

**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, February 19, 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	Excused
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.	Excused
Council Member Ward V	Sara Miller	Present
City Administrator	Dave Cziok	Present
Assistant City Administrator	Joyce Spreiter	Present
Parks Foreman/Arena Manager	Chadd Benson	Present
City Attorney	Mark Wood	Present
Assistant City Engineer	Chuck DeWolf	Absent
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 – February 4, 2019

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

- 1. Computer List of Bills for \$105,935.74

D. OTHER PAYMENTS: None.

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

- 1. Sales on Public Property – Relay for Life of Meeker County

G. OTHER ROUTINE MATTERS: None.

H. COMMUNICATIONS TO REVIEW : None.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-2-26  
APPROVING CONSENT AGENDA**

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

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

Resolution No. 19-2-26– Cont’d.

**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 19th day of February, 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.

**III. TIMED ITEMS – None.**

**IV. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS –**

**A. PROPERTY OWNER REQUEST –**

The property owner requesting to address the Council was not in attendance at the meeting. No formal action was taken.

**V. COMMISSION RECOMMENDATIONS – None.**

**VI. COMMITTEE REPORTS – None.**

**VII. LEGAL CONSIDERATIONS – None.**

**VIII. BUSINESS –**

**A. TOBACCO LICENSE APPLICATION –**

Mayor Johnson said the Council has the Tobacco License application from Meral Inc. DBA Smokedale Superstore and police report and asked for any Council discussion. Council Member Kotelnicki said she was confused with all the names, adding she is not clear on who the applicant is. She questioned other application processes including the Planning Commission and Heritage Preservation Commission in which the applicant is not changed midstream, pointing out there is a new name on the license application being considered at this meeting. Council Member Miller stated that there are a lot of “not applicable” (responses) and questioned references, adding she views it as not filled out completely. Mayor Johnson commented that with the police report and the application there are a lot of unknowns. City Attorney Wood explained as part of this, with any denial of the license there should be a findings of fact for the basis of that denial. He said the Council may want to articulate some of those reasons, pointing out that the existing Tobacco Ordinance that the City has identifies 6 items that can be used as a basis for denial.

Council Member Mathwig stated as a finding of fact under the City’s current Tobacco Ordinance, Section 111.17 Basis for Denial of License, after review of the police report and the application that was submitted he believes Subdivision D applies in that the applicant fails to provide any information required, noting that there were several parts of the application that were left blank, or provides false or misleading information. He commended Officer Rueckert for the report provided. Mayor Johnson added that numbers 7, 8, 9 & 10 of

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Subdivision B are not complete. He also referred to the response of not applicable to Subdivision I as leaving a little bit to understand.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-2-29  
DENYING 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 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, and

**WHEREAS**, a background check was completed and reviewed by the Council, and

**WHEREAS**, Section 111.17 of the City of Litchfield’s Tobacco Ordinance provides for the basis of denying a Tobacco application, and

**WHEREAS**, the Council identified findings of fact for denial of the application, and

**WHEREAS**, the Council identified several areas of the application that were either left blank, contained non-applicable responses or considered incomplete, and

**WHEREAS**, the Council found that the applicant fails to provide information required on the application, or provides false or misleading information referencing Section 111.17 Basis for Denial of License, Subdivision D,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby denies the cigarette license application from Meral Inc DBA Smokedale Superstore based on the findings of fact stated above.

Adopted by the City Council this 19th day of February, 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.

**B. TOBACCO ORDINANCE –**

The Council discussed the timeline to proceed with repealing and replacing the current Tobacco Ordinance. Mayor Johnson suggested waiting on the ordinance revision until the end of the state’s legislative session since marijuana legalization is being considered which may result in additional changes. He pointed out that the Council has not had the opportunity to make other changes to the ordinance as well. Council Members expressed concern on the timeline involved in waiting for legislative action. City Administrator Cziok explained that there are very little changes from the existing tobacco ordinance to the proposed new ordinance. He said unless the Council has specific changes, he is not sensing a real sense of urgency. City Attorney Wood said the current ordinance does not address electronic vaping which would be an addition and the new ordinance expands on some of the definitions noting that there are some changes but the structure is very similar to what the City had. He added that the current Tobacco Ordinance was modeled after the League of Minnesota Cities template years ago. He noted that legislation is also considering changing the legal buying age.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-2-30  
CALL FOR PUBLIC HEARING TO CONSIDER  
REPEALING AND REPLACING TOBACCO ORDINANCE**

**WHEREAS**, the Council has reviewed the current Tobacco Ordinance, and

**WHEREAS**, the Council has identified some necessary updates, and

**WHEREAS**, the Council reviewed the model ordinance provided by the League of Minnesota Cities,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby sets a public hearing on April 1, 2019 at approximately 5:30 p.m. to consider repealing and replacing the current Tobacco Ordinance.

Adopted by the City Council this 19th day of February, 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.

C. APPOINTMENTS TO MAKE –

1. Planning Commission - Two Regular Terms until 3/1/2022

Incumbent: Judy Hudson, Tom Zens  
Applicants: Judy Hudson, Tom Zens

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-2-27  
PLANNING COMMISSION APPOINTMENTS**

**WHEREAS**, there are two terms from March 1, 2019 to March 1, 2022 open on the Planning Commission, and

**WHEREAS**, these openings were advertised, and

**WHEREAS**, two applications were received,

**NOW, THEREFORE, BE IT RESOLVED** to reappoint Judy Hudson and Tom Zens to the Planning Commission for a term from 3/01/19-3/01/22.

Adopted by the City Council this 19th day of February, 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.

- 2. Police Civil Service Commission - One Term until 1/1/2020; One Term until 1/1/2022

Applicants: Robert Richards

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 19-2-28  
POLICE CIVIL SERVICE APPOINTMENT**

**WHEREAS**, there is one term from February 19, 2019 to December 31, 2022 open on the Police Civil Service Commission, and

**WHEREAS**, this opening was advertised, and

**WHEREAS**, one application was received,

**NOW, THEREFORE, BE IT RESOLVED** to appoint Robert Richards for a term from February 19, 2019 to December 31, 2022.

Adopted by the City Council this 19th day of February, 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. WORKSESSION –**

The Council held a work session following the Council Meeting to continue the strategic planning process. 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 5:43 p.m. by unanimous consent.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR