

**City Council Meeting
February 18, 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 read a proclamation for School Bus Appreciation Day.

The Mayor thanked the organizers and volunteers of the Frozen River Film Fest, and congratulated Mary Farrell on the premier showing of her film about the restoration of the Masonic Theater drops.

City Manager's Comments:

City Manager Stephen T. Sarvi asked Fire Chief Curt Bittle to present an update on the forecast for river flooding. Chief Bittle stated that he had met with representatives of the Army Corps of Engineers and participated in a webinar from the National Weather Service about the spring weather forecast. He noted that the river has been high since last October, leading to some issues with ice jams in January. Since then, the river has dropped 3 feet. City staff will continue to monitor the flooding potential.

Mr. Sarvi announced that there would be Council informational session before the March 2 City Council meeting to listen to a presentation from the Army Corps regarding their Pool 6 river dredging project and plan to have sand storage on Latsch Island.

2.1 276 E. Garvin Heights Rezoning: AG/NR to R-R

Staff requests Council consider rezoning approximately 7 acres of 276 E. Garvin Heights Road from Agricultural/Natural Resources (AG/NR) to Rural Residential (R-R). On January 27th, the Planning Commission voted unanimously to recommend approval with the following findings:

1. No error, or oversight, was made in the 1959/1960 zoning of the site.
2. Properties to the south were rezoned from Agricultural to Residential Suburban (R-S) in 2003 to facilitate development of the Highlands Subdivision. This supports the R-R rezoning request.
3. The proposed rezoning matches the residential character of the area and thus will not impose undue hardship on adjacent landowners.
4. Given the proposed zoning district matches the low density residential character of the area, this is an appropriate area for R-R zoning.
5. Spot zoning is not evident.

The Mayor opened the public hearing.

Jerry Papenfuss, 276 Pleasant Hill Drive, owner of the property, stated that his goal is to sell lots to support the building of homes valued at \$300,000. The benefits to the City include an increase in the tax base, as well as water and sewer assessments.

There being no one else present to speak to the matter, the Mayor closed the public hearing. Thereupon Alexander moved to introduce the ordinance, and the motion was seconded by Moeller. The motion carried with all voting aye.

2.2 262 High Forest Rezoning: R-2 to MU-N

Staff requests Council consider rezoning 262 High Forest from R-2 to MU-N. On January 27th, the Planning Commission voted unanimously to recommend approval with the following findings:

1. No error, or oversight, was made in the 1959/1960 zoning of the site.

2. Although residential land use patterns to the north and east of the site have remained stable since 1960, commercial use to the south has expanded and been the subject of multiple commercial rezoning actions since that time.
3. Rezoning the subject parcel is not likely to have any greater impact on adjacent properties than what exists in other nearby areas where residential uses are adjacent to Mixed Use Neighborhood zoning.
4. Given the subject property is a small piece of land, adjacent to an existing Mixed Use Neighborhood district, and on a block which has seen a number of zoning changes, the subject property is in an appropriate location for rezoning.
5. Spot zoning is not evident.

The Mayor opened the public hearing.

Nick Neuman, representing Kwik Trip, stated that while the alley is not owned by them, they do maintain it. He stated that this parcel will be made into a parking lot primarily for their employees, and they will be installing a 6 foot privacy fence.

There being no one else present to speak to the matter, the Mayor closed the public hearing. Thereupon Alexander moved to introduce the ordinance, and the motion was seconded by Eyden. The motion carried with all voting aye.

3.1 Sign and Banner Schedule

The City Clerk presented the schedule below for signs and banners includes events to be posted during from March through July of 2020. A request for the rest of the year will be presented at a later meeting. If other events would like to request a sign, they can still make a request, subject to availability.

Mankato Banner	Lake Park	Central Park	From:	To:	Organization	Event
		x	02/24/20	03/09/20	Master Gardeners	Master Gardeners Day
x			03/02/20	03/16/20	Pleasant Valley Church	Camp Awesome
		x	03/09/20	03/23/20	Winona Symphony Orchestra	Symphony Concert
		x	03/23/20	04/06/20	St. Stan's Church	St. Stan's Craft Fair
x			03/30/20	04/13/20	Minnesota Marine Art Museum	MMAM Second Saturdays
	x		03/30/20	04/06/20	Engage Winona	Census Complete Count
	x		04/06/20	04/27/20	Mid West Music Fest	Mid West Music Fest
		x	04/06/20	04/13/20	Engage Winona	Census Complete Count
x		x	04/13/20	04/27/20	Cotter High School	Cotter Auction
x			04/27/20	05/04/20	Polish Cultural Institute	Constitution Day
x			05/04/20	05/11/20	Farmers Market	Farmers Market
x			05/11/20	05/18/20	Steamboat Days	Steamboat Days
	x		05/11/20	05/18/20	Pleasant Valley Church	Camp Awesome
		x	05/11/20	05/26/20	Home & Community Options	HCO Play
	x		05/18/20	06/08/20	Home & Community Options	HCO Play
		x	05/26/20	06/15/20	Steamboat Days sign	Steamboat Days
x			06/08/20	06/22/20	Steamboat Days	Steamboat Days
	x		06/08/20	06/22/20	Live Well Winona	Winona County ASAP
		x	06/15/20	07/06/20	Great River Shakespeare Festival	Shakespeare Fest
x			06/22/20	07/06/20	Great River Shakespeare Festival	Shakespeare Fest
	x		06/29/20	07/13/20	Women's Resource Center	Garden Tour

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

3.2 Temporary Wine and Malt Liquor Licenses for Habitat for Humanity

The City Clerk received an application from Habitat for Humanity Winona - Fillmore Counties for a Temporary On-Sale Wine and Malt Liquor license to be used a concert hosted by Hurry Back Productions and performed at the St. Cecilia Theater at Cotter High School, 1115 West Broadway. The dates of the event is Saturday, April 18, 2020, and the liquor license would be in effect from 6:00 to 10:30 p.m. that night.

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

3.3 Temporary Wine and Malt Liquor Licenses for the Great River Shakespeare Festival

The City Clerk received an application from The Great River Shakespeare Festival for a Temporary On-Sale Wine and Malt Liquor license to be used for a concert hosted by Hurry Back Productions and performed at the St. Cecilia Theater at Cotter High School, 1115 West Broadway. The dates of the event is Saturday, March 21, 2020, and the liquor license would be in effect from 6:00 to 10:30 p.m. on that night.

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

3.4 Temporary Wine and Malt Liquor Licenses for Hurry Back Productions

The City Clerk received an application from Hurry Back Productions for two Temporary On-Sale Wine and Malt Liquor licenses to be used for concerts they are hosting at the St. Cecilia Theater at Cotter High School, 1115 West Broadway. The dates of the events are Friday, March 27, and Saturday, May 9, 2020. The liquor license would be in effect from 6:00 to 10:30 p.m. on each night.

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

3.5 Request to Hold Miles for Smiles Walk at West Lake

The City Clerk received a request from Miles for Smiles to hold walk/run that will take place Saturday, May 30, 2020 from 7:00 a.m. – 12:00 p.m. They have reserved Hiawatha Valley Marines Shelter and the West Lake Trail. Participants may be raising pledges and turning in their entry fee that morning.

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

3.6 Request to Block Portion of Alley

The City Clerk received a request from Chad Brink, Owner of Port 507, requesting to have the west access to the alley off located at 128 West 2nd and 32 feet to the property line that is share with Sammy's Pizza blocked on Saturday, March 7, 2020 from 10:00 a.m. – 6:00 p.m. Mr. Brink has talked to all the businesses on my block and have received permission.

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

3.7 Request for Island City Beer Run .05K & 5K

On Saturday, April 25, 2020, Four One Four Events and Island City Brewing will be sponsoring the Beer Run .05K and 5K run/walk. The .05K will begin at 10:00 a.m., the 5K at 10:30 a.m. and both events will end at 12:00 p.m.

In preparation for the event, City Staff met with Four One Four Events and Island City Brewery. The following logistics should be noted:

- The event will take place in Levee Park at the same time as the Farmer's Market.
- City Staff have obtained written permission from the owner of Jefferson's Pub & Grill to allow use of the parking lot until 12:00 p.m.
- Event organizers will notify on-route businesses via USPS.

A draft agreement was submitted for the Council's review.

Alexander moved to approve the agreement and to authorize Administration to execute the same. Moeller seconded the motion, and it carried with all voting aye.

4.1 Award Contract for Lake Park - Lions Club Playground Project

Bids were received on February 3, 2020 for the Lake Park - Lions Club Playground project. A tabulation of the proposals received is as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bids</u>	<u>Total</u>
GRS Enterprises Inc.	\$162,152.30	\$25,757.99	\$187,910.29
Wapasha Construction	\$195,184.94	\$39,952.19	\$235,137.13
Pember Companies, Inc.	\$210,883.75	\$39,414.35	\$250,298.10

The City has worked closely with the local Lions Clubs in their effort to raise funds for the "Every Child's Dream - Winona" playground project at the Bandshell. The Lions Club and the City of Winona has secured over \$500,000 in donations and in-kind pledges.

The City originally bid this project in October 2019 and rejected all the bids received at that time. The City re-bid the project in January of 2020. The bids did come in lower than the originals received in October. Although the bids are lower than October, the project is approximately \$53,000 short. Staff is recommending the transfer of up to \$58,500 from the Facility Fund to cover the shortfall, including a contingency.

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

Resolution 2020 – 09

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it enter into a contract for the Lake Park – Lions Club Playground Project, in accordance with the specifications dated January 13, 2020 covering the same and on file with the Parks and Recreation Department, and that the Mayor and City Clerk execute the contract; and

BE IT FURTHER RESOLVED that the proposal of GRS Enterprises Inc. in the amount of \$187,910.29 it being the most favorable proposal received and it being the lowest responsible bidder therefore, be and the same is hereby accepted, and that the bidder execute said contract and furnish the bond in the amount required by the specifications or by law.

BE IT FURTHER RESOLVED that the City Council authorizes the transfer of an up to amount of \$58,500.00 from the facility fund to complete the project.

Thereupon Alexander moved to waive the reading of the resolution and to adopt same. The motion was seconded by Moeller, and after a brief discussion on the timeframe for the project, it carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

4.2 Vacate Alley in Central School Block

An ordinance to vacate the City alley on Block 37 of the Plumer's Addition for the Central School Redevelopment was introduced at the February 3, 2020, Council meeting. The purpose and effect of the proposed ordinance has been published by law.

Thereupon Alexander moved to adopt the ordinance. The motion was seconded by Eyden, and carried with all voting aye.

5.1 Plat Review – Nisbit Beier Plat

Council review and approval of this plat is required for the City Clerk to sign the document and for it to be recorded. The property owner is creating four new lots and one outlot for reuse and potential redevelopment on the former Central School block. The block is currently divided into 10 lots which have remained unchanged since the

Original Plat of Winona and subsequent public use as a school until the change in ownership from Winona Area Public Schools to Central Square Properties, LLC in 2018.

At this time, reuse of the existing school building located on Lot 4 is proposed with Lots 1, 2, and 3 being created for potential future development.

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

Resolution 2020 – 10

WHEREAS, Central Square Properties, LLC (“Petitioner” or “Applicant”) has submitted an application for Final Plat approval of the proposed “Nisbit Beier” plat (“Final Plat” or “Plat”), legally described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Winona City Planning Commission (“Commission”) in accordance with provisions of the Winona City Code, Section 43.06.31(B) held a required public hearing to consider said Plat on November 25, 2019; and

WHEREAS, following its full review and consideration of all information, the Commission found that the Plat for the proposed Nisbit Beier Subdivision was consistent with the intent and purpose of the City of Winona Unified Development Code (“City Code”); and

WHEREAS, given its findings, the Commission recommended that the City Council of the City of Winona (“City Council”) approve the Final Plat for Nisbit Beier Subdivision; and

WHEREAS, the City Council has reviewed the proposed Final Plat of the Nisbit Beier Subdivision for compliance with the City Code and applicable State statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT; the City Council concurs with the recommendation of the Commission and hereby adopts the findings thereof and approves the Final Plat for Nisbit Beier Subdivision, subject to the following condition(s):

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

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

5.2 Mississippi Riverfront Path Phase I – Project and Funding

The Mississippi Riverfront Trail is a project listed in the Comprehensive Plan (2007) the Comprehensive Parks Plan (2019) and the current Downtown Strategic Plan.

The Port Authority has supported the project as a vital piece to the overall economic development of the community especially to support the objectives of Opportunity Winona. Preliminary engineering work was recently completed for Phase I and the Port Authority is looking to fund preliminary engineering for Phase II at their February 13,

2020 meeting. The Port Authority has emphasized investments in recreational amenities are critical as businesses look to recruit a workforce for the future.

The path would be a multi-purpose, non-motorized trail and will provide a safe and accessible route along the Mississippi River from Levee Park to Lions Park for residents, tourists, families, students and our workforce. Barr Engineering has provided preliminary engineering including a proposed and alternative trail corridor, alignment drawings, and illustrative graphics attached to this item. High level cost estimates by segment have been provided and will depend on which trail corridor is selected. We anticipate the range between a low of \$1,260,000 to a high of \$2,520,076. This will be reviewed in more detail as the project is defined and the corridor is finalized.

Staff has had preliminary meetings with businesses and plans to hold more meetings as the path alternatives are reviewed for feasibility. Staff has discussed a Request for Funding for the Mississippi Riverfront Trail Phase I to the State Legislature. Although we did not have estimates in time for the June 2019 MMB deadline, we do have estimates to move forward with a request and have had preliminary discussions with our local representatives.

In Summary:

- The trail will begin at Levee Park and end at Lions Park, near Bud King Ice Arena.
- City Matching Dollars: \$2.5 Million on improvements at Levee Park over the last two years through City G.O. Abatement Bonds (these funds have already been spent)
- Request for State Bond Funds \$2 Million
- Project Description: Construct a 2" bituminous path from Levee Park to Lions Park along the Mississippi River in Winona, Minnesota. The trail will be owned and maintained by the City of Winona.

Schollmeier moved to approve staff proceeding with the next steps to seek a capital budget request from the State of Minnesota for \$2 million. Eyden seconded the motion, and it carried with all voting aye.

5.3 Minnesota River Water Storage Initiative Resolution

A representative of the Minnesota River Congress asks that the City support an initiative throughout the Minnesota River valley to retain water storage on the land. The Minnesota River Congress intends to request state and federal funds to carry out projects, and also asks the City to support their request for funding.

City staff reviewed their requests, and believes the initiative is sensible and would improve water quality. Direct benefits to the City of Winona are not easily quantified at this time, but there should be some benefits in terms of reduced flood volumes and less sediment in the Mississippi River water column. Support for this initiative should also help with garnering support should a similar type of project come forward for the Mississippi River basin.

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

Resolution 2020 – 11

WHEREAS, a significant fraction of the natural water storage that once existed on the landscape in the form of prairie potholes, wet meadows and shallow lakes in the Minnesota River Basin has been converted to dry usage;

WHEREAS, ever-increasing impervious surfaces in municipal areas together with existing and increased agricultural drainage coupled with significantly increased precipitation patterns is dramatically increasing water flows in all our streams, lakes and rivers;

WHEREAS, fast-rising, high water levels in rivers and streams flood adjacent low-lying areas, erode stream banks, create backups on existing tile and ditch systems, and increase sediment transfer downstream;

WHEREAS, many acres of farm fields are flooded each year, sometimes multiple times each year, by river and stream flooding thereby preventing planting or destroying growing crops;

WHEREAS, storing water in upstream areas of the landscape will mitigate and slow the amount of water moving into rivers and streams and reduce flooding and erosion;

WHEREAS, storing water in upstream areas of the landscape and other strategies such as improving soil health will mitigate and slow the amount of water moving into rivers and streams and reduce flooding and erosion;

WHEREAS, the Minnesota River Congress, a citizen-led group focusing on the natural resources and economic health of the Minnesota River Basin, is spearheading an initiative to increase water storage on the landscape using recommendations from the Collaborative for Sediment Source Reduction (CSSR) study as well as the Management Options Simulation Model (MOSM) study recommendations. These resources when used in conjunction with the rich datasets available through state agency monitoring, assessment and conservation targeting (WRAPS, TMDLS, 1W1P) provide a strong basis for this initiative; and

WHEREAS, the Minnesota River Congress is planning to introduce legislation at the state and federal levels to secure significant funding for surface water storage on the landscape in the Minnesota River Watershed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Winona, Minnesota, supports the Minnesota River Congress in its efforts to increase water storage on the landscape and manage the flow of water in the Minnesota River Basin; and

BE IT FURTHER RESOLVED that the City of Winona, Minnesota, supports the Minnesota River Congress in its efforts to secure state and federal funding targeted specifically to increase surface water storage in the Minnesota River Watershed.

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

5.4 Resolution of Support for the Twin Cities-Milwaukee-Chicago Second Train Council Member Schollmeier has requested time on the agenda to present the attached resolution regarding the status of the second train and the potential impacts to travelers on the River Route and benefits to the Winona area. Some important points:

- An estimated addition 17,000 passengers would board or get off the train in Winona.
- An estimated additional \$180,000 in visitor spending is likely here in Winona.
- Updated side rails at the Tower Crossing and an ADA compliant platform at the Winona depot is expected to bring approximately \$17 million in construction activity to Winona.
- Added side rails extensions will support smoother flow of freight traffic.

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

Resolution 2020 – 12

WHEREAS, the Twin Cities-Milwaukee-Chicago Second Train Passenger Rail Study completed the alternatives analysis and modelling for introducing a second daily train between the Twin Cities, Milwaukee and Chicago at speeds up to 79 miles per hour in December 2018; and

WHEREAS, the Twin Cities-Milwaukee-Chicago Second Train Passenger Rail Study identified approximately \$30.7 million in track and signal improvements in and near Winona, Minnesota, and

WHEREAS, passenger trains would utilize the existing Amtrak Empire Builder corridor from Saint Paul, MN to Chicago, IL with Minnesota station stops at Union Depot in Saint Paul, Red Wing and Winona; and

WHEREAS, a second round-trip passenger train from the Twin Cities to Chicago will benefit Minnesota's economy by supporting and creating jobs, increasing tourism and providing a more economical travel choice; and

WHEREAS, freight railroads will benefit from the capital improvements needed for the Twin Cities-Milwaukee-Chicago Second Train. Crossing improvements will make auto and truck travel safer.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Winona, Minnesota, that it hereby supports funding for the Twin Cities-Milwaukee-Chicago (TCMC) Second Train, and requests that the Minnesota Legislature approve a minimum of \$10 million to provide matching funds for the future federal grants.

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

5.5 Prairie Island Campground Management Agreement Amendment #2

The City of Winona is currently in the third year of the Prairie Island Campground Management Services and Operation Agreement with Front Porch Management; the Agreement expires in February of 2023. The agreement, to this point, has been working well for both parties.

The City of Winona approved an amendment to the Management Services and Operation Agreement in April of 2019 that allows a payment of \$20,500 be made to Front Porch Management. The payment allows for more flexibility in regards to maintenance costs associated with the operations of the Campground.

When that amendment was drafted, staff did not include an escalator over the term of the agreement. Staff has since met with Front Porch Management and both parties have agreed to include a 3% percent increase annually over the term of the agreement.

Alexander moved to approve the agreement and to authorize the Mayor and City Clerk to execute the same. Schollmeier seconded the motion, and it carried with all voting aye.

5.6 Levee Park Master Plan – Phase Two

The Parks and Recreation Department is continuing to explore priorities within the Parks and Recreation Comprehensive Plan. A high ranking priority, not only in the Parks and Recreation Plan, but also within the recent Downtown Strategic Plan, is the continued development of Levee Park.

The City of Winona asked ISG, the design firm responsible for the Levee Park Gateway Project, for a proposal to begin a Master Plan for Phase Two of Levee Park. The City indicated in their request that Phase Two would encompass the boundaries of Levee Park from Main Street to Walnut Street and from the Mississippi River to the railroad tracks. The only exception is to explore streetscape improvements along Walnut Street from Cal Fremling Parkway to 2nd Street.

The City also asked for the following parameters to be explored; this is not meant to be an exhaustive list: Public restrooms, shade, a climbing boulder, streetscape improvements to Walnut Street, statue of John Latsch, trail improvements (Riverfront Trail), and improved river access. The proposal was submitted for Council's review.

Staff is recommending approval of the proposal as presented by ISG in the amount of \$28,800 plus a contingency for a total of \$33,200. Further staff recommends funding the Master Plan for Phase Two from the positive fund balance within the Levee Park Gateway Project.

Alexander moved to approve the request, and to authorize Administration to execute an agreement with ISG. Schollmeier seconded the motion, and it carried with all voting aye.

5.7 Amend Ordinance for Sunday Hours for On-Sale Liquor Sales

The City Clerk reported that several years ago, the State law was changed to allow Sunday sales of liquor at restaurants beginning at 8:00 a.m. rather than 10:00 a.m. At that time, the City Council approved an ordinance to amend Winona City Code Section 55.16 – Hours and Days of Sale, to allow sales to begin at 8:00 a.m.

It was recently brought to our attention that there is a second provision in the City Code relating to general regulations which includes a provision regarding hours. The City Code permits a restaurant licensed to sell intoxicating liquor to open at 6:30 a.m. for the purpose of serving food. This section still referenced 10:00 a.m. for Sunday sales. In order to be consistent in the City Code with State law, the attached draft ordinance would amend this section to 8:00 a.m.

Thereupon Alexander moved to introduce the ordinance, and the motion was seconded by Moeller. The motion carried with all voting aye.

7.1 Council Concerns

Schollmeier acknowledged both the Frozen River Film Fest and the Outdoor Recreational Alliance for events they hosted last weekend.

Alexander encouraged people to sign up for the March of the Pomeranians pet parade to be held on March 28 at Sobieski Park.

Thurley thanked staff for setting up the upcoming meeting on the Corps' dredging plan.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

- Item No. 8.1: Approval of Minutes – February 3, 2020, and
- Item No. 8.2: Claim against the City by Rich Schneider.

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

The time being 7:35 p.m. and there being no further business to come before the Council this evening, Borzyskowski moved to adjourn. Alexander seconded the motion, and it carried with all voting aye.

Monica Hennessy Mohan
City Clerk

Mark F. Peterson
Mayor