

**City Council Meeting
June 15, 2020
6:30 PM – City Hall
Meeting Held Electronically Via Zoom**

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 on pollinator awareness.

The Mayor noted the protests occurring across the county on police misconduct and racial unrest, and said that a discussion was held recently at Central Lutheran Church regarding impacts in our community. The Mayor thanked the Police Chief and other officers who participated in that discussion, and noted that the conversation will continue.

Mayor Peterson wished his wife Kathy a Happy Birthday.

City Manager's Comments:

City Manager Stephen T. Sarvi wished his daughter and son-in-law a happy 1st wedding anniversary.

3.1 Club, Wine and Off-Sale Liquor License Renewals for 2020

The City Clerk reported that applications for the renewal of State-issued liquor licenses have been received for Clubs, On-Sale Wine, and Off-Sale Liquor licenses for effective dates of July 1, 2020 – June 30, 2021.

State law requires that proof of appropriate financial responsibility, generally in the form of a certificate of liquor liability insurance, be submitted by the licensee to the City. The following have yet to provide an updated certificate of insurance for liquor liability:

- Blooming Grounds Express;
- Fraternal Order of Eagles Aerie #1243; and
- Rivers Hotel Company dba Fairfield Marriott Hotel.

In addition, the Winona City Code requires that the all real estate taxes and special assessments due and payable in the previous calendar year, as well as all pending assessments for unpaid municipal charges, and all other unpaid municipal charges, shall be paid in full prior to issuance of any license. The City Clerk's office reviewed each of the applicant's property taxes, special assessments and utility billing history, and found the following is delinquent in City water and sewer billings:

- Perrella, Inc., dba Sammy's Pizza.

Alexander moved to approve the liquor licenses, with the licenses for those listed above contingent upon receipt of a certificate of liability insurance or full payment of the delinquent City utility bill by June 24. Moeller seconded the motion, and it carried with all voting aye.

3.2 Liquor License Renewals for 2020

The City Clerk reported that applications for the renewal of On-Sale Intoxicating Liquor, On-Sale Tap Room, Off-Sale Tap Room, Sunday On-Sale, On-Sale 3.2% Malt Liquor, Off-Sale 3.2% Malt Liquor, and Mechanical Amusement Devices have been received. The effective dates would be July 1, 2020 through June 30, 2021.

State law requires that proof of appropriate financial responsibility, generally in the form of a certificate of liquor liability insurance, be submitted by the licensee to the City. All of the applicants have met this requirement, with the exception of the following:

- Dan Boynton dba Dan's Dugout,

- Rivers Hotel Company for both the River City Grill and Riverport Inn & Suites, and
- Winona Golf and Dining.

The Winona City Code requires that the all real estate taxes and special assessments due and payable in the previous calendar year, as well as all pending assessments for unpaid municipal charges, and all other unpaid municipal charges, shall be paid in full prior to issuance of any license. The City Clerk's office reviewed each of the applicant's property taxes, special assessments and utility billing history, and found that following are delinquent in their City water and sewer accounts or property taxes:

- Katie's Place,
- Roadside Attractions dba No Name, and
- Zaza's.

The City Clerk also noted that four businesses are not renewing their liquor license: Nimisha Freedom Value, Eagle Bluff Partners dba Pizza Hut, Tavern 129, and Jeffersons Pub and Grill.

Alexander moved to approve the licenses, with the licenses for the above listed applicants contingent upon receipt of a certificate of liquor liability, and full payment of the delinquent utility bills or property taxes, no later than Wednesday, June 24, 2020. Borzyskowski seconded the motion, and it carried with all voting aye.

On-Sale Intoxicating Liquor Licenses – Restaurant

1. Beier's Ground Round Inc. dba Ground Round at 405 Highway 14,
2. Boathouse LLC dba The Boathouse, 2 Johnson Street,
3. Bub's Brewing Co., Inc., dba Bub's Brewing Co. & Mutt Lynch's at 65 East Fourth Street,
4. Compass Group USA, Inc. dba Chartwells at St. Mary's University of MN College Center at 700 Terrace Heights,
5. El Patron Mexican Grill of Winona, LLC, dba El Patron Mexican Grill at 1415 Service Drive,
6. G and T Inc., dba Nosh Scratch Kitchen, 102 Walnut Street,
7. Jim and Virginia Whalen, dba Whalen's at 1460 West Fifth Street,
8. Los Mango's Inc, dba Mango's Mexican and American Grill, 408 Highway 14 West,
9. Rivers Hotel Company, Inc. dba River City Grill at 1025 Highway 61 East,
10. Rivers Hotel Company, Inc. dba Riverport Inn & Suites at 900 Bruski Drive,
11. Westgate Lanes, Inc. dba Westgate Bowl & Wellington's Pub & Grill, 1423 Service Drive,
12. Winona Golf & Dining, Inc., dba Signatures Restaurant at 22852 County Road 17.

On-Sale Intoxicating Liquor Licenses – Bar

1. American Legion Post 9 dba American Legion Post 9 at 302 East Sarnia Street,
2. Julie Barthelme dba Mankato Bar, 477 Mankato Avenue,
3. Daniel J. Boynton dba Dan's Dugout at 579 East Third Street,
4. Broken World Records LLC dba Broken World Records, 265 East 3rd Street,
5. Chadder's on 2nd, LLC, dba Port 507 Bar, 128 West 2nd Street,
6. E.B.'s Inc., dba E.B.'s at 700 W. 5th Street,
7. EE&G Companies, Inc. dba Lucky's on Third, 107 West Third Street,
8. East Side Bar, LLC dba East Side Bar at 851 East 7th Street,
9. Gina Virock, LLC dba Hei and Low Tap at 529 E. 7th Street,
10. Katie's Place, LLC, dba Katie's Place, 1000 East King Street,
11. Charles E. Loshek dba Sloppy Joe's Tavern at 526 East Third Street,
12. MCH, Inc. dba Gabby's Bar & Grill at 179 East Third Street,
13. Edward Marino dba Fast Eddie's at 500 West Fifth Street,
14. Market Street Tap, LLC, dba Market Street Tap, 117 Market Street,
15. Minco, Inc, dba 929 Beerhouse & Grill, 929 East Sanborn Street,
16. Lun Van Nguyen dba Handy Corner at 700 East Fifth Street,
17. Poots Tavern LLC dba Poot's Tavern at 579 East 7th Street,
18. Roadside Attractions, LLC dba No Name Bar at 252 East Third Street,

19. Roots Hospitality LLC, dba AmericInn Hotel & Suites, 303 Pelzer Street,
20. Steinfeldt Corporation dba Steiny's Bar at 501 West 4th Street,
21. The Oaks Wine Bar LLC, dba The Oaks, 75 West Third Street,
22. Wenonah Property Group, Inc., dba Mulligan's Pub at 219 East Third Street,
23. Zaza's Corporation Inc, dba Zaza's Pub and Pizzeria, 529 Huff Street.

On-Sale Tap Room:

1. Island City Brewing Company, dba Island City Brewing Company, 65 East Front Street.

Off-Sale Tap Room Malt Liquor License:

1. Island City Brewing Company, LLC, dba Island City Brewing at 65 East Front Street

Sunday On-Sale License:

1. American Legion Memorial Club, Inc. dba American Legion Memorial Club at 302 East Sarnia Street,
2. Julie Barthelme dba Mankato Bar, 477 Mankato Avenue,
3. Beier's Restaurant, Inc. dba Beier's Restaurant at 405 Highway 14,
4. Boathouse LLC dba The Boathouse, 2 Johnson Street,
5. Daniel J. Boynton dba Dan's Dugout at 579 East Third Street,
6. Broken World Records LLC dba Broken World Records, 265 East 3rd Street,
7. Bub's Brewing Co., Inc., dba Bub's Brewing Co. & Mutt Lynch's at 65 East Fourth Street,
8. Chadder's on 2nd, LLC, dba Port 507 Bar, 128 West 2nd Street,
9. Compass Group USA, Inc. dba Chartwells at St. Mary's University, 700 Terrace Heights,
10. E.B.'s Inc., dba E.B.'s at 700 W. 5th Street,
11. East Side Bar, LLC, dba East Side Bar at 851 East 7th Street,
12. EE&G Companies Inc., dba Lucky's On Third, 107 West Third Street,
13. El Patron Mexican Grill of Winona, LLC, dba El Patron Mexican Grill, 1415 Service Drive,
14. G and T Inc., dba Nosh Scratch Kitchen, 102 Walnut Street ,
15. Gina Virock, LLC, LLC dba Hei and Low Tap at 529 E. 7th Street,
16. Island City Brewing Company, dba Island City Brewing Company, 65 East Front Street,
17. Katie's Place LLC dba Katie's Place, 1000 E. King Street,
18. Los Mango's Inc, dba Mango's Mexican and American Grill, 408 Highway 14 West,
19. Charles E. Loshek dba Sloppy Joe's Tavern at 526 East Third Street,
20. MCH, Inc. dba Gabby's Bar & Grill at 179 East Third Street,
21. Edward C. Marino dba Fast Eddie's at 500 West Fifth Street,
22. Market Street Tap, LLC, dba Market Street Tap, 117 Market Street,
23. Minco, Inc. dba 929 Beerhouse & Grill at 929 East 8th Street,
24. Lun Van Nguyen dba Handy Corner at 700 East Fifth Street,
25. Poots LLC dba Poot's Tavern at 579 East 7th Street,
26. Rivers Hotel Company, Inc. dba Green Mill Restaurant at 1025 Highway 61 East,
27. Rivers Hotel Company, Inc. dba Riverport Inn & Suites at 900 Bruski Drive,
28. Roadside Attractions LLC dba No Name Bar at 252 East Third Street,
29. Steinfeldt Corporation dba Steiny's Bar at 501 West 4th Street,
30. The Oaks Wine Bar LLC, dba The Oaks, 75 West Third Street,
31. Wenonah Property Group, Inc., dba Mulligan's Pub at 219 East Third Street,
32. Westgate Lanes, Inc. dba Westgate Bowl & Wellington's Pub & Grill, 1423 Service Drive,
33. Jim and Virginia Whalen dba Whalens at 1460 West Fifth Street,
34. Winona Golf & Dining, Inc., dba Signatures Restaurant at 22852 County Road 17,
35. Zaza's Inc, dba Zaza's Pub and Pizzeria, 529 Huff Street.

On-Sale 3.2 Percent Malt Liquor Licenses:

1. Robert Joseph Barth dba Rocco’s Pub and Pizza, 977 West 5th Street,
2. Winona Tour Boat, LLC dba Winona Tour Boat, Levee Park.

Off-Sale 3.2 Percent Malt Liquor Licenses:

1. Dick’s Marine, Inc., dba Dick’s Marine at Latsch Island,
2. Erickson Oil Products dba Freedom Value Center #15 at 217 Johnson Street,
3. Gorman-Thompson Foods, Inc., dba Midtown Foods at 126 East Fifth Street,
4. J Severson LLC, dba Severson Service Drive at 1650 Service Drive,
5. J Severson LLC, dba Severson Sugarloaf at 952 Mankato Avenue,
6. Kwik Trip, Inc., dba Kwik Trip #654 at 375 Cottonwood Drive,
7. Kwik Trip, Inc., dba Kwik Trip #778 at 1601 West Fifth Street,
8. Kwik Trip, Inc., dba Kwik Trip #811 at 872 West Broadway,
9. Kwik Trip, Inc. dba Kwik Trip #824 at 770 East Broadway,
10. Lun Van Nguyen, dba Handy Corner at 700 East 5th Street,
11. VFW Service Club, Inc. dba Neville Lien Post 1287 at 208 East Third Street,
12. Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #5397, 955 Frontenac Drive.

Mechanical Amusement Device Licenses:

1. American Legion - 1 game
2. Julie Barthelme – 3
3. Daniel Jo Boynton, Dan’s Dugout – 5
4. Broken World Records - 2
5. Bub’s Brewing Co., Inc. – 2
6. Chadder’s on 2nd, LLC - 4
7. E.B.’s Inc. – 2
8. East Side Bar, LLC - 4
9. EE&G Companies Inc- Lucky’s on 3rd - 5
10. Fraternal Order of Eagles - 3
11. Gina Virock, LLC – 3
12. Charles E. Loshek – 4
13. Katie’s Place - 3
14. MCH – 5
15. Edward C. Marino - 5
16. Market Street Tap, LLC – 3
17. Minco Inc. - 2
18. National Entertainment Network, Inc. for Wal-mart – 4
19. National Entertainment Network, Inc., for the Winona Family Restaurant – 1
20. Lun Van Nguyen – 2
21. Poot’s Tavern - 2
22. Rivers Hotel Company, Inc. for the Plaza Inn Hotel & Suites - 5
23. Rivers Hotel Company, Inc. for Riverport Inn and Suites - 1
24. Roadside Attractions - 3
25. Steinfeldt Corp. - 5
26. VFW Service Club, Inc. - 3
27. Wenonah Property Group, Inc. - 5
28. Westgate Lanes, Inc. - 5
29. Winona Athletic Club, Inc. - 5
30. Winona Social Red Men, Inc. - 1
31. Zaza’s Inc. – 3

4.1 Award Contract for 2020 Sidewalk Project

City Engineer Brian DeFrang reported that bids were received on June 10th for the 2020 Sidewalk Project. A tabulation of the proposals received is as follows:

Bidder	Bid
Wapasha Construction Co., Inc.	\$93,083.25
Fowler & Hammer, Inc.	\$101,259.15
Pember Companies, Inc.	\$160,915.20

This project will be funded from the 2020 Sidewalk Project Fund balances. Staff recommends awarding to Wapasha Construction Co., Inc. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 45

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it enter into a contract for the 2020 Sidewalk Project and that the City Manager and City Clerk execute the contract; and

BE IT FURTHER RESOLVED that the proposal of Wabasha Construction Co., Inc. in the amount \$93,083.25, it being the most favorable quote 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 \$93,083.25 as required by the specifications or by law.

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.

5.1 Approve Maintenance Agreement with Winona County for the GIS System

Mr. Sarvi reported that Winona County has a software license and maintenance agreement with ESRI for the GIS system that is used by both the County and the City. ESRI allows the City to operate under the County, and the City pays a portion of the annual costs to the County. Attached is a draft agreement for Council's review for the software license and maintenance on the GIS system.

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

5.2 Resolution to Certify Polling Places for 2020 Elections

The City Clerk reported that last month, the State Legislature passed a bill allowing cities to move polling sites to address issues raised by the Covid 19 pandemic. The law requires that the City certify polling places no later than July 1.

A list of the recommended polling places for elections to be held in 2020 showing both the current and proposed sites was presented to the Council. After the Council approves the list of polling places, a postcard will be sent out by the Winona County Auditor/Treasurer to voters in those precincts where the polling place has been changed.

The dates for the 2020 elections are:

Primary Election	August 11
General Election	November 3

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

Resolution 2020 – 46

WHEREAS, the City of Winona is required to certify polling places by July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that the following polling sites be approved for the 2020 primary and general elections:

1st Ward

1st Precinct

Primary:	Winona Area Learning Center	1299 West Third Street
General:	Westfield Golf Club	1460 West Fifth Street

2nd Precinct	Radiant Church	850 Highway 14
3rd Precinct	Winona Family Community Center - Maplewood Townhomes	1756 Kraemer Drive
4th Precinct	Faith Lutheran Church	1717 Service Drive
<u>2nd Ward</u>		
1st Precinct	Alverna Center	1175 West Wabasha St.
2nd Precinct	West Recreation Center	800 West 5th Street
3rd Precinct	Cotter Schools- St. Cecilia Commons	1115 West Broadway (Wabasha St. Entrance)
4th Precinct	Central Lutheran Church	259 West Wabasha Street
<u>3rd Ward</u>		
1st Precinct	WSU - Kryzsko Commons	Huff & Howard Streets
2nd Precinct	Lake Lodge	Foot of Main St at Lake St.
3rd Precinct	American Legion	302 East Sarnia Street
4th Precinct	Wesley United Methodist Church	114 West Broadway
<u>4th Ward</u>		
1st Precinct	East Recreation Center	210 Zumbro Street
2nd Precinct	East Recreation Center	210 Zumbro Street
3rd Precinct	Sobieski Park Pavilion	965 East Wabasha Street
4th Precinct	National Guard Armory	1303 Homer Road

Thereupon Borzyskowski 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.

5.3 Draft Orderly Annexation Agreement

City Planner Carlos Espinosa presented a draft Orderly Annexation Agreement (OAA) with Wilson Township. The City Manager and Planning staff have met with Wilson Township representatives over the past year regarding this. On June 8th, the Wilson Township Board gave approval to the draft agreement.

The agreement proposes City growth along Pinecrest Road, Valley View Drive, and adjacent to County Road 17 (where utility mains currently exist). The duration of the agreement is three years (with the option for two 1-year extensions). In concept, during that time, the City would complete an updated Comprehensive Plan. After the plan is complete, a new OAA would be negotiated.

Overall, the agreement provides a more streamlined process for annexing properties in the OAA area into the City of Winona. The agreement also provides a clear picture of where the City may physically expand in the next few years.

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

Resolution 2020 – 47

JOINT RESOLUTION FOR ORDERLY ANNEXATION

WHEREAS, the City of Winona (hereinafter the "City") and Wilson Township (hereinafter the "Township") deem it necessary and appropriate that they work together to develop and implement a process for the orderly and controlled growth of the City and Township; and

WHEREAS, at various times there are properties located on certain lands designated in this Joint Resolution for Orderly Annexation (the "Joint Resolution" or "Agreement") that may have failing or failed individual sewage treatment systems, which may present a potential public health threat and which both the Township and City deem necessary and appropriate to remedy; and

WHEREAS, the City and Township agree that when such matters arise and given the potential public health threat from failed or failing septic systems from such properties in that certain area designated herein, there is a need for municipal sanitary sewer service connection; and

WHEREAS, certain areas designated in this Joint Resolution are located adjacent to existing City sanitary sewer and water mains, and given this proximity, said areas are likely to develop in an urban or suburban character in the relatively near future; and

WHEREAS, the City and Township agree that orderly annexation and connection to existing municipal sanitary sewer and/or water services would benefit the public health, safety and welfare of the entire community as well as those certain affected properties; and

WHEREAS, the City and Township agree that orderly annexation of the area designated herein is one way to promote the public health, safety, and welfare of the entire community by providing for the logical development of the community; and

WHEREAS, for the area designated herein, the City and the Township desire to accomplish the orderly annexation of said area in a mutually acceptable and beneficial manner without the need for any hearings before the before the State of Minnesota Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona and the Board of Supervisors of Wilson Township as follows:

1. Designation of Orderly Annexation Area. The City and Township hereby designate the following area as in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325:
 - a. "Orderly Annexation Area". The "Orderly Annexation Area", hereinafter referred to as the "OAA", is depicted on the map and legally described on Exhibits A and B, respectively, which are attached hereto and incorporated herein by reference.

(Note: The balance of the resolution and attachments are on file in the City Clerk's Office.)

Thereupon Borzyskowski moved to waive the reading of the resolution and to adopt same. The motion was seconded by Eyden.

Alexander was opposed to this proposal, and she didn't think this benefitted the City. She noted that there has been no annexation agreement for the past 5 years, and individual homeowners were still able to request annexation during that time.

Thurley asked why petitions for more than 20 acres would not be permitted under the term of the agreement. Mr. Espinosa replied that was negotiated with the Township officials.

Eyden thought the agreement was reasonable.

Schollmeier felt that getting an agreement with a neighboring jurisdiction was important.

The motion carried with all voting aye, except Alexander, who voted no. Thereupon the Mayor declared the resolution duly adopted.

5.4 Malay Detachment Request

Mr. Espinosa presented a petition from Lucas and Hailey Malay to detach parcel 32.319.0020 from the City of Winona. If approved, the property would return to Wilson

Township. The Malays are seeking detachment to construct “a single-family rural residence with the characteristics of such a development.”

The 45.61 acre property was originally annexed as part of the City’s 2005 Orderly Annexation Agreement with Wilson Township. At that time, the property was slated to be subdivided for suburban residential development. However, due in part to the recession, subdivision of the property never occurred. The Malays bought the property in 2015.

To ensure the property is utilized only as intended for a single family home, the Malays have agreed to covenants that prohibit subdivision of the land and give the City the right to seek annexation of the property (without objection from the owners) should a subdivision be proposed. The covenants would apply to the Malays and future owners of the land. Only the City has the ability to lift the covenants.

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

Resolution 2020 – 48

WHEREAS, Lucas E. Malay and Hailey M. Malay, husband and wife, (the “Owners”) are fee owners of certain land located within the City of Winona (the “City”) legally described in Exhibit A, which is attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the Owners have submitted a petition (the “Petition”), dated March 2, 2019, to the City for detachment of the Property from the City to Wilson Township (the “Township”) pursuant to Minnesota Statutes, Section 414.06; and

WHEREAS, the Petition was submitted to the City by cover letter from the Owners’ attorney, dated March 17, 2020; and

WHEREAS, the Petition is attached hereto as Exhibit B; and

WHEREAS, the Property (PID #32.319.0020) is a single parcel of land containing approximately 45.6 acres abutting County Road 44 and located approximately one-quarter of a mile (app. 1,500 feet) south of and not contiguous to the primary corporate limits line of the City; and

WHEREAS, an aerial map depicting the location of the Property in relation to the City is attached hereto as Exhibit C; and

WHEREAS, the Property was previously annexed from the Township to the City in 2005 through a joint agreement between the City and Township in order to facilitate a suburban residential development on the Property with City sewer and water services; and

WHEREAS, the Property was annexed to the City in 2005 based upon a prior property owner petition from Sweetwater Development, LLP (the “Developer”); and

WHEREAS, as a result of the economic recession that occurred relatively soon following the 2005 annexation of the Property to the City, the proposed suburban residential development of the Property by the Developer did not proceed forward, and the Owners thereafter acquired the Property for their own use from the Developer in 2015; and

WHEREAS, at the time of the 2005 annexation, the Property was needed for reasonably anticipated future urban or suburban development; and

WHEREAS, since the 2005 annexation to the City: the proposed development by the Developer did not proceed; City sewer and water services have not been extended to the Property since the same have not been needed or

requested; the Property has not developed and remains vacant; and there is no subdivision/plat or other development proposal currently under consideration or anticipated for the Property, except for the Owners' development proposal, which is to build one, single-family home along with accessory buildings directly related to the one, primary single-family home on the Property (the "Owners' Development Proposal"); and

WHEREAS, City staff have reviewed the Owners' Development Proposal and determined that extension of City sewer and water services to the Property based on the Owners' Development Proposal is not necessary at this time; and

WHEREAS, the Owners have expressly represented to the City and Township that they will not be subdividing/platting and developing the Property and instead will use the Property solely in accordance with the above-mentioned Owners' Development Proposal; and

WHEREAS, the Property has in the past been reasonably anticipated for future suburban development needing sewer and water services, and the Owners acknowledge and agree that if circumstances change in the future regarding the subdivision/platting of the Property for development, the Property may again be categorized by the City accordingly; and

WHEREAS, the City and the Owners agree that in the event that the Owners in the future seek to subdivide/plat the Property for development inconsistent with the Owners' Development Proposal, the Owners shall be required to annex the Property to the City prior to the Property being developed; and

WHEREAS, based upon the Owners' representations to the City as summarized above herein, and with the same being a material inducement for the City to consider for adoption this Resolution of support for detachment of the Property from the City, the Owners have agreed to execute and record a Declaration of Restrictive Covenants upon the Property in favor of the City in the form attached hereto and incorporated herein by reference as Exhibit D.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT the City Council makes the following findings:

1. The circumstances for the Petition and acceptance thereof by the City are unique to the specific Property;
2. The detachment of the Property is supported by the City based upon the specific circumstances present at this time regarding the Property and the representations of the Owners, which are summarized as follows:
 - a. The Property is undeveloped and has remained undeveloped since the original 2005 annexation;
 - b. The original purpose for annexation of the Property was based upon a prior property owner petition for development of a suburban residential subdivision on the Property that did not proceed, and as a result, the original reasons for annexation do not exist with respect to the Property at this time;
 - c. The Property is a single parcel containing approximately 45.6 undeveloped acres;
 - d. The Property has not been subdivided/platted for development and has remained vacant since 2005;

- e. The Property is not proposed to be subdivided/platted at this time and is not anticipated to be subdivided/platted for development based upon the representations of the Owners;
- f. The Property is approximately 1,500 feet south of the primary corporate limits line of the City and therefore is not directly contiguous thereto;
- g. The Property will not be subdivided and developed for urban or suburban development purposes based upon the representations of the Owners that the Property will instead be developed as one parcel in a rural manner consistent with the Owners' Development Proposal;
- h. The Owners' representations to the City as summarized above herein are a material inducement for the City to adopt this Resolution and without which the City would not support the Petition;
- i. In the event that the Property is proposed to be subdivided/platted for development in the future, the circumstances that resulted in the original 2005 annexation will once again exist warranting annexation of the Property or the portion thereof proposed for development, and the Owners acknowledge and agree to the same and will accordingly execute and record the Declaration of Restrictive Covenants upon the Property as attached to this Resolution;
- j. The City reserves the right to seek annexation in the event the Property is proposed to be subdivided/platted for development at that time, and the Owners acknowledge and agree to cooperate therewith, and the City reserves the right to enforce the Declaration of Restrictive Covenants upon the Property; and
- k. The City requests that in the event the Property or any portion thereof is proposed to be subdivided/platted for development in the future that Wilson Township, at that time, cooperate with annexation thereof by executing a joint resolution for orderly annexation with the City for annexation of the Property, or the portion thereof proposed for development, consistent with the intent and purpose of the original 2005 annexation of the Property and corresponding State order for the same, but without further tax reimbursement from the City for the same since the City has previously paid tax reimbursement to the Township at the time of the 2005 annexation of the Property.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT the City Council, based upon the above findings and recitals contained herein, hereby consents to and supports the Owners Petition as the same is attached hereto, subject to the following conditions:

1. The Owners shall properly execute and record with the Office of the Winona County Recorder the Declaration of Restrictive Covenants upon the Property and in favor of the City in the form that is attached to this Resolution as Exhibit D within 30 days of the date of this Resolution;
2. The Owners shall submit to the City Clerk a copy of the executed and recorded Declaration of Restrictive Covenants upon the Property within 60 days of the date of this Resolution, and thereafter the City Clerk shall execute a certified copy of this Resolution and provide the same to the Owners in order that the Owners may then file their Petition with the State of Minnesota for consideration by the State of the Petition;

3. The Owners shall not file the Petition nor this Resolution with the State of Minnesota for consideration of the Petition by the State of Minnesota until the Owners have complied with conditions 1 and 2 above;
4. In the event, for any reason, the Owners do not comply with the conditions contained in this Resolution, this Resolution shall be deemed null and void without further action by the City Council;
5. The Owners shall be responsible for and pay all costs, fees and charges of any kind or nature related to the consideration of and/or action upon the Owners' Petition by the State of Minnesota or otherwise, as well as any other related costs, fees and charges, including but not limited to Owners' attorney's fees, and recording fees for the required Declaration of Restrictive Covenants. The City shall only be responsible for its own costs related to this matter for City staff and City Attorney time; and
6. The recitals hereto are made a part hereof.

Note: The Exhibits for this Resolution are on file in the City Clerk's Office.

Thereupon Thurley moved to waive the reading of the resolution and to adopt same. The motion was seconded by Schollmeier.

Alexander stated her opposition to this request; the property had already been annexed into the City when the Malays purchased it.

Thurley noted that the Malays have agreed to sign a covenant that restricts them from further subdividing or platting the land for future development.

Borzyskowski noted that the land is quite a distance from current City water and sewer services.

The motion carried with all voting aye, except Alexander, who voted no. Thereupon the Mayor declared the resolution duly adopted.

5.5 Discretionary Leave Policy

Mr. Sarvi stated that the City of Winona currently has a vacation donation policy that originated May 15, 2000 as a way to help a co-worker with a serious health condition who did not have any remaining paid leave time. Over the last six years, employees have not donated vacation hours to the fund because they want more control over who will receive the donated hours. Because the City cannot discuss individual situations with the employee population, the interest and use of this policy has ceased. However, employee need for this type of benefit has not changed and an average of one employee per year encounters a major life event and time off is not available. In such cases they do not receive any compensation and the City contribution to their health insurance may also cease.

Mr. Sarvi recommended that the existing vacation donation policy be replaced with a discretionary leave policy. New policy language was presented and outlines a proposal of granting no more than 2,000 hours per calendar year City wide and no more than 480 hours per person in a twelve month period. The employee would receive 75% of their normally scheduled hours (maximum of 30 hours per week for a full time employee) for a maximum of 16 weeks. Eligibility requirements include that the reason must fall under federal Family Medical Leave Act guidelines and the employee must have worked for the City for a minimum of six months and is in good standing.

This leave benefit cannot be combined with other leave benefits provided by the City including short or long term disability insurance.

This policy will not impact the City budget since the employee wage is budgeted for the full year. The employee must use all accrued personal paid leave before he or she is

eligible to receive discretionary leave. Further, the number of hours in the discretionary leave balance will not carry forward to the next year and the City will not incur a funding liability.

This policy is intended to bridge the gap for employees who need help during serious, infrequent life situations.

Borzyskowski moved to approve the Discretionary Leave Policy. Moeller seconded the motion, and it carried with all voting aye.

5.6 COVID-19 Preparedness Plan

Mr. Sarvi reported that the City has been closely following guidance from the Minnesota Department of Health (MDH), Centers for Disease Control (CDC), and the Occupational Safety and Health Administration (OSHA) regarding best practices for employee work safety and public access to buildings.

To comply with Executive Order 20-74, Human Resources has created a COVID-19 Preparedness Plan to address the safety and health of City employees. A copy is attached for your approval. City HR Manager Deb Beckman is available to answer any questions related to employee safety.

Further, Assistant City Planner Luke Sims has been working with the Community Response Team to create a COVID-19 Preparedness Plan for each facility. These plans will provide guidance for staff and the public regarding access and are necessary before the facility can re-open. Each facility plan is developed by the Response Team and is then reviewed internally by department heads, the City Manager, and the Fire Chief before proceeding. Attached is a sample plan for the Library. Mr. Sims is available to provide an update on behalf of the Community Response Team and to answer questions related to facility access.

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

Resolution 2020 – 49

WHEREAS, pursuant to Executive Order 20-74, issued by Minnesota Governor Tim Walz on Friday, June 5, 2020, the City of Winona, Minnesota (the "City"), as a Critical Business as such terms are defined therein, is required to develop and implement a COVID-19 Preparedness Plan by June 29, 2020; and

WHEREAS, Executive Order 20-74 states that the State of Minnesota (the "State") will issue guidance to Critical Businesses regarding the COVID-19 Preparedness Plan requirement by June 15, 2020; and

WHEREAS, the City desires to comply with the requirements of Executive Order 20-74 and develop and implement a COVID-19 Preparedness Plan by the June 29, 2020 deadline; and

WHEREAS, it is in the City's best interests to ensure the State's forthcoming guidance is thoughtfully considered and the City's COVID-19 Preparedness Plan is developed in an effective and efficient manner; and

WHEREAS, given that the June 29, 2020 deadline is fast approaching and that the last regular meeting of the City Council for June is June 15, and given that the State's guidance on the subject is yet forthcoming, the best interests of the City are served by adopting the COVID-19 Preparedness Plan attached hereto as Exhibit A at this time and delegating the authority to the City Manager to revise the same as necessary to comply with further guidance received from the State, additional executive orders, and as necessary for the health, safety and welfare of City employees and the public.

NOW, THEREFORE, BE IT RESOLVED by the City of Winona, Minnesota, that The COVID-19 Preparedness Plan attached hereto as Exhibit A

is hereby approved, and the City Council further hereby delegates to the City Manager, for the period that the local emergency declared by the City Council remains in effect, the authority to further develop the attached plan and amend/revise the plan, on a City and/or departmental level, as the City Manager, or in his absence the Fire Chief, in consultation with Department Heads, deems necessary or appropriate to serve the best interests of the City and/or meet the changing requirements placed on the City by the State.

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.

5.7 Parks and Recreation Summer Season – COVID-19 Plan

Assistant City Manager for Park Rec Chad Ubl presented recommendations for the Parks and Recreation Department summer season. Staff has been working on plans to open facilities and programs based on the guidelines provided by State of Minnesota and the Centers for Disease Control and Prevention. As staff plans for future interactions with the public, the focus then shifts on public safety, employee safety, financial impacts as well as equity in usage. As staff was drafting the plans, they looked at how to maintain social distancing at each site, what impacts there would be on staffing, finances of the Recreation Fund, and impact on community spread.

- Aquatic Center – staff recommends closing the pool for the season. Mr. Ubl noted that the maximum capacity under the Governor’s order would be 50% capacity, or 212 people.
- Friendship Center – continue virtual programming, and begin a limited number of in-person sessions. The Active Wellness Center will be reopened; however Mr. Ubl noted that there is no air conditioning in the building currently as the HVAC system is being updated.
- East Rec – continue virtual programming, and reopen for in-person programs.
- Lake Lodge – allow for some boat rentals.
- Other lodge and pavilion rentals will reopen to the public tomorrow.
- Adult Softball league has been delayed indefinitely.
- Youth programming has begun with smaller groups.

Schollmeier said that he would like to use other resources to offset the cost increases at the Aquatic Center and keep it open.

Mr. Sarvi stated this would require a significant infusion of funds, and he also noted that with the limited capacity, staff would have to turn some kids away from the pool.

Schollmeier asked if the pool could be open for lessons and aerobics, but not open swim. Mr. Ubl noted that not all children have access to lessons or the swim club.

Mayor Peterson asked what other cities are doing. Mr. Ubl noted that the smaller cities such as Chatfield and St. Charles are opening, while La Crescent is open only for those within their school district. Larger cities including Minneapolis and Rochester remained closed.

Borzyskowski asked if the Aquatic Center was reopened, when it would open and when would it close for the season. Mr. Ubl replied it would take until June 29 to open, and then would close approximately August 23. Borzyskowski did not think it would be beneficial to open the pool due to the limited time that it would be open this season.

Alexander moved to approve the staff recommendations, including to close the Aquatic Center for the rest of the year. Eyden seconded the motion.

Alexander noted that her biggest concern was equity for all residents if the pool were open and also keeping social distancing.

Eyden concurred, and also stated that she was concerned about the city’s ability to keep people with the virus out of the pool.

Mayor Peterson stated that he will support the motion reluctantly.

Thurley agreed that there are an overwhelming number of reasons to not open the pool.

Schollmeier said that he would vote no on the motion because he felt when times are tough we need to be creative on how to provide services.

Moeller will support the motion; she did not want to put our young staff members at risk and also having to decide who can access the pool.

The motion carried with all voting aye, except Schollmeier, who voted no.

5.8 Climbing Boulder Equipment Placement – Levee Park

Mr. Ubl reported that the Winona Parks and Recreation Department has been working with the Recreation Alliance of Winona on the creation of an area for a climbing boulder. The City of Winona accepted climbing boulders at the City Council meeting on March 2, 2020. The City has since worked with the Levee Park designers on potential placement of the equipment within Levee Park.

Staff presented three conceptual drawings which represent three possible locations for the placement of the boulders. Staff is recommending placing the boulders in the eastern side of Levee Park, which is illustrated in concept three. However, we would move the boulders as labeled (9) on the drawing to section (10, 14) on drawing.

The Recreation Alliance of Winona will purchase the Climbing Boulders from Eldorado Climbing. The Recreation Alliance received grant funding from the BK5K for the purchase. The City allocated funds within the 2020 budget for the placement of the Climbing Boulder within the Park System.

Schollmeier moved to approve the placement of the boulders as recommended by staff in the Eastern quadrant of Levee Park and to proceed with the development of the site. Alexander seconded the motion.

Schollmeier thanked the Recreation Alliance for their donation to the City.

Eyden asked what the City will do to keep people safe from the Covid19 virus when using the climbing rocks. Mr. Ubl replied that signs will be posted, and the City has to be careful on what type of chemicals are used on the equipment. Eyden suggested putting a hand washing station in the park.

Thurley asked when it was scheduled to be installed. Mr. Ubl replied later this summer.

The motion carried with all voting aye.

5.9 Prairie Island Campground Renovation Project

The City Council approved the staff recommendation to close Prairie Island Campground to recreational short term camping. The Winona Parks and Recreation Department and Front Porch Management presented the concept of renovating the Campground due to the closure of the recreational camping. The renovation of the Campground would include enhancing the campsites along the river, enhancing the turf within the primitive section, enhancing water runoff to preserve the shoreline, and general landscaping. A diagram of the renovation project was submitted for Council's review.

The Parks and Recreation Department and Front Porch Management recognize that revenue will be less this season and this project will require expenditures. We believe that this renovation project is an opportunity to enhance the Campground when less campers are in the Campground. If we were to complete the project in the future, the removal of campers would need to take place and in turn, future revenue would be lost. Further, Front Porch Management would lead the renovation project under the

maintenance terms of the current agreement. The materials and equipment needed for this project are all from local businesses.

Staff is recommending proceeding with the renovations listed above. Staff is recommending the allocation of up to \$60,000.00 from the Facilities Fund to fund the project. Further, staff is recommending that future revenue exceeding the annual budgeted revenue from camping fees be used to pay back the allocation from the Facility Fund.

Alexander moved to proceed with the renovations at Prairie Island Campground and to allocate up to \$60,000 from the Facility Fund, with future camping fees to be used to pay back this loan from the Facility Fund. Eyden seconded the motion.

Thurley asked why this would be funded from the Facility Fund. Mr. Ubl replied that there aren't sufficient funds in the Park Rec Fund.

Alexander agreed that this was the best use of time to make these improvements with much of the campground being closed.

Schollmeier asked if the improvements will enhance current sites or add additional sites. Campground operator Jamie Schell replied that this will enhance the riverfront campsites and adding level pads to make other sites usable for a longer time season.

The motion carried with all voting aye.

7.1 Council Concerns

Thurley offered his condolences to the family of Eric Bartleson.

Eyden encouraged people to apply for an absentee ballot for the Primary Election. She was disappointed that she missed the community forum at Central Lutheran Church, and suggested that ample notice be given prior to the next one.

Borzyskowski asked if the City has received any complaints on the new bump-outs at the intersection of 5th Street and Main. He noted that Winona Police Department has well-educated and disciplined leadership. Borzyskowski wished his aunt a happy 91st birthday, and offered his condolences to the family of Jerry Matejka.

Alexander noted that the new bikes lanes are being painted throughout the City.

Schollmeier echoed Borzyskowski's comments regarding the Police Department.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – June 1, 2020.

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

The time being 8:35 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