

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, April 1, 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	Excused
City Administrator	Dave Cziok	Present
Assistant City Administrator	Joyce Spreiter	Present
Operations Coordinator	Mario Provencher	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 - March 18, 2019
2. City Council Work Session – March 18, 2019

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

1. Computer List of Bills for \$815,592.43

D. OTHER PAYMENTS: None.

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES: None.

G. OTHER ROUTINE MATTERS:

1. Employment Offer –

**CITY OF LITCHFIELD
RESOLUTION NO. 19-4-57
EMPLOYMENT OFFER FOR
TEMPORARY PART-TIME POSITIONS**

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

WHEREAS, the funds to fill these positions were approved in the 2019 Budget, and

WHEREAS, the supervisors will adjust the wage schedule for 2019 temporary part-time employees to fill these positions, and

Resolution No. 19-4-57– Cont’d.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Litchfield to offer 2019 temporary part-time employment with the City of Litchfield, to the following:

<u>Department</u>	<u>New Hires</u>
<u>Pro Shop</u>	Kaylee Madsen
<u>Golf Course</u>	Maison Olson Ava Provencher
<u>Liquor Store</u>	Cherie Johnson

Adopted by the City Council this 1st day of April, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

H. COMMUNICATIONS:

1. Minutes and Reports:

- a. Heritage Preservation Commission Minutes – March 25, 2019

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-4-59
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 1st day of April, 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 –

- A. 5:30 P.M. PUBLIC HEARING – BOARD OF REVIEW –

April 1, 2019

This being the time, date and place set, with all notices published and posted as required by law, Mayor Johnson opened the 2019 Board of Review hearing regarding property valuations in the City of Litchfield, where citizens had the opportunity to present and appeal, at 5:31 p.m.

An attendance list is on file.

Meeker County Assessor Lee Schroeder addressed the Local Board of Review (City Council) and citizens on behalf of the City of Litchfield. He discussed online training available for Local Board of Review Board members. He reported that there were 153 residential sales and the ratio was at 88.83. Overall, Meeker County Assessor Schroeder said there was a 7% increase to the City of Litchfield with the exception of a 15% increase to some of the townhomes in the Longfellow area, adding that there were no changes on the commercial or agricultural side.

Meeker County Appraiser Scoblic outlined the types of sales included in the Council packet which took place. Mayor Johnson requested that Mr. Scoblic explain rejected sales. He responded that sales can be rejected based upon 31 codes and referred to the Sales Ratio Reject Code Sheet included in the Council packet. He said a lot of the rejected sales are government sales or relative sales. Council Member Dingmann inquired if the majority of rejected sales are between relatives. Scoblic explained that each of the rejected sales has the code indicating why it was rejected and referenced using the code sheet which defines the codes.

Following are property owners who were not present but requested the Meeker County Assessor's Office review their properties:

1. Lyle Hicks – 102 North Gorman Ave. – Parcel No. 27-0043-000 – Mr. Hicks requested the Meeker County Assessor's Office view his property for a current valuation.

Meeker County Appraiser Scoblic said there were 2 building permits taken out for the property, one for an office remodel and one for plumbing. Meeker County Assessing staff conducted an interior and exterior review of the property. After reviewing they changed the amount of the new construction from \$132,900 to \$65,900.

Meeker County Appraiser Scoblic recommended decreasing the 2019 EMV from \$349,700 to \$282,700 for Parcel No. 27-0043-000 based upon the results of viewing the property.

Mayor Johnson inquired as to whether or not Mr. Hicks had been contacted with the recommendation. Mr. Scoblic responded that he had called Mr. Hicks and he agreed to the recommendation. He added Mr. Hicks didn't need to show up since he was in agreement with the proposed change

After review, it was moved by Council Member Dingmann, seconded by Council Member Kotelnicki, to decrease the 2019 EMV from \$349,700 to \$282,700 for Parcel No. 27-0043-000. Upon roll call vote, all members present voted aye whereupon the motion carried.

With no other comments, Mayor Johnson explained the Council would continue with the meeting and that the public hearing would be kept open until 6:00 p.m. as published. The Board of Review reconvened at 6:04 p.m. Mayor Johnson asked if there was anyone wishing to comment. With no further comments, the public hearing was closed at 6:05 p.m.

B. 5:30 P.M. PUBLIC HEARING – CONSIDER TOBACCO RELATED PRODUCTS ORDINANCE –

This being the time, date and place set, with all notices published and posted as required by law, Mayor Johnson opened the public hearing at 5:38 p.m. to consider repealing Ordinance No. 631 and establishing Ordinance No. 793, Tobacco Related Products.

April 1, 2019

An attendance list is on file. There was one written letter received from Hutchinson Smoke4less asking that the Council consider limiting licenses for stores that sell tobacco products only. They don't feel like the population can support 2 stores as such.

Andrea Michaels addressed the Council concerning the proposed Tobacco Related Products Ordinance. She has been teaching Health Education for the Litchfield Public Schools for 19 years and currently teaches 7th and 8th graders at the Litchfield Middle School. Michaels wanted to share information she feels would be beneficial to the Council in considering adopting a tobacco ordinance. She said the school is seeing a large uptick in the use of nicotine products especially with the use of e-cigarettes. She explained that the products are easily hidden and difficult to catch students using. Michaels said that lots of effort has gone into training and curriculum to make sure both staff and students are well educated. She provided results of a survey she conducted with her 8th grade students in which 116 students responded that 6% are currently using e-cigarettes. She reported that 14% have at least tried it or use it at least once a week and 74% agree or strongly agree it's easily accessible within our school system. Michaels continued 34% agree or strongly agree e-cigarettes are less harmful than real cigarettes, adding that is not the case, they are actually more harmful because of the high quantity of nicotine they contain. She said there is not accurate packaging on these products on the amount of nicotine contained in e-cigarettes. She said 77% of her students feel you should have to be 21 years old or older to purchase these products. Michaels stated students are educated on brain development and the significant impacts of nicotine on the ability to make good decisions. She discussed PUP laws, youth purchase and possession laws, which put the blame on the youth who are using and minimizing the enforcement on the facilities selling the products. She added it makes law enforcement more challenging and penalizes the addicted youth. Michaels asked that the Council take time to gather as much information on the topic before adopting an ordinance that may be missing pieces.

Council Member Dingmann asked if the State would be bringing forward some regulations that the City should wait to see what the legislation does, for example changing the purchase age to 21 before adopting the proposed ordinance. Ms. Michaels responded that there have been 29 communities that have adopted what is referred to as a T21 (Tobacco 21) ordinance. She added yes there is legislation proposed but there is no guarantee that will happen.

Mayor Johnson questioned accessibility to the products. Ms. Michaels said the survey did not include where students were getting the products. But she added that accessibility increases with having friends who are 18 that can buy versus 21 years old.

Brett Nelson, Health Educator for Meeker, Mcleod, Sibley Community Health Services, addressed the Council concerning the proposed Tobacco Related Products Ordinance. He commended the Council for seeing the need to update the current ordinance since it has not been updated since 1998, adding that a lot has changed since 1998 in relation to the tobacco industry. He said the idea to update the proximity and distance of tobacco stores is a great prevention strategy, a proven strategy for youth. Nelson explained that he reviewed the proposed ordinance and reached out to the Public Health Law Center as a resource to help clarify definitions and unintentional inconsistencies that are in the proposed tobacco ordinance. He outlined several areas of the proposed ordinance which needed further clarification or where the tobacco industries could exploit. He said the City wants the best ordinance put in place to ensure clarity, limiting tobacco industry exploitation, and minimizing youth tobacco use. Nelson offered assistance in sharing the expertise of Meeker, Mcleod, Sibley Community Health Services along with the Public Health Law Center to make sure the ordinance is as strong as possible. Council Member Mathwig asked for clarification of where Mr. Nelson got his information from. Nelson responded that he shared the proposed ordinance with the Public Health Law Center and they provided feedback. Council Member Dingmann asked if Mr. Nelson is suggesting the City hold off and do a little more research before moving forward. Nelson responded yes. Council Member Kotelnicki shared that in speaking with someone in law enforcement outside of City staff she was cautioned on the loopholes that the lawyers know in the tobacco ordinances.

Connie Lies, Litchfield Resident, addressed the Council concerning the proposed Tobacco Related Products Ordinance. She stated when we talk about tobacco and tobacco related devices; that doesn't cover it. She believes it should say any device, method or system used to deliver nicotine. She said don't worry about tobacco or even talk about it adding what we

are really talking about is the harmful effects of nicotine. Lies commented that you are not going to do a lot to stop the youth from getting it, adding however you can make it a little more difficult. She shared a way to control it which may be very radical is that all nicotine delivery devices, substances or methods can only be sold through the Municipal Liquor Store. She said charge the person who has purchased for others and charge the seller.

Council Member Dingmann asked what the status of legislation was at the State level concerning the issue. Mr. Nelson replied the issue is currently being considered at the House at this time with possibly one more stop at the House, and then if passed moves on to the Senate. Council Member Dingmann asked if there was more than age 21 being addressed. Nelson responded that there was more than just the age being considered such as vaping and flavors.

With no further comments, the public hearing was closed at 5:56 p.m.

The Council determined that based upon the discussions at the hearing, the ordinance should be reviewed further. After review, it was moved by Council Member Kotelnicki, seconded by Council Member Allen, to ask the Meeker, Mcleod, Sibley Community Health Services Health Educator and the School District along with (City) staff to work together for revision (of the proposed ordinance) and come back to the Council by June or July. Upon roll call vote, all members present voted aye whereupon the motion carried.

IV. ACKNOWLEDGMENT OF AUDIENCE/PRESENTATIONS –

A. BUILDING OWNER OF 223 N SIBLEY –

Anthony Lies, owner of property located at 223 North Sibley Avenue, addressed the Council with concerns on violations of property located at 225 North Sibley Avenue. He spoke about the conditions of the property and questioned why the property owner wasn't being held responsible for fixing the problems. He said he was aware of a Certificate of Appropriateness to address the issues but nothing has been done and now the roof fell in on the back building. Mr. Lies shared impacts to his property including water freezing over and the City's water meter freezing. He was told by City staff that the bottom plate cracked and he believes it was caused by the conditions next store since it is so cold in that building because of the roof collapsing and the inside conditions being not much different than the outside. He said the building is in violation 91.007 under the City's Nuisance Code. Lies questioned whose responsibility it was to replace the meter. He explained that the Chamber of Commerce building sewer runs into his building and his building's sewer runs into the property next to him. He said the sewer froze in the property next door causing sewer back up on his property. Council Member Dingmann asked if he had contacted the property owner next to him to resolve the issue. Lies responded that the property owner agreed to pay the plumbing bill but he ended cleaning up the mess himself. Mayor Johnson said he feels it is a civil situation between the two property owners. Lies said he doesn't understand why the City doesn't want to enforce the codes since the property is in violation. Council Member Loch asked if the building was really condemned. City Administrator Cziok responded that there is no occupancy in that building and the City wouldn't allow occupancy the way it sits in violation of the ordinances.

Council Member Kotelnicki said the HPC minutes reflect the intentions of the property owner of 225 North Sibley Avenue when he got the Certificate of Appropriateness. She reported that when the weather warms up he will cut the power and do the demolition and the repairs but until then he has to keep the pipes warm. It was noted that part of the delay with the previous COA was that the property owner was debating using tax credits but has decided not to go that direction and will proceed with the items as originally planned. It was also noted that he has 6 months from Council approval March 4, 2019 of the most recent COA to complete the demolition and repairs. City Administrator Cziok said the last time he reviewed with staff there are some obvious violations of the code and the City wouldn't allow someone to occupy that building until those issues were resolved, adding there were no concerns about danger to adjacent properties. He will check with staff once again. No formal action was taken.

V. COMMISSION RECOMMENDATIONS – None.

VI. COMMITTEE REPORTS – None.

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. CITY WIDE CLEANUP –

Mayor Johnson reviewed the forms concerning the City wide cleanup for this year. He noted some changes include the cost for loads increased to \$20 and changing the age for picking up at residences from 65 to 70 years old. He also recommended the forms be provided in both English and Spanish.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-4-58
APPROVE CITY WIDE CLEAN-UP FORMS FOR 2019**

WHEREAS, the City wishes to promote community beautification awareness, and

WHEREAS, a City wide clean-up event has been scheduled for May 18, 2019, and

WHEREAS, the Council has reviewed the City Wide Clean-Up notice and the form to pick up materials for residents meeting the criteria, and

WHEREAS, the forms include a change of \$20 for the cost of all loads,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves the City Wide Clean-Up notice and the form to pick up materials for residents meeting the criteria, and

BE IT FURTHER RESOLVED that the forms be provided in both English and Spanish.

Adopted by the City Council this 1st day of April, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

B. COUNCIL PRIORITY LISTS –

City Administrator Cziok addressed the Council concerning the priority lists. He requested authorization to develop a fictional timeline to the items on the priority lists. It was moved by Council Member Dingmann, seconded by Council Member Allen to authorize administration to develop a fictional timeline based on the lists as prioritized by the Council. Upon roll call vote, all members present voted aye, whereupon the motion carried.

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS – None.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:38 p.m. by unanimous consent.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR