

**I. CALL TO ORDER.**

A regular meeting of the City Council of the City of Litchfield was held in the City Council Chambers at the City Hall on Tuesday, January 22, 2019, commencing at 5:30 p.m. Mayor Johnson called the meeting to order.

**A. ROLL CALL:**

Mayor	Keith Johnson	Present
Council Member-at-Large	Ron Dingmann	Present
Council Member Ward I	Eric Mathwig	Present
Council Member Ward II	Darlene Kotelnicki	Present
Council Member Ward III	Betty Allen	Present
Council Member Ward IV	Vern Loch, Jr.	Present
Council Member Ward V	Sara Miller	Present
City Administrator	Dave Cziok	Present
Assistant City Administrator	Joyce Spreiter	Present
Operations Engineer	Mike Geers	Present
City Attorney	Mark Wood	Present
Assistant City Engineer	Chuck DeWolf	Present
Independent Review	Cam Bonelli	Present
KLFD	Tim Bergstrom	Present

**II. CONSENT AGENDA -**

Each item on the Consent Agenda was considered. No items were added or deleted.

**A. COUNCIL MINUTES TO APPROVE:**

1. City Council Meeting – January 7, 2019
2. Special Training Session – January 15, 2019

**B. FINANCIAL REPORTS TO APPROVE: None.**

**C. CLAIMS TO AUTHORIZE FOR PAYMENT –**

1. Computer List of Bills for \$126,932.73

**D. OTHER PAYMENTS: None.**

**E. ORDINANCES – SECOND READINGS: None.**

**F. LICENSES:**

1. Application for Lawful Gambling Permit – Meeker County Ducks Unlimited –

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-9  
LAWFUL GAMBLING PERMIT FOR AN EXEMPT  
ORGANIZATION DUCKS UNLIMITED, MEEKER COUNTY CHAPTER**

**WHEREAS**, an application for a lawful gambling license exemption was considered from the Ducks Unlimited, Meeker County Chapter,

**NOW, THEREFORE, BE IT RESOLVED** to approve the application for an Exemption from a Lawful Gambling license for the Ducks Unlimited, Meeker County Chapter on April 12, 2019 at Peter’s On Lake Ripley, 405 West Pleasure Drive, Litchfield, MN, and to direct submittal of a copy of this resolution with their application to the State Gambling Control Division.

Resolution No. 19-1-9– Cont’d.

Adopted by the City Council this 22nd day of January, 2019.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

- 2. Application for Lawful Gambling Permit – Litchfield Rotary Club –

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-10  
LAWFUL GAMBLING PERMIT FOR  
AN EXEMPT ORGANIZATION LITCHFIELD ROTARY CLUB**

**WHEREAS**, an application for a lawful gambling license exemption was considered from the Litchfield Rotary Club,

**NOW, THEREFORE, BE IT RESOLVED** to approve the application for an Exemption from a Lawful Gambling license for the Litchfield Rotary Club on April 8, 2019 at Litchfield Eagles Club, 389 South CSAH 34, Litchfield, and to direct submittal of a copy of this resolution with their application to the State Gambling Control Division.

Adopted by the City Council this 22nd day of January, 2019.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

- 3. Sales on Public Property –

- a. Meeker Area Ministries

**G. OTHER ROUTINE MATTERS:**

- 1. Authorize Submittal and Posting of 2019 Pay Equity Report

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-11  
AUTHORIZE SUBMITTAL AND POSTING  
OF PAY EQUITY REPORT**

**WHEREAS**, the City has various pay levels for City employees, and

**WHEREAS**, there are state requirements to submit and post a pay equity report,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby authorizes City Staff to post the notice per state requirements and submit the 2019 Equity Implementation Report to the State of Minnesota, which lists job classes and pay levels as of December 31, 2018.

Adopted by the City Council this 22nd day of January, 2019.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

ASSISTANT CITY ADMINISTRATOR

H. COMMUNICATIONS TO REVIEW :

- 1. Minutes & Reports:
  - a. Planning Commission Minutes – January 14, 2019

After review, it was moved by Council Member Loch, seconded by Council Member Allen, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-14  
APPROVING CONSENT AGENDA**

**WHEREAS**, the Consent Agenda has been assembled and presented, and

**WHEREAS**, all requests to have items removed have been duly noted,

**NOW, THEREFORE, BE IT RESOLVED** to approve the Consent Agenda as presented except for items, if any, which were requested to be removed for individual consideration.

Adopted by the City Council this 22nd day of January, 2019.

Attest:

Approved:

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

\_\_\_\_\_  
MAYOR

Upon roll call vote, all members present voted aye, whereupon the resolution was declared adopted.

**III. TIMED ITEMS – None.**

**IV. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS – None.**

**V. COMMISSION RECOMMENDATIONS –**

**A. PLANNING COMMISSION –**

- 1. Variance Request - By Gerald Kratz at 321 E Lockerbie –

Council Member Mathwig provided the findings and recommendations of the Planning Commission.

After review, it was moved by Council Member Mathwig, seconded by Mayor Johnson, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-12  
GRANT VARIANCE TO GERALD KRATZ  
FOR PROPERTY LOCATED AT 321 E LOCKERBIE STREET**

**WHEREAS**, the Planning Commission held a hearing on January 14, 2019, on a request for a variance by Gerald Kratz to allow for an eight (8) foot variance to the minimum required front yard setback for the purpose of a house addition, and

**WHEREAS**, the Litchfield Planning Commission, upon review of their summation of the findings of facts, as follows, has recommended that this variance be granted and they referred the application to the City Council for final action, and

Resolution No. 19-1-12– Cont’d.

**WHEREAS**, the variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan, and

**WHEREAS**, the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, and

**WHEREAS**, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and

**WHEREAS**, the variance will not alter the essential character of the locality, and

**WHEREAS**, the purpose of the request is not solely financial, and

**BE IT RESOLVED** by the City Council of the City of Litchfield that a variance be granted to Gerald Kratz at 321 E Lockerbie St, to allow for an eight (8) foot variance to the minimum required front yard setback for the purpose of a house addition. Property legally described as:

Parcel No. 27-1669000. S ½ S ¼ of Block 4, Chandlers Addition,  
City of Litchfield, Meeker County, Minnesota

Adopted by the City Council this 22nd day of January, 2019.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

Upon roll call vote, all members present voted aye, whereupon the resolution was declared adopted.

2. Tax Parcel Split Request – Mike Braun at 405 S Geinitz –

After review, it was moved by Council Member Mathwig, seconded by Council Member Dingmann, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-13  
WAIVER OF TAX PARCEL  
SUBDIVISION REGULATIONS  
FOR MIKE BRAUN AT 405 S GEINITZ**

**WHEREAS**, an application for a Waiver of Subdivision regulations regarding splitting of a tax parcel was received from Mike Braun on December 20, 2018, and

**WHEREAS**, the Planning Commission considered this application at their meeting on January 14, 2019, and has recommended that this application be granted and their reasons for such action have been considered by the Council,

**NOW, THEREFORE, BE IT RESOLVED** that this application is granted based on the following determinations:

1. Compliance with the Subdivision Regulations does create unnecessary hardship.
2. Failure to comply with the Subdivision Regulations does not interfere with the purpose of Subdivision Regulations as defined in City Code 152.002.

**BE IT ALSO RESOLVED** to grant a Waiver of the City of Litchfield Subdivision Regulations for Parcel No. 27-2004000 legally described as:

Resolution No. 19-1-13– Cont’d.

Beginning at the Northwest corner of Lot One (1), Block One (1), ISAACSON'S ADDITION to the City of Litchfield; thence South along the West line of Lots One(1), Two (2) and Three (3), a distance of 250.0 feet; thence East on a line parallel to the South line of Lot Three (3), a distance of 137.0 feet; thence North a distance of 203.0 feet; thence Northwesterly along the North line of Lot One (1) a distance of 142.0 feet to the point of beginning.

AND ALSO

That part of Lots Three (3) and Four (4), Block One (1), ISAACSON'S ADDITION, described as follows: Commencing at the northwest corner of said Block One (1); thence on an assumed bearing of South, along the West line of said Block One (1), a distance of 250.00 feet to the point of beginning of the tract herein described; thence South 89 degrees 10 minutes 52 seconds East, parallel with the south line of said Lot Three (3), a distance of 137.00 feet; thence on a bearing of South, 162.95 feet; to the North line of St. Paul Street as dedicated in the plat of LITCHFIELD INDUSTRIAL PARK SOUTH; thence South 89 degrees 55 minutes 40 seconds West, along last said line, 136.99 feet to the West line of said Block One (1); thence on a bearing of North, along last said line 165.08 feet to the point of beginning.

**BE IT ALSO RESOLVED** that this Resolution No. 19-1-13 shall be considered a Waiver of Compliance for filing or recording of the splitting of Tax Parcel No. 27-2004000 into two tax parcels of record.

Adopted by the City Council this 22<sup>nd</sup> day of January, 2019.

Approved:

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Assistant City Administrator

Upon roll call vote, all members present voted aye, whereupon the resolution was declared adopted.

**VI. COMMITTEE REPORTS** – None.

**VII. LEGAL CONSIDERATIONS** – None.

**VIII. BUSINESS** –

A. CIGARETTE LICENSE APPLICATION – Meral Inc. DBA Smokedale Superstore –

City Attorney Wood provided additional information for the Council as requested at the last Council meeting concerning consideration of the cigarette license application. He explained that State Statutes set forth guidelines that control the sale of tobacco. He said as part of that cities are allowed to adopt ordinances that can be more restrictive than State Statute on the issue of tobacco sales. Wood explained that the City of Litchfield does have an ordinance that we have to comply with and the ordinance does set forth certain criteria for reasons for denial of a license in that if the applicant does have a prior criminal history on the sale of tobacco within the last 5 years or has a prior license issued by another jurisdiction which is under revocation within the last year. He said his understanding is that a background check has not been conducted and the Council has two courses of action they can choose to take. The Council can approve the application subject to getting a satisfactory background check or the Council

could table until they have that information. City Attorney Wood responded to Council inquiry that even though it is not a part of the application right now the Council has the right to request the information according to the ordinance. He said the City could add the background check to the application. Concern was expressed on the ordinance being outdated and that background checks be required to the application process moving forward. Concern was also expressed on the size of the space and the intended use for the facility.

After review, it was moved by Council Member Allen, seconded by Council Member Miller, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-1-15  
TABLING CIGARETTE LICENSE APPLICATION  
MERAL INC DBA SMOKEDALE SUPERSTORE**

**WHEREAS**, the City received an application for a cigarette license from Meral Inc DBA Smokedale Superstore, and

**WHEREAS**, the license was tabled for further information, and

**WHEREAS**, the City Tobacco Ordinance sets forth certain criteria for denial of an ordinance which includes any prior violations concerning the sale of tobacco products, and

**WHEREAS**, the Council determined the need to add background checks to the application process moving forward,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby tables the cigarette license application from Meral Inc DBA Smokedale Superstore for a satisfactory background check.

Adopted by the City Council this 22<sup>nd</sup> day of January, 2019.

Approved:

Attest:

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Mayor

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Assistant City Administrator

Upon roll call vote, all members present voted aye, whereupon the resolution was declared adopted.

**IX. ADDITIONAL ITEMS –**

**A. WORK SESSION –**

The Council held a work session on planning along with updates including FDA expansion, School District timelines concerning facility needs, and MnDOT Hwy 12 progress and future approvals. A summary of the work session is on file. No formal action was taken.

**X. ANNOUNCEMENTS – None.**

**XI. ADJOURNMENT –**

The City Council meeting adjourned at 5:44 p.m. by unanimous consent.

Approved:

Attest:

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January 22, 2018

MAYOR

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ASSISTANT CITY ADMINISTRATOR

P:\COUNCIL MINUTES\CC 1-22-18