

**City Council Meeting
February 16, 2021
6:30 PM – City Hall
Meeting Held Electronically Via Zoom**

Mayor Scott Sherman called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Present: Mayor Scott Sherman, Council Members Steve Young, Eileen Moeller, Michelle Alexander, Pamela Eyden, George Borzyskowski and Aaron Repinski.

Mayor's Comments:

Mayor Scott Sherman read a proclamation for School Bus Drivers Appreciation Day for Wednesday, February 24.

The Mayor announced that he was appointing the following individuals for the 2022 Comprehensive Plan RFP Advisory Committee: Council Member Alexander, Planning Commission Chair Brian Buelow, City Manager Steve Sarvi, Director of Community Development Lucy McMartin, City Planner Carlos Espinosa, and Assistant City Planner Luke Sims.

City Manager's Comments:

City Manager Stephen T. Sarvi announced that the City would be hosting a virtual Live at the Levee event on Sunday, February 20. He also announced that the Friendship Center was presenting a play on memory loss called "In the Garden" on February 22, March 2, and March 14. Tickets are available through the City website.

2.1 Consider Vacating Alley by St. Martin's Church

This is a public hearing to consider the vacation of the alley on Block 2 of Plumer's Addition. St. Martin's Lutheran Church has requested the vacation as part of the construction project for their new school. This public hearing will provide an opportunity to all persons affected wishing to speak for or against the vacation.

Attached for your review is a copy of the investigation report prepared by City Engineer Brian DeFrang regarding the above requested vacation. The report is presented pursuant to requirements set forth under Winona City Code Section 25.26. In accordance with City Charter, this section of City Code requires officials to determine whether or not the proposed vacation will:

- (1) work a hardship on affected property owners;
- (2) deprive such owners of a substantial right appurtenant to their property; and
- (3) be in the best interests of the public.

Thereupon the Mayor opened the public hearing.

Alexander indicated that she would abstain from the vote as she is on the board of directors for the church.

Eyden asked why the church had made this request. Alexander responded that the church plans to build a larger gym for their school and to also connect the school and the church.

There was no one else present to speak to this issue. Thereupon the Mayor closed the public hearing. Borzyskowski moved to introduce the ordinance to vacate the alley. Moeller seconded the motion, and it carried with all voting aye, except Alexander, who abstained.

3.1 Request Premises Permit for Lawful Gambling for Eagles Aerie 1243

The City Clerk received an application from The Eagles Aerie 1243 Winona for a Premises Permit for Lawful Gambling to be used at the Cornerstone Bar (the former Steiny's Bar). The following resolution was then presented for the Council's consideration.

Resolution 2021 – 13

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it approves the Premises Permit for Lawful Gambling for the Eagles Aerie 1243 Winona to conduct lawful gambling at the Cornerstone Bar, 501 West 4th Street, 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.

4.1 Sustainability and Resilience Plan Consultant Contract

Natural Resources Sustainability Coordinator John Howard reported following selection of the Center for Energy and Environment (CEE) as the Sustainability and Resilience Plan Technical consultant at the Feb. 1 meeting, staff had the attorney's office prepare a standard service contract. This contract is attached for Council review and was sent to the consultant.

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

4.2 Broadway Project Consulting Fees

Public Works Director Brian DeFrang reported at the February 1, 2021 City Council meeting, the Council voted to cease work on the Broadway 4 to 3 Lane Conversion Project. The City has approximately \$300,000 of design fees that has been paid to the consultant for work already completed. The design fees were intended to be reimbursed through the grant and State Aid funding. Since the City is not accepting the grant funding, a funding source is needed to cover those design fees. An option to fund the design costs for the Broadway Project would be to use the 2021 budget line item for Mill and Overlay. The 2021 budget allocated \$885,100 for Mill and Overlay Street Projects to be completed in 2021. If funding from this line item is used to cover the costs associated to the Broadway Project design, approximately \$585,100 would remain for Mill and Overlay Street Projects in 2021. This action would result in approximately fifteen less blocks that would receive the Mill and Overlay in 2021.

Staff recommends using the 2021 Mill and Overlay budget line item to cover the Broadway Project design costs.

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

Resolution 2021 – 14

WHEREAS, Consulting fees of \$300,000 were received for the design of the Broadway Project; and

WHEREAS, the granting monies for this project were turned down; and

WHEREAS, the granting monies were to pay for these consulting fees; and

WHEREAS, the consulting fees can be paid from the 2021 Mill and Overlay Project budget.

NOW, THEREFORE, BE IT RESOLVED that the consulting fees for the design of the Broadway Project will be paid from the 2021 Mill and Overlay Project budget.

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

Eyden was disappointed that the City would have to take funds from the Mill and Overlay project, and asked which streets would be removed from this year's project.

Public Works Director Brian DeFrang replied that he would present the plan to the Council in the near future.

Borzyskowski asked what was included in these fees. Mr. DeFrang replied that the design plans were approximately 95% completed to meet Federal grant requirements.

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

5.1 Renewal: Property and Liability Insurance for 2021 (excluding Workers' Compensation)

Finance Director Jessica Wojahn presented the premiums for 2021 for the City's Property and Liability Insurance, excluding workers' compensation. She also noted that this program includes the City and the Port Authority.

Premium Summary:	2020	2021
Property	\$ 64,444	\$ 66,377
Mobile Property	5,121	4,785
Fine Arts	-	- (Included in Property)
Municipal Liability	96,567	102,447
Automobile Liability	19,544	20,060
Automobile Physical Damage	27,638	27,638
Boiler and Machinery	7,533	7,757
Airport Liability	-	-
(Included in Municipal Liability)		
Bond	1,186	1,190
MN Petrofund Supplemental Reimb.	_____ -	_____ -
(Included in Municipal Liability)		
TOTAL	\$222,033	\$228,283

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

Resolution 2021 – 15

BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that it approves of the renewal, for 2021, of the City's property and liability insurance program (excluding workers' compensation) as listed above, effective January 1, 2021 and the City waives the monetary limits on tort liability established by MN Statutes 466.04 to the extent of the limits of the liability coverage obtained from the League of MN Cities Insurance Trust (LMCIT).

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

Young reported that he talked with the City's agent at Winona Agency as well as a staff person at the LMCIT, and he felt this was an appropriate package for a city of our size and with appropriate reserves to cover the deductibles.

The motion carried with all voting aye. Thereupon the Mayor declared the resolution duly adopted.

5.2 Call for Public Hearing to Consider Assessing Cost for Removal of Hazardous Structures

Community Development Director Lucy McMartin reported on December 3, 2019, the owner of the real property located at 1065 Marian Street, Donna L. Dzwonkowski, entered into an Agreement and Consent to Removal of Hazardous Building with the City, whereby, the owner consented to the removal of hazardous buildings on the real property and consented to the cost of removal being charged against the real property. The lienholder, WNB Financial N.A., formerly known as Winona National and Savings Bank, also joined in the agreement.

Minnesota Statute Section 463.151 provides that the City may remove or raze any hazardous building(s) upon obtaining the consent in writing of the owner(s) of record, occupying tenants, and lienholder(s) of record and the costs shall be levied and collected only as a special assessment in not to exceed five equal annual installments with interest thereon at eight percent per annum.

The first step in considering to levy and collect the costs as a special assessment for the removal of the hazardous buildings, which existed at 1065 Marian Street is for the City Council to set a public hearing for Monday, March 15, 2021.

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

Resolution 2021 – 16

WHEREAS, pursuant to Minnesota Statutes, Section 463.151, the City may remove or raze any hazardous building upon obtaining the consent in writing of all owners and lienholders of record and the cost shall be levied and collected only as a special assessment in not to exceed five equal annual installments with interest thereon at eight percent per annum; and

WHEREAS, all owners and lienholders of the real property located at 1065 Marian Street in the City of Winona have consented to the removal of a hazardous buildings (home and garage) from the real property and the subsequent charge against the real property of the cost of demolition and removal and the administrative fees attendant therewith; and

WHEREAS, the cost of demolition and removal fees attendant therewith as of the date of this Resolution is \$32,848.12.

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

1. A hearing shall be held at 6:30 p.m. on March 15, 2021 in City Hall to pass upon the proposed assessment against the real property located at 1065 Marian Street for the removal of the hazardous buildings (home and garage).
2. All persons affected by this assessment shall be given an opportunity to be heard with reference to such assessment.
3. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall also cause mailed notice to be given to the owner of the real property and all lien holders described in the assessment roll not less than two weeks prior to the hearing.
4. The assessment shall be payable in five (5) equal installments with interest thereon at eight percent per annum. If not paid within 30 days of the date of adoption, the assessment shall be certified to the County Auditor/Treasurer to be placed on the tax roll for collection in the same manner as property taxes.

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 Comprehensive Plan Update

City Planner Carlos Espinosa reported that as presented at the Council Informational Session on February 1st, staff is working on updating the City's 2007 Comprehensive Plan. At this meeting, staff is seeking Council approval of the preliminary topic list for the plan. The topic list will serve as a starting point for creating the RFP to select a consultant.

Staff is also requesting Council approval of the preliminary engagement plan provided by Engage Winona. Engage Winona would work with the planning consultant selected through the RFP process and serve as a local resource to facilitate public participation. This is similar to Engage Winona's role in the development of other City plans.

Alexander moved to approve the preliminary topic list and engagement plan, and Borzyskowski seconded the motion

Eyden asked that pedestrian safety and a reference to the Complete Streets Plan be added to the Transportation section, and add a reference to the WSU Planning process under the Transformative Projects section.

Moeller noted the plan did not include properties on the west side of the city in the parks and historic preservation section, and include public transit in the Transportation section.

Mayor Sherman noted that this project will provide a great opportunity for residents to provide input for city projects for years to come.

Borzyskowski asked what has been budgeted for the Engage Winona part of this project. Mr. Espinosa replied that approximately \$50,000 was included for this work.

The motion carried with all voting aye.

7.1 Council Concerns

Borzyskowski gave kudos to the Street Department on the on-going snow plowing and sanding of city streets. Borzyskowski acknowledged the passing of Curt Mihm and Joseph Walinski, and offered condolences to their families.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – February 1, 2021.

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

The time being 7:00 p.m. and there being no further business to come before the Council this evening, Alexander moved to adjourn. Borzyskowski seconded the motion, and it carried with all voting aye.

Monica Hennessy Mohan
City Clerk

Scott D. Sherman
Mayor