

**City Council Meeting
July 20, 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, Pamela Eyden, George Borzyskowski and Paul Schollmeier.

Absent: Council Member Michelle Alexander

Mayor's Comments:

Mayor Mark Peterson reminded the public that the League of Women Voters would be hosting candidates' forums tomorrow night for both the Mayor and Ward 1 Council seat, and on Tuesday night for the Winona County District 4 seat. He wished a happy retirement to Finance Director Mary Burrichter.

City Manager's Comments:

City Manager Stephen T. Sarvi thanked Sarah Johnson, the city's Creative Laureate for the artwork on display at Home & Community Options building.

2.1 Bublitz Annexation Petition

City Planner Carlos Espinosa presented a petition for annexation of 9.35 acres of land at 22839 County Road 17 in Wilson Township. The petition was submitted by Mitchell Bublitz. This item was first on Council's agenda in April, but no action was taken. Since that time, Council approved an Orderly Annexation Agreement which includes the subject property, but because the agreement isn't in effect yet, the petition is being processed through annexation by ordinance.

The proposed Cedar Brook senior CO-OP is located on approximately 3 acres of the property. The remaining 6 acres would remain undeveloped at this time. For this agenda item, Council is being asked to decide if the 9.35 acre property should be annexed or not.

Costs and Benefits

The potential costs associated with this annexation petition are significantly reduced by adjacent City sewer and water utilities in County Road 17. The utilities extend an additional mile to the Cobblestone Creek Subdivision. When the utilities were designed and constructed, additional development along County Road 17 was anticipated. In accordance, the existing infrastructure is designed to handle the development proposed with this annexation.

Costs for installation of streets and utilities within the annexed area will be paid for by the developer. In addition, should it be determined that a turning lane is required on County Road 17, the developer would pay for that as well.

Also, while future development of the subject area will require additional City services such as Fire and Police, service is already provided to general area. Neither department anticipates a significant impact to service levels as a result of the annexation.

Benefits of the annexation include potential development of the annexed area. As noted, the proposed CO-OP development is located on 3 acres of the land. The remaining 6 acres would remain designated for low-density housing units (e.g. single-family homes or twinhomes). Thus, full build-out of the annexed area would include multi-family housing toward the back of the valley, existing single-family homes along County Road 17, and potentially single-family or twinhomes in-between.

Thereupon the Mayor opened the public hearing.

Melissa Nelson, representing Bradford Development, stated that she was available to answer questions from the Council.

Gabe Ericksen, 25475 County Road 17, noted that a lot of work is being done to restore prairie and wildlife habitat, and he would like to see the City push that out to developers as well, and suggested that the city work with the state on a collective logging plan.

Leon Bowman, 22827 Garvin Heights Road, representing Wilson Township, stated that he would prefer to have the City wait until an orderly annexation agreement with the township has been agreed to. He also noted that the petitioner was requesting the annexation of one full parcel, and parts of two others, and would rather see full parcels annexed instead.

There being no one else present to speak to the matter, the Mayor closed the public hearing.

Borzyskowski moved to introduce the ordinance to annex this parcel. Eyden seconded the motion.

Borzyskowski asked the City Manager for an update on the annexation agreement in process with the township. Mr. Sarvi noted that it will be several months before the Orderly Annexation Agreement (OAA) is completed. City Attorney Chris Hood noted that the annexation process that the City is currently using for this petition would be very similar to an annexation under the OAA, with that exception that the current process requires a public hearing. Mr. Espinosa also noted that the entire Bublitz property includes over 150 acres, and the petition is for just over 9 acres.

Schollmeier asked Mr. Bowman why he was concerned with having only a portion of this property annexed. Mr. Bowman suggested that then the city gets the prime real estate and he noted issues with runoff and parkland.

Moeller appreciated the comments from Mr. Ericksen and agreed that the city should be encouraging wildlife habitat and care of the bluffslands.

Eyden asked when these environmental issues would be addressed. Mr. Sarvi replied these would be part of the site plan review process.

The motion carried with all voting aye.

3.1 Appointment to the Housing & Redevelopment Authority

In a letter to the Council, Mayor Peterson indicated that he was appointing Robert Palmer to serve on the Housing & Redevelopment Authority. The term would be effective July 21, 2020 and expire on October 4, 2021.

Borzyskowski moved to confirm the appointment. Moeller seconded the motion, and it carried with all voting aye.

Borzyskowski noted that Mr. Palmer was being appointed to fill the seat vacated by Robert Hively-Johnson, and thanked Mr. Hively-Johnson for his service on the board.

3.2 Appointments to the Human Rights Commission

The City Clerk received applications from Rachel Heim and Takanda Epps for appointments to the Human Rights Commission. The effective term dates would be July 21, 2020 through September 16, 2021. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 54

BE IT RESOLVED by the City Council of the City of Winona, Minnesota that it hereby appoints Rachel Heim and Takanda Epps to serve on the Human Rights Commission for terms effective July 21, 2020 through September 16, 2021.

Thereupon Schollmeier 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 Craft Beer Tour Agreement with Leighton Enterprises

The City Clerk presented a draft of the agreement with the Leighton Enterprises, Inc., for the Craft Beer Tour to be held on Saturday, September 12, 2020 at Levee Park. Leighton will be sponsoring this event, and Habitat for Humanity Winona-Fillmore Counties will be running the beer sampling.

This will be a 21+ event. The area will be gated and all entrances monitored for the entire four hours. At the entrance, event organizers will take tickets, ID all attendees and then wristband everyone before they are allowed to enter. Once the attendee enters, they will receive a commemorative sampling mug (a 5 ounce plastic mug) and an extensive program with a list of all the beers, descriptions, ABV's, IBU's and beer styles. Then the attendee will be able to walk around sampling from each brewery. This is an educational event, where people can look, smell, and taste beer from each brewery in 2 ounce samples at a time. The only cost to the event is the ticket for admission, and there will be some food available for purchase also. There will also be live entertainment on the stage. Once the event is over, cleanup will begin. The organizers will have recycling dumpsters at the event into which they will throw all cans, bottles and cardboard.

Leighton Enterprises has prepared a COVID-19 Preparedness Plan for the event, and it is attached for your reference. They plan to limit attendance by having 2 groups of 250 people maximum. The first group would be inside from Noon to 3:00 pm, and the second group would be from 3:00 pm to 6:00 pm. They will also offer a Designated Driver Pass (No alcohol served to these attendees, but they still must be over 21). They plan to have 40 – 50 breweries and cider companies represented, and they will pour their products from cans, kegs, bottles and/or growlers.

Borzyskowski moved to approve the agreement and to authorize the Mayor and City Clerk to execute the same. Schollmeier seconded the motion.

Mayor Peterson asked how they were going to monitor the crowd. Jim Allgeier representing Leighton Enterprises replied that they will be marking the ground for places for people to stand in line to get their beverages, and they will have a crew of security to monitor the crowd. City Attorney Chris Hood noted that the City could force the cancelation of the event by revoking this license if the Covid19 virus numbers increase.

The motion carried with all voting aye, except Mayor Peterson and Council Member Eyden, who voted no.

3.4 Request for Temporary Wine and Beer License 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 for the Craft Beer Tour, sponsored by Leighton Enterprises, located at the East Levee Parking lot and a portion of Levee Park on Saturday, September 12, 2020, from 1:00 – 5:00 p.m.

Moeller moved to approve the temporary wine and beer license. Schollmeier seconded the motion and it carried with all voting aye.

3.5 Wabasha Street Closure Request

The City Clerk received a request from Taff Roberts & Anne Plummer to close the street in front of their home at 222 West Wabasha Street, between Winona & Washington Streets on Wednesday, July 29, 2020 for a Meet & Greet from 6:00 p.m. – 8:00 p.m. with a rain date the following evening Thursday, July 30, 2020 from 6:00 p.m. – 8:00 p.m.

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

3.6 Wedding Request – Levee Park

Assistant City Manager Chad Ubl presented a request from a renter seeking the following approvals for a private wedding at Levee Park on Saturday, August 1, 2020 from 12:30 p.m. to 11:59 p.m. They are seeking approval of the following items:

- Close the Main Street Parking Lot North of Second Street
- Close the East end of Lot #10 for the placement of a portable toilet trailer
- Use City water for hand washing station
- Use the Levee Park electrical system
- Play amplified music (DJ) until 11:30 p.m.
- Provide alcohol to guests (not for sale)
- Provide a food truck(s)
- Extend the noise variance to 11:59 p.m.
- Post “No Parking” signage in the Main Street / Levee Park parking lot from 12:30 to 11:59 p.m. on Saturday, August 1, 2020.
- Place “No Parking” signage on the six parking stalls located on the East end of Lot #10 for the toilet trailer.
- Place bollards next to the barricades by the movie theater for event director to install at 12:30 p.m. and remove at 11:59 p.m.

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

5.1 Extend Cable Television Franchise Agreement – Charter Communications

The City Clerk reported in December 2015, the Council approved a new cable television franchise agreement with Hiawatha Broadband Communications, Inc. (HBC), and extended the current agreement with Charter Communications until June 30, 2016. The Council has since extended the franchise agreement with Charter for additional six month terms seven more times. The current extension will expire on July 31, 2020.

Legal counsel and City staff have recently discussed the latest draft agreement proposed by Charter and have determined that additional time is required to complete this process. Therefore, another extension of the old agreement is requested. Staff is recommending extending the agreement until December 31, 2020, or until such time as the new agreement has been fully executed.

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

Resolution 2020 – 55

GRANTING SPECTRUM MID-AMERICA, LLC A FRANCHISE EXTENSION TO DECEMBER 31, 2020

WHEREAS, on February 21, 2000, the City of Winona, Minnesota (“City”) adopted Cable Television Franchise Ordinance No. 3442 (“Franchise”), which is currently held by Spectrum Mid-America, LLC, d/b/a Charter Communications (“Charter”); and

WHEREAS, the initial term of the Franchise expired on December 31, 2015; and

WHEREAS, the City adopted Resolution No. 2015-118 on December 21, 2015 extending the term of the Franchise until June 30, 2016; and

WHEREAS, Charter executed said Resolution No. 2015-118 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-56 on June 6, 2016 extending the term of the Franchise until December 31, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-56 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-103 on December 5, 2016 extending the term of the Franchise until June 30, 2017; and

WHEREAS, Charter executed said Resolution No. 2016-103 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2017-60 on June 5, 2017 extending the term of the Franchise until December 31, 2017; and

WHEREAS, Charter executed said Resolution No. 2017-60 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2017-149 on December 18, 2017 extending the term of the Franchise until July 16, 2018; and

WHEREAS, Charter executed said Resolution No. 2017-149 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-56 on July 2, 2018 extending the term of the Franchise until December 31, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-56 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-106 on December 3, 2018 extending the term of the Franchise until June 30, 2019; and

WHEREAS, Charter executed said Resolution No. 2018-106 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2019-59 on July 1, 2019 extending the term of the Franchise until January 31, 2020; and

WHEREAS, Charter executed said Resolution No. 2019-59 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2020-08 on February 3, 2020 extending the term of the Franchise until July 31, 2020; and

WHEREAS, Charter executed said Resolution No. 2020-08 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, the City Council of the City of Winona, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from August 1, 2020 through and including December 31, 2020 unless earlier renewed by the parties.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted

by the Winona City Council and (2) Charter's acceptance of this Resolution.

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

5.2 Renewable Energy Procurement Collaborative

John Howard, City Natural Resources Sustainability Coordinator, stated the City of Minneapolis is pursuing renewable energy options and is looking to collaborate with other municipalities in Xcel Energy territory including the City of Winona. Mr. Howard presented a letter from Xcel describing the project.

Current green energy rate options from Xcel Energy (Windsorce or Renewable* Connect) would probably not be feasible for the City. The existing Xcel Energy offerings cost about \$1 per 100 kWhs, which would add up to about \$35,000 annually for City of Winona operations. The goal of the collaborative effort is to find or develop a lower cost option that would be feasible for municipalities.

Staff is looking at on site renewable energy generation options, although it is unlikely it would be sufficient to cover the remainder of the electricity use not currently enrolled in community solar gardens.

Before engaging in this effort, staff wanted to make the City Council aware of this offer to participate and to gauge interest. This effort has the potential to change state energy policy, and almost certainly would if successful, and therefore is somewhat more high profile than simply collaborating with other cities. Staff also wants to be clear that purchasing renewable energy in this manner would likely increase the overall cost of the City government's electricity, although likely at less cost than if the City were to pursue the same objectives alone or purchase through the existing Xcel Energy programs. We are not making a commitment to purchase the renewable energy credits by joining the collaborative, but if there is no interest in doing so, staff would recommend respectfully declining the offer to participate.

Schollmeier moved to support staff exploring participation in this collaboration. Moeller seconded the motion, and it carried with all voting aye.

5.3 Aquatic Invasive Species Prevention Grant Acceptance

Mr. Howard stated the Minnesota Department of Natural Resources (MnDNR) awarded the City of Winona a grant for \$3,756 as part of a pilot study on improving aquatic invasive species prevention efforts. The grant will fund a bait disposal unit, a boat cleaning station, and informational signage at four boat launches in the City. The target audience of the grant efforts are anglers, so staff is planning to place these units at the three Lake Winona boat launches and at the Prairie Island spillway boat launch. If funds allow, additional bait disposal stations may be placed at one of more of the fishing piers.

A draft work plan and the state contract were submitted for the Council's review. The City will receive assistance from the Winona County SWCD in installing the equipment at boat launches – ideally yet this summer. City staff will be responsible for monitoring the stations to ensure the equipment is in good working condition and also disposal of the unused bait. About 20 hours of staff time, principally the Natural Resources and Sustainability Coordinator's, will also be put towards public education and grant reporting.

Schollmeier moved to authorize the City Manager to execute the grant agreement. Borzyskowski seconded the motion, and it carried with all voting aye.

5.4 Request Approval of Agreement for Encroachment into Flood Control Easement

Mr. Nelson presented a request from Bay State Milling to build a concrete pad for electrical equipment that will sit slightly into the Flood Control Easement. The Army Corps of Engineers is not able to review that request until later this fall or early winter.

City staff is confident that the request will not hinder the access to or maintenance of the Flood Control system.

An agreement has been created that will approve the placement of the concrete pad and electrical equipment with the understanding that should the Army Corps of Engineers determine that it was detrimental to the Flood Control System that it would be relocated.

Borzyskowski moved to approve the agreement and to authorize the Mayor and City Clerk to execute the same. Moeller seconded the motion.

Schollmeier asked if this will impact the plan for the bike trail. Mr. Nelson replied that it would not.

The motion carried with all voting aye.

5.5 Approval of Amendments to Winona Airport FBO Leases

Mr. Nelson submitted a request from George Bolon operating as the Winona Airport Fixed Base Operator (FBO) with his company B2W requesting that the current five leases he maintains with the City of Winona be extended an additional 10 years until the year 2042. The letter of request from Mr. Bolon is attached.

Borzyskowski moved to approve the amendments to the lease agreements 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 Plat Review – Bay State Milling Company Plat

Staff requests Council review the attached plat from Bay State Milling Company. The plat is related to a new warehouse being constructed at 30 Walnut Street. This project went through the City approvals process last year. The plat is required to combine three lots involved in the project so that the building does not cross property lines.

On July 13th, the Planning Commission unanimously recommended approval of this item. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 56

WHEREAS, Bay State Milling Company, (“Petitioner” or “Applicant”) has submitted an application for Final Plat approval of the proposed Bay State Milling Company Subdivision (“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 July 13, 2020; and

WHEREAS, following its full review and consideration of all information, the Commission found that the Plat for the proposed Bay State Milling Company 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 unanimously recommended that the City Council of the City of Winona (“City Council”) approve the Final Plat; and

WHEREAS, the City Council has reviewed the proposed Final Plat 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 approves the Final Plat for Bay State Milling Company 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 Borzyskowski 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 Plat Review – Port Authority First Subdivision

Staff requests Council review the attached plat related to a portion of Outlot D from the Port Authority Riverview Park Subdivision. The platted portion of Outlot D is proposed to be sold to Fastenal. The property lies northerly of the Fastenal office building site (see Attachment B). In the future, this parcel may be used for landscaping, additional parking, and/or snow storage. However, at this time, there is no proposed change of use and City Code requires a final plat for the lot split.

On July 13th, the Planning Commission unanimously recommended approval of this item. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 57

WHEREAS, The Port Authority of Winona, (“Petitioner” or “Applicant”) has submitted an application for Final Plat approval of the proposed Port Authority First Subdivision (“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 July 13, 2020; and

WHEREAS, following its full review and consideration of all information, the Commission found that the Plat for the proposed Port Authority First 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 unanimously recommended that the City Council of the City of Winona (“City Council”) approve the Final Plat; and

WHEREAS, the City Council has reviewed the proposed Final Plat 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 approves the Final Plat for Port Authority First 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 Thurley moved to waive the reading of the resolution and to adopt same. The motion was seconded by Borzyskowski, and carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

5.8 Police - School Liaison Officer Agreement Termination

Mr. Sarvi stated on June 18, 2020, the Winona Area Public School Board voted to terminate the Police –School Liaison Officer Agreement for the upcoming 2020-2021 school year, and presented a letter from the Winona Area Public Schools Superintendent.

The agreement specified a 90 day notice of termination which would make the actual date of termination September 17, 2020. This is after the actual school year has begun in 2020.

Schollmeier moved to waive the 90 day notice for termination of this agreement. Moeller seconded the motion, and it carried with all voting aye.

5.9 Affirmation of the Mayor's Proclamation Requiring Face Coverings in Indoor Areas Accessible to the Public Issued July 7, 2020

Mayor Peterson issued a Proclamation Requiring Face Coverings in Indoor Areas on July 7, 2020. The Mayor has the authority to unilaterally issue such a Proclamation under State Law and City Charter. The Proclamation is valid for 30 days from the date of enactment and is subject to City Council review. A copy of the signed Proclamation is attached.

This action was taken by the mayor for several reasons but primarily to stop the spread of the COVID-19 virus in the community in order to prevent the shut-down of local businesses and other actions which would be required if infection rates in the community continue to grow. Winona County's infection rates have begun to rise almost in lockstep with the growth of rates in La Crosse. Winona's Proclamation was in concert with the City of Rochester and Mankato. A regional approach to the pandemic serves the public best and other communities in the area are asked to join in as well.

Mayor Peterson is requesting that the City Council affirm the Proclamation and extend the provision through September 8. This will allow the provisions of the Proclamation to remain in effect through the Labor Day weekend and for the Council to hold another vote on September 7 to either continue the Proclamation or to allow it to expire.

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

Resolution 2020 – 58

WHEREAS, Novel Coronavirus Disease 2019, commonly known as "COVID-19," which is a respiratory disease that can result in serious injury or death, is spreading globally and has been identified by the World Health Organization ("WHO") as a pandemic; and

WHEREAS, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response; and

WHEREAS, on March 16, 2020, Mayor Mark Peterson and the City Council declared a local emergency regarding COVID-19 that continues in effect until its rescission by the City Council; and

WHEREAS, Governor Walz signed Executive Order 20-56 to rescind the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged, "to wear a manufactured or

homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain(e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by the Minnesota Department of Health("MDH") and the Center for Disease Control ("CDC") until this Executive Order is rescinded. Such face masks and coverings are for source control to help limit the person wearing the covering from infecting others; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on face coverings:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain;
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others;
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; and

WHEREAS, Winona County Public Health Services follows CDC recommendations and supports the wearing of face coverings in public settings; and

WHEREAS, Winona Health supports the wearing of facemasks in public settings. The proper use of facemasks helps to reduce the spread of COVID-19 to vulnerable adults; and

WHEREAS, many individuals infected with COVID-19 show no symptoms, yet risk transferring the disease to others. Wearing a face covering greatly reduces the risk of COVID-19 being spread through the community; and

WHEREAS, a primary purpose of the above-mentioned State Executive Orders requiring limitation on business operations is to prevent hospitals and supplies from being overrun. The purpose of this declaration is to protect health and safety, and minimize the potential that local businesses and employers may need to reclose due to an increase in state or local COVID-19 cases; and

WHEREAS, many businesses have already required masks within their premises; and

WHEREAS, pursuant to Minnesota Statutes, Section 12.29, subd. 2, necessary aspects of the City of Winona's disaster plan were invoked by the Mayor's declaration of local emergency; and

WHEREAS, Section 23.06 of the Winona City Code permits the Mayor to promulgate necessary emergency regulations by proclamation respecting "the conduct of persons . . . during an emergency," "emergency health . . . regulations," and "all other matters which are required to protect public safety, health and welfare in emergencies or disasters;" and

WHEREAS, on Tuesday, July 7, 2020, Mayor Peterson issued a Proclamation Requiring Face Coverings in Indoor Areas, which was effective Friday, July 10, 2020; and

WHEREAS, Mayor Peterson requested that the City Council affirm and extend this Proclamation;

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

1. All individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus or for hire transportation, unless exempted as follows:
 - a. Individuals within facilities operated by the County, State or Federal Government;
 - b. Individuals within personal care services/salons that already have State face covering requirements;
 - c. Individuals within medical facilities that already have face covering requirements;
 - d. Children ten years of age or younger;
 - e. Individuals actively eating or drinking;
 - f. Individuals temporarily removing the face covering for identification purposes;
 - g. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;
 - h. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals;
 - i. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
 - j. Participants in youth sports who are subject to all requirements under State Orders.
2. Restaurants and Bars must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
3. Retail Businesses must include in their COVID-19 Preparedness Plan that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the retail business and must wear the face covering until exiting the retail business.
4. Public and for hire Transportation users are required to wear a face covering before boarding and entering a bus or for hire vehicle and wear the face covering until the user exits the vehicle.
5. Gyms, Fitness Centers, and Sports Facilities participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person. For purposes of this declaration, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
6. Entertainment Venue users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
7. Enforcement: Violation of this Resolution is not a criminal offense. However:

- a. Any individual who fails to comply with this Resolution will be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the Resolution due to medical, disability, or developmental reasons;
 - b. Any business violating this Resolution shall be subject to administrative action for any licenses they possess with the City.
8. For purposes of this Resolution, "face covering" shall mean a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous.
 9. Businesses and organizations are encouraged to provide face coverings for customers at no or nominal cost.
 10. Restaurants and bars are encouraged to take advantage of outdoor seating.
 11. Effective Date. This Resolution shall remain in effect until the earlier of the following:
 - a. The enactment of a statewide order by Governor Walz requiring face coverings in indoor areas accessible to the public;
 - b. The City of Winona Emergency Management Director, in consultation with Winona Health, and Winona County Public Health Services recommends this Resolution is no longer necessary;
 - c. The State's Peacetime Emergency Declaration ends;
 - d. The Winona City Council resolves to rescind this declaration;
 - e. September 8, 2020 at 11:59 pm.

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

Mayor Peterson stated that the biggest responsibility of the Council is to protect the health and safety of the community. He did not make his decision to implement his order lightly, and relied on guidance from the CDC and the Minnesota Department of Health. He thanked all of those residents who are cooperating with the order.

Thurley asked if the city is still distributing face masks. Mr. Sarvi replied yes, these are available at the Central Fire Station.

Eyden thanked the Mayor for implementing the order, and she believes that people are feeling safer.

Borzyskowski believed that people understand the need to wear a mask, but did not agree that this needed to be legislated.

Mayor Peterson noted that the volunteer effort was not working that well.

Borzyskowski asked how this order would be enforced. Mayor Peterson replied that if a person enters a business not wearing a mask, the business can ask them to leave, and if they do not, the business can call the Police and the individual could be cited with trespassing.

Moeller echoed Eyden's comments, and noted that she has heard mainly positive

response to the Mayor's order.

Schollmeier has also noticed an increase in the number of people wearing a mask, and he was also grateful for the Mayor's action.

Mr. Sarvi noted that the draft order being presented has an exemption for children aged two and younger, and asked the Council to reconsider this age.

Fire Chief Curt Bittle noted that mask orders from other jurisdictions have a range of ages for the children's exemption, ranging from 2 to 12 years old.

Moeller moved to amend the draft order to exempt children age 10 or younger. Eyden seconded the motion.

Thurley asked for more information on the children's exemption. Mr. Sarvi reported that staff have received many comments that the Mayor's order had set this age too low, and new information shows that younger children are not spreading the virus as much as those aged 10 to 18.

The motion to amend carried with all voting aye. The main motion, as amended, carried with all voting aye, except Borzyskowski, who voted no. Thereupon the Mayor declared the resolution duly adopted.

5.10 Bluff Traverse Natural Resources Management Plan

The Parks and Recreation Department, in consultation with Barr Engineering, has been working on the Bluff Traverse Conservation and Recreation Area Natural Resources Management Plan since March of 2019. The intent of the Plan was primarily two-fold. The City is responsible for the stewardship of the City owned parcels of Bluff land from Sugarloaf to St. Mary's. A Plan for the management of this vast area was needed. Further, while applying for Legacy Funding, a Natural Resources Management Plan assists in the application process and review by the Great Minnesota Recreation and Parks Commission (GMRPTC). In short, it provides the grantors assurance a plan is in place should funding be allocated to this natural resource.

The final draft of the plan was presented to the City Council on February 3, 2020. At that time, Barr Engineering presented a summary of the plan to City Council, highlighting key areas and components of the plan. Following the presentation, the City opened up a public comment period, which was extended due to COVID-19. The City and Barr Engineering reviewed the public comments and determined that no changes were necessary to the final Plan presented to City Council for adoption. The public comments, however, will be maintained and on file with Winona Parks Recreation Department.

Parks and Recreation Staff will present the final plan and give an executive summary of the plan to City Council at the July 20, 2020 meeting.

The Bluffs Traverse Conservation and Recreation Area Natural Resources Management Plan was submitted for the Council's review. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 59

WHEREAS, the City of Winona authorized the Bluff Traverse Conservation and Recreation Area Natural Resources Management Plan to be undertaken in 2019; and

WHEREAS, the Plan will assist in the management of City owned Bluff land; and

WHEREAS, the Plan is a critical component to the City's Legacy grant application for the Bluffs Traverse Project; and

WHEREAS, the Bluff Traverse Conservation and Recreation Area Natural Resources Management Plan final draft has been received and reviewed by the City Council.

NOW THEREFORE LET IT BE RESOLVED, the Council of the City of Winona does hereby accept and adopt the Bluff Traverse Conservation and Recreation Area Natural Resources Management Plan.

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

5.11 Bluff Traverse – 2020 Legacy Grant Application

City staff continues to implement the Bluffs Traverse Master Plan. The Bluffs Traverse was designated as regionally significant, which was one step in the process to qualify to apply for Legacy funding through the Greater Minnesota Regional Parks and Trail Commission (GMRPTC).

Staff continues to work closely with GMRPTC staff following the 2019 application process. It is abundantly clear that applying for Legacy Funding will be a multi-phase process. Our 2019 application was denied, primarily due to a lack of a substantial funding match as well as our focus on high cost trailheads. COVID-19 will have an impact on the State of Minnesota's budget, including Legacy funds. Legacy funding uses sale tax revenues as a funding source. The available Legacy dollars, although unknown at this time, likely will be reduced. The City of Winona will submit the 2020 grant asking for significantly less dollars.

Our goal for the 2020 application is to have a higher percentage of match dollars, a focus on trail development, invasive species control, work within the Garvin Heights area and site furnishings. The application will include the general overview map of the Bluffs Traverse; which is attached for your review. The City of Winona will apply for an amount not to exceed \$700,000.

The Legacy request requires a City of Winona match. Our application is scored favorably if the match meets or exceeds twenty percent. A total of \$140,000.00 or twenty percent of \$700,000.00 is desired. Staff is requesting the City approve a match in the amount not to exceed \$128,000. The \$128,000 request, added to the already approved \$12,000.00 donation by the Winona Area Mountain Bikers, equals the \$140,000.00 needed for a favorable financial match.

The City of Winona had approved the match for the 2019 grant application at the March 18, 2019 City Council meeting as well as the August 5, 2019 City Council meeting. However, the City is required with each application to reaffirm our match commitment. Staff is recommending three sources of funding for the 2020 City of Winona match. The first is to allocate \$12,000.00 from the Park Revolving Fund, the second is to allocate \$60,000.00 from the facilities fund, and the third is to allocate \$56,000.00 from the H.C. Garvin Fund. The Legacy grant application also requires the City to sign the attached grant memorandum.

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

Resolution 2020 – 60

WHEREAS, the Bluffs Traverse has been designated regionally significant by the Greater Minnesota Regional Parks and Trail Commission and;

WHEREAS, The City of Winona Parks and Recreation Department will apply for Legacy grant funding to the Greater Minnesota Regional Parks and Trail Commission for the development of the Bluffs Traverse.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Winona, Minnesota, that it hereby approves \$12,000 from the Park Revolving

Fund, \$56,000 from the H.C. Garvin Winona Civic Fund and \$60,000 from the Facilities Fund, for a total of \$128,000, to be used as the required match for the Legacy application for elements within the Bluffs Traverse.

BE IT FURTHER RESOLVED that the City of Winona has accepted a donation of \$12,000 from the Winona Area Mountain Bikers that will also be used as a financial match within the Legacy application.

BE IT FURTHER RESOLVED that the City of Winona approves and authorizes the City Manager to execute the Memorandum Agreement that is required for the Legacy application and any amendments thereto.

Thereupon Schollmeier 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.

5.12 Masonic Temple Exterior Project – Change Order Request

Mr. Ubl reported that the City has received a Legacy Grant from the Minnesota Historical Society for the exterior restoration of the Masonic Temple. To date, the project is on schedule and has been within budget, with the exception of this request.

As the project nears completion, it became clear that the metal cap over the flashing surrounding the building needs replacement. The flashing was repaired and replaced in several locations as part of the project; however, the metal cap was not included at the time of the grant application.

The City requested a change order to replace the metal cap, which is attached for your review. Staff has also provided further images of the existing metal cap as well as previous metal cap work that was completed during the 2016 roof replacement project.

The change order that was provided by the contractor would take the project over budget by \$9,600.

Schollmeier moved to approve the change order in the amount of \$17,805.54 and transfer up to \$10,000 from the Facility Fund to cover the budget shortfall. Moeller seconded the motion, and it carried with all voting aye.

5.13 Move Polling Site for Ward 2/ Precinct 1

The City Clerk reported that earlier this summer, the Council approved the list of polling sites for the 2020 elections, including several site changes to address concerns from the COVID-19 virus. The polling site for Ward 2/Precinct 1 was moved from St. Anne's to the Alverna Center, which is owned by St. Mary's University. St. Mary's staff contacted the City Clerk on July 15 to inform the City that the Alverna Center would no longer be available as a polling site, but offered the use of the Minnesota Conservatory for the Arts building, which is also owned by St. Mary's and is located on the same block. Staff has toured the site and recommends it as the polling site for the 2020 elections.

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

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

Resolution 2020 – 61

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that the polling site for Ward 2, Precinct1 be moved to the Minnesota Conservatory for the Arts, 1164 West Howard (10th) Street.

Thereupon Borzyskowski 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.

7.1 Council Concerns

Borzyskowski congratulated Finance Director Mary Burrichter on her retirement, and noted that she did a phenomenal job for the City. He offered his condolences to the family of Linda Hoialmen, who recently passed away.

Eyden requested that staff review the city ordinances regarding what can be planted on boulevards because residents have been planting flowers to support the bees, but then have been ordered by Inspections to cut them down. She offered her condolences to the family of Dorothy Rick.

Moeller talked about a recent incident at Maplewood Townhomes that included a military-style vehicle being dispatched there, and she said that several residents have complained that this was not appropriate to bring in to a neighborhood where children are present. She would like a discussion on the types of calls that the Police Department is currently responding to. She thanked Sarah Johnson, the city's Creative Laureate for the artwork on display at Home & Community Options.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – July 6, 2020.

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

Monica Hennessy Mohan
City Clerk

Mark F. Peterson
Mayor