

**City Council Meeting  
January 6, 2020  
6:30 PM – City Hall**

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

**Present:** Mayor Mark Peterson, Council Members Allyn Thurley, Eileen Moeller, Michelle Alexander, Pamela Eyden, George Borzyskowski and Paul Schollmeier.

**Mayor's Comments:**

Mayor Mark Peterson announced that the City of Winona has been awarded the 2019 Downtown Investment Award by the Winona Area Chamber of Commerce Main Street Program, recognizing the investment in the Levee Park renovations.

Mayor Peterson made the following announcement regarding Winona Transit:

On December 31, the City of Winona received a Notice of Termination of Contract for Operations of the Winona Transit Service from Three Rivers Community Action Inc.

This notice provided the 120 days written notice of termination of the Contract to the City pursuant to Section 5.b.ii. of the Contract, dated May 7, 2018.

Three Rivers noted that they could not continue to operate our system unless the City agreed to a significant increase in our payments to them, despite this being the end of the first year of a five year contract.

The effective date of termination is accordingly April 30, 2020. As a result, Three River's last day for providing services pursuant to the Contract will be through the close of transit service operations on April 30, 2020. The City expects that Three Rivers will fully comply with its contractual obligations and duties and continue to provide all of the Contract services as required by the Contract up to and through the last day of service operations on April 30.

City staff have already begun working with the Minnesota Department of Transportation staff to begin the Request for Proposals (RFP) process with the goal of having a new vendor in place by April 30.

The City expects that Three Rivers will work with the City and the new transit contractor selected by the City in order to provide as seamless as practicable a transition for the City bus riders so that there is no interruption in services by the new selected contractor.

Our goal is to not have any interruption in service to the public, and to begin evening Dial A Ride (DAR) with the new contractor on May 1.

Mayor Peterson read the following statement regarding the annual evaluation of City Manager Steve Sarvi:

On December 16, 2019, the City Council held a closed meeting to evaluate the performance of Steve Sarvi, City Manager. In accordance with the governing law, at this City Council meeting, which is the next open City Council meeting following the December 16 closed session, the City is required to summarize the conclusions of the evaluation of the performance of Mr. Sarvi reached by the City Council at the December 16 closed meeting. Mr. Sarvi did not request that such meeting be open to the public. As a result, the evaluation of Mr. Sarvi's performance took place in a closed meeting as provided by the Minnesota Open Meeting Law. As Mayor of the City of Winona, I will now provide a summary of the conclusions reached by the City Council from the December 16 closed meeting regarding the performance evaluation of Steve Sarvi:

- Mr. Sarvi has met expectations as City Manager;
- Mr. Sarvi continues to work to gain experience and knowledge of the community and City operations;
- Mr. Sarvi works well with other City employees, the public and businesses; and
- The City Council appreciates Mr. Sarvi's service to the City and looks forward to continuing its employment relationship with Mr. Sarvi for the betterment of the Winona community.

The Mayor announced that a commercial will be filmed in downtown Winona and surrounding areas over the next two day, and noted this will be a national ad.

The Mayor has received complaints regarding traffic going on Lake Park Drive to bypass Sarnia Street, and he asked staff to look into reducing the speed limit on this street and for increased enforcement on the current limit.

**City Manager's Comments:**

City Manager Stephen T. Sarvi said that he was aware of these complaints and staff is researching this now.

**2.1 Wetland Application Decision – 1275 Riverview Drive**

City Planner Carlos Espinosa reported the City of Winona's Wetland Policy requires Council approval of wetland replacement plans. On October 1, 2019 WSB & Associates (consultant for Fastenal) submitted a wetland delineation, sequencing and replacement application for a future building project at 1275 Riverview Drive. The project will impact 0.17 acres of wetlands onsite. The wetlands are proposed to be replaced with 0.34 acres of wetlands from the Graner Wetland Bank in Wabasha County.

On October 25, 2019 City staff met on-site with the consultant and Winona's Technical Evaluation Panel (TEP). The function of the TEP is to review and provide professional recommendations on wetlands impacts in the City of Winona. The TEP consists of representatives from the US Army Corps of Engineers, the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources, the Winona County Soil and Water District, and the Wetland Coordinator for Winona County.

The Mayor declared the public hearing open.

Dana Johnson, representing Fastenal, stated that the company has owned this property for over 20 years, and they are now looking to develop it for additional storage.

There being no one else present to speak to the matter, the Mayor closed the public hearing. The following resolution was then presented for the Council's consideration.

**Resolution 2020 – 01**

**WHEREAS**, Fastenal is proposing a future building project at 1275 Riverview Drive; and

**WHEREAS**, the project is proposed to impact .17 acres of wetland on-site; and

**WHEREAS**, WSB & Associates, on behalf of Fastenal submitted a wetland delineation, sequencing, and replacement application for the project; and

**WHEREAS**, following requisite sequencing and alternatives analyses, the application seeks approval to impact .17 acres of site wetlands, and to replace lost wetlands by acquiring .34 acres of credits from the Graner Wetland Bank in Wabasha County (Bank Service Area 8); and

**WHEREAS**, said application has, in accordance with MN Rules Chapter 8420, been reviewed by the Winona Technical Evaluation Panel, who has recommended approval; and

**WHEREAS**, the Winona City Council has, in accordance with the City Wetland Administration Policy, held a public hearing to consider the application and the full record pertaining to it.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Winona, Minnesota hereby approves the wetland application for 1275 Riverview Drive, submitted by WSB & Associates on behalf of Fastenal, on the basis of the following findings:

1. The application provides a suitable sequencing and alternative analyses, and replacement plan to support approval of the project.
2. The application has, in accordance with the MN rules 8420, been reviewed by the Winona Technical Evaluation Panel, who has recommended approval of it.
3. All impacted wetlands will be replaced in accordance with standards of MN Rules, Chapter 8420. Impacted wetlands will be replaced through the acquisition of credits from the Graner Wetland Bank in Wabasha County.

The City of Winona Wetland Coordinator is hereby authorized to fully process this approval in accordance with applicable requirements of the Minnesota Wetland Conservation Act.

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

### **3.1 Walk to End Alzheimer's Request**

The City Clerk presented a request from Jennifer O'Donnell, Walk Manager for the Alzheimer's Association to close down Lake Park Drive from Franklin to the Bandshell from 10:20 am -12:00 p.m. and the parking lots in front of the bandshell from Friday, October 2<sup>nd</sup> at 3:00 p.m. to Saturday, October 3<sup>rd</sup> at 2:00 p.m. This year's walk will take place on Saturday, October 3, 2020. They have reserved the East Lake path for the day of the walk.

Alexander moved to approve the request. Moeller seconded the motion, and it carried with all voting aye.

### **5.1 Right of First Refusal: Cobblestone Land Purchase**

Mr. Espinosa reported that the 2008 Development Agreement for the Cobblestone Creek Subdivision includes a provision that gives the City of Winona right of first refusal to purchase bluffland property within the subdivision (the "subdivision" or "plat"). The 2008 Development Agreement sought donation of such bluffland to the City by the Developer, but the Developer has to date not sought to donate the property. The provision then gives an undefined right of first refusal to the City of Winona to purchase all of the bluffland included in the plat.

A buyer is now proposing to purchase the undeveloped land and outlots in the subdivision. This action appears to have triggered the City's right of first refusal to purchase the bluffland within these areas. The bluffland is undevelopable land with steep slopes totaling approximately 175 acres.

At this time, staff recommends waiving and releasing the City's right of first refusal to purchase the above-mentioned bluffland for the following reasons:

1. The bluffland cannot be disturbed per City zoning regulations and the development agreement for the subdivision.
2. The buyer does not propose to develop the remainder of the Cobblestone Creek Subdivision. If development is proposed in the future, dedication or public use of the bluffland can be addressed through the platting process at that time.

3. The bluffland in the Cobblestone Creek Subdivision is located far from the City's existing natural parks and trail systems. In consultation the Park and Recreation Department, the City's Parks, Open Space, and Recreation System Plan do not address or propose expansion into this area.
4. Based on assessed value of existing privately-owned bluffland in the City's Valley Oaks Subdivision, the Cobblestone Creek bluffland would potentially be valued at approximately \$550,000.
5. The right of first refusal language contained in the development agreement does not specify clearly how the same was to be exercised by the City and what property was to be included.

Alexander moved to approve the Waiver, Release and Termination of First Right of Refusal, and to authorize the Mayor and City Clerk to execute same. Eyden seconded the motion, and it carried with all voting aye.

## **5.2 Joint & Cooperative Agreement for Public Safety Purchasing**

Fire Chief Curt Bittle stated that entering into an agreement pursuant to Minnesota Statutes 471.59 which authorizes the joint and cooperative exercise of governmental powers common to contracting parties would allow the City to purchase or lease equipment for the fire department.

Currently 32 Minnesota fire departments are parties to the JPA (Joint Powers Agreement). On behalf of the JPA, city has solicited bids for the purchase of self-contained breathing apparatus and associated respiratory equipment (air bottles), and for the purchase of maintenance and repair services for the equipment.

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

### **Resolution 2020 – 02**

**WHEREAS**, Minnesota Statute 471.59 authorizes local units of government to enter into Joint and Cooperative Agreement of governmental powers common to the contracting parties. The intent of this agreement is to make available purchased firefighting self-contained breathing apparatus and associated equipment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Winona, Minnesota, that it hereby approve the Joint and Cooperative Agreement for the purchasing program of self-contained breathing apparatus with current cities and fire departments from the State of Minnesota.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are authorized to execute said Joint and Cooperative Agreement on behalf of the City of Winona.

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

## **5.3 Amendment to GreenMark Community Solar Garden Agreement**

At the December 2, 2019 Council meeting, Council passed a motion to sign a contract amendment to increase the City's subscription with GreenMark community solar gardens and subsequently getting a better per kWh rate. GreenMark has again offered to increase the City's subscription by 0.06 MW and would further decrease our rate from \$0.1294/kWh to \$0.1289/kWh.

The City has ample electrical use capacity to increase our subscription – the additional 0.06 MW will meet about 1-2% of the City's annual usage - and the new terms make for a more favorable economic return. Staff anticipates the improved rate will save the City

about \$4,300 over the course of the contract and the added capacity would yield long term savings of nearly \$60,000. Therefore staff recommends executing the amendment.

The amendment approved by the Council in December has not been formally executed, so our attorney recommends abandoning that amendment and replacing it with the new amendment included here. The new amendment incorporates the added capacity approved in December as well as the new capacity being offered now.

Scollmeier moved to rescind the prior motion from December 2, 2019, and instead approve the new First Amendment to the community solar contract, and to authorize the Mayor and City Clerk to execute the same. Eyden seconded the motion, and it carried with all voting aye.

### **7.1 Council Concerns**

Alexander noted that an announcement was made earlier today to kick off the year of events for the Kashubian Capital City 2020, and encouraged everyone to take part of these activities.

Moeller wished everyone a Happy New Year.

Thurley announced the Sunrisers Lions Club would be holding their annual Christmas tree pickiup this Saturday morning, and noted that the trees are to be placed on the southeast corner of the block.

Eyden attended an event recently at the new Sobieski Park Lodge, and she noted that it is a very nice facility.

Schollmeier acknowledge Councilwoman Alexander and the KCC2020 Committee for their work in putting together the events for this year, and noted the new banners on City Hall commemorating this year.

Borzyskowski announced the East End Neighborhood Watch group meeting tomorrow night at 6:00 pm. He offered his condolences to the family of John Hale.

### **8.1 Consent Agenda**

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – December 16, 2019.

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

The time being 6:50 p.m. and there being no further business to come before the Council this evening, Borzyskowski moved to adjourn. Alexander seconded the motion, and it carried with all voting aye.

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Monica Hennessy Mohan  
City Clerk

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Mark F. Peterson  
Mayor