

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 19, 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
Police Chief	Pat Fank	Present
Parks Foreman/Arena Manager	Chadd Benson	Present
City Attorney	Mark Wood	Present
Assistant City Engineer	Chuck DeWolf	Present
Independent Review	Brent Schacherer	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 – August 5, 2019
2. Work Session – August 5, 2019

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

1. Computer List of Bills for \$82,077.79

D. OTHER PAYMENTS: None.

E. ORDINANCES – SECOND READINGS: None.

F. LICENSES:

1. Lawful Gambling Permit – LDC Youth Hockey, Inc.

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-138
LAWFUL GAMBLING PERMIT FOR AN EXEMPT ORGANIZATION
LITCHFIELD/DASSEL-COKATO YOUTH HOCKEY, INC.**

WHEREAS, an application for a lawful gambling license exemption was considered from the Litchfield/Dassel-Cokato Youth Hockey, Inc.,

Resolution No. 19-8-138– Cont’d.

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for the Litchfield/Dassel-Cokato Youth Hockey, Inc. at the Litchfield Civic Arena located at 900 North Gilman, Litchfield, for the purpose of a raffle on or about December 17, 2019, 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 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

G. OTHER ROUTINE MATTERS: None.

H. COMMUNICATIONS TO REVIEW :

1. Minutes & Reports:

a. Planning Commission Minutes – August 12, 2019

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-132
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 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

III. TIMED ITEMS –

A. 5:30 P.M. PUBLIC HEARING - CONSIDER ZONING ORDINANCE AMENDMENT –

This being the time, date and place set, with all notices published and posted as required by law, Mayor Johnson opened the public hearing at 5:32 p.m. to consider amendments to the Zoning Ordinance.

August 19, 2019

An attendance list is on file. There were no written letters and there were no comments. Mayor Johnson closed the public hearing at 5:34 p.m.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-133
FIRST READING FOR ORDINANCE NO. 797
AN ORDINANCE AMENDING PART OF THE CITY CODE,
TITLE XV: LAND USAGE, CHAPTER 154: ZONING ORDINANCE,
SECTION 154.124: FENCES, HEDGES, WALLS AND OBSTRUCTIONS,
SECTION 154.270: MINIMUM REQUIREMENTS, SECTION 154.281: HEIGHT**

WHEREAS, from time to time staff determines that amendments are needed to the Zoning Ordinance, and

WHEREAS, the Planning Commission held a public hearing on July 8, 2019 to consider amendments to the Zoning Code as directed by the City Council, and

WHEREAS, the Planning Commission recommended that the City Council consider amending the Zoning Code,

WHEREAS, the City Council held a public hearing on August 19, 2019 at City Hall, after due published and posted notice had been given, to consider amendments to the Zoning Code and all interested and affected persons were given the opportunity to voice their concerns and be heard, and

WHEREAS, there were no objections received at the hearing,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the First Reading of Ordinance No. 797, an ordinance amending part of the City Code Title XV: Land Usage, Chapter 154: Zoning Ordinance, Section 154.124: Fences, Hedges, Walls and Obstructions, Section 154.270: Minimum Requirements and Section 154.281: Height.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

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

This being the time, date and place set, with all notices published and posted as required by law, Mayor Johnson opened the public hearing at 5:35 p.m. to consider repealing Ordinance No. 631 and establishing Ordinance No. 793, Tobacco Related Products.

An attendance list is on file.

Mayor Johnson outlined the public hearing process.

The following individuals addressed the Council concerning the proposed Tobacco Related Products Ordinance:

August 19, 2019

Brett Nelson, 2121 Trumble Ct, Chaska, MN 55318 - Health Educator for Meeker, Mcleod, Sibley Community Health Services; Supports Tobacco 21; Encouraged the Council to be proactive and not wait for the State to address the issue; Discussed and provided statistics concerning the harmful impacts of e-cigarettes.

Ed Cowley, 339 East 1st Street, Litchfield, MN 55355 - Chemical Use Assessor for Meeker County Social Services prior to retiring 4 years ago; Supports Tobacco 21; Shared his personal experience, along with his professional experience in his former position, relating to tobacco product use.

Joe Berube, 24685 608th Ave., Litchfield, MN 55355 - Supports Tobacco 21; Discussed challenges facing children because of peer pressure.

Mitch Elke, 640 Pleasant St., Dassel, MN 55325 - Owns the convenience store at 914 Sibley Ave., Litchfield; He is anti-tobacco but it is part of our economy; Concerned with letting employees go if not 21 years of age and with penalties for legal adults selling to legal adults; Believes legislation should be left to the state or federal government.

Rick Beecroft, 646 E 3rd Street, Litchfield, MN 55355 - General Manager for Speedway East (convenience store); Against Tobacco 21; Applauded high school students and the intent; Concerned on impacts to local economy by forcing business out of town; Stressed that we as a town have driven a lot of business to other towns and passing this ordinance would be forcing people to leave town, forcing them to go somewhere else; Agrees it is a problem but questioned whether it is the City's problem.

Nancy McNab, 310 State St., Eden Valley, MN 55329 - District Manager for Casey's General Stores (2 stores in Litchfield); Concern that there will be impacts to local economies based upon individual cities and counties adopting Tobacco 21 if there is not a State mandate in which everyone has to abide by; Encouraged making it harder for the individual's trying to buy and not just penalizing sellers.

Janelle Haiwick, M.D., 62600 150 Street, Litchfield, MN 55355 - Family Physician in Litchfield; Supports Tobacco 21; Sees the tobacco influence on individuals' health every day including cancer, heart disease and lung disease; A vast majority of her patients reported, when asked, that they started in their teenage years adding it usually takes a huge life-altering event to quit; Stressed it's a highly addictive substance; Concerned that despite the education of harmful impacts the new products are harder to detect in order to address underage use.

Liz Heimer, American Lung Association – Partner with Meeker County Public Health and Coalition to provide support for Tobacco 21; Goal is to improve lung health and prevent lung disease; Tobacco 21 is an effective evidence based solution to reduce youth tobacco use; Provided statistics from other communities adopting Tobacco 21 including data on reduction of use by youth; Tobacco 21 is a positive movement with 40 other communities in Minnesota having passed Tobacco 21 and 40 others are considering it; While the ultimate goal is for the State to adopt Tobacco 21, encouraged communities to lead the effort.

Andrea Michaels, 825 South Hubbard Ave., Litchfield, MN 55355 – Health Educator for Litchfield Public Schools; Supports Tobacco 21; Discussed the efforts in development of the proposed ordinance; Based on statistics, adopting T21 would cut off supply of nicotine products to children still developing and reduce their risk of developing addiction; Discussed the strain on local economy from the addiction to nicotine products including health, incarceration and death; Encouraged the Council to be proactive in adopting Tobacco 21.

The City received the following written letters supporting Tobacco 21:

Jess Nolan, Community Advocacy Director for American Heart Association, 2750 Blue Water Road, Suite 250, Eagan, MN 55121

Jan K. Malcolm, Commissioner for MN Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975

August 19, 2019

Janelle Waldock, Vice President, Community Health and Health Equity for Blue Cross and Blue Shield of Minnesota, P.O. Box 64560, St. Paul, MN 55164-0560

Dr. Thomas Kottke, M.D., HealthPartners Medical Director, Well-being, 8170 33rd Avenue South, Bloomington, MN 55425

Lori DeFrance, MD, FAAP, Minnesota Chapter of the American Academy of Pediatrics President, 1043 Grand Ave. #544, St. Paul, MN 55105

Douglas Wood, MD, President of Minnesota Medical Association, 1300 Godward Street NE, Suite 2500, Minneapolis, MN 55413

Kelly Wolfe, Director, Public Affairs and Advocacy, Children's Minnesota, 5901 Lincoln Drive, Edina, MN 55436

Jodi Gertken, Director, Wellness, Feeling Good MN, (a collaborative initiative of CentraCare Health), 1406 Sixth Ave. North, St. Cloud, MN 56303

David J. Willoughby, M.A., Chief Executive Officer, ClearWay Minnesota, Two Appletree Square, 8011 34th Avenue South, Suite 400, Minneapolis, MN 55425

Jeanne Weigum, President of Association for Nonsmokers-Minnesota

There were no other individuals wishing to address the Council. Mayor Johnson closed the hearing at 5:57 p.m.

Council Member Dingmann stated that we should all be concerned on the dramatic increase of e-cigarette use. He discussed the availability of this attractive nicotine and that it is very addicting. He commended the group present on their efforts concerning the proposed Tobacco 21 Ordinance. Dingmann expressed concern about the minimum clerk age being 21 and that there are no criminal penalties for the underage buyers. He discussed the need to address the State Legislators to support the issue at the state level wherein everyone has to abide. Secondly, the ability to purchase the product over the internet has to be removed. Lastly, Council Member Dingmann stated that we need to educate, educate, educate. He does not feel that Tobacco 21 is the solution for this.

Council Member Allen applauded everyone for being here tonight. She is sensitive to all of their comments. She discussed her own personal experiences with family members and the use of tobacco. She feels we need to do this that education needs to start at home at an early age. She applauds all of the programs. Allen agreed she too is not sure Tobacco 21 is the answer. She added she would like to see no smoking at all.

Council Member Loch discussed the stories he has heard and the peer pressures on youth, however, he doesn't feel that buying tobacco is going to stop especially in Litchfield when the rest of the State does not follow suit. He would like to ban e-cigarettes and paraphernalia but feels like individuals will go outside of Litchfield to purchase. Loch stated we need a bigger audience, we need the State; we need the counties to partner on this issue.

It was moved by Council Member Loch, seconded by Council Member Miller, that Section 3. K. Minimum clerk age be changed to 18 years old. Council Member Mathwig expressed concern, with his experience in law enforcement, that sellers under 21 will slide the products under the till to underage buyers, adding that merchants are going to have internal theft. Council Member Miller responded she understands the concerns about employing people because of the age required for selling. She said no matter what we do here there will be issues; there will be people making bad decisions and people doing the wrong things. She performs compliance checks and unfortunately there are people not doing their job and they sell to who they are not supposed to. While she agrees with Council Member Mathwig, she wants to be consistent with the age limits relating to the sale of alcohol and that's why she agrees with changing it. Upon roll call vote, all members present voted aye with the exception of Council Member Mathwig voting nay, whereupon the motion carried.

Council Member Miller is currently in law enforcement she agrees with the ordinance for a lot reasons. She is hearing what everyone is saying and completely understands the concerns. She has done a lot of training in her law enforcement career relating to tobacco and teaches kids to refrain from ever doing it and specifically that it is bad for them. She stressed the issue of becoming addicted when they are still developing up to their mid-twenties. Miller said she hears people talk about the State but looks at it a little differently in that people need to step forward, take a stance and people need to progress; sometimes in order to get the State to move that direction. Adding the more cities that make that step the more likelihood the State will change. She shared personal impacts relating to the use of tobacco by family members. It's not just a parenting or school issue, it's everybody's issue.

Council Member Mathwig commented that if it was up to him he would make a motion to completely ban the sale in Litchfield but didn't make the motion because he didn't think he would get a second on it, adding that's how strongly against it he feels. He is somewhat opposed to the proposed ordinance the way it is written. First of all, he does not agree with changing the age, he thinks it should stay at 21, adding he understands the impacts to businesses. Secondly, there needs to be a penalty imposed if there is violation of the ordinance and not just a slap on the hand. He discussed tabling the ordinance to ask the businesses within the community to work with the City to create a different business model without tobacco in it. He has been doing research on the National Association of Convenience Stores but nowhere could he find a business model being worked on where a convenience store could survive without selling tobacco. He would be interested in working on that to make that happen.

Council Member Mathwig made a motion to table the ordinance as proposed and that the City work with the business community to try and develop a business model that doesn't involve the sale of tobacco for their convenience stores or wherever they sell. The motion died for the lack of a second.

Council Member Kotelnicki said this is a chance to improve our community. She almost seconded Council Mathwig's motion however she wants a bigger scope than that. She still thinks that the City consider a moratorium and study this and study it well for 6 months. Kotelnicki would like to pull in Meeker County, the City Attorney, the County Attorney, and if necessary some tobacco experts. She agrees the more cities that take a stand and the more counties that take a stand; the State will look at it. She would like strong language about e-cigarettes and vaping. Again she stressed that the City consider a moratorium on future applications so the City and County can study the ordinance. In response to Council Member Kotelnicki making a motion to impose a moratorium on future applications allowing for more time to study, City Attorney Wood said the Public Hearing is for the ordinance and a moratorium is a different issue unless she intends to amend the ordinance to include a moratorium.

Council Member Loch expressed concern on tabling the ordinance. He asked if administration had anything more to add. City Administrator Cziok responded that the Council is the policy maker but did however discuss unintended consequences of the proximity to youth-orientated facilities and to other licensed facilities. He said currently we have some licensing overlapping. Although there is language about grandfathering in current licenses, there may be unintended consequences. He explained change of ownership could potentially cause the City to develop vacant convenience stores because of the language included in the proposed ordinance.

Mayor Johnson said we are making a statement in Litchfield that we don't want smoking and that we don't want people to get a hold of it either at ages 18-21 or 14 or 13. He said the people worked hard putting this (ordinance) together.

Council Member Kotelnicki moved to adopt the proposed ordinance including the changes approved by the earlier motion concerning changing the minimum clerk age to 18. Council Member Miller questioned the absence of penalties and looking into language to include penalties. Council Member Kotelnicki amended her motion to include looking into language on penalties. City Attorney Wood advised that if the Council wanted staff to look into language the ordinance be tabled and the 1st Reading could be held at the next meeting. The Council continued discussion on penalizing both the seller and the buyer. City Attorney Wood advised them on misdemeanor penalty costs and the process involved. Council Member Kotelnicki rescinded her motion.

It was moved by Mayor Johnson, seconded by Council Member Kotelnicki to adopt the proposed ordinance including the changes approved by the earlier motion concerning changing the minimum clerk age to 18. Council Member Mathwig discussed penalties under Section 11(C) specific to the seller. The Council discussed adding penalties to the proposed ordinance. Mayor Johnson rescinded his motion with Council Member Kotelnicki rescinding her second to the motion.

It was moved by Council Member Mathwig, seconded by Council Member Miller, to change Section 11. (C) Misdemeanor prosecution to create penalties/fines for clerks 18 and older who sell tobacco products illegally. Upon roll call vote, all members present voted aye, whereupon the motion carried.

It was moved by Council Member Miller, seconded by Council Member Kotelnicki, to change Section 11. (C) Misdemeanor prosecution to define the penalty specifically to seller and buyer of tobacco products. Upon roll call vote, all members present voted aye, whereupon the motion carried.

The Council reviewed the language included in the proposed ordinance concerning proximity. City Administrator Cziok explained the conflict with the new language requiring a distance of 2,000 feet. He said the definition concerning proximity to schools could be tightened up. He again alluded to unintended consequences as result of the proposed language. The Council discussed hardships for businesses in that although the proposed language grandfathers in the current license holders in the event the property is sold that same property could be subject to not being allowed to obtain a tobacco license based on the proximity language.

It was moved by Council Member Kotelnicki, seconded by Council Member Allen, to remove Section 3. L. Proximity to youth-oriented facilities and Section 3. M. Proximity to other licensed retailers. Upon roll call vote, all members present voted aye with the exception of Council Members Mathwig and Loch voting nay, whereupon the motion carried.

Mayor Johnson asked the Council if there were any more motions and if not, are they (the Council) ready for a resolution. He asked for administration to review the motions.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-134
FIRST READING FOR ORDINANCE NO. 793
REPEALING ORDINANCE NO. 631
AND ESTABLISHING ORDINANCE NO. 793
CODIFIED ORDINANCES TITLE XI: BUSINESS REGULATIONS,
CHAPTER 111: TOBACCO RELATED PRODUCTS**

WHEREAS, a public hearing was held on April 1, 2019 to consider repealing Ordinance No. 631 and establishing Ordinance No. 793, and

WHEREAS, the Council determined that additional review of the proposed ordinance was necessary based upon public input received, and

WHEREAS, the Council requested that the Meeker, Mcleod, Sibley Community Health Services Health Educator and the School District along with (City) staff work together for revision (of the proposed ordinance) and come back to the Council with a recommendation for consideration, and

WHEREAS, a revised tobacco ordinance was presented to the Council on June 17, 2019, and

Resolution No. 19-8-138– Cont’d.

WHEREAS, the City Council held a public hearing on August 19, 2019 at City Hall, after due published and posted notice had been given as well as personal mailed notice to all license holders by the Assistant City Administrator, to consider repealing Ordinance No. 631 and establishing Ordinance No. 793 and all interested and affected persons were given the opportunity to voice their concerns and be heard, and

WHEREAS, the City Council made several motions to amend the tobacco ordinance provided,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the First Reading of Ordinance No. 793, an ordinance regulating the possession, sale and consumption of tobacco and tobacco related devices and products within the City of Litchfield as amended by motion.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

Mayor Johnson followed up with the statement that as we move forward with this resolution, let’s all be aware we want to try to enforce, educate, and make this a better town for all of us to live in, adding not just with tobacco but with everything. He thanked everyone for being here and for their input, adding that he thinks the Council has listened to them.

IV. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS – None.

V. COMMISSION RECOMMENDATIONS –

A. PLANNING COMMISSION –

- 1. Conditional Use Request – By Landwehr Construction – PID 14-0126000

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 Allen, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-135
GRANT CONDITIONAL USE PERMIT TO LANDWEHR CONSTRUCTION INC
FOR PROPERTY LOCATED AT PID 14-0126000
TO ALLOW FOR THE PLACEMENT OF 80,000 to 100,000 CUBIC YARDS OF FILL TO BE
PLACED IN THE EXISTING FARMFIELD,
WITHIN THE CITY’S EXTRATERRITORIAL ADMINISTRATIVE AUTHORITY
SUBDIVISION ZONING**

WHEREAS, the Planning Commission held a hearing on August 12, 2019, for a Conditional Use Permit request by Landwehr Construction Inc, and

WHEREAS, the Litchfield Planning Commissioner, upon review of the findings of facts, as follows, has recommended that this Conditional Use Request be granted and they referred the application to the City Council for final action, and

Resolution No. 19-8-135– Cont’d.

WHEREAS, the request is to allow for the placement of 80,000 to 100,000 cubic yards of fill to be placed in the existing farm field at the property located at PID 14-0126000, in the City of Litchfield’s Extraterritorial Administrative Authority Subdivision Zoning, and

WHEREAS, the property is zoned A-1 Agricultural Preservation, and

WHEREAS, the property is comprised of approximately 28.58 acres, and

WHEREAS, the City Engineer’s comments will be addressed prior to the issuance of a grading permit, and

WHEREAS, the use proposed is not detrimental to or will not endanger the public health, safety, comfort, convenience or general welfare of the County.

WHEREAS, the use proposed will be harmonious with the general and applicable specific objectives of the County’s Comprehensive Land Use Plan and Ordinance.

WHEREAS, the use proposed will be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

WHEREAS, the use proposed will not be hazardous or disturbing to existing or future neighboring uses.

WHEREAS, the use proposed will be served by essential public facilities and services, and

WHEREAS, the use proposed will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

WHEREAS, the use proposed does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

WHEREAS, the use proposed will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

WHEREAS, the use proposed will not result in the destruction, loss or damage of a natural, scenic or historic feature of major significance within the County.

WHEREAS, the use proposed will not adversely affect the property values of the surrounding landowners to an unreasonable degree.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that the request for a Conditional Use Permit be granted to Landwehr Construction Inc for property located at PID 14-0126000 to allow for the placement of 80,000 to 100,000 cubic yards of fill to be placed in the existing farm field, within the City of Litchfield’s Extraterritorial Zoning Administrative Authority. The legal description of this property is:

Parcel No. 14-0126000

All that part of the West On-Half of the Southwest Quarter (W1/2 of SW1/4) of Section Eleven (11), Township One Hundred Nineteen (119), Range Thirty One (31), which lies south of the Great Northern Railway right-of-way, containing 55 acres more or less, less that part conveyed for road purposes.

LESS AND EXCEPT:

That part of Tract A described below:

Tract A.

Part of the West One Half of the Southwest Quarter (W1/2 of SW1/4) of Section Eleven (11), Township One Hundred Nineteen, North (119-N), Range Thirty One, West (31-W), lying South of the southerly right of way line of Burlington Northern Railway (formerly The Great Northern Railroad), described as follows: Commencing at the Southwest corner of said West One Half of the Southwest Quarter (W1/2 of SW1/4); thence on an assumed bearing of North 89°20'11" East, along the South line thereof, a distance of 819.07 feet to the point of beginning of Tract A to be described; thence North 20°12'20" East, a distance of 1363.04 feet; thence North 06°19'37" East, a distance of 217.17 feet; thence North 40°01'39" East, a distance of 20.80 feet to the intersection of said southerly right of way line with the West line of said Evergreen Park Addition, according to the plat thereof; thence South 00°23'57" East, along said West line a distance of 1029.63 feet to the Southwest corner of Lot "Y" of said Evergreen Park Addition; thence North 89°16'47" East, along the South line of said Lot "Y" a distance of 1.08 feet to the East line of said West One Half of the Southwest Quarter (W1/2 of SW1/4); thence South 00 degrees 10 minutes 15 seconds East along said east line of West One Half of Southwest Quarter, a distance of 0.35 feet to a point 475.00 feet north of the southeast corner of said West One Half of Southwest Quarter; thence South 89 degrees 20 minutes 11 seconds West parallel with the south line of said West One Half of Southwest Quarter, a distance of 35.00 feet; thence South 00 degrees 10 minutes 15 seconds East parallel with the east line of said West One Half of Southwest Quarter, a distance of 475.00 feet to the south line of said West One Half of Southwest Quarter; thence South 89 degrees 20 minutes 11 seconds West, a distance of 482.80 feet to the point of beginning; excepting therefrom that part described as follows: Commencing at the northwest corner of Lot Y, Evergreen Park Addition, City of Litchfield; thence west on an extension on the north line of said Lot Y a distance of 9 feet; thence south on a line parallel with the west line of said Lot Y, a distance of 235 feet; thence in an easterly direction to the southwest corner of said Lot Y; thence north along the west line of said Lot Y to the point of beginning;

Which lies southwesterly of the following described line: Beginning at a point on the west line of Tract A hereinbefore described, distant 1000 feet northerly of the southwest corner thereof; thence southeasterly to a point on the southeasterly line of said Tract A, distant 715 feet northeasterly of the southeast corner thereof and there terminating; containing 18.52 acres, more or less.

LESS AND EXCEPT:

Part of the West One Half of the Southwest Quarter (W1/2 of SW1/4) of Section Eleven (11), Township One Hundred Nineteen, North (119-N), Range Thirty One, West (31-W), lying South of the southerly right of way line of Burlington Northern Railway (formerly The Great Northern Railroad), described as follows: Commencing at the Southwest corner of said West One Half of the Southwest Quarter (W1/2 of SW1/4); thence on an assumed bearing of North 89°20'11" East, along the South line thereof, a distance of 819.07 feet to the point of beginning of the tract to be described; thence North 20°12'20" East, a distance of 1363.04 feet; thence North 06°19'37" East, a distance of 217.17 feet; thence North 40°01'39" East, a distance of 20.80 feet to the intersection of said southerly right of way line with the West line of said Evergreen Park Addition, according to the plat thereof; thence South 00°23'57" East, along said West line a distance of 1029.63 feet to the Southwest corner of Lot "Y" of said Evergreen Park Addition; thence North 89°16'47" East, along the South line of said Lot "Y" a distance of 1.08 feet to the East line of said West One Half of the Southwest Quarter (W1/2 of SW1/4); thence South 00 degrees 10 minutes 15 seconds East along said east line of West One Half of Southwest Quarter, a distance of 0.35 feet to a point 475.00 feet north of the southeast corner of said West One Half of Southwest Quarter; thence South 89 degrees 20 minutes 11 seconds West parallel with the south line of said West One Half of Southwest Quarter, a distance of 35.00 feet; thence South 00 degrees 10 minutes 15 seconds East parallel with the east line of said West One Half of Southwest Quarter, a distance of 475.00 feet to the south line of said West One Half of Southwest Quarter; thence South 89 degrees 20 minutes 11 seconds West, a distance of 482.80 feet to the point of beginning, containing 7.90 acres, more or less.

Resolution No. 19-8-135– Cont’d.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

2. Variance Request – By Kenneth Leiran – 1707 S Sibley 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 Dingmann, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-136
GRANT VARIANCE TO KENNETH LEIRAN
FOR PROPERTY LOCATED AT 1707 SOUTH SIBLEY AVENUE**

WHEREAS, the Planning Commission held a hearing on August 12, 2019, on a request for a variance by Kenneth Leiran, 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, the variance is to allow for 720 additional square feet of accessory structure square footage, and

WHEREAS, the property is located at 1707 South Sibley Avenue in the R-1 Residence District and Shoreland Overlay District, 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 Kenneth Leiran at 1707 South Sibley Avenue, to allow additional accessory structure square footage 720 square feet for the purpose of constructing a detached garage. Property legally described as:

Parcel No. 27-0125000.

That part of Government Lot One (1), Section 23, Township 119, Range 31, Meeker County, Minnesota, described as follows: Commencing at the northeast corner of said Government Lot 1; thence on an assumed bearing of South along the east line thereof, a distance of 1206.93 feet; thence on a bearing of West, a distance of 545.99 feet; thence North 00 degrees 38 minutes 39 seconds West, a distance of 319.00 feet to the point of beginning of the tract to be described; thence return South 00 degrees 38 minutes 39 seconds East, a distance of 169.00 feet; thence South 89 degrees 21 minutes 21 seconds West, a distance of 216.79 feet to the easterly right of way line of Minnesota State Highway No. 22; thence northwesterly along said easterly right of way line to a line bearing South 89 degrees 31 minutes 59 seconds West from the point of beginning; thence North 89 degrees 31 minutes 59 seconds East, a distance of 298.86 feet to the point of beginning.

Adopted by the City Council this 19th day of August, 2019.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

- 3. Conditional Use Request – By Jeff Gordon & Briana Wehde – 503 E Depot St

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 Miller, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-137
GRANT CONDITIONAL USE PERMIT TO JEFF GORDON & BRIANA WEHDE
FOR PROPERTY LOCATED AT 503 E DEPOT ST
TO ALLOW THE SALE OF CAMPERS IN A B-3 DISTRICT**

WHEREAS, the Planning Commission held a hearing on August 12, 2019, for a Conditional Use Permit request by Jeff Gordon & Briana Wehde, and

WHEREAS, the Litchfield Planning Commission, upon review of the findings of facts, as follows, has recommended that this Conditional Use Request be granted and they referred the application to the City Council for final action, and

WHEREAS, the request is to allow for the sales of campers at the property, and

WHEREAS, the property is located at 503 East Depot Street in the B-3 Roadside District, and

WHEREAS, vehicle/trailer sales are a conditional use within the B-3 Roadside District, and

WHEREAS, the Conditional Use Permit would conform to the conditions as outlined in the Zoning Ordinance, and

WHEREAS, the Conditional Use Permit would not have an adverse effect on the use, value or appearance, and of the uses already permitted in the area, and

Resolution No. 19-8-137– Cont’d.

WHEREAS, the Conditional Use Permit would not impede the normal and orderly development and improvement of the surrounding property, and

WHEREAS, the Conditional Use Permit would not be detrimental to the public welfare, safety, order, convenience, prosperity or general welfare of the community, and

WHEREAS, the Conditional Use Permit would have adequate utilities, access roads, drainage, parking and other facilities, and

WHEREAS, the Conditional Use Permit would not adversely affect the existing uses because of traffic generation, noise, glare, general unsightliness or other nuisance characteristics, and

WHEREAS, denying this Conditional Use Permit would not create a hardship for the use of the property,

WHEREAS, there have been conditions added to this Conditional Use Permit as follows:

- 1. There shall be no exterior storage allowed, unless fully screened from view.
- 2. Business operations shall take place entirely within the building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that the request for a Conditional Use Permit be granted to Jeff Gordon & Briana Wehde for property located at 503 East Depot St to allow for the sale of campers at the property. The legal description of this property is:

Parcel No. 27-1582000

That part of Lots Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), Block One (1), Angier’s Addition to the City of Litchfield, lying north of State Trunk Highway 12, according to the plat thereof on file and of record in the Office of the County Recorder, Meeker County, Minnesota.

Adopted by the City Council this 19th day of August, 2019.

Approved:

Attest:

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. TOBACCO LICENSE APPLICATION –

Mayor Johnson asked for Council discussion concerning the tobacco license application. Council Member Kotelnicki commented that the application was not complete and doesn’t have references. Council Member Mathwig recommended denial after review of the police report and the application that was submitted. He believes Subdivision D applies in that the applicant fails to provide information required, or provides false or misleading information. He commended Officer Rueckert for the report provided.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-139
DENYING CIGARETTE LICENSE APPLICATION
TOBACCO WORLD INC.**

WHEREAS, the City received an application for a cigarette license from Tobacco World Inc., and

WHEREAS, the City Tobacco Ordinance sets forth certain criteria for denial of an ordinance which includes any prior violations concerning the sale of tobacco products, and

WHEREAS, a background check was completed and reviewed by the Council, and

WHEREAS, Section 111.17 of the City of Litchfield’s Tobacco Ordinance provides for the basis of denying a Tobacco application, and

WHEREAS, the Council identified findings of fact for denial of the application, and

WHEREAS, the Council identified several areas of the application that were either left blank, contained non-applicable responses or considered incomplete and misleading, and

WHEREAS, the Council found that the applicant fails to provide information required on the application, or provides false or misleading information referencing Section 111.17 Basis for Denial of License, Subdivision D,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby denies the cigarette license application from Tobacco World Inc. based on the findings of fact stated above, and

BE IT FURTHER RESOLVED that the applicant is herewith given notice of the right to appeal to District Court.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

B. PUBLIC WORKS CONTRACTS –

City Administrator Cziok informed the Council that the City and the Public Works unions have not reached agreement yet, adding at this stage the parties might need to hit the reset button. He discussed changing the environment by bringing in legal counsel to assist in the process if necessary. No formal action was taken.

C. CONFERENCE ATTENDANCE –

The Council reviewed the memo from Administration concerning Council and Heritage Preservation Commission Members expressing interest in attending annual conferences.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-140
APPROVE CONFERENCE EXPENSES FOR
HERITAGE PRESERVATION COMMISSION AND CEMETERY COMMITTEE**

WHEREAS, the Heritage Preservation Commission is requesting approval for travel expenses for the Preserve Minnesota Annual Statewide Historic Preservation Conference in St. Cloud on September 11-13, 2019, and

WHEREAS, travel expenses include mileage and registration costs, and

WHEREAS, the City is eligible for a Certified Local Government (CLG) grant for a scholarship to attend said conference to offset costs, and

WHEREAS, Council Member Allen has expressed interest in attending the annual cemetery association conference,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves travel expenses for the attendance of HPC Members (Council Member) Kotelnicki and Hovey to the Preserve Minnesota Annual Statewide Historic Preservation Conference, and

BE IT FURTHER RESOLVED that travel expenses be approved for attendance at the annual cemetery association conference for Council Member Allen.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

D. WELLNESS/RECREATION CENTER –

City Administrator Cziok explained that he is in the process of getting a better description of the Wadena facility for the Council to review in order to further define the project in preparation for the State Bonding Committee visit in October. He discussed exploring the creation of a Capital Development Committee consisting of business owners and other business men and women to meet with the Bonding Committee in addition to Administration and Council Members. No formal action was taken.

E. COUNCIL PRIORITY UPDATE –

City Administrator Cziok provided an update on the Council priorities. He said the wellness/recreation center has taken more time than anticipated therefore some items are behind the desired schedule. No formal action was taken.

F. APPOINTMENTS TO MAKE –

- 1. Airport Commission - Two - 3 year terms
Incumbent: Peter Brynildson, Robert Chvatal
Applicants: Peter Brynildson, Robert Chvatal

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

August 19, 2019

**CITY OF LITCHFIELD
RESOLUTION NO. 19-8-131
AIRPORT COMMISSION APPOINTMENT**

WHEREAS, there are two three year terms from September 1, 2019 to August 31, 2022 open on the Airport Commission, and

WHEREAS, these openings were advertised, and

WHEREAS, two applications were received,

NOW, THEREFORE, BE IT RESOLVED to reappoint Peter Brynildson and Robert Chvatal for a term from September 1, 2019 to August 31, 2022.

Adopted by the City Council this 19th day of August, 2019.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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 7:27 p.m. by unanimous consent.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR