

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

This regular meeting of the Winona City Council was conducted electronically pursuant to Minnesota State Statute 13D.021, following the adoption of Resolution 2020-17 Declaring a Special Emergency, as adopted by the City Council on March 16, 2020.

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 stated that these are historic times with the Covid 19 pandemic, and he announced that the stay at home order by the Governor is making a difference in the infection rates in the state. He thanked all of the City staff for their work on this issue and adapting City services to meet these needs. He also thank the EMT's, clinic and hospital staff, and nursing homes for their response.

**City Manager's Comments:**

City Manager Stephen T. Sarvi reported that the City has undertaken numerous steps to address this pandemic, and we have increased communications via a new Facebook page for Covid 19 resources, and has published updates on the city website. The Police Department is healthy and fully staffed, and they are monitoring locations that have large numbers of people gathering. The Fire Department has made changes in their staffing, and they are doing spot checks in retail locations in the city to make sure patrons and staff are maintaining the 6 foot social distancing requirement. Dorms at Winona State University are a potential site for overflow for treatment of Covid 19 patients in Southeastern Minnesota. The Senior Friendship Center has been closed to the public, as well as the East Recreation Center and Lake Lodge. Park Rec staff are monitoring the parks to make sure large groups are not forming. In Public Works, all of the staff have been split into shifts, with half on duty and the other half on leave. Public Works staff continue to do street sweeping and monitoring the flood level of the river. The Engineering staff is also working split shifts, and continues to work on city improvement projects for this year, including the street mill and overlay project. The Community Development office announced a six-month extension of rental housing licenses, and noted that some building inspections are continuing. The Public Library is doing more on-line programming and have increased the availability of e-books. Winona Transit is continuing its operations, but on an altered schedule. Mr. Sarvi thanked the many volunteers in our community who are helping to take care of their neighbors and also feeding and sheltering the homeless.

**2.1 Minnesota Investment Fund Application for BCS Automotive Interface Solutions**

This public hearing was called to consider an application for Minnesota Investment Funds to assist BCS Automotive Interface Solutions with a request for \$600,000 for improvements at their Winona facilities.

BCS is a supplier to the Automotive Industry, providing interior components for cars and trucks. BCS currently has four facilities in the United States including Winona, MN. The company conducted a study to determine the feasibility of consolidating operations of two facilities, Winona, MN and Auburn, New York. The study has concluded that based on incentives offered by the State of Minnesota and the City of Winona, the transfer of product manufacturing from New York to Winona will occur in late 2020.

Community Development staff began working with the company in January to develop job training and financial incentives for the improvements needed at their Winona facility. There are a number of programs offered through the Minnesota Department of Employment and Economic Development. In conjunction with the State of Minnesota,

the Port Authority of Winona has proposed a package to retain and expand employment and continue investment in Winona. The focus of the hearing is related to the Minnesota Investment Fund. The other programs may also be used:

**Minnesota Investment Fund:** (State Dollars)

Up to \$600,000 in loan funds with up to \$500,000 forgivable if BCS meets performance and job creation requirements.

**Job Creation Fund:** (State Dollars)

Up to \$400,000 in credits provided BCS meets job creation and investment goals.

**Minnesota Job Skills Partnership:** (State Dollars)

Up to \$300,000 to train new workers on new processes.

**Minnesota Job Training Incentive Program:** (State Dollars)

Up to \$200,000 for customized job training to meet unique needs of BCS workers. If BCD chooses to use this program.

**Port Authority Revolving Loan Fund:** (Local Loan Fund)

Up to \$100,000 in Port loan dollars with \$50,000 forgivable if BCS meets performance and job creation requirements.

Thereupon the Mayor opened the public hearing.

BCS Winona Plant Manager Chad Heltemes described how the company would use these funds and the number of jobs that would be maintained in Winona.

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

**Resolution 2020 – 24**

**Authorizing Application to the Minnesota Department of Employment and Economic Development Minnesota Investment Fund Program to Assist in the Expansion of BCS Automotive Interface Solutions**

**WHEREAS**, the City of Winona will act as the legal sponsor for the project contained in the Minnesota Investment Fund Application to be submitted on or about April 15, 2020; and

**WHEREAS**, the Mayor and City Clerk for the City of Winona are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Winona and sign documents related to the application; and

**WHEREAS**, the City of Winona has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to administer the proposed project; and

**WHEREAS**, the City of Winona has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

**WHEREAS**, upon approval of its application by the State, the City of Winona may enter into a Grant Contract with the State of Minnesota for the approved project, and that the City of Winona certifies that it will comply with all applicable laws, statutes, regulations and rules as stated in the Grant Contract and described in the Project Compliance Certification of the Application; and

**WHEREAS**, the City of Winona has obtained credit reports and credit information on BCS Automotive Interface Solutions and its owners. Baker Tilly, Financial Advisory for the City has reviewed and has found no adverse finding or

concerns regarding, but not limited to, tax liens, judgements, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal actions.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Clerk of the City of Winona, or their successors in office, are hereby authorized to execute the Grant Contract and amendments, thereto, as are necessary to implement the project 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 Thurley, and after a brief discussion, and carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

## **2.2 Proposed 2020 Sioux Street Reconstruction Project**

This public hearing was called to consider the construction of the 2020 Sioux Street Reconstruction Project.

Under this project, Sioux Street from Sarnia to Sanborn Street would be reconstructed, including the replacement of water service lines to 30 different properties; curb and gutters would also be replaced. The project is estimated to cost a total of \$1,266,842. The estimated amount to be specially assessed, including the City's administrative, engineering and bond costs, is \$76,560. The assessable portion would be assessed against the properties benefiting from the project.

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

### **Resolution 2020 – 25**

**WHEREAS**, the City Council proposes to construct the following local improvements:

#### **2020 Sioux Street Reconstruction Project**

**WHEREAS**, plans and specifications have been prepared and presented to the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Winona, Minnesota:

1. The foregoing improvements are hereby ordered to be made;
2. The plans and specifications as presented are hereby approved;
3. The City Clerk shall prepare and cause to be inserted in the official paper an advertisement for bids on construction of such improvements pursuant to such approved plans and specifications. The advertisement shall be published once as required by law; shall specify the work to be done; shall state when the bids will be opened by administration.

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.

## **3.1 Request for After Hours Use of Garvin Heights City Park**

The City Clerk submitted a request from Richard King to allow a group of people to use Garvin Heights Park on Friday, June 5, 2020 and on Saturday, June 6, 2020 until 11:45 p.m. both nights for meetings of their annual spiritual retreat.

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

### 3.2 Indoor Batting Cage Donation

The Winona Parks and Recreation Department has been working with the Winona Winstars Softball Association to place a mobile indoor batting cage inside the East Recreation Center. The Winstars has purchased the batting cage and would like to donate it to the City. The City will install the batting cage inside the East Recreation Center and then make it available for public use.

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

#### Resolution 2020 – 26

**WHEREAS**, the City of Winona Parks and Recreation Department works with the Winona Winstars Softball Association to expand recreational opportunities for our community; and

**WHEREAS**, the Winona Winstars Softball Association would like to donate a batting cage for the City's park system; and

**WHEREAS**, the City of Winona Parks and Recreation Department is interested in adding the batting cage to our Park System.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Winona, Minnesota, that the City hereby accepts the donation of a batting cage, and the City Council hereby expresses the community's appreciation to all donors who made this donation possible.

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.

### 3.3 Planning Commission Letter Regarding Pool 6 Dredging Plan

Community Services Director Lucy McMartin presented a letter from Chair of the City of Winona Planning Commission Brian Buelow, expressing support for alternatives to the Winona Harbor Expansion (full) option as presented by the Army Corps of Engineers in relation to the Pool 6 Dredging Plan. The Planning Commission voted to send this letter forward on March 23, 2020.

The letter was received and filed.

### 3.4 Stop Intersection on Chestnut Street at Fifth Street

Councilman Borzyskowski asked the Engineering Department to look at the intersection of Chestnut Street and Fifth Street to determine if stop signs are needed. It is currently an uncontrolled intersection. This is the only uncontrolled intersection on Fifth Street between Franklin Street and Mankato Avenue. Predictability is imperative for drivers, therefore the City Engineer recommends that stop signs are installed to stop traffic on Chestnut Street and have Fifth Street be the through street.

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

### 4.1 Award Contract for 2020 Bituminous Mill & Overlay Project

City Engineer Brian DeFrang reported that bids were received on April 1, 2020, for the 2020 Bituminous Mill & Overlay Project. A tabulation of the proposals received is as follows:

Bidder _____	Bid _____
Dunn Blacktop	\$723,558.00

Engineer's Estimate: \$789,710.00

This project will be funded from the Street Reconstruction Project Budget. The following resolution was then presented for the Council's consideration.

**Resolution 2020 – 27**

**BE IT RESOLVED** by the City Council of the City of Winona, Minnesota, that it enter into a contract for 2020 Bituminous Mill & Overlay Project in accordance with the specifications dated March 11, 2020, covering the same and on file with the City Clerk, and that the City Manager and City Clerk execute the contract; and

**BE IT FURTHER RESOLVED** that the proposal of Dunn Blacktop in the amount \$723,558.00 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 bond in the amount of \$723,558.00 as required by the specifications or by law.

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.

**4.2 GreenCorps Application Resolution**

At the March 16 Council meeting, the City Council authorized the City's Natural Resource and Sustainability Coordinator to submit an application for a GreenCorps member. One piece of this application that still needs to be completed is a Council Resolution of support. The resolution states the City will enter into an agreement with the MPCA if they award a GreenCorps member to the City. A sample agreement, which would be tailored to the specific work plan, was submitted for Council reference. The terms of the agreement do not appear materially different from the last time the City hosted a GreenCorps member.

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

**Resolution 2020 – 28**

**WHEREAS**, the City of Winona will apply to host an AmeriCorps member from the Minnesota GreenCorps, a program of the Minnesota Pollution Control Agency (MPCA), for the 2020-2021 program year;

**WHEREAS**, if the MPCA selects the City of Winona, the organization is committed to implementing the proposed project as described in the host site application, and in accordance with pre-scoped position description;

**WHEREAS**, the MPCA requires that the City of Winona enter into a host site agreement with the MPCA that identifies the terms, conditions, roles and responsibilities;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Winona hereby agrees to enter into and sign a host site agreement with the MPCA if selected to host a GreenCorps member. The City shall comply with all of the applicable terms, conditions, and matching provisions of the host site agreement and authorizes and directs the City Manager to sign the grant agreement on its behalf.

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.

**4.3 City Response to Draft Dredge Material Management Plan**

At the March 16 City Council meeting, the Mayor and City Manager reported on an executive committee meeting held with representatives of the US Army Corps of Engineers regarding the draft Pool 6 Dredged Material Management Plan (DMMP). At the Council meeting, Council Members expressed a desire to work with the Army Corps

to identify alternate sites rather than expanding the area for placing dredged materials on Latsch Island.

Staff and the executive committee met again with the Army Corps reps, but no consensus has been reached yet on an alternate site.

The following draft letter was submitted for the Council's review and approval as the City's official response to the DMMP:

Col. Karl D. Jansen, Commander  
U.S. Army Corps of Engineers - St. Paul District  
180 Fifth St. E., Suite 700  
St. Paul, MN 55101-1678

Dear Colonel Jansen,

The City of Winona sincerely appreciates the Army Corps of Engineers (ACOE) presenting to the Winona City Council and answering questions related to the Pool 6 draft Dredge Material Management Plan (DMMP) and extending the comment period 30 days to April 10, 2020. The ACOE representatives did a wonderful job of explaining the project and answering the Council's questions and concerns. The City of Winona has a long history of cooperating with the ACOE and will continue to cooperate with the ACOE on future projects.

The DMMP has been evaluated by the City Council. The Council authorized me to send this letter expressing that we are not in favor of expanding the dredge material placement area on Latsch Island. There are other areas identified in the DMMP that would have less impact on the City of Winona. We look forward to continued discussions with the ACOE to find long-term solutions to sustain your efforts to keep the navigation channel open on the Mississippi River.

Sincerely,

Mark F. Peterson  
Mayor, City of Winona

Alexander moved to approve the letter and to authorize the Mayor to sign it. Schollmeier seconded the motion.

Eyden asked if the executive committee will continue meeting with the Army Corps. The Mayor replied yes, and noted the last scheduled meeting had been cancelled.

Mr. Sarvi noted that the Army Corps will begin dredging soon, but the dredge materials would be placed on the site that has already been permitted by the City.

Alexander stated that several options have been suggested to the ACOE, and believes these would be more palatable to the city.

The motion carried with all voting aye.

### **5.1 Quit Claim Deed – Gundersen Health Systems**

Gundersen Lutheran Administrative Services, Inc. is proposing a quit claim deed for the property in the attached legal description, encompassing lands currently used by the City of Winona as public rights of way known as Vila Street as well as additional property to be utilized as a public transit service shelter and stop operated by Winona Transit Service. The proposed quit claim to the City of Winona fulfills site plan approval criteria for the new Gundersen Winona Campus located at 1122 West Highway 61. The following resolution was then presented for the Council's consideration.

### **Resolution 2020 – 29**

**WHEREAS**, Gundersen Lutheran Administrative Services, Inc., a Wisconsin non-stock, non-profit corporation (“Donor”), holds fee title to certain real property located in the City of Winona, Winona County, Minnesota, and bearing Parcel ID Number 323205530; a copy of the legal description being attached hereto as Exhibit A (the “Real Property”); and

**WHEREAS**, Donor desires to donate a small portion of the Real Property along the westerly boundary of the Real Property to the City of Winona (“City”) for a bus shelter and transportation purposes; and

**WHEREAS**, A depiction of the small portion of the Real Property along the westerly boundary of the Real Property with said portion overlapping the Vila Street right of way to be donated to the City (the “Bus Shelter Property”) is attached hereto and incorporated by reference as Exhibit B; and

**WHEREAS**, A draft Quit Claim Deed has been prepared containing the legal description of the Bus Shelter Property to be donated to the City is attached hereto and incorporated by reference as Exhibit C; and

**WHEREAS**, Minnesota Statutes, Section 465.03 provides that the City may accept a grant of real property and maintain the same for the benefit of its citizens in accordance with the terms prescribed by the Donor, and that acceptance of such grant is subject to a resolution of the City Council adopted by a two-thirds majority of its members, expressing the terms of the grant in full; and

**WHEREAS**, Minnesota Statutes, Section 462.356, subdivision 2, states that no publicly owned interest in real property within a city shall be acquired or disposed of until after the planning commission has reviewed the proposed acquisition or disposal and reported in writing to the city council its findings as to compliance of the proposed acquisition or disposal with the comprehensive plan; and

**WHEREAS**, the same statute further states, however, that the city council may, by resolution adopted by two-thirds vote, dispense with the requirements of this subdivision when in its judgment it finds that the acquisition or disposal of real property has no relationship to the comprehensive plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council that the City Council hereby finds that accepting the grant/acquisition of the Bus Shelter Property by the Donor to the City has no relationship to the City’s Comprehensive Plan, and therefore review of the proposed grant/acquisition by the Winona Planning Commission is not required under Minn. Stat. § 462.356, Subd. 2, and is hereby dispensed with as allowed by that statute.

**BE IT FURTHER RESOLVED** that The City Council hereby: (1) accepts the grant/acquisition of the Bus Shelter Property by the Donor to the City; (2) authorizes and directs the City Clerk to (a) seek execution of the deed substantially in the form hereby approved and allowing any necessary minor or technical changes, (b) execute such other documentation as is necessary to accomplish the donation to and acquisition of the Bus Shelter Property by the City of Winona, and (c) record such executed deed and such other documentation as necessary with the Winona County Recorder’s Office and pay such related 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 Letter of No Objection for Levee Encroachment**

Public Works Director Keith Nelson presented a request from Rivers Development and Construction Company to build a storage building on their lot adjacent to Trunk Highway 43 and Burns Valley Channel. The building would be used for storage related to the

Holiday Inn Express and Plaza Motels. Along the Burns Valley Channel the City of Winona has a 25 foot flood control easement. The request is to build the storage building so it would be within that easement. The area has been filled in the past with the exception of a drainage pond in the corner closest to TH 43.

Mr. Nelson's review of the original levee plans and cross sections lead him to recommend that the City of Winona agree to the request of Rivers Development as the construction does not appear to cause any structural damage to the system nor does it hinder access for maintenance. Both of those issues would be reviewed by the Army Corps of Engineers prior to them granting the final approval. At this point the ACOE is requesting information and a letter from the non-federal sponsor (City of Winona) stating that it does not have any objection to the construction. If the ACOE would be in agreement, City staff would request the City Attorney's office create a license agreement for the building to occupy the easement until such time as it would become necessary for the integrity of the flood control system to remove the building. The ACOE review summary and a license agreement would be brought back to the City Council for final approval.

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

### **5.3 Lake Park – Lions Club Playground Project Grant and Funding Request**

Assistant City Manager for Park Recreation Chad Ubl reported that the Council awarded the construction project to complete the Lake Park Lions Playground Project at the February 18, 2020 meeting. Following that meeting, the City needed to secure pricing for materials and installation that were not covered in the bidding documents. This is allowable under the municipal bidding law as these items are available under the state contract or in the case of construction administration are part of the design services.

The pricing for the above items, construction administration, materials, and installation, came in over budget by approximately \$90,000. Much like the construction items, prices have increased since the original quotes were gathered.

Knowing this information, staff is proposing a grant application in the amount \$85,000 to assist with costs associated with the playground project. Staff is requesting permission to apply for the grant and use the existing budget for the project as the match.

If the grant is unsuccessful, we will need to cover those costs for the project to move forward. Further, we are requesting permission to allocate up to \$95,000 from reserves within the Park Fund to complete the project as outlined above, if the granting is unsuccessful.

As staff has stated previously, the completion of an ADA accessible, all inclusive, playground is a top priority for the park system. This project is also vital to complete the wishes of the many private donors.

Alexander moved to direct staff to apply for grant funding for the Lake Park Lions Playground and to allocate up to \$95,000 from reserves within the Park Fund. Borzyskowski seconded the motion.

Mayor Peterson asked what agencies the grant applications would be submitted to. Mr. Ubl replied the two agencies are Live Well Winona and the BK5K.

The motion carried with all voting aye.

### **5.4 Emergency Action for Covid 19 Response – Suspend Transit Fares**

The City Clerk reported the City received information today from the Minnesota Department of Transportation - Office of Transit and Active Transportation, encouraging transit systems to go fare-free during the Covid 19 pandemic. This step reduces interactions between transit drivers and riders, lessens the burdens on those facing unemployment, or those simply trying to get to the grocery store.

While the ridership has decreased significantly in the last month, we provided 125 – 150 rides per day during the last week of March.

Staff suggests that this policy be implemented immediately, and that bus passes purchased for the month of April would be honored for the month of May. The Clerk also noted that there is a possibility that the state would cover some of the lost revenues.

Alexander moved to suspend the collection of transit fares effective Tuesday, April 7, 2020, until Friday, May 8, 2020. Schollmeier seconded the motion, and it carried with all voting aye.

### **7.1 Council Concerns**

Moeller thanked everyone involved in setting up this meeting, and noted it was a good test of our technical abilities. She also thanked the City's first responders in Police and Fire, as well as all of the health care professionals who are responding to the Covid 19 pandemic. She noted that the city will ride out this situation together.

Schollmeier also recognized all the essential workers in our community, including grocery store clerks and stock workers. He asked everyone to be vigilant and be kind. He asked if the residents at the larger apartment complexes are getting the communications they need during the pandemic.

Alexander thanked everyone at City Hall for getting this Council meeting done, and she encouraged the public to make the decision to stay home as much as possible. She also asked that we remember the city's non-profits who have had to cancel many fundraising events during this time.

Thurley encouraged the public to check the City's website for updates, and also the Neighbors Helping Neighbors Facebook page. He offered his sympathies to the family of Jim Carlson, and wished everyone a Happy Easter and Passover.

Borzyskowski thought this meeting went well. He encouraged the community to help one another, and wished all a Happy Easter.

Eyden noted that staying home is important, and she thanked those businesses that have adopted their operations to meet the changing times. She encouraged the public to wear face masks when going into stores to keep their workers healthy.

### **8.1 Consent Agenda**

The City Clerk presented the Consent Business Agenda as follows:

- Item No. 8.1: Approval of Minutes – March 16, 2020;
- Item No. 8.2: Claim against the City by Steven Salisbury;
- Item No. 8.3: Claim against the City by Chris Drazkowski;
- Item No. 8.4: Claim against the City by Daniel Schultz; and
- Item No. 8.5: Claim against the City by Mike Lattman.

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

The time being 7:40 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

Mark F. Peterson  
Mayor