

**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 and by video conferencing Monday, May 18, 2020, commencing at 5:30 p.m. Mayor Johnson called the meeting to order. This meeting was conducted via videoconferencing pursuant to Minn. Stat. 13D.021.

**A. ROLL CALL:**

Mayor	Keith Johnson	Present by videoconferencing
Council Member-at-Large	Ron Dingmann	Present by videoconferencing
Council Member Ward I	Eric Mathwig	Present by videoconferencing
Council Member Ward II	Darlene Kotelnicki	Present by videoconferencing
Council Member Ward III	Betty Allen	Present by videoconferencing
Council Member Ward IV	Vern Loch, Jr.	Present by videoconferencing
Council Member Ward V	Sara Miller	Present by videoconferencing
City Administrator	Dave Cziok	Present *
Assistant City Administrator	Joyce Spreiter	Present *
City Attorney	Mark Wood	Present by videoconferencing
Assistant City Engineer	Chuck DeWolf	Present by videoconferencing
Independent Review	Brent Schacherer	Present by videoconferencing
KLFD	Tim Bergstrom	Present by videoconferencing

\* Present at City Hall and by videoconferencing

**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 18, 2020

**B. FINANCIAL REPORTS TO APPROVE: None.**

**C. CLAIMS TO AUTHORIZE FOR PAYMENT –**

- 1. Computer List of Bills for \$900,807.54

**D. OTHER PAYMENTS:**

- 1. Phase 2 Generation Improvements

**CITY OF LITCHFIELD  
 RESOLUTION NO. 20-6-114  
 AUTHORIZE PAYMENT NO. 2  
 FOR THE PHASE 2 GENERATION IMPROVEMENTS**

**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** that the City Council of the City of Litchfield hereby approves Payment No. 2 for the Phase 2 Generation Improvements totaling \$427,111.26 as attached and on file.

Adopted by the City Council this 1st day of June, 2020.

Resolution No. 20-6-114– Cont’d.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

E. ORDINANCES – SECOND READINGS:

- 1. Ordinance No. 799

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-109  
SECOND READING OF ORDINANCE NO. 799  
AMENDING THE ZONING ORDINANCE  
154.011 BOUNDARIES OF OFFICIAL ZONING MAP, APPENDIX B - ZONING MAP  
I-2, GENERAL INDUSTRIAL DISTRICT**

**WHEREAS**, a First Reading was given on May 18, 2020, Resolution No. 20-5-100,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Litchfield that this be the Second Reading of Ordinance No. 799, amending Zoning Ordinance 154.011 Boundaries of Official Zoning Map, Appendix B - Zoning Map, and

**BE IT FURTHER RESOLVED** that this be entered into the Book of Ordinances as Ordinance No. 799, and into the Codified Ordinances of the City of Litchfield.

Adopted by the City Council this 1<sup>st</sup> day of June, 2020.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

F. LICENSES:

- 1. Lawful Gambling Permit –  
A. V.F.W. Post 2818

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-113  
LAWFUL GAMBLING PREMISE PERMIT FOR  
AN EXEMPT ORGANIZATION V.F.W. POST 2818**

**WHEREAS**, a lawful gambling premise permit application was considered from the V.F.W. Post 2818,

**NOW, THEREFORE, BE IT RESOLVED** to approve the application for a Lawful Gambling Premise Permit for the V.F.W. Post 2818 to be located at the Litchfield Bowling Center, 1227 S. Sibley Ave, Litchfield, 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 1<sup>st</sup> day of June, 2020.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

2. 3.2 Percent Malt Liquor On-Sale License Application

A. Litchfield Fireman’s Relief Association

G. OTHER ROUTINE MATTERS:

1. Employment Offer –

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-110  
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 2020 Budget, and

**WHEREAS**, the supervisors will adjust the wage schedule for 2020 temporary part-time employees to fill these positions, and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Litchfield to offer 2020 temporary part-time employment with the City of Litchfield, to the following:

<u>Department</u>	<u>Re-Hires</u>	<u>New Hires</u>
<i>Street Dept</i>	Mason St. Pierre	

Adopted by the City Council this 1st day of June, 2020.

Attest:

Approved:

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ASSISTANT CITY ADMINISTRATOR

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MAYOR

H. COMMUNICATIONS:

1. Minutes and Reports:

- a. Airport Commission Minutes - May 19, 2020
- b. Heritage Preservation Commission Minutes - May 26, 2020

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-116  
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 June, 2020.

Resolution No. 20-6-116– Cont’d.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

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

**III. TIMED ITEMS –**

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

**A. CEMETERY CONCERNS –**

There was no one in attendance to discuss cemetery concerns. No formal action was taken.

**V. COMMISSION RECOMMENDATIONS –**

**1. HERITAGE PRESERVATION COMMISSION**

**1. Certificate of Appropriateness - By Charles Burdick - 231 Sibley Ave N -**

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 Dingmann, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-111  
GRANT CERTIFICATE OF APPROPRIATENESS  
TO CHARLES BURDICK  
FOR PROPERTY LOCATED AT 231 SIBLEY AVENUE NORTH**

**WHEREAS**, the Litchfield Historic Preservation Commission held a hearing on Tuesday, May 26, 2020, to consider a Certificate of Appropriateness Application request by Charles Burdick, for property located at 231 Sibley Avenue North, and

**WHEREAS**, the Litchfield Historic 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 for the removal of the pent eave and covered with synthetic painted wood panels and to repair damaged brick and repoint mortar where it has eroded or cracked following Preservation Brief 2. Areas of deep mortar damage, particularly at the parapets, will require rebuilding using as much salvaged brick as possible, supplementing the missing quantities with new, matching brick. Installation of sympathetic painted wood panels where the transoms were in anticipation of a future project that would restore the historic storefront. Removal of paint from the front brick columns. Replacement of the front and rear second floor windows with 1/1 Magnum or equivalent windows appropriate to the original size with colors like Marvin Bahama Brown or equivalent from the historic color palette. Removal of the existing layers of roofing and replace with a Durolast Roofing system with a 20-year warranty plus insulation. Replacement of the chimney caps. Application of sealant to joints where needed. Application of a new sheet metal parapet cap. Replacement of the rear siding with prefinished engineered wood lap siding using color PPG Biscayne Blue with white door trim following the City of Litchfield’s Historic Color Palette. Replacement of the door frame and the door to upstairs. The installation of entryway

Resolution No. 20-6-111– Cont’d.

lights and new entry locks. Relocation of the electric meters on the outside of the building to allow utility meter reading and service. To repair or replace electrical conduit to code standards. Replacement of the non-original living room window with similar casement. Replacement of the windows to their original opening sizes in the bedroom and kitchen, 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**, chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible, 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 Charles Burdick with the condition that that the South façade windows be code compliant and match the existing window color, for property located at 231 Sibley Avenue North.

Adopted by the City Council on this 1st day of June, 2020.

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. Certificate of Appropriateness - By Charles Guetti - 225 Sibley Ave N -

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 Allen, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-112  
GRANT CERTIFICATE OF APPROPRIATENESS  
TO CHARLES GUETTI  
FOR PROPERTY LOCATED AT 225 SIBLEY AVENUE NORTH**

**WHEREAS**, the Litchfield Historic Preservation Commission held a hearing on Tuesday, May 26, 2020, to consider a Certificate of Appropriateness Application request by Charles Guetti, for property located at 225 Sibley Avenue North, and

**WHEREAS**, the Litchfield Historic 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 for the replacement of 14 windows with new vinyl case, double hung panes, with a fixed arched glass muller to the top header where appropriate in the color sand beige. Two exterior doors will be replaced with two new 4 panel wood doors painted to match with arched tops and fixed arch topped windows above. Windows, doors, trim, and brick will be painted using colors from the approved color palette and the awning will be removed on the front of the building, 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 Charles Guetti with the condition that the North façade windows be code compliant and painted to match the existing window color, for property located at 225 Sibley Avenue North.

Adopted by the City Council on this 1st day of June, 2020.

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. AIRPORT COMMISSION –

1. Use Permit - By Jeff Huston –

Council Member Mathwig provided the findings and recommendations of the Airport Commission concerning a Hangar Use Permit request from Jeff Huston. He said the Airport Commission strongly supports use at the airport. He shared that he may have voted differently at the Airport Commission meeting based on the recent information the Council received concerning Federal funding impacts. City Administrator Cziok informed the Council that the City has not allowed for business operations within airport property. He explained that the request is viewed as a land use request requiring an answer within 60 days. He discussed forwarding the request to FAA for review and amending the Airport Lot Lease agreement to allow for said business operation within the airport hangar. Cziok explained that his original recommendation was to enact a one year moratorium on any business use of hangars allowing time to develop a policy addressing use.

The Council reviewed the information presented. Questions were raised about Jeff Huston’s timelines and impacts to other hangar owners, along with opening the door to other applications for business use of hangars. City Administrator Cziok responded that’s why staff was asking for a one year moratorium to figure out what’s allowed and not allowed.

Jeff Huston, hangar use permit applicant, said he bought the hangar in significant disrepair. He has completed improvements including replacement of the siding with the exception of the fourth side, anticipating expansion. In response to timeline, he thought he was just applying for a building permit and would break ground this spring. Huston said they will have to reassess whether it makes sense to stay the course here and wait it out or pursue something else; the process became much more involved than just applying for a building permit. He said the hangar is primarily used for aircraft purposes which include maintenance, flight operations, and accounting. According to his legal counsel, the proposed use fully complies with the terms of the lease adding there are differing opinions with the City’s legal counsel in what is permissible and what is not. City Attorney Wood wanted to clarify he didn’t issue an opinion that Mr. Huston’s use would not be in compliance. He said the lease is somewhat vague when it talks about related purpose however the issue isn’t so much does it or does it not abide with the lease but the proposed hangar use needs clarification from FAA in that the City doesn’t want to jeopardize any funding under any circumstances.

Concern was expressed on potentially jeopardizing federal funding. Concern was also shared as to not fully understanding what type of business is going to be operating out of the hangar.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-115  
AUTHORIZE FAA REVIEW OF AIRPORT HANGAR USE PERMIT  
REQUEST FROM JEFF HUSTON DBA ALLEN AIR, LLC  
FOR PROPERTY LOCATED AT 24032 627<sup>TH</sup> AVE  
TO ALLOW FOR BUSINESS OPERATIONS**

**WHEREAS**, the Airport Commission held a meeting on May 19, 2020, for an Airport Hanger Use Permit request by Jeff Huston, and

**WHEREAS**, the Airport Commission, upon review of the findings of facts, has recommended that this Airport Hanger Use Request be granted, and they referred the application to the City Council for final action, and

**WHEREAS**, the request is to allow for business operations, and

**WHEREAS**, the property is located at 24032 627<sup>th</sup> Ave, and

Resolution No. 20-6-115– Cont’d.

**WHEREAS**, additional information was provided to the Council for consideration concerning Federal grant funding, and

**WHEREAS**, airport sponsors must agree to certain obligations to accept Federal grant funding, and

**WHEREAS**, the FAA policy states hangars on airport property, regardless if public or privately owned, must only be used for aeronautical purposes, and

**WHEREAS**, the Council expressed concern about jeopardizing Federal grant funding if found to be in non-compliance,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Litchfield authorizes City staff and the City Engineer engage with hangar owner Jeff Huston to prepare and submit a document describing the proposed hangar use for review by FAA, and

**BE IT FURTHER RESOLVED** that the Council will consider amending the Airport Lot Lease agreement based on the response from the review by FAA.

Adopted by the City Council on this 1st day of June, 2020.

Approved:

Attest:

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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. **COVID-19 UPDATE** –

City Administrator Cziok informed the Council that not much has changed since his last report. He said the City is ordering masks and preparing for more public engagement. Staff remains working in small teams that in the event we do have an exposure we become somewhat limited in the impact to the organization. Financially, Cziok shared he continues to have some significant concerns based on the COVID-19 pandemic compounded by the unrest in Minneapolis and St. Paul. He anticipates significant dollars spent on responding to the unrest due to current events. He doesn’t know how the City gets through the next couple years without seeing some LGA impact considering what the State is running up against. City Administrator Cziok suspects an update will be provided as the State convenes a special legislative session.

City Administrator Cziok discussed the inability of the Airport Commission to connect remotely so the meeting was held at City Hall. He explained it’s not the way he wanted to handle things but they made it work. He provided information on the status of meeting formats by other entities including State recommendations on best practices. Cziok expressed concern about impacts to staff since they are operating out of this facility, adding we want to reduce staff’s exposure to public interaction as much as possible. He explained that an illness in City Hall will have an impact real quickly to our ability to get the job done. He discussed things to consider in opening up including the use of masks and the capacity of the Council Chambers.



Mayor Johnson questioned on when City buildings would open up. City Administrator Cziok responded as the community begins to open back up we know there is going to be more interaction with the public and he wants to make sure staff is comfortable referring back to his comment on providing for masks. The City will most likely not open up until we have the remodel accomplished and glass is in place whereas staff can operate safely. City Administrator Cziok responded to Mayor Johnson's inquiry on the status of the campgrounds that they opened up today.

Council Member Kotelnicki inquired on the status of the splash pad opening. She said her research varies on how other cities are handling pools and splash pads. She expressed concern that the splash pad was categorized as a pool. City Administrator Cziok responded that he agrees the public does want to see it open and the City is not ready to announce closure for the summer. He explained that not every splash pad is the same, adding that the City of Litchfield's splash pad requires treatment of water in that it is recycled and is therefore classified as a pool with the same testing requirements. Cziok added the concern on the splash pad is capacity and not being a safe environment in a pandemic. He explained that staffing or policing to control the numbers may be difficult. Council Members Allen and Mathwig shared they had similar conversations on opening the splash pad. Council Member Miller has not had anyone ask about it but she has seen a lot of frustrated people concerning wearing and not wearing masks. She understands on people wanting it open. She has seen a lot of comments that there is concern about people not social distancing, not wearing masks, and that it will be difficult to keep it down to a number that's safe.

Council Member Kotelnicki shared she had been contacted about liquor licenses. She was asked if the prorating the license could be considered for when their business was closed, adding there are still unanswered questions with COVID-19 and the liquor licenses. City Administrator Cziok clarified that the City allowed businesses to create a payment plan if they were interested. Most of the businesses that he has talked to say the license fee required by the City pales in comparison to the insurance required. It was determined that the Council already approved offering payment plans and no further action was warranted.

Council Member Dingmann inquired as to the status of the City Hall remodeling. City Administrator Cziok responded that with coordinating contractors, it was taking a little longer than expected but he is hoping by the end of the month. Council Member Kotelnicki inquired as to what are the end points the City will reach in which the Council rescinds the resolution for emergency powers for the City Administrator. City Administrator Cziok responded that he would defer to City Attorney Mark Wood, but believes the City would mirror the actions by the State with their emergency declaration.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-117  
APPROVE CONTINUATION OF VIDEO CONFERENCING FORMAT**

**WHEREAS**, Federal and State social distancing guidelines are in effect in response to the COVID-19 pandemic, and

**WHEREAS**, Council meetings can be conducted via video conferencing pursuant to Minn. Stat. 13D.021, and

**WHEREAS**, the Planning Commission and Heritage Preservation Commission are participating in video conferencing,

**NOW THEREFORE BE IT RESOLVED** that City Council of the City of Litchfield hereby approves continuation of video conferencing for City Council, Planning Commission and Heritage Preservation Commission meetings through and including the City Council meeting scheduled June 15, 2020.

Resolution No. 20-6-117– Cont’d.

Adopted by the City Council on this 1st day of June, 2020.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

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

**B. TAVERN ON MAIN –**

City Administrator Cziok reported that Mayor Johnson had signed a the declaration on Friday which instructs staff to consider steps that are needed and prepare documents for Council consideration to allow the Tavern on Main to operate outdoors in the City alleyway. He said the other item for Council consideration is approving the lease and allowing the City to amend the liquor license to allow Tavern on Main to operate in the alleyway. He outlined specifics in the lease agreement including the area defined for use by Tavern on Main, making sure a handicap accessible walkway to the public sidewalk on Sibley Avenue is maintained, along with the fencing requirements. City Attorney Wood added it should be noted that the Governor’s Order last week that allows for this is simply an allowance; it does not require it so it is optional with the Council whether they want this.

Council Member Allen requested a clarification in that the City already put the fence up on Friday, sprayed and pulled weeds for them (Tavern on Main) and now tonight it is being brought to a vote. She asked if it could be explained to the public why it already started on Friday and it is now Monday night and we (the Council) are voting on it. City Administrator Cziok said he is operating under the State’s guidance in that the State wanted cities to work with restaurants to allow for this to take place. He explained the process in order for this to take place today including the Mayor to make the declaration to allow for it and the lease agreement executed to allow for it. City Administrator Cziok instructed staff to install the fence ensuring a walkway was maintained along with cleaning up the alleyway which the City owns.

Council Member Kotelnicki inquired if the proposed resolution that includes language that “temporarily extends business licenses to bars and restaurants” would apply to all bars and restaurants now. City Attorney Wood responded while the first proposed resolution applies to all, they would each individually have to come to the Council for amendment to their license. He added the second proposed resolution is specific to Tavern on Main.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-118  
EMERGENCY DECLARATION 20-02**

**WHEREAS**, the Mayor of the City of Litchfield, Minnesota (“Mayor”) found that the following local emergency (“Emergency”) exists in the City of Litchfield, Minnesota (“City”):

1. The Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 on March 13, 2020 (attached); and
2. The City faces an imminent threat to life and public health resulting from the novel coronavirus and the resulting COVID-19 disease; and
3. The City is confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City are jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

Resolution No. 20-6-118– Cont’d.

**WHEREAS**, Minnesota Statutes Section 12.29 and Litchfield City Ordinance Chapter 32 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operation Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements; and

**WHEREAS**, Minnesota Statutes Section 12.37 authorizes the City, acting through its governing body, to

1. Enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster;
2. Exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to
  - a. The performance of public work
  - b. Entering into contracts;
  - c. Incurring of obligations;
  - d. Employment of temporary workers;
  - e. Rental of equipment;
  - f. Purchase of supplies and materials;
  - g. Limitations upon tax levies;
  - h. The appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets; and

**WHEREAS**, the Mayor found that the Emergency is sudden and unforeseen and could not have been anticipated; and

**WHEREAS**, the Mayor found that conditions in Minnesota and the threat to the visitors to and inhabitants of the City has worsened considerably as a result of the Emergency; and

**WHEREAS**, the Mayor found that this situation threatens the health, safety, and welfare of the citizens of the community and threatens the provision and delivery of city services as a result of the Emergency; and

**WHEREAS**, the Mayor found that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

**WHEREAS**, the Mayor found that traditional sources of relief are not able to repair or prevent the injury and loss; and

**WHEREAS**, the Mayor of the City of Litchfield, Minnesota declared a local Emergency effective on March 19, 2020 in the City of Litchfield, Minnesota, and called for consideration of the declaration at an emergency meeting of the City Council of the City of Litchfield at 2:00 p.m. on March 20, 2020, in the City Council Chambers (126 Marshall Avenue North in the City) and by other electronic means as permitted by Minnesota Statutes, Section 13D.021, for purposes of receiving an emergency COVID-19 update and considering formal action to consent to the Declaration and related actions.

**WHEREAS**, the City Council of the City of Litchfield considered the declaration at the emergency meeting on March 20, 2020, and consented to the Declaration through formal action of resolution; and

Resolution No. 20-6-118– Cont’d.

**WHEREAS**, the declaration of a local emergency invokes the City’s Emergency Operations Plans and the Pandemic Response Plan. The portions that are necessary for response to and recovery from the Emergency are hereby authorized, including but not limited to all appropriate community containment and mitigation strategies. To the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Administrator, Emergency Manager, and their designees are hereby authorized to suspend compliance with those laws, policies, and procedures as authorized by Emergency Executive Order 20-01 and Minnesota Statutes, Section 12.32, and to take those actions necessary to protect the public health, safety, and welfare.

**WHEREAS**, the Governor of Minnesota issued Emergency Executive Order 20-56, allowing restaurants and bars to open for outdoor dining with several social distancing requirements in place; and

**WHEREAS**, the Mayor presented Declaration No. 20-02 finding a necessity to protect and support local business by allowing temporary expansions of liquor licenses held by bars and restaurants; and

**WHEREAS**, the City Council of the City of Litchfield, Minnesota reviewed and consented to said Declaration No. 20-02; and

**WHEREAS**, the local restaurants and bars have suffered significant economic hardship due to statewide closures of businesses under previous Governor Orders, the City Council finds it necessary to protect and support local establishments; and

**WHEREAS**, the City Council finds that traditional sources of relief are not able to repair or prevent injury and loss.

**NOW THEREFORE**, the City Council of the City of Litchfield, Minnesota, consents to the Mayor’s declaration of temporary expansion of liquor licenses.

The City shall temporarily extend liquor licenses of bars and restaurants to include patios, sidewalks, parking lots, and alleyways owned and leased by the license holder not currently included under their liquor license. Said patios, sidewalks, parking lots, and alleyways shall be contiguous with the license holder’s previously licensed premises. Any expansions establishments make to their service areas under this declaration shall be identified by the license holder and submitted for filing with the City of Litchfield and State of Minnesota as required by City Ordinance and State Statute.

The temporary extension of the liquor license service areas shall terminate upon a Governor Executive Order allowing 50% indoor capacity or termination of the Local Emergency, whichever occurs first.

Adopted by the City Council this 1st day of June, 2020.

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

\_\_\_\_\_  
MAYOR

<u>Date</u>	<u>Action Taken</u>
May 29, 2020	Declaration No. 20-02
May 29, 2020	Public Notification of Declaration No. 20-02
May 29, 2020	Declaration No. 20-02 filed with Assistant City Administrator
June 1, 2020	Public Notification of City Council consent to Declaration No. 20-02
June 1, 2020	City Council consent to Declaration No. 20-02 filed with Assistant City Administrator

Resolution No. 20-6-118– Cont’d.

Adopted by the City Council on this 1st day of June, 2020.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

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

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 20-6-119  
APPROVING ALLEYWAY LEASE AGREEMENT AND  
TEMPORARY EXPANSION OF TAVERN ON MAIN’S LIQUOR LICENSE**

**WHEREAS**, the Mayor of the City of Litchfield, Minnesota (“Mayor”) found that the following local emergency (“Emergency”) exists in the City of Litchfield, Minnesota (“City”):

1. The Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 on March 13, 2020 (attached); and
2. The City faces an imminent threat to life and public health resulting from the novel coronavirus and the resulting COVID-19 disease; and
3. The City is confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City are jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

**WHEREAS**, Minnesota Statutes Section 12.29 and Litchfield City Ordinance Chapter 32 authorizes the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operation Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements; and

**WHEREAS**, Minnesota Statutes Section 12.37 authorizes the City, acting through its governing body, to

1. Enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster;
2. Exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to
  - a. The performance of public work
  - b. Entering into contracts;
  - c. Incurring of obligations;
  - d. Employment of temporary workers;
  - e. Rental of equipment;
  - f. Purchase of supplies and materials;
  - g. Limitations upon tax levies;
  - h. The appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets; and

Resolution No. 20-6-119– Cont’d.

**WHEREAS**, the Mayor found that the Emergency is sudden and unforeseen and could not have been anticipated; and

**WHEREAS**, the Mayor found that conditions in Minnesota and the threat to the visitors to and inhabitants of the City have worsened considerably as a result of the Emergency; and

**WHEREAS**, the Mayor found that this situation threatens the health, safety, and welfare of the citizens of the community and threatens the provision and delivery of city services as a result of the Emergency; and

**WHEREAS**, the Mayor found that the Emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

**WHEREAS**, the Mayor found that traditional sources of relief are not able to repair or prevent the injury and loss; and

**WHEREAS**, the Mayor of the City of Litchfield, Minnesota declared a local Emergency effective on March 19, 2020 in the City of Litchfield, Minnesota, and called for consideration of the declaration at an emergency meeting of the City Council of the City of Litchfield at 2:00 p.m. on March 20, 2020, in the City Council Chambers (126 Marshall Avenue North in the City) and by other electronic means as permitted by Minnesota Statutes, Section 13D.021, for purposes of receiving an emergency COVID-19 update and considering formal action to consent to the Declaration and related actions.

**WHEREAS**, the City Council of the City of Litchfield considered the declaration at the emergency meeting on March 20, 2020, and consented to the Declaration through formal action of resolution; and

**WHEREAS**, the declaration of a local emergency invokes the City’s Emergency Operations Plans and the Pandemic Response Plan. The portions that are necessary for response to and recovery from the Emergency are hereby authorized, including but not limited to all appropriate community containment and mitigation strategies. To the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Administrator, Emergency Manager, and their designees are hereby authorized to suspend compliance with those laws, policies, and procedures as authorized by Emergency Executive Order 20-01 and Minnesota Statutes, Section 12.32, and to take those actions necessary to protect the public health, safety, and welfare; and

**WHEREAS**, the Governor of Minnesota issued Emergency Executive Order 20-56, allowing restaurants and bars to open for outdoor dining with several social distancing requirements in place; and

**WHEREAS**, the Mayor presented Declaration No. 20-02 finding a necessity to protect and support local business by allowing temporary expansions of liquor licenses held by bars and restaurants; and

**WHEREAS**, the City Council of the City of Litchfield, Minnesota reviewed and consented to said Declaration No. 20-02; and

**WHEREAS**, the local restaurants and bars have suffered significant economic hardship due to statewide closures of businesses under previous Governor Orders, the City Council finds it necessary to protect and support local establishments; and

**WHEREAS**, the City Council found that traditional sources of relief are not able to repair or prevent injury and loss; and

**WHEREAS**, the City Council of the City of Litchfield, Minnesota, consented to the Mayor’s declaration of temporary expansion of liquor licenses; and

Resolution No. 20-6-119– Cont’d.

**WHEREAS,** the City temporarily extends liquor licenses of bars and restaurants to include patios, sidewalks, parking lots, and alleyways owned and leased by the license holder not currently included under their liquor license. Said patios, sidewalks, parking lots, and alleyways shall be contiguous with the license holder’s previously licensed premises. Any expansions establishments make to their service areas under this declaration shall be identified by the license holder and submitted for filing with the City of Litchfield and State of Minnesota as required by City Ordinance and State Statute; and

**WHEREAS,** the temporary extension of the liquor license service areas shall terminate upon a Governor Executive Order allowing 50% indoor capacity or termination of the Local Emergency, whichever occurs first; and

**WHEREAS,** the City has entered into a lease agreement with Tavern on Main to lease a portion of the adjoining East/West alleyway; and

**WHEREAS,** Tavern on Main seeks to expand its service area for food and alcohol services within the leased premises.

**NOW THEREFORE BE IT RESOLVED** the City Council of the City of Litchfield, Minnesota, consents to the lease agreement and temporary expansion of Tavern on Main’s liquor license within the adjoining East/West alleyway.

Tavern on Main’s liquor license shall be amended to include the temporary service area and shall specifically identify the temporary service area. Said temporary license shall terminate upon a Governor Executive Order allowing 50% indoor capacity, termination of the Local Emergency, or termination of the lease agreement, whichever occurs first.

Adopted by the City Council on this 1st day of June, 2020.

Approved:

Attest:

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MAYOR

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

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

<u>Date</u>	<u>Action Taken</u>
June 1, 2020	Public Notification of City Council consent to lease and license expansion
June 1, 2020	City Council consent to Declaration No. 20-02 filed with Assistant City Administrator

C. DOWNTOWN HWY 12 IMPROVEMENT PROJECT –

Assistant City Engineer DeWolf reported the contractor continues to make good progress. All of the underground improvements from Depot Street to the north are for the most part completed. The contractor is currently working on grading that street. The concrete subcontractor plans to begin work sometime later this week. The contractor is continuing the installation of storm sewer and utilities to the south and east of depot.

Assistant City Engineer DeWolf reported that BNSF is in town working on railroad crossings. He said they notified the City that along with the Sibley railroad crossing they would like to take care of all the crossings at the same time. BNSF couldn’t guarantee any timeframe to make the improvements in the future if they were unable to do it now.

Council Member Kotelnicki expressed concern that residents are unhappy about the truck traffic routes. Assistant City Engineer DeWolf responded he will discuss the issues with MnDOT to see if the issues can be mitigated. No formal action was taken.

D. LITCHFIELD DOWNTOWN COUNCIL –

City Administrator Cziok reported that the Litchfield Downtown Council, Inc. reached their fundraising goal for purchase of an historic clock to be placed downtown. The Litchfield Downtown Council, Inc. requested approval to purchase said clock.

After review, it was moved by Council Member Loch, seconded by Council Member Dingmann, to approve the purchase of the historic clock, funded by the Litchfield Downtown Council, to be placed downtown. 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 6:55 p.m. by unanimous consent.

Attest:

\_\_\_\_\_  
ASSISTANT CITY ADMINISTRATOR

Approved:

\_\_\_\_\_  
MAYOR