

**City Council Meeting
March 15, 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 announced that he has appointed the following individuals to serve on the Community Gardens Task Force: Kyle Black, Bruno Borsari, Nickie Ciulla, Lea Karlssen, Tom Kujawa and Jim Worthley.

He also noted that he will be appointed a new member to the Board of Adjustment, and thanked Dave Kouba serving on this board. Mr. Kouba has served the City for a total of 34 years, including terms on the City Council, the Human Rights Commission, and the Housing and Redevelopment Authority as well as the BOA.

2.1 Levy Special Assessment for Removal of Hazardous Buildings at 1065 Marian Street

Pursuant to a public hearing notice mailed and published in the official newspaper, a public hearing is being held to consider levying a special assessment in the amount of \$32,848.12 for the cost incurred in removing the hazardous structures (home and garage) at 1065 Marian Street.

Building Official Chad Sommer presented a report on the why these buildings were ordered to be demolished.

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

Resolution 2021 – 21

WHEREAS, pursuant to Minn. Stat. § 463.151 and the Agreement and Consent to Removal of Hazardous Building executed by all owners and lienholders of the real property located at 1065 Marian Street, Winona, Minnesota, the City removed hazardous buildings (home and garage) from the real property. The real property is legally described as follows the "Subject Property":

Lot Nineteen (19) in Block One (1) of Reinke and Wright's Addition to the City of Winona, Minnesota. Said Addition overlying a part of what was Formerly Known as Lots Twenty-Six (26), and Twenty-Seven (27), Second Plat of Sub-Div. of Section 21, Town of Winona, and Being Located Upon and Forming a part of the North One-Half (N ½) of the Southeast Quarter (SE ¼) of said Section Twenty-One (21), Township One Hundred Seven (107), North of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

and

WHEREAS, pursuant to Minn. Stat. § 463.151, the City is entitled to impose a lien in the amount of the costs and expenses it has incurred in removing the hazardous buildings (home and garage) from the Subject Property.

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

1. The City of Winona incurred actual costs totaling \$32,848.12, which was incurred hiring contractors to raze the home and garage at the Subject Property and clean all debris from the Subject Property.
2. That the amount of the costs and expenses actually incurred by the City in removing the hazardous buildings from the Subject Property, as set forth in the Assessment Roll, which is attached hereto and incorporated herein by reference as Exhibit A, shall be imposed as a special assessment payable in five 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 paced on the tax roll for collection in like manner as property taxes.

Thereupon Alexander 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.

2.2 Unified Development Code Text Amendment – Storage Permitted with Standards in Mixed Use-Downtown Fringe Zoning District

Assistant City Planner Luke Sims presented an application from Black Squirrel Properties proposing a text amendment to the Unified Development Code (UDC) to allow storage as a permitted with standards use in the Mixed Use-Downtown Fringe Zoning District. The Winona Planning Commission held a public hearing to consider the application on February 8, 2021. In considering the effect on the health, safety, and welfare of the community, the Planning Commission unanimously recommended approval of the proposal with the following standards:

- 1) All storage use related activities must be performed entirely within a building.
- 2) The storage use shall not be located in the front 50% of a building's first floor area with the exception of a maximum 36 inch (36") wide dedicated entry and associated access to the storage use in the rear.
- 3) Designated parking and loading facilities shall not be located in the front 50% of the property.
- 4) All parking and loading areas shall comply with the provisions of UDC 43.03.42 Screening, Walls, and Fences Standards.

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

Thereupon Alexander moved to introduce the ordinance. Young seconded the motion, and it carried with all voting aye.

3.1 Massage Therapy Licenses

The City Clerk received an application from Airong Chen for a Massage Therapist License and a Massage Therapy Business for Prosperous Massage, located at 1658 West King Street. All of the paperwork is in order, and the licenses would be effective March 16, 2021 through December 31, 2021.

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

3.2 Farmers Market License Agreement

Assistant City Manager Chad Ubl presented a draft license agreement with the Farmers Market for the use of Main Street, north of 2nd Street, and a portion of Levee Park for the market in 2021 for the duration of their season, with the exception of June 19 (Steamboat Days), and September 4 (Big Muddy).

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

3.3 License Agreement for the Mid West Music Fest

Mr. Ubl presented a license agreement with Mid West Music Fest (MWMF) to allow them to hold their event on May 15, 2021. Mid West Music Fest has been an annual cultural event for the past eleven years that is normally held on many stages in the downtown area however this year's focus is on a single event. Mr. Ubl noted that while the draft agreement shows the location as Lake Park, he received notification today that they would like to change the venue to the Kiwanis Shelter at Prairie Island.

The event will adhere to the current Stay Safe MN COVID-19 Preparedness Plan Requirements for Outdoor Venues. MWMF is aware that the event may be canceled based on the status of the pandemic.

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

3.4 Sign Requests

The schedule below is for signs to be posted in April. If Council concurs, a motion to approve the list would be in order.

From:	To:	Event	Lake Park	Central Park
04/12/21	04/26/21	St. Stan's Craft Fair		X
04/26/21	05/10/21	Park & Rec Summer Registration	X	

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

3.5 Appointments to the Board of Adjustment

In a letter to the Council, the Mayor indicated that he was reappointing James Murphy and appointing Aaron Slavey to the Board of Adjustment. The term for these appointments would be effective April 3, 2021 through April 3, 2024.

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

5.1 Facilities Plan for Wastewater Treatment Plant

This request was pulled from the agenda by staff, and will be presented at a future meeting.

5.2 Washington Crossing Subordination Agreement

Community Development Director Lucy McMartin reported that Metro Plains acquired the former Winona Middle School at 166 and 218 West Broadway in 2002. Washington Crossing was completed in 2004 and was a renovation project that provided market rate and affordable rental units in Winona. The \$6 million project provided 22 market rate and 44 affordable rental units in Winona. The Auditorium was never included in the plans for renovation and many meetings and uses were discussed for the use of the Auditorium however they did not come to fruition.

The City assisted in the renovation with Small Cities Development Block Grant (SCDP) funds. A City 30-year deferred loan was made and secured by a mortgage in the amount of \$588,000. The Port Authority also assisted with a \$300,000 loan secured by a mortgage.

In January, the City Council approved a partial release of the City Mortgage. Minnesota Housing has requested a Subordination Agreement. The City and Port Authority approved the original Subordination Agreement.

A plat was developed to separate the auditorium portion of the building from the rest of Washington Crossing. Minnesota Housing is requiring a Subordination Agreement and

Estoppel Certificate from the City and Port Authority. This document outlines the position of each of the lenders in the project.

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

5.3 Adoption of the Aghaming Park Management Plan

Mr. Ubl reported the City of Winona entered into a long term agreement with the United States Fish and Wildlife Service (USFWS) for the management of significant portions of Aghaming Park in the spring of 2018. A requirement of the agreement was for both parties to establish a Management Plan within 3-5 years of the execution of the agreement.

Mayor Peterson established the Aghaming Park Task Force to assist with the creation of the Aghaming Park Management Plan in partnership with USFWS. The Task Force worked with USFWS over a one year period to establish a draft plan. The draft plan was presented to City Council on October 19, 2020 and was subject to public comment for a period of 30 days. Following public comment, the draft plan was reviewed by the Task Force and no substantive changes were made to the draft. Attached for your review is the final Aghaming Park Management Plan.

Alexander moved to adopt the Aghaming Park Management Plan. Young seconded the motion, and it carried with all voting aye.

5.4 Aghaming Park – Sam Gordy's Slough Restoration Project Request

Mr. Ubl reported the City of Winona was approached by Wisconsin DNR (WIDNR) regarding Sam Gordy's Slough. The WIDNR is considering a project to enhance and restore habitat by restoring flow connectivity and improved water quality within Aghaming Park - Sam Gordy's Slough. WIDNR is seeking financial support from the City of Winona and to date has secured partial funding from WIDNR, Buffalo County, USFWS, Minnesota Division of Izaak Walton League and Will Dilg Chapter.

Shawn Giblin, representing the WIDNR, presented an overview of the project.

The City of Winona has not allocated funding for this project with the 2021 annual budget, however, staff would recommend allocating an up to amount of \$8,000.00 toward the project. Staff is recommending funds be taken from the annual Park Maintenance Budget along with funding from the Facilities Fund if the annual Park Maintenance Budget would fall short.

Further, the City would require that all necessary permits, licenses, easements and any other agreements, including but not limited to USFWS, be in place prior to the initiation of the project.

Young moved to fund the Sam Gordy's Slough Restoration Project out of the 2022 Budget. Eyden seconded the motion, and it carried with all voting aye.

5.5 Financial Planning Model

Finance Director Jessica Wojahn reported the City of Winona has capital projects that council may wish to fund in the future. To facilitate the funding decision of future capital projects, a long-term financial planning model could be created. This plan will enable its users to see the impact of capital projects to the tax rate while taking projected tax base changes into account. City staff will be able to maintain this planning model with anticipated capital projects, tax base projections, and funding sources which will help provide additional information to capital project decision makers.

Baker Tilly has a proposed cost of \$15,250 for the development of this plan which will take approximately 10 weeks to complete. The costs would be paid by reassigning priority of the 2021 Finance Department budget.

Alexander moved to approve the proposal and to direct staff to draft an agreement for Council approval. Moeller seconded the motion, and it carried with all voting aye.

5.6 Certification of Completion, Final Estimate, Resolution of Acceptance – 2020 Bituminous Mill & Overlay Project

This is to certify that the above-referenced work performed by Dunn Blacktop of Winona, Minnesota, under its contract with the City of Winona has been completed in compliance with the plans and specifications governing the work and authorizing the final estimate in the amount of \$739,223.85. The mill and overlay budget will pay \$739,223.85 as this fits within budget and monies in the account.

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

Resolution 2021 – 22

WHEREAS, a contract has been let for the following local improvements: 2020 Bituminous Mill & Overlay Project and

WHEREAS, the original contract price for these improvements is \$723,558.00; and

WHEREAS, the contract has been completed according to the plans and specifications; and

WHEREAS, the final estimate for such improvements is \$739,223.85.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota: 1. The City Council hereby accepts the work. 2. The City Council hereby authorizes the final estimate in the amount of \$739,223.85.

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 Lake Park Revegetation Proposal

The Healthy Lake Winona group would like to plant native trees (cottonwood) and shrubs (dogwood and button bush) along sections of Gilmore Creek between Vila Street and the entrance to the West Lake this spring. They have funding and volunteers ready to do the project. This section of the creek shoreline is mostly turf grass with occasional cottonwoods, boxelder, red osier dogwood, and invasives such as buckthorn and honeysuckle.

A distinct effort entails planting eight seedless cottonwood specimen trees (7-9 feet tall) in the Unity Park and Willows Disc Golf course in open areas. Staff anticipates these would fill in sections of the park that are heavy with dying or recently removed ash trees.

The City's Park and Recreation Department as well as the Natural Resources and Sustainability Coordinator have reviewed this proposal, and have no objections.

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

Resolution 2021 – 23

WHEREAS, the City of Winona works with local organization and community members to improve our parks and natural areas;

WHEREAS, the Healthy Lake Winona group was able to secure a local donation for the purchase of native vegetation to add wildlife habitat to the Lake Winona area. Said group also has members willing and able to plant the native vegetation;

WHEREAS, the City of Winona Parks and Recreation Department and the City's Natural Resources Coordinator support adding native vegetation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Minnesota, that the City hereby accepts the donation of native vegetation and labor to plant the vegetation. The City Council hereby expresses the community's appreciation to all donors who made this donation possible.

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

5.8 Lake Winona Prairie Demonstration Area Prescribed Burn

The Healthy Lake Winona group suggests a prescribed burn of the prairie areas within the demonstration zone, which is the shoreline between Franklin St. and the Bandshell area. A burn will facilitate restoration by revitalizing native prairie species and helping control weeds.

The burn would be conducted and supervised this spring by Gabe Erickson of LandSpirit Design Landscaping, with Healthy Lake Winona volunteers assisting. The contractor would provide the service free of charge, and anticipates the burn would be active for less than an hour. Signage and on site volunteers would inform park users and passersby of the activity. The burn would only be conducted if approved by the fire department and under appropriate conditions to ensure safety. Given the existing vegetation, the fire should be clean burning without excessive or noxious smoke.

Alexander moved to approve the prescribed burn. Eyden seconded the motion, and it carried with all voting aye.

5.9 DNR Shade Tree Bonding Grants

The Minnesota Department of Natural Resources recently opened a request for applicants to a new grant program for shade trees. The program utilizes state bond dollars for purchasing trees for public property with an emphasis on replacing trees lost to the emerald ash borer. Grants will be awarded beginning in the summer of 2021 and can be used through 2024.

City staff prepared an application that would fund the majority of the City's boulevard and park tree planting for the 2022 through 2024 planting seasons. Our 2021 planting is being primarily funded through a separate DNR tree grant program.

In order to increase our competitiveness, the City is including staff time as an in-kind match to our application. No cash match or other match is required.

One notable item is that since bond dollars are being utilized, a declaration or certification is needed on the property receiving a tree. This means that any property that receives a tree cannot be sold, mortgaged, encumbered or otherwise disposed without the approval of the Commissioner of Minnesota Management and Budget for a period of 37.5 years after planting. The trees funded by the project will all be on public land, principally boulevards, so staff does not foresee these portions of right of way or property being in conflict with this stipulation.

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

7.1 Council Concerns

Borzyskowski stated that the Hamilton Street railroad crossing needs repair or reconstruction, and suggested that the funding for the 2nd daily train may have funds available to complete it. He reported that the boat launch at the East End boat harbor is in need of a mill and overlay. Borzyskowski offered his condolences to the Alexander and Wenzel families on the passing of Nellie Wenzel.

Eyden announced that the Healthy Lake Winona Committee is looking for volunteers to help plant trees in city parks. She also noted that Prairie Island Park needs more attention, and suggested that a plan be developed for this area.

Moeller said we should celebrate the number of residents who are getting vaccinated for Covid 19, and thanked the City staff who are assisting in this effort.

Young reported that the 2nd daily train seems more likely to get funded, and noted that the Federal government and the Wisconsin DOT have both approved funds, and the final piece would be from Minnesota DOT. Young announced there would be a virtual Town Hall on this project on Tuesday, March 23.

Repinski concurred with Council Member Borzyskowski's remarks on the East End Boat harbor, and asked about the public docks on the levee.

8.1 Consent Agenda

The City Clerk presented the Consent Business Agenda as follows:

Item No. 8.1: Approval of Minutes – December 21, 2020, and

Item No. 8.2: Claim against the City by Doreen Reiger.

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

The time being 7:50 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