

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 Monday, March 6, 2023, commencing at 5:30 p.m. Mayor Dingmann called the meeting to order.

A. ROLL CALL:

Mayor	Ron Dingmann	Present
Council Member-at-Large	Malinda Larson	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	John Carlson	Present
Council Member Ward V	Sara Miller	Present
City Administrator	Dave Cziok	Present
Assistant City Administrator	Joyce Spreiter	Present
Operations Coordinator	Mario Provencher	Present
Operations Engineer	Mike Geers	Present
Police Chief	Pat Fank	Present
Assistant City Attorney	Rebecca Rue	Present
Independent Review	Amy Wilde	Present
KLFD	Tim Bergstrom	Present

B. PLEDGE OF ALLEGIANCE

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 Minutes – February 21, 2023
2. Work Session – February 21, 2023

B. FINANCIAL REPORTS TO APPROVE:

1. Electronic and Wire Transfer Report

C. CLAIMS TO AUTHORIZE FOR PAYMENT:

1. Computer List of Bills for \$1,171,849.12

D. OTHER PAYMENTS:

1. 2022 Street Overlay Improvements –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-48
AUTHORIZE PAYMENT FOR THE
2022 STREET OVERLAY IMPROVEMENT PROJECT**

WHEREAS, a contract has been awarded for the above titled item, and

WHEREAS, recommendation has been made and is on file to approve this payment,

NOW, THEREFORE, BE IT RESOLVED to approve Payment No. 2 for the 2022 Street Overlay Improvements totaling \$5,866.44 as attached and on file.

Adopted by the City Council this 6th day of March, 2023.

Resolution No. 23-3-48 – Cont’d.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

1. Lawful Gambling Permit – Meeker County Ducks Unlimited –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-45
LAWFUL GAMBLING PERMIT TO CONDUCT OFF-SITE GAMBLING FOR
AN EXEMPT ORGANIZATION MEEKER COUNTY DUCKS UNLIMITED**

WHEREAS, an application for a lawful gambling license to conduct off-site gambling was considered from the Meeker County Ducks Unlimited,

NOW, THEREFORE, BE IT RESOLVED to approve the application to conduct off-site gambling from a Lawful Gambling license for the Meeker County Ducks Unlimited for April 29, 2023, at Litchfield Eagles Club, 389 CSAH 34 S, Litchfield, MN, 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 6th day of March, 2023.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

2. Lawful Gambling Permit – Litchfield Baseball Association –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-46
LAWFUL GAMBLING PERMIT TO CONDUCT OFF-SITE GAMBLING FOR
AN EXEMPT ORGANIZATION LITCHFIELD BASEBALL ASSOCIATION**

WHEREAS, an application for a lawful gambling license to conduct off-site gambling was considered from the Litchfield Baseball Association,

NOW, THEREFORE, BE IT RESOLVED to approve the application to conduct off-site gambling from a Lawful Gambling license for the Litchfield Baseball Association for July 7, 2023, at Optimist Park, 710 East 10th Street, Litchfield, MN, 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 6th day of March, 2023.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

G. OTHER ROUTINE MATTERS:

1. Employment Offer –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-47
EMPLOYMENT OFFER FOR
PART-TIME POSITIONS**

WHEREAS, the City needs employees for part-time positions; and

WHEREAS, the funds to fill these positions were approved in the 2023 Budget; and

WHEREAS, the supervisors will adjust the wage schedule for 2023 part-time employees to fill these positions, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Litchfield to offer 2023 part-time employment with the City of Litchfield, to the following:

<u>Department</u>	<u>Re-Hires</u>	<u>New Hires</u>
<u>Liquor Store</u>		Miles Kerstein

Adopted by the City Council this 6th day of March, 2023.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

H. COMMUNICATIONS:

1. Minutes & Reports:

- a. Heritage Preservation Commission – February 27, 2023

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-51
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 6th day of March, 2023.

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. ACKNOWLEDGMENT OF AUDIENCE/PRESENTATIONS – None.

V. COMMISSION RECOMMENDATIONS – None.

VI. COMMITTEE REPORTS –

A. HERITAGE PRESERVATION COMMISSION –

1. Certificate of Appropriateness Application –

Council Member Kotelnicki provided the findings and recommendations of the Heritage Preservation Commission.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-49
GRANT CERTIFICATE OF APPROPRIATENESS
TO MICHAEL CORCORAN
FOR PROPERTY LOCATED AT 100 NORTH SIBLEY AVENUE**

WHEREAS, the Litchfield Heritage Preservation Commission held a hearing on Monday, February 27, 2023, to consider a Certificate of Appropriateness Application request by Michael Corcoran, for property located at 100 North Sibley Avenue, and

WHEREAS, the Litchfield Heritage Preservation Commission has recommended that this Certificate of Appropriateness Application be granted, based upon the summation of the checklist, as follows, and be referred to the City Council for final action, and

WHEREAS, the Certificate of Appropriateness would allow the building of rear staircase with treated lumber to access second floor, building of side staircase for emergency exit and cutting hole in siding to access staircase, repair existing windows, replace glass, caulk, new glazing as needed, and paint black around window frames, uncover rear windows currently covered in siding, reflash opening with J bead molding, repair broken glass, and caulk, glaze, and paint black around window frames as needed, and repair or replace existing storm windows and paint aluminum storm windows black, and

WHEREAS, the Certificate of Appropriateness would allow the property to be used as it was historically or given a new use that requires minimal changes to its distinctive features, spaces, or spatial relationships, and

WHEREAS, the Certificate of Appropriateness would allow the property's historic character to be retained and preserved, and

WHEREAS, the Certificate of Appropriateness would allow the property to be recognized as a physical record of its time, place and use, and

WHEREAS, the changes to the property that have acquired historic significance in their own right will be retained and preserved, and

WHEREAS, distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved, and

WHEREAS, deteriorated historic features will be repaired rather than replaced, and

WHEREAS, new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property, and

WHEREAS, new additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that the request for a Certificate of Appropriateness be granted to Michael Corcoran, for property located at 100 North Sibley Avenue on the condition that it is approved in concept but is contingent on local, state, and federal codes, regulations, and laws, and any changes in design or materials comes back to the HPC for approval, and with the addition of Scope of Work item #6 to remove steel siding on east façade to observe and repair or replace brick and mortar with like materials if necessary.

Adopted by the City Council on this 6th day of March, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. TOBACCO LICENSE APPLICATION –

Mayor Dingmann provided a recap of the process that has taken place in reviewing the tobacco license application from Fady Qumsya/DBA Litchfield Tobacco and Vape. Police Chief Fank explained that the investigator has searched everything they have the ability to search and verified there is nothing else drawing any concerns. Police Chief Fank responded to Council Member Carlson’s inquiry about compliance checks in that it will be a normal procedure. Council Member Kotelnicki questioned how often compliance checks are conducted. Police Chief Fank shared that normally compliance checks are conducted once a year unless they thought there was a problem.

Council Member Larson commented that the application indicates 100% tobacco and high end cigars. She discussed placing a moratorium on the sale of marijuana similar to the moratorium on THC. City Administrator Cziok advised waiting on the State, adding the Council will be provided guidance once the State makes a decision. Council Member Mathwig reflected on the presentations by the applicant and property owners indicating the focus was primarily on being a high end cigar shop. He questioned whether the City could restrict the business to those particular sales. Assistant City Attorney Rue shared she didn’t believe so, adding the City doesn’t have restrictions on other businesses. Council Member Mathwig spoke about the proximity to the school.

Council Member Miller shared that she doesn’t want a tobacco shop and has personal reasons for that however she explained that the City has no basis to deny the application. Council Member Mathwig echoed Council Member Miller’s concerns. It was moved by Council Member Miller, seconded by Council Member Mathwig, to adopt a resolution approving the tobacco license application. Mayor Dingmann shared he also was not in favor of a tobacco store. Council Member Kotelnicki questioned the workers compensation requirement. City Administrator Cziok explained that the applicant will be required to submit on an annual basis for license renewal and if he has employees it will be a requirement in order for renewal. Council Member Allen shared she is not for it whatsoever and has to say no and can’t condone it.

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-55
APPROVING TOBACCO LICENSE APPLICATION FROM
FADY QUMSYA/DBA LITCHFIELD TOBACCO AND VAPE APPLICATION**

WHEREAS, the City received an application for a tobacco license from Fady Qumsya/DBA Litchfield Tobacco and Vape; and

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

WHEREAS, said application meets the requirements of the Tobacco-Related Products Ordinance,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves the tobacco license application from Fady Qumsya/DBA Litchfield Tobacco and Vape.

Adopted by the City Council on this 6th day of March, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

Upon roll call vote, all members present voted aye with the exception of Council Members Kotelnicki and Allen voting nay, whereupon the resolution was declared adopted.

B. FUNDING THE LARC GAP –

City Administrator Cziok reviewed the commitment to fund the remaining capital for the LARC and outlined a gap funding analysis. He explained that it hasn't been finalized and is subject to change. He reported that the debt to issue is \$5,540,000; the annual debt service payment is estimated at \$422,000; sales tax funds are estimated at \$350,000 resulting in a levy increase of \$72,000. Cziok shared that it is slightly higher than projected.

Council Member Mathwig inquired if the City is interested in accessing 10% in gambling funds as authorized by state law. He shared that other government entities are utilizing this funding source. He reported that there is around \$1M in pull tab sales in the City, adding realistically the City could be looking at \$100,000 additional revenue. Council Member Mathwig feels that nonprofits would be supportive if the City designated the gambling funds to the LARC, adding it is an unutilized asset. Council Member Dingmann commented that the nonprofits would get 10% less. City Administrator Cziok discussed the upcoming annual transfer to be considered. He also discussed impacts, adjusting the scope of the project, along with future operation costs. Council Member Kotelnicki commented that the funds could be taken out of the Capital Equipment Revolving fund. City Administrator Cziok replied that funding the gap doesn't have to be done right away. No formal action was taken.

C. CONGRESSIONAL FUNDING REQUEST –

City Administrator Cziok reported that Senator Klobuchar's office reached out with information regarding funding requests for 2024 Congressional Directed Spending. He discussed submitting an \$8M request for wastewater improvement funding to the offices of both Senator Klobuchar and Senator Smith. The Council discussed other funding opportunities that could be submitted however concern was expressed that the wastewater funding may be impacted if other requests were submitted.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-50
RESOLUTION AUTHORIZING SUBMITTAL OF A 2024 CONGRESSIONALLY
DIRECTED SPENDING (CDS) REQUEST TO THE UNITED STATES HOUSE AND
SENATE FOR INFRASTRUCTURE FINANCIAL ASSISTANCE RELATED TO THE
WASTEWATER TREATMENT PLANT PROJECT**

BE IT RESOLVED, under the provisions contained in U.S. Senate Rule XLIV, Senators Klobuchar and Smith are accepting CDS requests for Minnesota-based projects for Fiscal Year 2024; and,

BE IT RESOLVED, Local governments should submit their CDS requests to Senators Klobuchar and Smith by March 10, 2023; and

BE IT RESOLVED, the City of Litchfield is proposing to undertake wastewater treatment system improvements and has identified a need for Federal financial assistance in addition to funding from the State of Minnesota and City in order to complete the project; and,

BE IT RESOLVED, the City of Litchfield has the legal authority to apply for CDS assistance, and has the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

NOW, THEREFORE, BE IT RESOLVED that the City of Litchfield is authorized to submit the 2024 Congressionally Directed Spending application and information to the offices of Senator Klobuchar and Senator Smith.

Adopted by the City Council this 6th day of March, 2023.

Attest:

Approved:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

D. GOLF COURSE PROSHOP –

City Administrator Cziok explained that staff has continued to seek a more permanent solution to address staffing the pro shop. He shared that a former part-time liquor store employee expressed an interest in the Pro shop Associate position. He explained that the position would be full time with the employee working at the pro shop seasonally and staffing other areas in the off season. Upon Council inquiry, City Administrator Cziok responded that the employee would be working 40 hours a week seasonally in the pro shop. He discussed other options including cutting back on services, in effect, changing the level of service that the City has provided.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-52
APPROVING PRO SHOP ASSOCIATE APPOINTMENT**

WHEREAS, the City owns and operates a municipal golf course; and

WHEREAS, city staff has continued seeking a more permanent solution to addressing pro shop staffing; and

WHEREAS, the City received interest from an individual previously working at the liquor store part time; and

WHEREAS, City staff recommends hiring Kennedy Penk full time as Pro Shop Associate seasonally and filling in where needed at the Liquor Store and City Hall in off-season,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield to hereby appoint Kennedy Penk full time as Pro Shop Associate seasonally and staffing at the Liquor Store and City Hall in off-season as needed at 24.00/hour.

Adopted by the City Council this 6th day of March, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

E. JUNETEENTH HOLIDAY OBSERVATION –

The Council reviewed the information concerning observance of Juneteenth as a state-recognized holiday and the option to consider recognizing it as a holiday on June 19, 2023. City Administrator Cziok shared that Meeker County had approved recognizing it as a holiday on June 19, 2023.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-53
APPROVING JUNETEENTH HOLIDAY OBSERVATION**

WHEREAS, the State of Minnesota established Juneteenth as a state-recognized holiday;
and

WHEREAS, the bill will go into effect on August 1, 2023; and

WHEREAS, public business will not be conducted on June 19 to recognize the date on which slavery was abolished in the United States; and

WHEREAS, the City could recognize the holiday in 2023,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves recognizing Juneteenth as a holiday to be observed June 19th beginning June 19, 2023.

Adopted by the City Council this 6th day of March, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

F. APPOINTMENTS TO MAKE –

- 1. Planning Commission –

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-3-54
PLANNING COMMISSION APPOINTMENTS**

WHEREAS, there are two terms from March 1, 2023 to March 1, 2026 open on the Planning Commission, and

WHEREAS, these openings were advertised, and

WHEREAS, two applications were received,

NOW, THEREFORE, BE IT RESOLVED to reappoint Mike Flaata and Jeff Woods to the Planning Commission for a term from 3/01/23-3/01/26.

Adopted by the City Council this 6th day of March, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS –

XI. ADJOURNMENT –

It was moved by Council Member Miller, seconded by Council Member Larson, to adjourn the City Council meeting at 6:16 p.m. Motion carried.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR