

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, May 20, 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 Coordinator	Mario Provencher	Present
Operations Engineer	Mike Geers	Present
Parks Foreman/Arena Manager	Chadd Benson	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 – May 6, 2019

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

- 1. Computer List of Bills for \$91,112.33

D. OTHER PAYMENTS: None.

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

- 1. Lawful Gambling Permit – Litchfield Youth Baseball Association –

**CITY OF LITCHFIELD
 RESOLUTION NO. 19-5-79
 LAWFUL GAMBLING PERMIT FOR AN EXEMPT
 ORGANIZATION LITCHFIELD YOUTH BASEBALL ASSOCIATION**

WHEREAS, an application for a lawful gambling license exemption was considered from the Litchfield Youth Baseball Association,

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for the Litchfield Youth Baseball Association on August 9, 2019 at the Litchfield Community August Bash at the Litchfield Civic Arena, 900 North Gilman, Litchfield, MN, and to direct submittal of a copy of this resolution with their application to the State Gambling Control Division.

Resolution No. 19-5-79– Cont’d.

Adopted by the City Council this 20th day of May, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

G. OTHER ROUTINE MATTERS:

1. Employment Offer –

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-82
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

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>Re-Hires</u>	<u>New Hires</u>
<i>Parks</i>	Carter Block	
<i>Liquor Store</i>		Antonia Duarte Larson

Adopted by the City Council this 20th day of May, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

H. COMMUNICATIONS TO REVIEW :

1. Minutes & Reports:
 - a. Planning Commission Minutes – May 13, 2019
2. Priority Work Updated

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-84
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. 19-5-84– 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 20th day of May, 2019.

Approved:

Attest:

MAYOR

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. AUDIT PRESENTATION –

Justin McGraw, representing Conway, Deuth and Schmeising, PLLP, addressed the Council concerning the 2018 Audit. He highlighted areas of the financials and stated the funds continue to remain consistent and continue to perform well.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-80
ACCEPT 2018 CITY FINANCIAL AUDIT REPORT**

WHEREAS, Conway, Deuth and Schmiesing, PLLP have been authorized to conduct an audit of 2018 Financial and other related matters, and

WHEREAS, a detailed report was reviewed previously with staff, and

WHEREAS, the report was reviewed by the Council on May 20, 2019,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Litchfield to accept the 2018 Financial Audit Report as on file, and

BE IT FURTHER RESOLVED to order its submission to other governmental units and to be published as required by State Statute.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

V. COMMISSION RECOMMENDATIONS –

A. PLANNING COMMISSION –

1. Variance Request - By FDA at 101 South Swift Avenue –

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

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-81
GRANT VARIANCE TO FIRST DISTRICT ASSOCIATION
FOR PROPERTY LOCATED AT 101 SOUTH SWIFT AVENUE**

WHEREAS, the Planning Commission held a hearing on May 13, 2019, on a request for a variance by First District Association, and

WHEREAS, the Litchfield Planning Commission, upon review 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, First District Association is requesting site plan approval for an addition to an existing industrial building, and

WHEREAS, the request is for a variance of sixteen (16) feet from the required side yard setback of seventy-four (74) feet, and

WHEREAS, the property is located at 101 South Swift Avenue in the I-2 General Industry District, and

WHEREAS, the site plan complies with all zoning requirements except for the setback for which the variance is requested, and

WHEREAS, the variance is in harmony with the general purposes and intent of the ordinance, and

WHEREAS, the variance is 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,

BE IT RESOLVED by the City Council of the City of Litchfield that a variance be granted to First District Association at 101 South Swift Avenue, to allow for a reduction of sixteen (16) feet from the required side yard setback for the purpose of constructing an addition. Property legally described as:

Parcel No. 27-0849000. BLOCKS 71 & 72 & 73 & 75 & LTS 1-14 & LTS 22-28 EX N20' OF W20' LTS 22 & 23 BLK 76 & LTS 1-3 & N2.5' LT 4 & LTS 15-28 BLK 77 & PT VAC DARWIN & COMMERCIAL STS & PT VAC MILLER & RAMSEY AVES & PT VAC ALLEYS,
City of Litchfield, Meeker County, Minnesota

Adopted by the City Council this 20th day of May, 2019.
Resolution No. 19-5-81– Cont’d.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

2. Street Vacation Request – By Anderson Chemical

Council Member Mathwig reported that the Planning Commission reviewed a request for vacation of a portion of South Geinitz Avenue and recommended sending it to the Council for consideration. City Administrator Cziok explained that there are several other ordinances that need to be considered as well and public hearings to be scheduled. He recommended that the timelines be consistent for these ordinances and that staff prepare documents for Council consideration.

It was moved by Council Member Mathwig, seconded by Council Member Loch, that City staff prepare public hearing documents to consider the adoption of an ordinance for vacation of a portion of South Geinitz Avenue. Upon roll call vote, all members present voted aye, whereupon motion carried.

B. HERITAGE PRESERVATION COMMISSION –

1. Certificate of Appropriateness Application – 241 N Sibley Avenue

Council Member Kotelnicki provided the findings and recommendations of the Heritage Preservation Commission at a special meeting held at 5:30 p.m. on Friday, May 17, 2019. The minutes, along with the Certificate of Appropriateness Application, were available at the Council table since the meeting took place after the agenda was completed. She explained that the Certificate of Appropriateness was denied because the property owner has not provided a written opinion from a structural engineer and has not provided assurance on restoring the parapet to its original state. Council Member Dingmann inquired about the financial impacts to the property owner to restore the bricks to their original condition. Council Member Kotelnicki responded that the HPC process does not involve financial impacts.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-85
DENY CERTIFICATE OF APPROPRIATENESS
TO ED OLSON
FOR PROPERTY LOCATED AT 241 NORTH SIBLEY AVENUE**

WHEREAS, the Litchfield Historic Preservation Commission held a hearing on April 22, 2019 and an emergency meeting on May 17, 2019, to consider a Certificate of Appropriateness Application request by Ed Olson, for property located at 241 North Sibley Avenue, and

WHEREAS, the Litchfield Historic Preservation Commission has recommended that this Certificate of Appropriateness Application be denied 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 not 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 not allow the property’s historic character to be retained and preserved, and
Resolution No. 19-5-85– Cont’d.

WHEREAS, the Certificate of Appropriateness would not 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 not be retained and preserved, and

WHEREAS, distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will not be preserved, and

WHEREAS, deteriorated historic features will not be repaired rather than replaced, and

WHEREAS, new additions, exterior alterations, or related new construction will destroy historic materials, features, and spatial relationships that characterize the property, and

WHEREAS, new additions and adjacent or related new construction will not 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 denied to Ed Olson, for property located at 241 North Sibley Avenue due to the need for Ed Olson to acquire a written opinion from a structural engineer and the need to restore the parapet to its original state following the Secretary of the Interiors Standards.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

Upon roll call vote, all members present voted aye with the exception of Council Member Dingmann voting nay, whereupon the resolution was declared adopted.

VI. COMMITTEE REPORTS – None.

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. CVB –

Council Member Dingmann, representative to the Convention and Visitors Bureau (CVB) Exploration Committee, addressed the Council concerning changes to Ordinance No. 792 and the current agreement with the Litchfield Area Chamber of Commerce pertaining to the Lodging Tax Ordinance adopted. He explained that initially the CVB was an arm of the Chamber of Commerce however after further review it was determined that it should be a separate entity requiring a new agreement, an amendment of Ordinance No. 792, and establishment of By-Laws. Council Member Kotelnicki expressed concern that there wasn’t a limit to the number of terms that can be served. City Attorney Wood responded that it can be added, however it is defined by State Statute. He also responded to her inquiry concerning the operating budget in that it is subject to Council approval.

May 20, 2019

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-86
APPROVING SERVICE AGREEMENT WITH THE LITCHFIELD AREA
CHAMBER OF COMMERCE AND LITCHFIELD VISITORS BUREAU AND
APPROVING LITCHFIELD VISITORS BUREAU BY-LAWS AND AUTHORIZING
PREPARATION FOR PUBLIC HEARING AMENDING ORDINANCE NO. 792**

WHEREAS, the City of Litchfield adopted Ordinance No. 792, a Lodging Tax Ordinance, and

WHEREAS, the Litchfield Area Chamber of Commerce has identified changes to the original ordinance and agreement with the City of Litchfield that include the Litchfield Visitors Bureau be a separate entity, and

WHEREAS, the Council has reviewed the proposed new agreement between the City of Litchfield and the Litchfield Area Chamber of Commerce and the Litchfield Visitors Bureau, and

WHEREAS, the Council has reviewed the proposed Litchfield Visitors Bureau By-Laws, and

WHEREAS, the Council has reviewed the proposed amendment to Ordinance No. 792,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves the Service Agreement between the City of Litchfield and Litchfield Area Chamber of Commerce and Litchfield Visitors Bureau, and

BE IT FURTHER RESOLVED that the Litchfield Visitors Bureau By-Laws are hereby approved, and

BE IT FURTHER RESOLVED that City staff be authorized to prepare documents for a public hearing of an ordinance amending Ordinance No. 792 as proposed.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

B. WELLNESS & RECREATION CENTER –

Assistant City Engineer Chuck DeWolf addressed the Council concerning a proposal to provide consulting services for development of plan to refine and prioritize recreational improvements identified based on previous studies and recommendations. Upon reaching consensus on the plan, the information will be shared with the Litchfield School District.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-87
APPROVING CONSULTING SERVICES WITH BOLTON AND MENK, INC. FOR
DEVELOPMENT OF AN ENGAGEMENT PLAN ASSOCIATED WITH PROPOSED
COMMUNITY RECREATIONAL IMPROVEMENTS**

WHEREAS, the Council and the School Board have been meeting to discuss recreational facility concepts, and
Resolution No. 19-5-87– Cont’d.

WHEREAS, the Litchfield School District is in the process of developing questions for a referendum vote in November, 2019, and

WHEREAS, Council wishes to develop a plan for recreational facility improvements to share with the School in order for them to continue to prepare for said referendum vote, and

WHEREAS, Bolton and Menk, Inc. provided a proposal for consulting services for development of an engagement plan associated with proposed community recreational improvements, and

WHEREAS, Bolton and Menk, will assist in refining and prioritizing recreational improvements that have been identified based on previous studies and recommendations, and

WHEREAS, upon reaching consensus on the plan, the information will be shared with the Litchfield School District,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves consulting services with Bolton and Menk, Inc. for a Community Recreation Engagement Plan for an estimated cost of \$9,880.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

C. LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) GRANT AGREEMENT

Assistant City Engineer DeWolf addressed the Council concerning the Local Road Improvement Program (LRIP) Grant Agreement.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-83
EXHIBIT E FOR GRANT AGREEMENT TO STATE TRANSPORTION FUND
(LOCAL ROAD IMPROVEMENT PROGRAM)
GRANT TERMS AND CONDITIONS
SAP 135-010-008, 135-010-009 & 135-117-005**

WHEREAS, the City of Litchfield has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for Local Road Improvement, and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available, and

WHEREAS, the amount of the grant has been determined to be \$590,000.00 by reason of the lowest responsible bid,

Resolution No. 19-5-83– Cont’d.

NOW THEREFORE, be it resolved that the City of Litchfield does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52 and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper city officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

D. LAND PURCHASE OFFER –

The Council reviewed the offer from Darren and Jessica Randt to purchase City owned property contiguous to their property only located at 707 East Crescent Lane. The City is maintaining this property which is vacant and has no value to the City. It is believed that this property was part of the old airport flight path. City Administrator Cziok explained that sale of public property requires an ordinance. The Council inquired as to whether or not the City had to offer the property for sale and receive bids. City Attorney responded that the public hearing process is acceptable in sale of public property and if there was an interest expressed by other parties the Council could consider other offers at that time.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-5-88
AUTHORIZE STAFF TO PREPARE PUBLIC HEARING DOCUMENTS FOR SALE OF
PROPERTY LOCATED AT 712 CRESCENT LANE NORTH**

WHEREAS, the City owns and maintains a vacant piece of property at 712 Crescent Lane North, and

WHEREAS, the City received an offer from the adjacent property owner at 707 East Crescent Lane to purchase said property, and

WHEREAS, said property has no value to the City, and

WHEREAS, sale of public property requires an ordinance,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby authorizes City staff to prepare the documents for a public hearing to consider adoption of an ordinance for the sale of public property located at 712 Crescent Lane North.

Adopted by the City Council this 20th day of May, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

E. FUTURE WORK SESSIONS –

City Administrator Cziok discussed future work session topics. He said June 3, 2019 and July 1, 2019 are scheduled to continue Wellness/Recreation Center discussions. He explained that the end goal would be to share information with the school concerning the outline of the plan developed with the assistance of Bolton and Menk, Inc. Cziok said he would like to set aside 10 minutes on the June 3, 2019 work session to discuss cemetery finances and expectations before staff continues its work on the rate analysis. He added that several Council Members have expressed an interest in additional work session topics including a Social Media Policy, Farmers Market, and the Tobacco Ordinance. He discussed delaying discussions on the social media policy until late summer or fall. City Administrator Cziok explained that the Farmers Market was not on the priority list and was seeking Council input on discussions on the topic. Council Member Allen responded that after researching other communities she found that only 3 are in charge of the local Farmers Market. She also expressed concern about relocating for the upcoming MnDOT downtown project. Upon further clarification, the tobacco ordinance does not require work session scheduling.

It was moved by Council Member Kotelnicki, seconded by Council Member Allen, to schedule work sessions for June 3, 2019 and July 1, 2019 for discussions on Wellness/Recreation Center, cemetery finances and expectations, and the farmers market. Upon roll call vote, all members voted aye, whereupon motion carried.

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS – None.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:40 p.m. by unanimous consent.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR