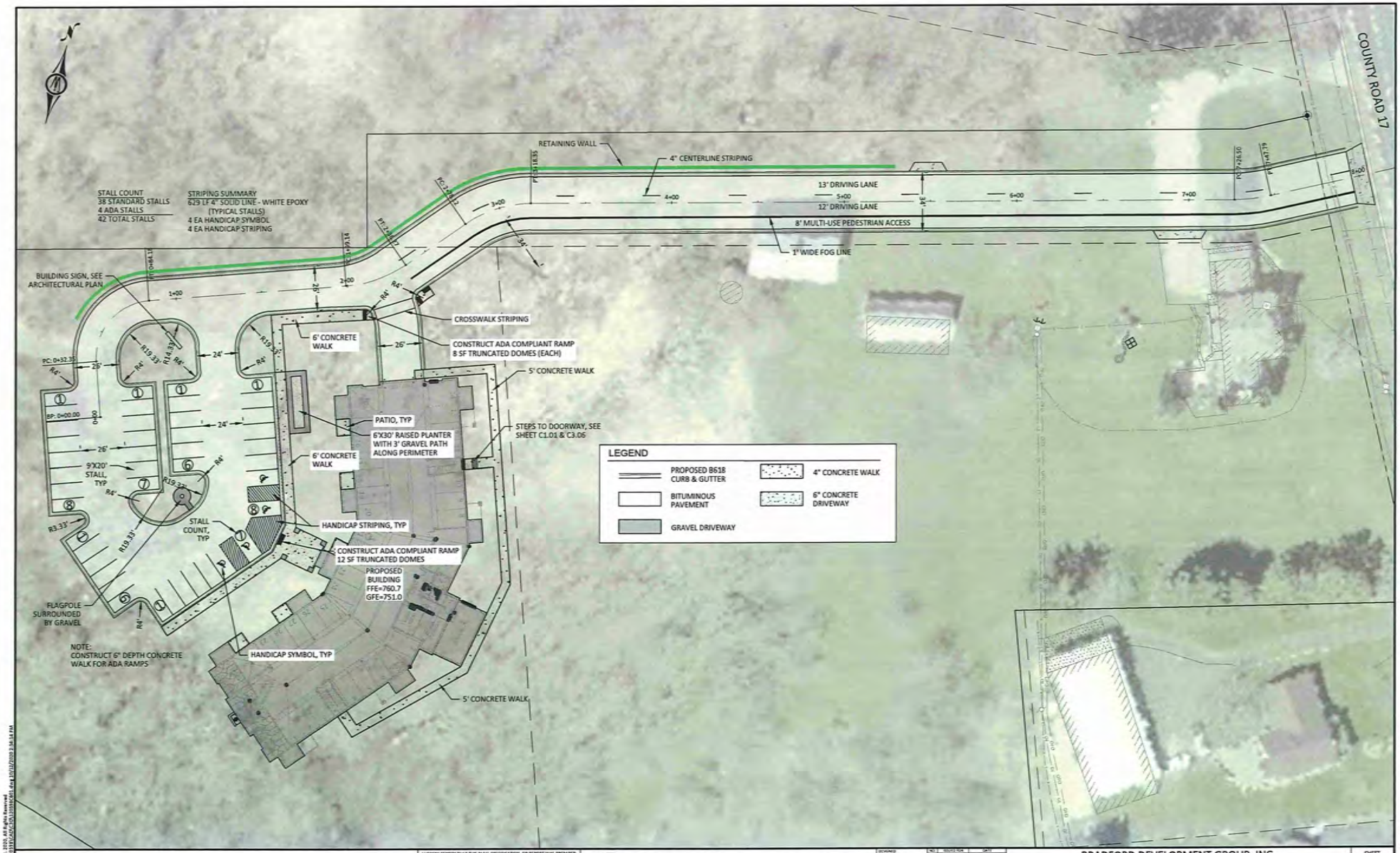
O Denotes a placed 1" by 18" iron pipe having a plastic cap bearing land surveyor license no. 46559.

⊗ Denotes a found 1/2" iron pipe, unless otherwise noted.

X:\PLATS\PINECREST FIRST ADDITION\WEAVER\PINECREST FIRST ADDITION FINAL PLAT.DWG SHEET 1 OF 1 SHEETS

EXHIBIT C

Site Plan Showing Pedestrian Improvements



HORIZ. SCALE 0 25 50 FEET

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

90% DESIGN

JASON L. FEMRITE, P.E.
LIC. NO. 43869 DATE MM/DD/YYYY

BOLTON & MENK

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
Phone: (507) 625-4171
Email: Mankato@bolton-menk.com
www.bolton-menk.com

DESIGNED	AWP
DRAWN	AWP
CHECKED	JLF
CLIENT PROJ. NO.	M15.120598

NO.	REVISION	DATE

BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
SITE PLAN

SHEET C6.01

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CEDAR BROOK SUBDIVISION

KNOW ALL PERSONS BY THESE PRESENTS: Mitchell M. Bublitz, and Jan D. Bublitz, husband and wife, fee owners of the following described property located in the City of Winona, County of Winona, State of Minnesota, to wit:

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

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

Have caused the same to be surveyed and plotted as CEDAR BROOK SUBDIVISION and do hereby dedicate to the public for public use the public way as created by this plat.

In witness thereof said Mitchell M. Bublitz & Jan D. Bublitz, have hereunto set their hand this _____ day of _____, 20__.

_____ Mitchell M. Bublitz _____ Jan D. Bublitz

STATE OF _____, COUNTY OF_____

This instrument was acknowledged before me on _____ by Mitchell M. Bublitz & Jan D. Bublitz.

_____

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Brian Wadele, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____ 20__.

_____
Brian Wadele, Licensed Land Surveyor
Minnesota License Number 46559

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me on _____ by Brian Wadele, Licensed Land Surveyor, Minnesota License Number 46559.

_____

Notary Public, _____ County, Minnesota

My Commission Expires: _____

CITY COUNCIL, CITY OF WINONA, MINNESOTA

This Plat of CEDAR BROOK SUBDIVISION was approved and accepted by the City Council of the City of Winona, Minnesota at a regular meeting thereof held this _____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03.

By:_____, City Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20__.

_____
Brian Wadele, Winona County Surveyor
Minnesota License No. 46559

COUNTY AUDITOR/TREASURER, WINONA COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20__.

_____
Sandra J. Suchla, Winona County Auditor/Treasurer

COUNTY RECORDER, COUNTY OF WINONA, STATE OF MINNESOTA

I hereby certify that this plat of CEDAR BROOK SUBDIVISION was filed in the office of the County Recorder for public record on this _____ day of _____, 20__, at ____o'clock ____M. and was duly filed as Document No._____.

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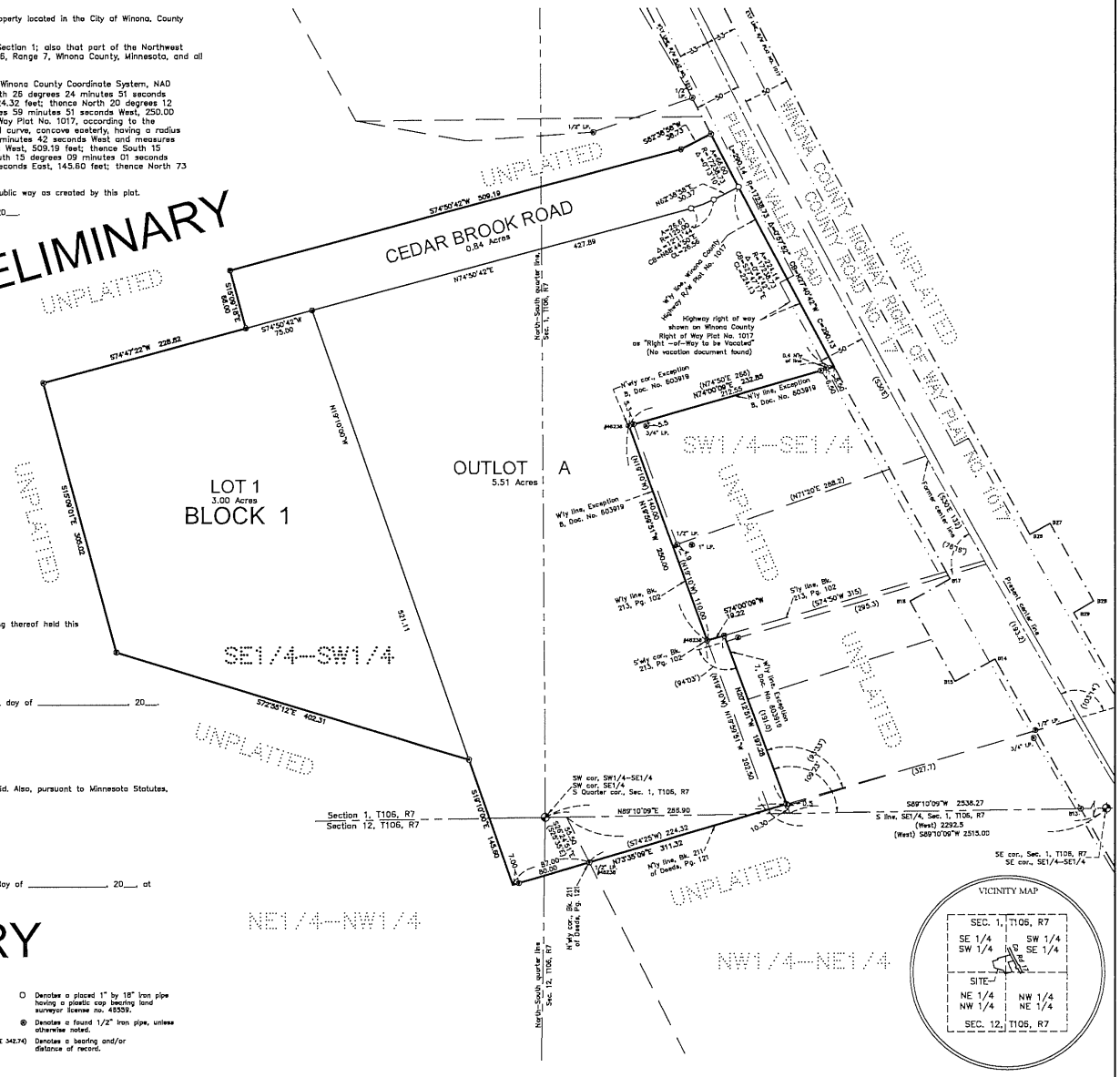
Robert J. Bambenek, Winona County Recorder

By_____, Deputy

PRELIMINARY



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0 60 120 180
1"=60'
Scale in Feet

(N21°43'20"E 342.74)

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Denotes a bearing and/or distance of record.

X:\PLATS\PINECREST FIRST ADDITION\WEAVER\PINECREST FIRST ADDITION FINAL PLAT.DWG SHEET 1 OF 1 SHEETS

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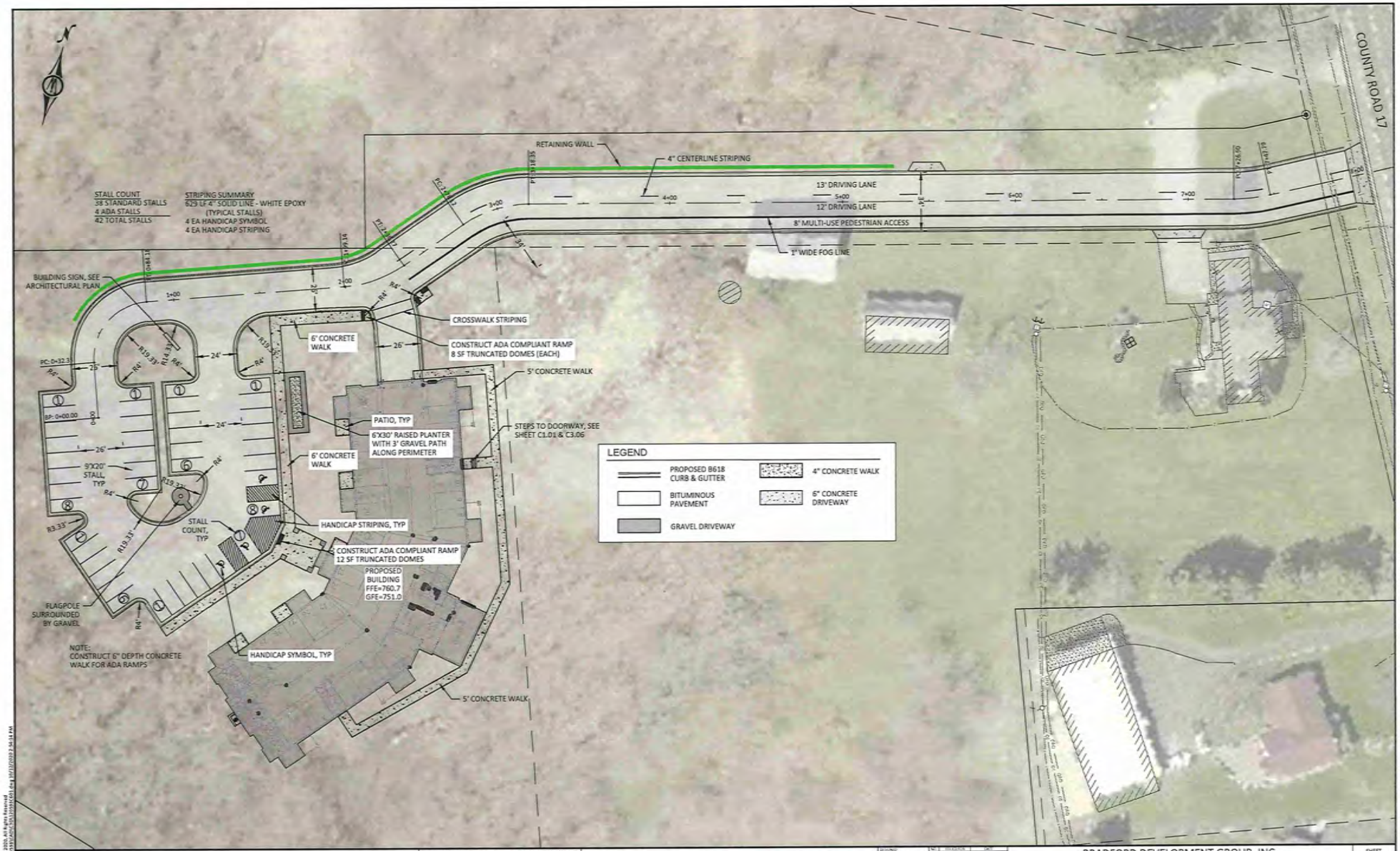

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DESIGNED	AWP
DRAWN	AWP
CHECKED	JLF
CLIENT PROJ. NO.	M15.120598

NO.	DESCRIPTION	DATE

BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
SITE PLAN

SHEET C6.01

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D)

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing: Cedar Brook Subdivision Preliminary Plat

PREPARED BY: Carlos Espinosa

DATE: September 28, 2020

BASE DATA

Petitioner:	Bradford Development
Location:	22839 County Road 17
Existing Zoning:	CO-OP Parcel (Lot 1): R-3 Multi-Family Residence District Outlot A and Cedar Brook Road: Un-zoned
Area:	Total: 9.35 acres Lot 1 and Cedar Brook Road: 3.88 Acres Outlot A: 5.47 Acres

DISCUSSION

Layout and Future Development

The preliminary plat for the Cedar Brook Subdivision contains one lot for development and one outlot in addition to the road ROW area (see Attachment A). For the Cedar Brook CO-OP building, 28 units are proposed. For future development, Outlot A would first have to be zoned. The Comprehensive Plan designates this area as "Low Density" which would support a maximum of R-1.5 zoning. R-1.5 zoning would facilitate the development of approximately 10-20 single-family and/or twin home units. However, there are no immediate plans for development of this area.

Stormwater Improvements

The applicant has submitted a detailed storm sewer analysis to ensure there are not adverse impacts due to the increased impervious surfacing (see Attachments D and E). City Code Chapter 68 requires all stormwater to be controlled on-site with no increase in runoff rate post development. The City Engineer has reviewed the analysis and finds it suitable for preliminary plat purposes. Final design of stormwater improvements for the CO-OP development will be addressed during site plan review.

Adjacent Bluffland Area

The proposed road and access drives are next to, but do not infringe upon bluffland areas. This is due to the road and access drives being located on an existing farm road and adjacent slope percentages (Attachment G).

Streets

The Cedar Brook Road parcel will be dedicated to the City and become a City Street. Staff has reviewed the name and finds no conflicts with other street names in the city. The City Engineer has reviewed the design details for the proposed street and finds them acceptable.

The access drives and parking areas for the Cedar Brook CO-OP building parcel will be finalized during site plan review. Staff's preliminary review finds them acceptable.

Ingress/Egress to County Road 17

The Winona County Highway Department is currently reviewing the proposed plat and ingress/egress to County Road 17. Staff would recommend any recommended approval of the proposed plat be subject to the applicable comments and/or requirements of the County Engineer.

Pedestrian/Bicycle/Golf Cart Connection

City Code requires sidewalks on at least one side of collector style streets in new subdivisions:

> 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.

For this preliminary plat, staff is recommending an 8' wide shoulder on the existing road demarcated by a 1' wide fog line (white stripe). This would extend from the entrance to the point where Cedar Brook Road narrows to 25'. From this point, a sidewalk would connect to the parking lot of the proposed CO-OP building. Staff believes this meets the intent of the ordinance (which is to include pedestrian amenities in new subdivisions), but also acknowledges the following unique characteristics of the subdivision:

1) Cedar Brook Road is only serving one development at this time (versus a number of individual properties). Should Outlot A be developed in the future, sidewalks internal to this area will be considered.

2) The age restriction for the CO-OP building (62+) means a vast majority of pedestrians on Cedar Brook Road will be adults.

3) Maintenance considerations. Typically adjacent property owners maintain sidewalks, but in this case there is only one property owner and approximately

500' of sidewalk - which is a lot to maintain. As proposed, the entire street (including the shoulder) would be plowed in the winter by the City since it would be a City street.

Park Dedication

Park dedication is required for this subdivision. The fee in leiu for the CO-OP portion of the subdivision is $15,260 ($545 X 28 Dwelling Units) to be paid upon final plat.

Utility Access Charges (SAC and WAC)

Per code, Sewer and Water Access Charges are $17,000 per developable acre. At the time this agenda item was written, staff was still working on the exact amount for the access charge.

PLANNING COMMISSION OPTIONS

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

Findings

1. Given the proposed pedestrian improvements in number 2 below, the subdivision otherwise meets City Code Chapter 43 Article 4: Subdivision Standards.
2. In lieu of sidewalks the developer shall install an 8' wide paved shoulder demarcated by a 1' wide fog line along Cedar Brook Road and into the proposed CO-OP development as shown in Attachment F. Within the CO-OP development, a sidewalk shall connect to the shoulder as shown in Attachment F.

Condition

1. Recommended approval of the preliminary plat shall be subject to applicable comments and/or requirements of the Winona County Engineer related to the connection with County Road 17.

B. Deny – Citing specific reasons related to the proposal.

C. Postpone – If more information is needed.

Attachments:

A. Cedar Brook Subdivision Preliminary Plat
B. Aerial Photo
C. Site Plan
D. Erosion Control Plan
E. Grading Plan

F. Pedestrian/Bicycle/Golf Cart Connection
G. Slopes and Proposed Cedar Brook Road

CEDAR BROOK SUBDIVISION

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In witness whereof said Mitchell M. Bublitz & ???? ????? Bublitz, have hereunto set their hand this _____ day of _____, 20__.

_____ Mitchell M. Bublitz

_____ ????? ??? Bublitz

STATE OF _____, COUNTY OF_____

This instrument was acknowledged before me on _____ by Mitchell M. Bublitz & ?????? ??? Bublitz.

_____

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Brian Wadele, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____ 20__.

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Brian Wadele, Licensed Land Surveyor
Minnesota License Number 46559

STATE OF _____, COUNTY OF _____

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By:_____, City Clerk

COUNTY SURVEYOR

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Minnesota License No. 46559

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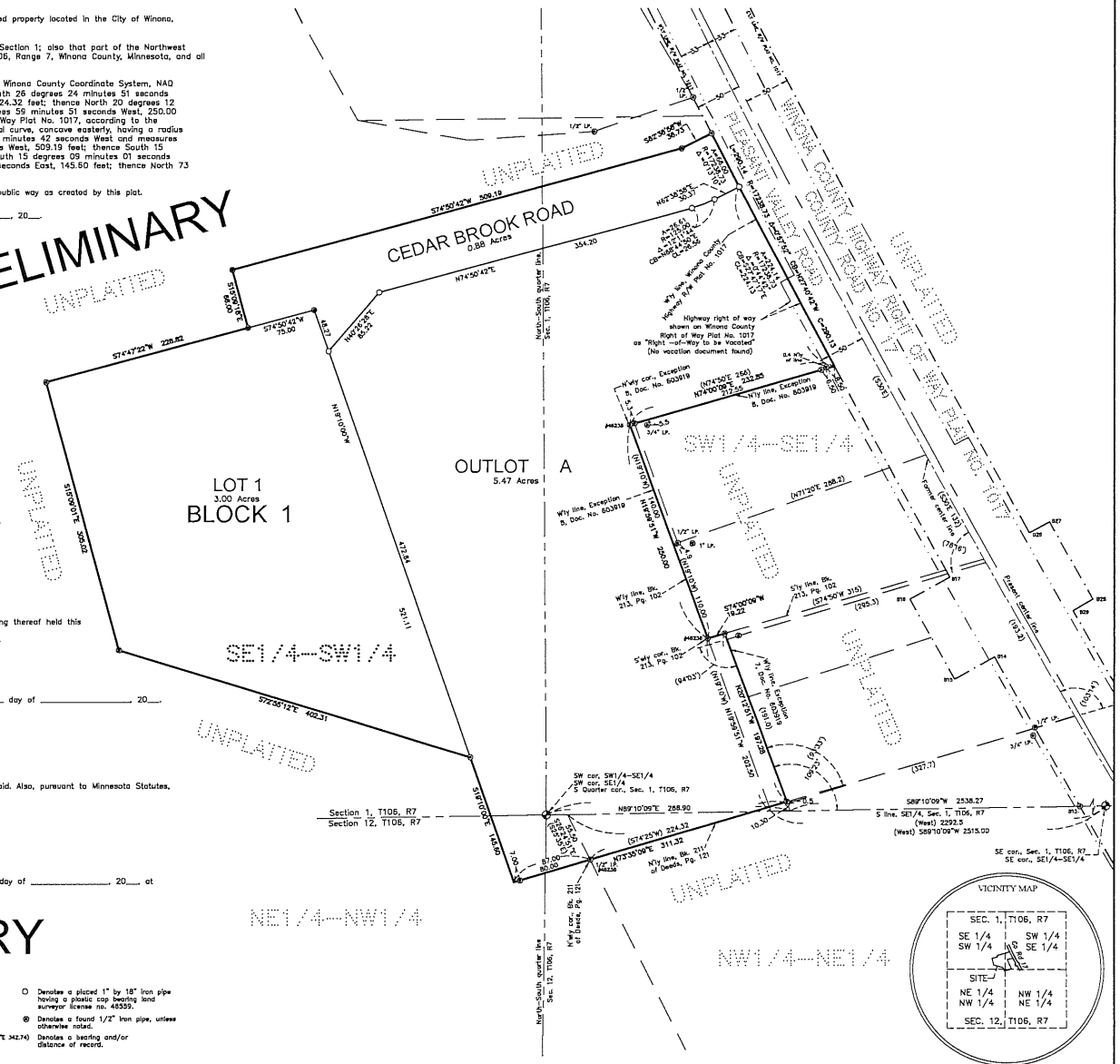
By_____, Deputy

PRELIMINARY



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CEDAR BROOK SUBDIVISION

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OWNERS/DEVELOPERS
Bradford Development

LOT AREA
BLOCK 1
LOT 1 3.00 ACRES (130,882 SQ.FT.)

SHEET V1.01

PRELIMINARY PLAT
WINONA, MINNESOTA

BOLTON & MENK
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

PART OF SE 1/4 - SW 1/4 AND PART OF SW 1/4 - SE 1/4, ALL IN SECTION 1-106-7

FOR: BRADFORD DEVELOPMENT

JOB NUMBER: FIELD BOOK: DRAWN BY:

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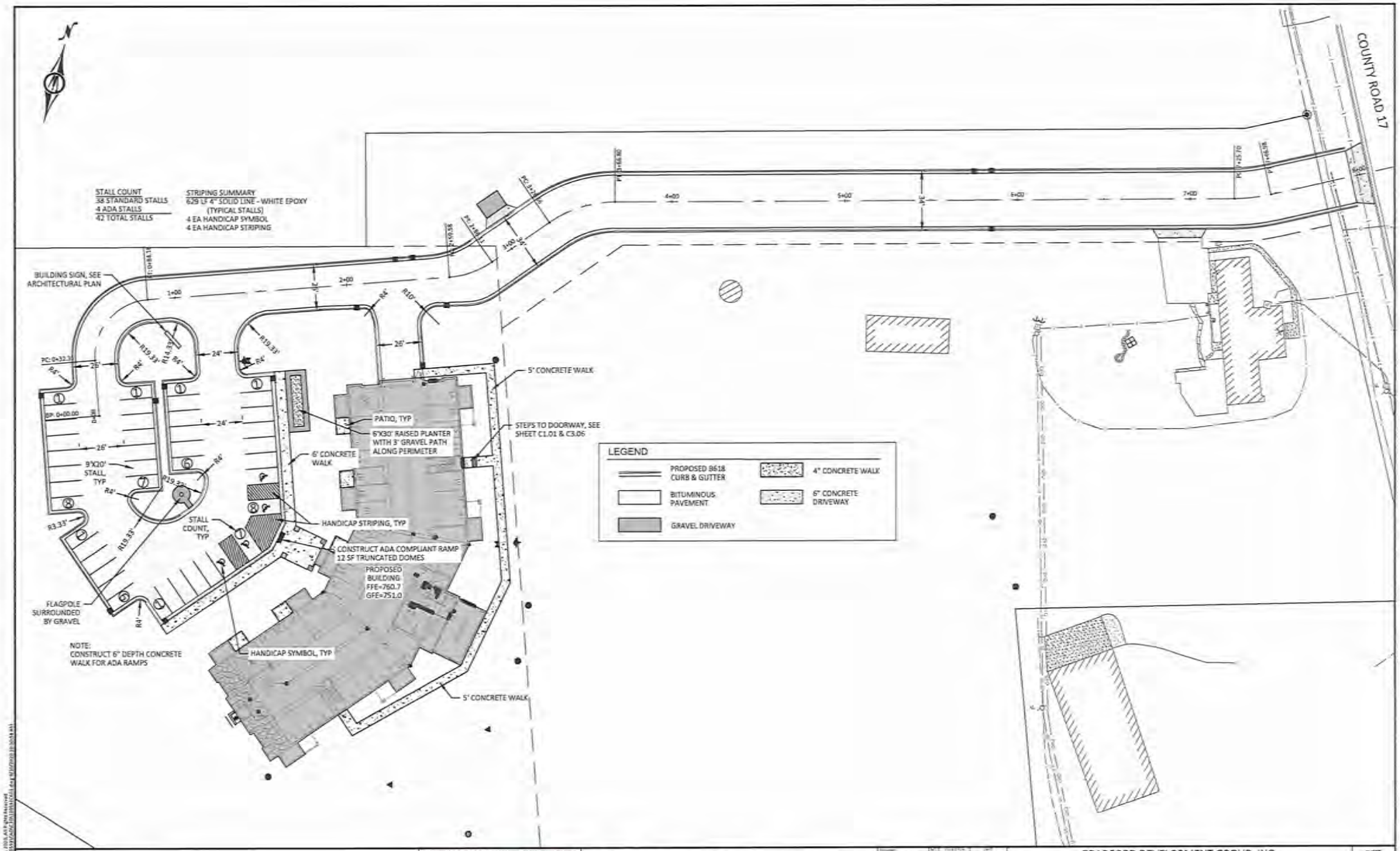

90% DESIGN

JASON L. FEMRITE, P.E.
43869
MM/DD/YYYY

BOLTON & MENK

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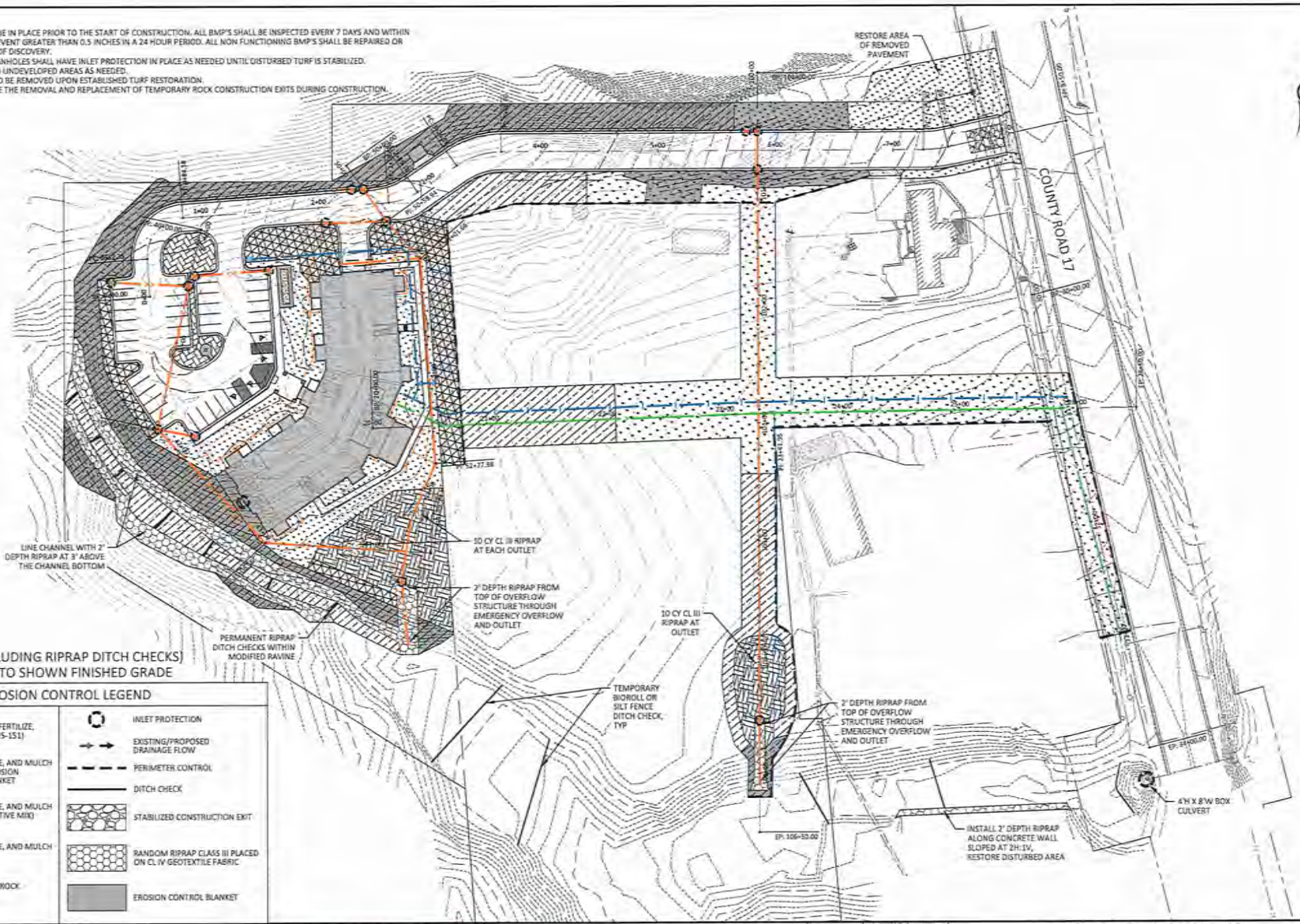
AWP
AWP
JLF
A013.120598

BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
SITE PLAN

SHEET
C6.01

NOTES:

1. ALL NECESSARY BMP'S SHALL BE IN PLACE PRIOR TO THE START OF CONSTRUCTION. ALL BMP'S SHALL BE INSPECTED EVERY 7 DAYS AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN A 24 HOUR PERIOD. ALL NON FUNCTIONING BMP'S SHALL BE REPAIRED OR REPLACED WITHIN 24 HOURS OF DISCOVERY.
2. ALL STORM SEWER INLETS/MANHOLES SHALL HAVE INLET PROTECTION IN PLACE AS NEEDED UNTIL DISTURBED TURF IS STABILIZED.
3. SEED ALL DISTURBED AREAS IN UNDEVELOPED AREAS AS NEEDED.
4. ALL PERIMETER CONTROL IS TO BE REMOVED UPON ESTABLISHED TURF RESTORATION.
5. CONTRACTOR TO COORDINATE THE REMOVAL AND REPLACEMENT OF TEMPORARY ROCK CONSTRUCTION EXITS DURING CONSTRUCTION.



NOTE:
TOP OF RIPRAP (EXCLUDING RIPRAP DITCH CHECKS) SHALL BE INSTALLED TO SHOWN FINISHED GRADE

EROSION CONTROL LEGEND

- SOD OR SEED, FERTILIZE, AND MULCH (25-151)
- SEED, FERTILIZE, AND MULCH (33-261) & EROSION CONTROL BLANKET
- SEED, FERTILIZE, AND MULCH (36-211 OR NATIVE MIX)
- SEED, FERTILIZE, AND MULCH (35-621)
- LANDSCAPING ROCK (4" DEPTH)
- INLET PROTECTION
- EXISTING/PROPOSED DRAINAGE FLOW
- PERIMETER CONTROL
- DITCH CHECK
- STABILIZED CONSTRUCTION EXIT
- RANDOM RIPRAP CLASS III PLACED ON CL IV GEOTEXTILE FABRIC
- EROSION CONTROL BLANKET

HORIZ. 0 40 80 SCALE FEET

50% DESIGN

JASON L. PEMRITE, P.E.
43886
MM/DD/YYYY

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AWP
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BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
STORMWATER POLLUTION PREVENTION PLAN
EROSION AND SEDIMENT CONTROL PLAN & TURF PLAN

SHEET C2.07

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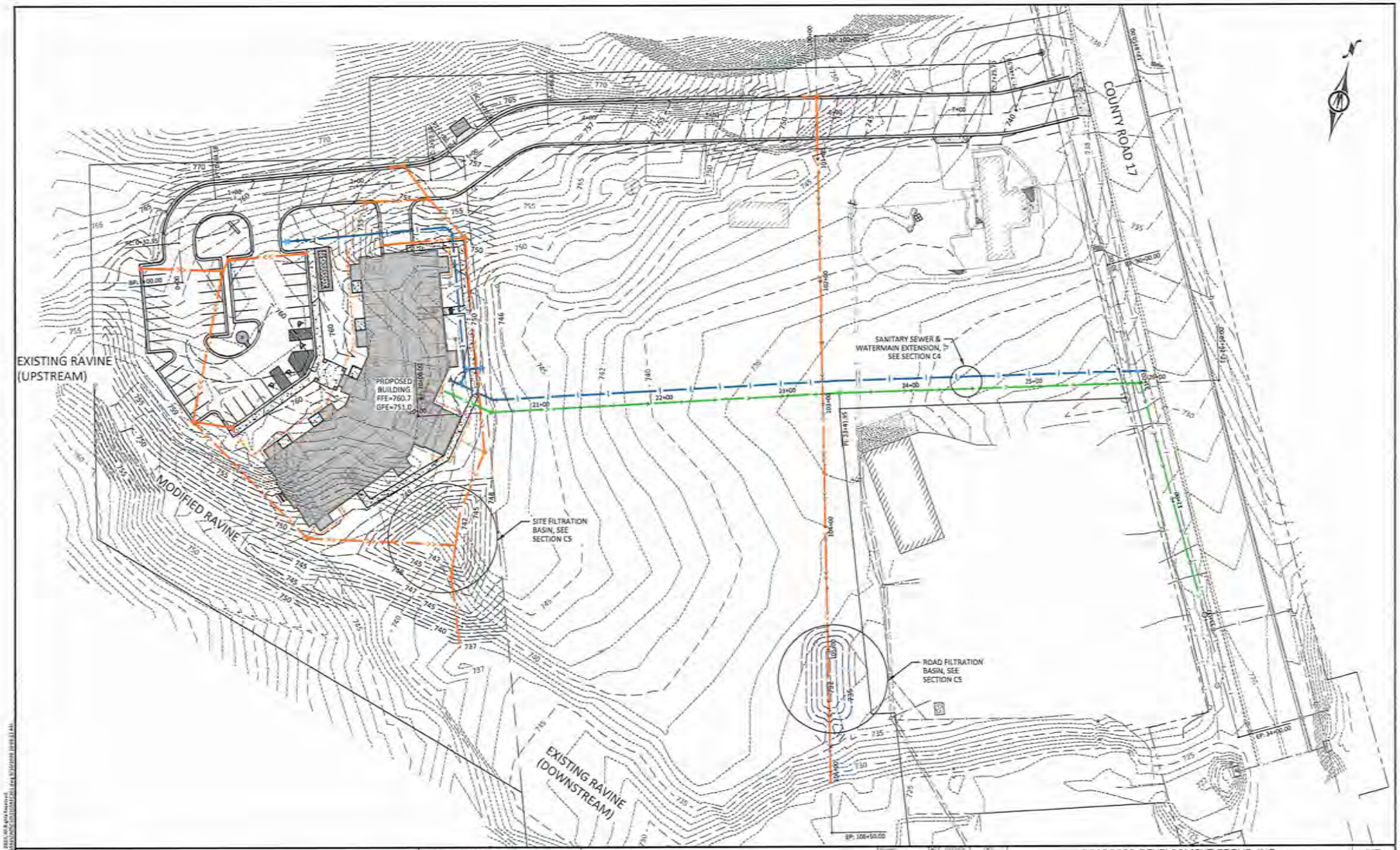

HORZ. SCALE 0 35 70 FEET

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MANKATO, MINNESOTA 56001
Phone: (507) 625-4171
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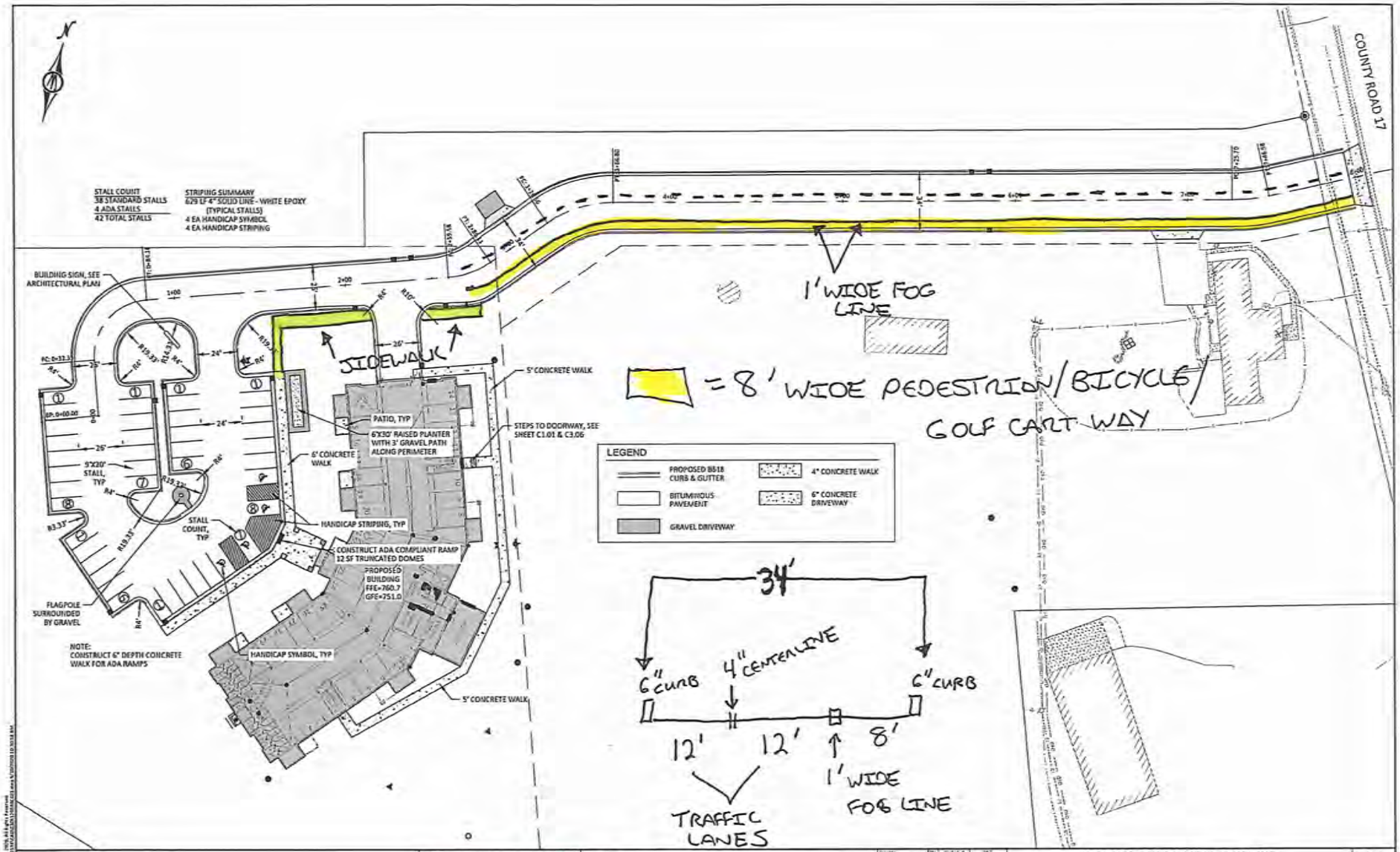
DESIGNED	AWP
DRAWN	AWP
REVIEWED	JLF
BOLTON & MENK PROJ. NO.	M15.120598

BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
GRADING PLAN
SITE OVERVIEW & OVERALL GRADING

SHEET C3.01



HORZ. 0 25 50 SCALE FEET

90% DESIGN

JASON L. FEKRITE, P.E.
43889 MM/DD/YYYY

BOLTON & MENK

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
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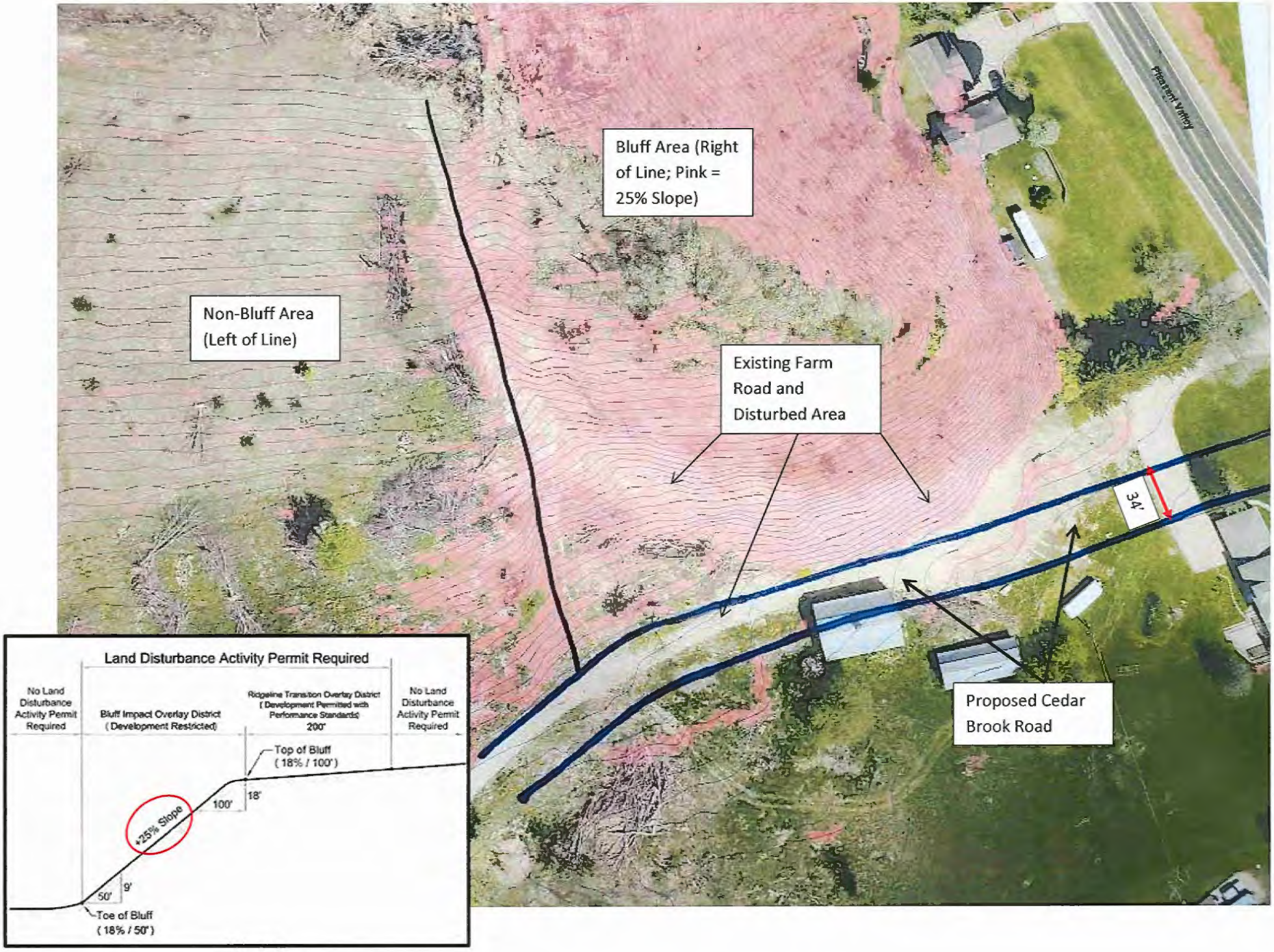
DESIGNED	AUVP
DRAWN	AUVP
CHECKED	JLF
APPROVED	KRTS 120053

BRADFORD DEVELOPMENT GROUP, INC.
CEDAR BROOK HOMES
SITE PLAN

SHEET C6.01


Bluff Area (Right of Line; Pink = 25% Slope)
Non-Bluff Area (Left of Line)
Existing Farm Road and Disturbed Area
Proposed Cedar Brook Road
34'
Pleasant Valley
Land Disturbance Activity Permit Required
No Land Disturbance Activity Permit Required
Bluff Impact Overlay District (Development Restricted)
Ridgeline Transition Overlay District (Development Permitted with Performance Standards) 200'
No Land Disturbance Activity Permit Required
Top of Bluff (18% / 100')
18'
100'
+25% Slope
9'
50'
Toe of Bluff (18% / 50')

E)

PLANNING COMMISSION MINUTES

DATE: September 28, 2020

TIME: 4:30 p.m.

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

ABSENT: None

STAFF PRESENT: City Planner Carlos Espinosa, Assistant City Planner Luke Sims, Director of Community Development Lucy McMartin, and Natural Resources Sustainability Coordinator John Howard

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The meeting was called to order at 4:40 p.m. by Chairman Buelow.

Approval of Minutes – August 10, 2020

The minutes from the Planning Commission meeting of August 10, 2020 were reviewed. Commissioner Olson moved to approve the minutes. Commissioner Boettcher seconded the motion and the minutes were approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Public Hearing – Cedar Brook Subdivision Preliminary Plat

Mr. Espinosa provided an overview of the subdivision proposed for the Cedar Brook Project. This includes the creation of Lot 1 Block 1 which will encompass 3.0 acres for development of a multi-family housing cooperative project, the creating of Cedar Brook Road, which provides access to Lot 1 Block 1 and Outlot A which is designated in the future land use plan for low density residential but is not proposed for development at this time. The applicant also included detailed stormwater plans related to the future development, which has been reviewed by the City Engineer and found suitable for preliminary plat analysis. Related to bluffland, there is a section along the westerly portion of the property that does not qualify as a bluff due to slopes below 25%. The applicant is proposing using the existing farm road that is 34 feet (34') wide for the proposed Cedar Brook Road, skirting the edge of the toe of bluff to the eastern portion of the property and along the western portion that does not qualify as a bluff. Applicant has been in discussion with the County Engineer and recommends that approval be tied to approval from the County Engineer and has limited concerns about the access being opposite the golf course across County Road 17. City staff is recommending an eight-foot (8') shared shoulder for pedestrian, bicycle, and golf cart usage with a one-foot (1') fog line demarcating the shared use path. Mr. Espinosa also noted a minor change that was included in an update for the September 28, 2020 meeting, which will affect the alignment of the proposed Cedar Brook Road but will not impact the bluff. Mr. Espinosa reiterated that City staff is recommending approval with the condition that the

preliminary plat be subject to applicable comments and requirements from the Winona County Engineer related to the connection with County Road 17.

Jason Femrite, Project Engineer for Cedar Brook, mentioned that he is available for questions from the Commission.

Commissioner Paddock asked how an existing road determines the toe of the bluff as it relates to a previous action to carve a road through the area. Mr. Espinosa mentioned that he shares that concern but that the Bluffland Ordinance when it was adopted established the top of the bluff and then the toe of the bluff which can terminate at a road, such as the road behind Hy-Vee and that it is an existing condition but cutting further would require a land disturbance permit. Commissioner Hahn asked for clarification that additional cutting further into the bluff would require a land disturbance permit. Mr. Espinosa confirmed this was the case. Commissioner Shortridge mentioned he also has the same concerns about the bluffland and that property owners can effectively do what they want prior to being annexed into the City.

Commissioner Paddock mentioned that the 500-foot (500') shared use path will be cleared by the City but noted that other entities with hundreds of feet of sidewalk have to clear their own sidewalks and the argument that there is a lot of sidewalk associated with the development and therefore should become City responsibility does not sway him. Commissioner Marks agrees with the concerns expressed by Commissioner Paddock about the clearing of sidewalks but mentioned that keeping it all paved as a road and used as a shared use path does make it easy to be cleared by the City with a plow.

Acting Chairman Hahn opened the public hearing. No members of the public coming forward to speak, Acting Chairman Hahn closed the public hearing.

Commissioner Olson moved to adopt City staff's recommendation and approve the application as presented. Commissioner Paddock seconded the motion. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Appointment of Nominating Committee

Acting Chairman Hahn asked Commissioner Buelow if he would like to serve as Chair in the next year. Commissioner Buelow mentioned he would be happy to serve if the Commission would like him to serve but that he is open to others who may be interested. Acting Chairman asked Commissioner Shortridge if he would like to serve as Vice-Chair. Commissioner Shortridge mentioned that he would happily serve as Vice-Chair.

Commissioner Hall moved to appoint Commissioner Buelow as Chair and Commissioner Shortridge as Vice-Chair for the coming year. Commissioner Boettcher

seconded the motion. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Other Business

No other business was discussed.

Adjournment

On a motion from Commissioner Olson and second by Commissioner Shortridge, the Commission unanimously voted in favor of adjournment at 5:17 pm.

_____

Luke Sims
Assistant City Planner

APPENDIX A
Roll Call Vote Sheet

NAME	Approval of Minutes from August 10, 2020	Motion to Approve Cedar Brook Preliminary Plat	Motion to appoint Commissioners Buelow and Shortridge as Chair and Vice-Chair
Brad Ballard	Aye	Aye	Aye
Dale Boettcher	Aye	Aye	Aye
Brian Buelow	Aye	Aye	Aye
Ed Hahn	Aye	Aye	Aye
Dan Hall	Aye	Aye	Aye
Amy Jo Marks	Aye	Aye	Aye
Lavern Olson	Aye	Aye	Aye
Todd Paddock	Aye	Aye	Aye
Peter Shortridge	Aye	Aye	Aye

REQUEST FOR COUNCIL ACTION

Agenda Section: **New Business**	*Originating Department:*	*Date*
No: **5.**	**City Manager**	**10/19/20**

Item: **Health Insurance Program Funding**

No. **5.4**

SUMMARY OF REQUESTED ACTION:

The City Health Insurance Committee met with Joe Harten of Mercer Company regarding the health care benefit package which was presented to Council in September. The City Manager is recommending that the City contribute toward the program remain the same for 2021.

Therefore the following recommendation is made:

RESOLUTION

WHEREAS, the City of Winona provides a health plan for its employees; and

WHEREAS, the City of Winona contributes financially to the program.

NOW, THEREFORE, BE IT RESOLVED by the Winona City Council that the City of Winona shall contribute the same amount in 2021 as in 2020 for the approved City of Winona health plan.

Department Approval:	**City Manager Approval:**

REQUEST FOR COUNCIL ACTION

Agenda Section: **Council Concerns**	*Originating Department:*	*Date:*
No: **7**	**City Clerk**	**10/19/20**
Item: **Council Concerns**		
No. **7.1**		

SUMMARY OF REQUESTED ACTION:

Time is reserved for Council Concerns.

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

REQUEST FOR COUNCIL ACTION

Agenda Section: **Consent Agenda**	*Originating Department:*	*Date:*
No: **8**	**City Clerk**	**10/19/20**

Item: **Consent Agenda**

No. **8.**

SUMMARY OF REQUESTED ACTION:

City Clerk: ***Item No. 8.1:*** **Approval of Minutes – October 5, 2020**
Minutes of the October 5, 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 Declare Wabasha Street as a through highway from Franklin Street to Hamilton Street.**
An ordinance to declare Wabasha Street as a through highway from Franklin Street to Hamilton Street was introduced at the October 5, 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 establish a No Parking, School Zone Area on Kansas Street**
An ordinance to establish a No Parking, School Zone Area on Kansas Street was introduced at the October 5, 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.

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