

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 16, 2018, commencing at 5:30 p.m. Acting Mayor Dingmann called the meeting to order.

A. ROLL CALL:

Mayor	Keith Johnson	Excused
Council Member-at-Large	Ron Dingmann	Present
Council Member Ward I	Mike Boyle	Excused
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 Coordinator	Mario Provencher	Present
Operations Engineer	Mike Geers	Present
Office Supervisor	Sandra Hickman	Present
City Attorney	Mark Wood	Present
Assistant City Engineer	Chuck DeWolf	Present
Independent Review	Amy Wilde	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 – April 2, 2018

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

- 1. Computer List of Bills for \$210,079.56

D. OTHER PAYMENTS:

- 1. Splash Pad Equipment –

**CITY OF LITCHFIELD
 RESOLUTION NO. 18-4-67
 AUTHORIZE PAYMENT NO. 1 AND CHANGE ORDER NO. 1
 FOR SPLASH PAD EQUIPMENT**

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. 1 for the Splash Pad Equipment totaling \$81,680.74 as attached and on file, and

BE IT FURTHER RESOLVED to approve Change Order No. 1 for the Splash Pad Equipment in the amount of \$10,547.78.

Adopted by the City Council this 2nd day of April, 2018.

Approved:

Attest:

ACTING MAYOR

ASSISTANT CITY ADMINISTRATOR

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

- 1. Sales on Public Property –
 - a. Meeker Area Ministries
 - b. Litchfield Watercade
 - c. Meeker County Relay for Life

G. OTHER ROUTINE MATTERS: None.

H. COMMUNICATIONS TO REVIEW :

- 1. Minutes & Reports:
 - a. Planning Commission Minutes – April 9, 2018

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-68
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 16th day of April, 2018.

Approved:

Attest:

ACTING MAYOR

ASSISTANT CITY ADMINISTRATOR

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 –

This being the time, date and place set, with all notices published and posted as required by law, Acting Mayor Dingmann opened the 2018 Board of Review hearing regarding property valuations in the City of Litchfield, where citizens had the opportunity to present and appeal, at 5:30 p.m.

An attendance list is on file.

Meeker County Assessor Jason Jorgensen addressed the Local Board of Review (City Council) and citizens on behalf of the City of Litchfield. He reported that the changes made last year came in at 98% and so no changes were made on residential market values adding there were also no changes on the commercial side. Jorgensen added while there were a lot of sales, the market remained flat.

Meeker County Appraiser Scoblic discussed the sales which took place including the good sales, tax forfeitures, and sales that were rejected. He said the overall median ratio is 98.42% which is very good. He explained that by Statute, the valuations have to be between 90-105% of what the property would sell for.

Acting Mayor Dingmann asked if the City was down in the number of sales. Meeker County Appraiser Scoblic responded the sales were basically around the same.

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

1. Samantha Miller – 502 E 2nd St – Parcel No. 27-1622-000 – Ms. Miller requested the Meeker County Assessor's Office view their property for a current valuation.

Meeker County Assessing staff conducted an interior and exterior review of the property and recommended changing the effective year of the house to 1950 instead of 1955 and the garage to 1955 instead of 1975.

Meeker County Appraiser Scoblic recommended decreasing the 2018 EMV from \$101,800 to \$84,800 for Parcel No. 27-1622-000 based upon the results of viewing the property.

Acting Mayor Dingmann asked if the property owner had been contacted with this information. Meeker County Appraiser Scoblic responded that yes they had been contacted and they were fine with it.

After review, it was moved by Council Member Loch, seconded by Council Member Allen, to decrease the 2018 EMV from \$101,800 to \$84,800 for Parcel No. 27-1622-000. Upon roll call vote, all members present voted aye whereupon the motion carried.

Acting Mayor Dingmann recused himself from the table declaring a conflict of interest on the next two appeals. Council Member Loch took over the Local Board of Review and Equalization process.

2. Quail Investments – 802 2nd St E – Parcel No. 27-2157-000/910 2nd Street E – Parcel No. 27-2383-000. The property owner requested the Meeker County Assessor's Office review the estimated 2018 Market Value based upon the significant increase for both properties.

Meeker County Assessing staff conducted an interior and exterior review of the property and recommended no change be made to the 2018 market value based on the condition of the buildings at both locations. He said they fall right in line with everyone else.

Meeker County Assessor Jorgensen recommended no change be made to the 2018 EMV for Parcel No. 27-2157-000 and Parcel No. 27-2383-000 based upon the results of viewing the properties.

Council Member Miller asked if the property owner was okay with it and what their concern was.

Meeker County Assessor Jorgensen responded that they (the property owner) felt the market value was too high this year and were contesting that value.

April 16, 2018

Council Member Loch inquired as to when the last time these properties were assessed referring to both properties located at 802 and 902 2nd Street East.

Meeker County Assessor Jorgensen responded they have been flat for a while, adding that it has been at least 4 or 5 years since there has been any change in the market value for either one of them. He explained that they had done an apartment survey with about a 30% response and based upon the rent value and information received back that determined the values.

Council Member Kotelnicki asked if other apartments went up this much too.

Meeker County Assessor Jorgensen responded some went up more, some went down; it went both ways. He said based on rent charged, they picked a median number and arrived at a value that way.

Council Member Loch clarified that both residential and commercial values are supposed to get as close to 95% as possible and with the tools and instruments the Meeker County Assessing staff has that they feel they are at 95%.

Meeker County Assessor Jorgensen responded yes.

Council Member Kotelnicki asked if these were all one bedrooms in the apartment complex.

Meeker County Assessor Jorgensen responded that one complex has one bedroom and the rest are two bedrooms. The other complex has a couple one bedrooms and the rest are all two bedrooms.

Council Member Allen inquired if the homeowner understands it's been 4-5 years since it's been flat.

Meeker County Assessor Jorgensen said the property owner was aware but still wanted to pursue the appeal.

Council Member Kotelnicki commented that when she read the information she thought it took a big jump but she had been unaware that it had been 4-5 years since it was increased.

Council Member Loch expressed concern whether or not this raises a flag with the State since there was this big of disparity over this amount of time.

Meeker County Assessor Jorgensen said typically it's done on a yearly basis however because of timing when he started surveys were not sent out and prior to that it had been a few years since that had been done, adding that they are trying to play a lot of catch up.

After review, it was moved by Council Member Loch, seconded by Council Member Miller, that no changes be made to the 2018 EMV for Parcel No. 27-2157-000. Upon roll call vote, all members present voted aye whereupon the motion carried.

Meeker County Assessing staff said it was the same issue with the property located at 910 2nd Street East.

Council Member Allen inquired if some of the other properties went up this much too.

Meeker County Assessor Jorgensen responded that yes there was one on the south side of town that went up \$500,000. He added that the property sold for one million dollars and they added \$500,000 based again on the study that they did.

After review, it was moved by Council Member Miller, seconded by Council Member Kotelnicki, that no changes be made to the 2018 EMV for Parcel No. 27-2383-000. Upon roll call vote, all members present voted aye whereupon the motion carried.

Acting Mayor Dingmann asked if there was anyone in the audience wishing to speak. With no one wishing to speak further concerning the Local Board of Review and Equalization, Dingmann explained that the Council would continue with the meeting and that the public hearing would be kept open until 6:30 p.m. as published.

The Council reconvened at 6:30 p.m. and no additional comments were heard and the public hearing was closed at 6:30 p.m.

B. 5:30 P.M. PUBLIC HEARING – ANNEXATION –

This being the time, date and place set, with all notices published and posted as required by law, Acting Mayor Dingmann opened the public hearing at 5:49 p.m. to consider a petition for annexation filed by Ray Doering, Michael Doering, and Eric Doering of Doering Land Company, LLC.

An attendance list is on file. There were no written comments.

City Administrator Cziok explained that this was the first step of many in the process as the property is potentially developed over time. He said this pertains to the annexation part only and the purpose for the annexation is to extend utilities to this parcel and development or future development may or may not happen. The next step moving forward would be development of a preliminary plat if the property is to be developed which would go before the Planning Commission. Cziok added the process tonight is the first reading of an ordinance.

Acting Mayor Dingmann inquired about the schedule to reimburse the township for taxes as to whether or not the reimbursement would be the value at the time of annexation or after improvements. City Attorney Wood responded the taxes are reimbursed at the value at the time of annexation.

Council Member Kotelnicki commented that she wondered the same thing and asked if this was standard in the Statute or something arbitrarily agreed upon with the township. City Attorney Wood responded there is some flexibility with that but this has been the policy in the past between the townships and the City.

Acting Mayor Dingmann asked if there was anyone wishing to speak concerning the proposed annexation. There were no other comments and the public hearing was closed at 5:53 p.m.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-66
FIRST READING OF ORDINANCE NO. 787
ANNEXATION OF UNPLATTED LAND
SECTION 24, TOWNSHIP 119, RANGE 31**

WHEREAS, a petition for Annexation has been filed by Ray Doering, Michael Doering, and Eric Doering of Doering Land Company, LLC, and

WHEREAS, this Annexation may be accomplished by Ordinance under Minnesota Statute 414.033 Subd. 2(3), under certain conditions contingent on final approval by the State Municipal Board,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the First Reading of Ordinance No. 787 for Annexation of unplatted land in Section 13, Township 119, Range 31.

Adopted by the City Council this 16th day of April, 2018.

Resolution No. 18-4-66– Cont’d.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

ACTING MAYOR

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

IV. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS – None.

V. COMMISSION RECOMMENDATIONS –

A. PLANNING COMMISSION –

- 1. Variance Request - By Funeral Home Real Property LLC – 125 South Armstrong Ave–

Acting Mayor Dingmann provided the findings and recommendations of the Planning Commission.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-65
GRANT VARIANCE TO FUNERAL HOME REAL PROPERTY LLC
FOR PROPERTY LOCATED AT 125 S ARMSTRONG AVE**

WHEREAS, the Planning Commission held a hearing on April 9, 2018, on a request for a variance by Funeral Home Real Property LLC to allow for additional sign square footage and height, 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

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 Funeral Home Real Property LLC at 125 S Armstrong Ave, to allow for additional sign square footage of 24 square feet and additional height of 12 feet on the main sign, and additional sign square footage of 10 square feet on the second sign. Property legally described as:

Parcel No. 27-1187000 & 27-1367000.

Block 124 of the 3rd Addition to the City of Litchfield, according to the plat thereof as recorded and on file in the office of the County Recorder of Meeker County, Minnesota, Resolution No. 18-4-65– Cont’d.

AND

That part of the west 50 feet of Lots 1 and 2 of Block 1 of Crosby’s Addition to the City of Litchfield, according to the plat thereof as recorded and on file in the office of the County Recorder of Meeker County, Minnesota, lying north of the following described line: Said line beginning at the intersection of the section line between Sections 11 and 12 of Township 119, Range 31 of said County and the north line of Depot Street, according to the plat of said 3rd Addition to the City of Litchfield; thence southeasterly along the southeasterly extension of the north line of said Depot Street to the east line of said West 50 feet and said line terminating therat.

Adopted by the City Council this 16th day of April, 2018.

Approved:

Attest:

ACTING MAYOR

ASSISTANT CITY ADMINISTRATOR

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

2. Change of Zoning Request – By Tom LaPlant, Jr – 809 East St. Paul St. –

Acting Mayor Dingmann provided the findings and recommendations of the Planning Commission.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-63
GRANT CHANGE OF ZONING TO TOM LAPLANT JR
FOR PROPERTY LOCATED AT 809 E ST PAUL ST**

WHEREAS, the Planning Commission held a hearing on April 9, 2018, on a request by Tom LaPlant Jr for a Change of Zoning from I-2 General Industry to B-4 General Business for property located at 809 E St Paul St for the purpose of B-4 uses, and

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

WHEREAS, granting this rezoning would conform to the presently accepted future land use plans for the City as well as present land uses, and

WHEREAS, granting this rezoning would not adversely affect property values of adjacent landowners to an unreasonable degree, and

WHEREAS, granting this rezoning would not impose other undue hardships on the adjacent landowners such as noise, lights, odors, traffic or other nuisances, and

WHEREAS, the necessary utilities are available to serve the area if the rezoning is granted, and

WHEREAS, there could not be an alternate area available for use that eliminates the necessity for this rezoning, and

WHEREAS, there was not an error or oversight in preparing the original zoning map which indicates that this zoning should have been included at that time, and

Resolution No. 18-4-63– Cont’d.

WHEREAS, this rezoning is not merely a convenience for the owner,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield to grant this Change of Zoning, and

BE IT FURTHER RESOLVED that this be the First Reading of Ordinance No. 791 to Amend the Zoning Ordinance 154.011 Boundaries of Official Zoning Map, Appendix B - Zoning Map, to Change the Zoning from I-2 to B-4, for the property described as follows:

Parcel No. 27-2579000. Lot 1, Block 1, Litchfield Industrial Park South
City of Litchfield, Meeker County, Minnesota

Adopted by the City Council this 16th day of April, 2018.

Approved:

Attest:

ACTING MAYOR

ASSISTANT CITY ADMINISTRATOR

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

- 3. Variance Request – By Rhonda Zwack – 826 North Sibley Ave. –

Acting Mayor Dingmann provided the findings and recommendations of the Planning Commission.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-64
GRANT VARIANCE TO RHONDA ZWACK
FOR PROPERTY LOCATED AT 826 N SIBLEY AVE**

WHEREAS, the Planning Commission held a hearing on April 9, 2018, on a request for a variance by Rhonda Zwack to allow for a reduction in minimum setback requirements for the purpose of the construction of two additions to the existing building, 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

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

Resolution No. 18-4-64– Cont’d.

BE IT RESOLVED by the City Council of the City of Litchfield that a variance be granted to Rhonda Zwack at 826 N Sibley Ave, to allow for a variance of 8” from the minimum required interior side setback and a variance of 9’4” from the minimum required corner side setback for the purpose of construction of an addition to the front of the existing building and for an addition to the side of the existing building a variance of 13’4” from the minimum required corner side setback and a variance of 20’1” from the required minimum rear setback. Property legally described as:

Parcel No. 27-0348000. Lots 1 & 2 & the North 20 feet of Lot 3, Block 16
City of Litchfield, Meeker County, Minnesota

Adopted by the City Council this 16th day of April, 2018.

Approved:

Attest:

ACTING 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. **DISTRIBUTED GENERATION** –

City Administrator Cziok addressed the Council concerning adoption of a policy and rules regarding distributed generation within the City’s electrical utility. He explained that distributed generation refers to individually owned generation facilities primarily solar or wind systems and adoption of this policy and rules allows for local control of decisions regarding facilities as such. He said the City does not have authority to not allow these facilities but with policies and rules in place the City can apply the rules equally. Cziok shared that Southern Minnesota Municipal Power Agency (SMMPA) highly recommends the adoption of a policy and rules as such, adding that SMMPA advises engaging with an attorney specializing in this area for further assistance if necessary. He added that once the resolution was passed the next step would be developing a solar power ordinance.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-69
ADOPTING CITY OF LITCHFIELD’S POLICY REGARDING
DISTRIBUTED GENERATION AND NET METERING AND
RULES GOVERNING THE INTERCONNECTION OF COGENERATION AND
SMALL POWER PRODUCTION FACILITIES**

WHEREAS, the City is served by the City of Litchfield, which is committed to providing customers with reliable and affordable power, and

WHEREAS, the purpose of the distributed generation and net metering policy is to establish the application procedures and qualification criteria for the delivery, interconnection, metering, and purchase of electricity from distributed generation facilities, and

Resolution No. 18-4-69– Cont’d.

WHEREAS, it is the responsibility of the City of Litchfield to implement this policy and give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public, and

WHEREAS, the purpose of the cogeneration and small power production rules is for the City of Litchfield to implement certain provisions of Minnesota Statutes Section 216B.164, the Public Utility Regulatory Policies Act of 1978, and Federal Energy Regulatory Commission regulations related to customer distributed generation, and

WHEREAS, the adoption of these rules establishes that the Litchfield City Council is the interpreting body and arbiter of the provisions of Minnesota Statutes Section 216B.164 for the City of Litchfield, and

WHEREAS, the City of Litchfield shall annually file a cogeneration and small power production tariff with the Litchfield City Council under these rules, and

WHEREAS, the cogeneration and small power production tariff shall include a calculation of average retail utility energy rates, standard contracts to be used with qualifying facilities, interconnection process and technical requirements, procedures for notifying qualifying facilities when will not purchase energy or capacity, and the City of Litchfield’s estimated average incremental energy costs and net annual avoided capacity costs, and

WHEREAS, all filings under these rules shall be maintained at the City of Litchfield offices and shall be made available for public inspection during normal business hours,

NOW THEREFORE, BE IT RESOLVED that the Litchfield City Council adopts the following Policy Regarding Distributed Generation and Net Metering and Rules Governing the Interconnection of Cogeneration and Small Power Production Facilities.

Adopted by the City Council this 16th day of April, 2018.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

ACTING MAYOR

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

B. PICKLEBALL –

City Administrator Cziok addressed the Council concerning a request to stripe one of the tennis courts located at the intersection of Sixth Street and Gilman Avenue for pickleball use.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-70
AUTHORIZE STRIPING FOR PICKLEBALL COURT**

WHEREAS, the City owns a basketball court and four tennis courts at the intersection of Sixth Street and Gilman Avenue, and

WHEREAS, a request has been made for the City to stripe a tennis court to allow for pickleball, and

WHEREAS, two pickleball courts can be striped on one tennis court, and

Resolution No. 18-4-70– Cont’d.

WHEREAS, the east tennis court has been identified as the best location for a pickleball court, and

WHEREAS, the City had positive results from a previous project which included striping to allow for basketball on the tennis courts to the west at the same location, and

WHEREAS, the tennis coaches are supportive of the request, and

WHEREAS, usage can be monitored for potential future pickleball court development, and

WHEREAS, the organized pickleball players group will be responsible for the purchase and maintenance of the nets,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby authorizes striping the east tennis court located off of Sixth Street to allow for pickleball.

Adopted by the City Council this 16th day of April, 2018.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

ACTING MAYOR

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

C. APPOINTMENTS TO MAKE -

- 1. Housing and Redevelopment Authority – One Regular Term until 5/1/2023
 - a. Incumbent: Joseph Langemo
 - b. Applicant: Joseph Langemo

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

**CITY OF LITCHFIELD
RESOLUTION NO. 18-4-71
LITCHFIELD HOUSING AND REDEVELOPMENT
AUTHORITY BOARD APPOINTMENT**

WHEREAS, there is an opening on the Housing and Redevelopment Authority Board, and

WHEREAS, this opening has been advertised, and

WHEREAS, there was one applicant,

NOW, THEREFORE, BE IT RESOLVED to reappoint Joseph Langemo to the Housing and Redevelopment Authority Board for a term until May 1, 2023.

Adopted by the City Council this 16th day of April, 2018.

Approved:

Attest:

ACTING 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 – None.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:30 p.m. by unanimous consent.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR