

**City Council Meeting
September 8, 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 for Welcome Week sponsored by Project FINE.

City Manager's Comments:

City Manager Stephen T. Sarvi congratulated Assistant City Planner Luke Sims and his wife Rebecca on the birth of their daughter Charlotte.

3.1 Appointments to the Human Rights Commission

The terms for Jacob Grippen and Frederick Lee for the Human Rights Commission will expire on September 16, and they have each agreed to serve another 3 year term. The new terms would be effective September 16, 2020 through September 16, 2023. In addition, Tina Schott has submitted an application for the seat vacated by Linda Bedtka as their representative from the Winona Housing and Redevelopment Authority. Her term would also be September 16, 2020 through September 16, 2023.

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

Resolution 2020 – 66

BE IT RESOLVED by the City Council of the City of Winona, Minnesota that it hereby reappoints Jacob Grippen and Frederick Lee, and appoints Tina Schott to serve on the Human Rights Commission for terms effective September 16, 2020 through September 16, 2023.

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

3.2 Appointment to the Heritage Preservation Commission

In a letter to the Council, Mayor Peterson indicated that he was appointing Michael Doyle to serve on the Heritage Preservation Commission. His term would be effective September 9, 2020 through July 17, 2021.

Thereupon Schollmeier moved to confirm the appointment. Alexander seconded the motion, and it carried with all voting aye.

3.3 Application for Off-Sale Intoxicating Liquor License for J&R 5th Street Liquor, LLC

The City Clerk received an application from Jennifer Corcoran and Rory Revere, owners of J & R 5th Street Liquor, LLC, for an Off-Sale Intoxicating Liquor License for 5th Street Liquor at 501 West 5th Street. The effective dates of the license would be October 1, 2020 through June 30, 2021.

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

3.4 Sign and Banner Schedule

The City Clerk received the following request for signs and banners to be posted during the second half of this year.

From:	To:	Organization	Event	Mankato Banner	Lake Park	Central Park
09/08/20	09/21/20	Alzheimer's Association	Alzheimer's Walk	x		
09/14/20	09/21/20	City Planning/ Project FINE	Welcoming Week		x	x
09/21/20	10/12/20	Winona County Historical Society	Cemetery Walk		x	
09/21/20	10/05/20	National Life Chain	National Life Chain			x
10/05/20	10/12/20	Farmers Market				x

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

3.5 Request for 5K, BK5K

Assistant City Manager for Park & Rec Chad Ubl presented a draft agreement for the BK5K to be held on Saturday, October 17, 2020. The Fastenal Company will be sponsoring the "BK5K" run/walk to raise funds for local area youth organizations and programs that have demonstrated financial need. In response to pandemic guidelines, this year's 5K will utilize a time trial format that allows for staggered race starts beginning at 7:00 a.m. The event will conclude at 10:30 a.m. with no post-race activities. This event was previously held on both the East and West Lakes but will be consolidated to the East Lake for this year.

The following shall be closed to vehicular and pedestrian traffic:

- Lake Park Drive from Main Street to Hamilton Street from 5:00 a.m. – 10:30 a.m.
- Loop around the Bandshell from 5:00 a.m. – 12:00 p.m.
- Lake Park Pedestrian Path from 5:00 a.m. – 10:30 a.m.

Barricades:

- Barricades are requested from the Street Department at each of the intersections of Lake Park Drive at Main Street, Franklin Street, Hamilton Street, and the Bandshell parking lot.
- Parking lot closure signs are requested to be installed by the Street Department on Friday, October 16 at the Bandshell parking lot denoting the lot closed on Saturday, October 17 from 5:00 a.m. to 12:00 p.m.

On Wednesday, October 14, the committee will put up BK5K yard signs around the bike path to assist in marking the course and alerting the public about the event.

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

3.6 Request for Handicapped Parking at 518 Lincoln Street

Public Works Director Brian DeFrang submitted a request from Mr. Heath Eckert to add a handicapped parking area on Lincoln Street. He has had his spine fused and has a handicapped tag for his vehicle. He is on disability due to this and is requesting that the \$105 fee be waived since his limited income. The space is Lincoln Street, easterly side, from the south line of the alley south of Howard Street to a point 20 feet southerly thereof.

Thereupon Alexander moved to introduce the ordinance for the handicapped parking space and to waive the fee. The motion was seconded by Moeller, and motion carried with all voting aye.

3.7 Request for Handicapped Parking by Watkins on Liberty Street

Mr. DeFrang submitted a request from Watkins to add a handicapped parking area on Liberty Street. This would be to better serve an employee with needs of a handicapped designated parking spot. The space is Liberty Street, westerly side, from a point 100' southerly of the south line of 3rd Street to a point 20 feet southerly thereof.

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

3.8 Request for Reduction in Seating Capacity at Bars and Restaurants from WSU Student Senate

City Manager Steve Sarvi received a resolution from Ms. Clara Kuerschner, President of the Winona State Student Senate requesting that the City of Winona further reduce the seating capacity of bars and restaurants in the interest of slowing the spread of COVID-19. Previously Governor Walz had ordered that Minnesota bars and restaurants with inside seating could operate with 50% of the fire occupancy of their building. Winona Fire and Police Departments have been conducting weekly checks on these facilities to ensure they are in compliance. By and large these occupancy standards have been met.

While we appreciate the WSU Student Senate's request, staff does not believe this is an appropriate action for the city to undertake at this time. Again, the Governor has already ordered the reduction in occupancy to 50% of capacity and further reductions would most likely result in the closing of establishments because they would not have sustainable sales. Secondly, while COVID case numbers have increased after the return of college students, the outbreaks at this time are largely contained in that demographic and haven't spread to the general population. Finally, city staff are continuing to monitor the spread of the virus along with the impact on Community Memorial Hospital's ability to treat patients. To date the hospital's ICU and ventilator capacities are not impacted by the spike in cases. Should the situation regarding community spread, increase in numbers of infected people and impacts on the hospital's capacities change, the most likely course of action will be a staff request to close bars, restaurants and other likely hot spots.

Alexander moved to deny the request. Borzyskowski seconded the motion.

Moeller appreciated the initiative taken by the WSU Student Senate, but felt their request would not be beneficial for the City to make at this time.

Mayor Peterson agreed with Moeller, and thanked the Fire and Police Departments for their work on conducting compliance checks at local bars and restaurants.

Schollmeier also acknowledged the efforts of the Student Senate, and noted that WSU will have a 14 day campus-wide quarantine beginning today.

The motion carried with all voting aye.

5.1 Historical Society Loan Agreement for Wilkie Bell and Whistle

Mr. Ubl received a request from the Winona County Historical Society (WCHS) the City loan the WCHS the 28" brass roof bell and brass whistle from the Julius C. Wilkie Steamboat Replica formerly located in Levee Park. The City has had these two items in its possession since 2008. Staff would recommend Council consider approving the attached loan agreement. The WCHS has the knowledge and ability to properly preserve and store the item and the possibility for greater public viewing.

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

5.2 Certified Local Government Grant Agreement – Windom Park Historic District

City Planner Carlos Espinosa reported that in accordance with the duties of the Heritage Preservation Commission to evaluate and nominate the historic resources of the City of

Winona, the Winona HPC and City Council approved seeking grant funding to nominate the Windom Park Local Historic District to the National Register of Historic Places.

The City of Winona has been awarded a Certified Local Government Grant by the Minnesota State Historic Preservation Office for the City of Winona to hire a consultant to complete the eligibility determination for the Windom Park Historic District. The grant totals \$9,000 and will be matched by \$6,000 within the 2020 budget for the Winona HPC and staff time.

The Windom Park Historic District was locally designated in 2016 with the intent of nominating to the National Register in subsequent years. There are 29 properties in the local district, including 23 contributing properties. The nomination would include an evaluation of the existing boundaries and the required work to create the necessary documentation for a successful nomination to the register. The properties in the district were determined as eligible in the 2010-2011 Winona Bridge Study. Designation on the National Register of Historic Places is an honor and also enables potential grant or tax credit funding avenues for properties in the district.

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

Resolution 2020 – 67

AUTHORING EXECUTION OF CERTIFIED LOCAL GOVERNMENT GRANT AGREEMENT

WHEREAS, the City of Winona is a Certified Local Government (CLG) as defined by the Minnesota State Historic Preservation Office (SHPO); and

WHEREAS, the CLG Grants are made available to eligible communities for the evaluation and nomination of properties for their historic integrity and merit; and

WHEREAS, the Winona Heritage Preservation Commission has identified the Windom Park Historic District as a preservation priority and sought grant funding for nomination to the National Register of Historic Places; and

WHEREAS, the City of Winona has applied for and been awarded a CLG Grant to nominate the Windom Park Historic District to the National Register of Historic Places.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota that the Mayor and City Clerk are hereby authorized to execute the agreement and such agreements and any amendments as necessary to implement the project on behalf of the City of Winona.

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

5.3 Transit Grant Application – Bus Garage Project

The City Clerk presented the transit grant application to the Minnesota Department of Transportation - Office of Transit for funds to insulate the current bus garage for the Winona Transit Service in 2021. The total estimated cost for the project is \$65,000, and the State grant funds would provide 80% of the cost. The balance of the capital costs will be funded through Transit reserves.

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

Resolution 2020 – 68

BE IT RESOLVED that the City of Winona enter into an Agreement with the State of Minnesota to insulate the Winona transit bus garage for storage of

the buses which provide public transportation service in the cities of Winona and Goodview; and

BE IT FURTHER RESOLVED that the City of Winona agrees to provide a local share of up to 20% of the total capital costs; and

BE IT FURTHER RESOLVED that the City of Winona agrees to provide 100% of the local share necessary for expenses that exceed funds available from the State; and

BE IT FURTHER RESOLVED that the City of Winona authorizes the City Manager and the City Clerk to execute the aforementioned Agreement and any amendments thereto.

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

5.4 Community Forestry Corps Member

John Howard, Sustainability Coordinator, reported the City was awarded a Community Forestry Corps member for the 2020-2021 service term pending City Council approval. The Community Forestry Corps is a new program of AmeriCorps, and is designed to improve the forest canopy of communities. The program appears to be similar to the GreenCorps urban forestry position, which the City benefited from in 2016-2017. The City will also be hosting a GreenCorps member for this service term, but it is distinct from the Community Forestry Corps position with minimal overlap of work areas.

The City's Natural Resources and Sustainability Coordinator will be responsible for managing the member's workload and other program compliance aspects as the site supervisor. The City's Tree Crew Chief will be involved in training the member and assisting with the different projects. As part of the arrangement, the City is obligated to devote staff time (nearly 3 hours/week), provide a workstation for the member, and necessary equipment. The member's salary and benefits are provided by Reading & Math, Inc. who administers the overall program for AmeriCorps.

The City's Forestry Corps member would work nearly 40 hours per week from Oct. 2020 through Aug. 2021. The work plan presented in our application to the program is as follows:

The member's duties will be multi-faceted at the City of Winona. The largest duty will be to coordinate boulevard and park tree plantings and follow up care, likely taking place in the spring of 2021. Another major work task will be updating and improving the citywide tree inventory completed in 2016.

Other work areas will include:

- Participating in the creation of a sustainability plan for the City with an emphasis towards natural area management.
- Developing forestry management plans for natural areas, largely in the bluff side parks in Winona.
- Identifying ash trees afflicted with Emerald Ash Borer, and prioritizing which to save. Also assisting homeowners in confirming that their tree is an ash and helping with replacement.
- Updating the City code regarding tree planting, and assisting in planning waste wood compost and reuse.
- Identifying and mapping areas of oak wilt.

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

5.5 Resolution of Support for Bonding Bill

Mr. Ubl reported as the State Legislature nears a September special session, the Parks and Recreation Department is requesting Council to approve the attached resolution supporting a bonding bill. The Parks and Recreation Department is seeking this support as the City of Winona has requested the Mississippi Riverfront Trail – Phase One project for state bonding. If Council approves the resolution we will forward the support resolution on to the State Legislature, specifically to local state senator and representative.

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

Resolution 2020 – 69
A RESOLUTION IN SUPPORT OF STATE BONDING BILL

WHEREAS, the people of Minnesota need basic infrastructure such as drinking water, sewage treatment, roads, bridges, and

WHEREAS, our state (and nation) is facing one of the worse economic struggles in its history and one of the best and only tools that the state has to stimulate the economy is a bonding bill that will create jobs and inject much needed funding into our state economy; and

WHEREAS, the Minnesota Legislature failed to pass a bonding bill in the 2019 legislative session, and

WHEREAS, the Legislature failed to pass a bonding bill in the regular 2020 legislative session and three subsequent special sessions, and

WHEREAS, interest rates are at an all-time low, and

WHEREAS, the City of Winona has requested state bond funding for the Mississippi Riverfront Trail – Phase One project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Winona, Minnesota urges through this Resolution to its lawmakers to work in a bipartisan way to pass a bonding bill in the special session to be held in September 2020.

BE IT FURTHER RESOLVED that this resolution be transmitted to Senator Jeremy Miller and Representative Gene Pelowski, Speaker of the House Melissa Hortman, Senate Majority Leader Paul Gazelka, House Minority Leader Kurt Daudt, Senate Minority Leader Susan Kent, and Governor Tim Walz

Thereupon Schollmeier moved to waive the reading of the resolution and to adopt same. The motion was seconded by Thurley, and carried with all voting aye, except Alexander, who voted no. Thereupon the Mayor declared the resolution duly adopted.

7.1 Council Concerns

Moeller congratulated Luke Sims on the birth of his daughter. She asked Mr. Howard to explain the process for homeowners to follow if they want to replace a boulevard tree. Mr. Howard replied that they should contact the City first to find out what type of tree should be planted.

Borzyskowski asked for an update on the repairs to the Hamilton Street railroad crossing. Mr. DeFrang replied that the City's Street Superintendent is working with their rail chief, but had no progress to report. Borzyskowski invited the public to participate in the recital of the rosary at the Law Enforcement Center, this Saturday starting at noon.

Schollmeier acknowledged Welcome Week, and noted that we have been working hard to welcome all to our community.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – August 17 & 28, 2020;

Minutes of the August 17 & 28, 2020 City Council meetings have been distributed. If the minutes are satisfactory, a motion to approve same would be in order.

Item No. 8.2: Ordinance to Ban Conversion Therapy

An ordinance to prohibit the practice of conversion therapy within the City of Winona was introduced at the August 17, 2020 Council meeting. The purpose and effect of the proposed ordinance has been published by law. Accordingly, the ordinance may now be considered for final adoption. The ordinance states that the City will set the fines for violating this ordinance via an Administrative Fine, which is set by City Resolution. The attached resolution sets these fines as recommended by the Human Rights Commission. The following resolution was then presented for the Council's consideration.

Resolution 2020 – 70

**APPROVING ADMINISTRATIVE FINES
FOR CONVERSION THERAPY BAN ORDINANCE**

WHEREAS, On September 8, 2020 the City Council of the City of Winona adopted Section 62.34 within in its City Code, which is an ordinance banning practice of conversion therapy; and

WHEREAS, Winona City Code Section 62.34(d) provides that violations of Section 62.34 banning the practice of conversion therapy are administrative offenses; and

WHEREAS, the City Council desires to amend the previously adopted list of administrative fines to include violations of City Code Section 62.34 in the following amounts:

1. \$200 for 1st violation;
2. \$300 for 2nd violation;
3. \$400 for subsequent violations; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, amend the previously established list of administrative fines by adding the heading "Violations of Chapter 62.34 – Conversion Therapy" and including under that heading the following amounts for violations thereof:

1. \$200 for 1st violation;
2. \$300 for 2nd violation;
3. \$400 for subsequent violations

BE IT FURTHER RESOLVED by the City Council of the City of Winona, Minnesota, that the City Clerk be authorized to make the changes to the City's established list of administrative fines referenced in this Resolution.

Thereupon Schollmeier moved approve the consent agenda, and 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

The time being 7:00 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