

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, August 7, 2017, 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	Mike Boyle	Present
Council Member Ward II	Darlene Kotelnicki	Present
Council Member Ward III	Betty Allen	Present
Council Member Ward IV	Vern Loch, Jr.	Present
Council Member Ward V	Sara Miller	Excused
City Administrator	Dave Cziok	Present
Assistant City Administrator	Joyce Spreiter	Present
Operations Coordinator	Mario Provencher	Present
Operations Engineer	Mike Geers	Present
Water Foreman	Herb Watry	Present
City Attorney	Mark Wood	Present
Assistant City Engineer	Chuck DeWolf	Present
Independent Review		Not 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. July 17, 2017

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT:

- 1. Computer List of Bills for \$1,456,413.10

D. OTHER PAYMENTS:

- 1. 2017 Improvement Project -

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-137
AUTHORIZE PAYMENT FOR THE
THE 2017 IMPROVEMENT PROJECT**

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

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

NOW, THEREFORE, BE IT RESOLVED to approve Payment No. 2 for the 2017 Improvement Project totaling \$388,359.66 as attached and on file.

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

2. 2017 State Aid Overlay Improvements -

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-138
AUTHORIZE PAYMENT FOR THE
2017 STATE AID OVERLAY 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 to approve Payment No. 1 for the 2017 State Aid Overlay Improvements totaling \$257,413.23 as attached and on file.

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

1. Lawful Gambling Permit – Kiwanis Club of Litchfield -

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-136
LAWFUL GAMBLING PERMIT FOR AN EXEMPT
ORGANIZATION THE KIWANIS CLUB OF LITCHFIELD, MINNESOTA**

WHEREAS, an application for a lawful gambling license exemption was considered from the Kiwanis Club of Litchfield, Minnesota,

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for the Kiwanis Club of Litchfield, Minnesota on September 22, 2017 at Peter’s On Lake Ripley, 405 W Pleasure Drive, Litchfield, MN, and to direct submittal of a copy of this resolution with their application to the State Gambling Control Division.

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

G. OTHER ROUTINE MATTERS:

1. Employment Offer -

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-135
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 2017 Budget, and

WHEREAS, the supervisors will adjust the wage schedule for 2017 temporary part-time employees to fill these positions, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Litchfield to offer 2017 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>		Dylan Schutz
<i>Golf Course Pro Shop</i>		Bryce Kuechle

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

H. COMMUNICATIONS:

1. Minutes and Reports:

- a. Historic Preservation Commission Minutes – July 24, 2017

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-134
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 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

III. **TIMED ITEMS** – None.

IV. **ACKNOWLEDGMENT OF AUDIENCE/PRESENTATIONS** – None.

V. **COMMISSION RECOMMENDATIONS** –

A. **HERITAGE PRESERVATION COMMISSION** –

1. **Certificate of Appropriateness** - By Patrick Raiber - 309 Sibley Ave N -

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

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-133
GRANT CERTIFICATE OF APPROPRIATENESS
TO PATRICK RAIBER DBA RE/MAX TODAY'S PROPERTIES
FOR PROPERTY LOCATED AT 309 SIBLEY AVENUE NORTH**

WHEREAS, the Litchfield Historic Preservation Commission held a hearing on Monday, July 24, 2017, to consider a Certificate of Appropriateness Application request by Patrick Raiber, dba Re/Max Today's Properties, for property located at 309 Sibley Avenue North, and

WHEREAS, said application was amended to use LP SmartSide for the bulk head, 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 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, 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,

August 7, 2017

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 Patrick Raiber, dba Re/Max Today's Properties, for property located at 309 Sibley Avenue North.
Resolution No. 17-8-133– Cont'd.

Adopted by the City Council on this 7th day of August, 2017.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

2. Certificate of Appropriateness - by Michael Malinski - 130 Sibley Ave N -

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

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-132
GRANT CERTIFICATE OF APPROPRIATENESS
TO MICHAEL MALINSKI
FOR PROPERTY LOCATED AT 130 SIBLEY AVENUE NORTH**

WHEREAS, the Litchfield Historic Preservation Commission held a hearing on Monday, July 24, 2017, to consider a Certificate of Appropriateness Application request by Michael Malinski, for property located at 130 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 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

August 7, 2017

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,
Resolution No. 17-8-132– Cont’d.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that the request for a Certificate of Appropriateness be granted to Michael Malinski, for property located at 130 Sibley Avenue North.

Adopted by the City Council on this 7th day of August, 2017.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

VI. COMMITTEE REPORTS –

A. PERSONNEL COMMITTEE –

1. City Administrator Performance Evaluation Summary –

Council Member Ron Dingmann provided the City Administrator Performance Evaluation Summary as prepared by the Personnel Committee.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-139
APPROVE CITY ADMINISTRATOR PERFORMANCE EVALUATION SUMMARY**

WHEREAS, the City Council met in a closed session on July 17, 2017 to conduct an annual performance review of City Administrator David Cziok pursuant to Minnesota Statutes Section 13D.05 Subdivision 3(b), and

WHEREAS, City Administrator Cziok was evaluated by the Council in areas reflecting job knowledge and abilities based on the job description, and

WHEREAS, the Personnel Committee completed a performance evaluation summary for Council review based upon the results of the closed session held on July 17, 2017,

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves the “Summary of City Administrator Performance Evaluation” as presented, and

BE IT FURTHER RESOLVED that documentation concerning the evaluation of City Administrator Cziok be held in the offices of City Attorney Wood of Wood & Rue.

Adopted by the City Council this 7th day of August, 2017.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. DOWNTOWN EXTERIOR BUILDING IMPROVEMENT GRANT

The Council reviewed the proposed Historic Downtown Exterior Improvement Grant Application and process prepared by administration.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-140
APPROVE HISTORIC DOWNTOWN EXTERIOR IMPROVEMENT GRANT**

WHEREAS, the City wishes to continue providing matching grants to enhance the Commercial Historic District to promote the community and attract business, and

WHEREAS, the City approved providing a Historic Downtown Exterior Improvement Grant up to \$5,000 requiring a match by the property owner within the Commercial Historic District retroactive to January 1, 2017, and

WHEREAS, administration prepared a document outlining the grant application process for Council review,

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves the Historic Downtown Exterior Improvement Grant Application and process as reviewed.

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

B. LIQUOR ORDINANCE –

City Attorney Wood addressed the Council concerning requests for temporary intoxicating liquor licenses for special events off-site which is not available under the City’s current Liquor Ordinance. He explained that liquor license holders in the City are site specific to their application address in that the licensee can only distribute liquor at the location identified. He explained the proposed language provided for consideration at Council’s request concerning off-site or temporary intoxicating liquor licenses is fairly restrictive as it’s written, however can be modified at the Council’s discretion. He described restrictive meaning that the language provided allows a holder of a Litchfield Liquor License to sell at a temporary location largely due in part because the license holder has trained staff to provide the service. It was noted that it is not required to have a public hearing concerning the amendment to the Liquor License.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-141
CALL FOR PUBLIC HEARING TO CONSIDER
AMENDING LIQUOR ORDINANCE TO ALLOW FOR
TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE**

WHEREAS, the City receives many requests for temporary licensing for the sale of intoxicating liquor for special events currently not provided for in the City Liquor Ordinance, and

WHEREAS, intoxicating liquor license holders in the City are site specific to their application address in that the licensee can only sell at their location, and

WHEREAS, currently the City has no temporary liquor licensing available if licensed establishments desire to sell at any other location, with the exception of the community festival, Watercade, and

WHEREAS, the Council wishes to hold a public hearing to consider amending the Liquor Ordinance to allow for temporary licensing for the sale of intoxicating liquor for special events,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby sets a public hearing on September 18, 2017 at approximately 5:30 p.m. to consider amending the Liquor Ordinance to allow for temporary licensing for the sale of intoxicating liquor for special events.

Adopted by the City Council this 7th day of August, 2017.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

C. OPERA HOUSE LIQUOR REQUEST –

City Administrator Cziok addressed the Council concerning the request by the Greater Litchfield Opera House Association, Inc. that the Council consider a 1 Day Temporary Consumption and Display Permit. He explained City approval is required before submittal to the state for approval. He added the City Liquor Ordinance is silent therefore there is nothing in the Ordinance that does not allow for it.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-142
APPROVE CONSUMPTION AND DISPLAY PERMIT FOR
GREATER LITCHFIELD OPERA HOUSE ASSOCIATION, INC.**

WHEREAS, an application for a 1 Day Temporary Consumption and Display Permit was received by the Greater Litchfield Opera House Association, Inc., and

WHEREAS, Minnesota Statutes 340A.414, Subd. 9 states “the city may issue a one-day permit for the consumption and display of intoxicating liquor under this section to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization”, and

WHEREAS, the consumption and display permit requires approval by the commissioner, and

Resolution No. 17-8-142– Cont’d.

WHEREAS, the permit is only valid for the day provided on the application, and

WHEREAS, the city may not issue more than ten permits in any one year under this section of Minnesota Statutes,

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves an application for a 1 Day Temporary Consumption and Display Permit for the Greater Litchfield Opera House Association, Inc. on September 23, 2017 at 136 Marshall Avenue North, Litchfield, Minnesota and directs submittal of the application to Alcohol and Gambling Enforcement Division for approval.

Adopted by the City Council this 7th day of August, 2017.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

D. EQUIPMENT –

City Administrator Cziok addressed the Council concerning the purchase of a mini-excavator and attachments.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 17-8-143
AUTHORIZE PURCHASE OF MINI-EXCAVATOR AND ATTACHMENTS**

WHEREAS, City staff has been evaluating equipment needs for 2017, and

WHEREAS, City staff recommends purchasing a new mini-excavator and attachments, and

WHEREAS, the Equipment Revolving Fund has sufficient funds to accommodate the purchase, and

WHEREAS, the City received a quote from Farm-Rite for a mini-excavator and attachments through state contract pricing,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves purchasing a new E55 Bobcat Mini-Excavator and attachments from Farm-Rite through the state contract with trade-in allowances as follows:

	State Bid Price	Trade-in Allowance	Actual Cost
1 new E55 Bobcat Mini-Excavator (W/bucket)	\$60,754.60	\$25,354.60	\$35,400.00
1 new PCF64 Plate Compactor	\$ 4,934.40	\$ 2,500.00	\$ 2,434.40

Adopted by the City Council this 7th day of August, 2017.

Resolution No. 17-8-143– Cont’d.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

E. TAX FORFEITURE COMMITTEE –

City Administrator Cziok explained that Meeker County officials have requested meeting with City officials concerning the property located at 225 North Sibley Avenue. He said Mayor Johnson, Council Members Boyle and Kotelnicki represented the City in the last meeting which had been thrown together quickly. He recommended official authorization of these members to meet with Meeker County officials. City Administrator Cziok said the Building Condition Assessment Report has been completed for the property located at 225 North Sibley Avenue, however the report has not been reviewed in its entirety. It was moved by Council Member Loch, seconded by Council Member Allen that Mayor Johnson, Council Members Boyle and Kotelnicki, along with City Administrator Cziok represent the City in a meeting to be held on August 14, 2017 at 8:30 a.m. with Meeker County Officials concerning tax forfeited property located at 225 North Sibley Avenue. Upon roll call vote, all members voted aye, whereupon motion carried.

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS –

A. WORK SESSION –

The Council held a work session following the Council meeting concerning the concept of a Wellness/Recreation Center. No formal action was taken.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:02 p.m. by unanimous consent.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR