

**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 Tuesday, February 21, 2023, commencing at 5:30 p.m. Mayor Dingmann called the meeting to order.

**A. ROLL CALL:**

Mayor	Ron Dingmann	Present
Council Member-at-Large	Malinda Larson	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	John Carlson	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
Assistant City Attorney	Rebecca Wood	Present
City Engineer	Chuck DeWolf	Present
Independent Review	Brent Schacherer	Present
KLFD	Tim Bergstrom	Present

**B. PLEDGE OF ALLEGIANCE**

**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 – February 6, 2023

**B. FINANCIAL REPORTS TO APPROVE:**

- 1. Electronic and Wire Transfer Report

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

- 1. Computer List of Bills for \$92,158.33

**D. OTHER PAYMENTS:**

- 1. 2022 Water Treatment Facility Imp. Project –

**CITY OF LITCHFIELD  
 RESOLUTION NO. 23-2-36  
 AUTHORIZE PAYMENT NO. 3  
 FOR THE LITCHFIELD WATER TREATMENT FACILITY  
 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** that the City Council of the City of Litchfield hereby approves Payment No. 3 for the 2022 Litchfield Water Treatment Facility Improvement Project totaling \$155,032.40 as attached and on file.

Resolution No. 23-2-36 – Cont’d.

Adopted by the City Council this 21st day of February, 2023.

Attest:

Approved:

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

\_\_\_\_\_  
MAYOR

- E. ORDINANCES – SECOND READINGS: None.
- F. LICENSES: None.
- G. OTHER ROUTINE MATTERS: None.
- H. COMMUNICATIONS TO REVIEW : None.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-38  
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 21st day of February, 2023.

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. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS** –

A. STEPHANIE RECH –

Scott and Stephanie Rech, of JSI, Inc. and owners of the downtown property located at 202 North Sibley Avenue, addressed the Council concerning the pending tobacco license application for a business wanting to sell tobacco products out of their property. Scott Rech presented tobacco related products that were available for purchase already from businesses in town that he and his sons purchased. He explained that the proposed business being considered for a tobacco license is focusing on cigars. He spoke about other businesses in the 1950’s and doesn’t think the tobacco license application should be denied. Mr. Rech expressed concern about ownership of the building and the inability to survive relating to occupancy and utilities.

Stephanie Rech, shared that they had started a company with their sons. She reported that they owned 4 buildings downtown. She said in the last 17 years downtown pretty much died and wants it to be like downtown was when her sons were little. Ms. Rech shared her vision to make downtown alive again. She discussed the impacts on their business in that the building has been vacant for 6 plus months, adding the last tobacco license application was denied. She said they can't afford the building without tenants. Ms. Rech shared that tobacco is an agricultural cash crop which is providing tax revenue to other cities. She explained that the business will focus on high end cigars and will not cater to teenagers. She said by (the Council) voting yes the City brings in revenue. No formal action was taken.

**B. LITCHFIELD LIONS –**

John Fitzgerald, current president of the Litchfield Lions, addressed the Council concerning a partnership in replacing a dock at Lions Park. He shared that the 50 member Lions Club would like to assist the City in purchasing a dock for access to Lake Ripley along Lions Park.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-39  
AUTHORIZE PARTNERSHIP WITH LITCHFIELD LIONS ON PURCHASE OF DOCK**

**WHEREAS**, the City of Litchfield has partnered with Litchfield Lions on Lions Park improvements; and

**WHEREAS**, one of the docks at the Lions Park needs to be replaced; and

**WHEREAS**, Litchfield Lions have expressed an interest in partnering with the City of Litchfield on purchasing a new dock; and

**WHEREAS**, staff solicited a quote in the amount of \$10,110.36 from Anchor Dock & Lift out of Annandale, Mn; and

**WHEREAS**, Litchfield Lions wish to donate \$5,000 towards the dock over a 3 year period of time,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby authorizes partnering with Litchfield Lions on the purchase of a dock in the amount of \$5,000 from Anchor Dock & Lift of Annandale, Mn; and

**BE IT FURTHER RESOLVED** that the Council hereby accepts the donation of \$5,000 from the Litchfield Lions to be paid over a period of 3 years.

Adopted by the City Council this 21st day of February, 2023.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

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

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

**C. LIBRARY BOARD -**

Joan Olson, representing the Library Board Trustees, shared the information she received concerning replacement of furniture for the community room at the Litchfield Library. She discussed the current furniture being in a state of disrepair and the desire to purchase more adaptable furniture with chairs that can be stacked and tables with casters for easier mobility.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-40  
AUTHORIZE PURCHASING LIBRARY FURNITURE**

**WHEREAS**, the Litchfield Library Board has identified furniture replacement needs and requested Council consideration in partnering in replacement costs; and

**WHEREAS**, the City Council authorized the Litchfield Library Board to seek furniture specifications and replacement costs for the community room for Council consideration; and

**WHEREAS**, the Litchfield Library Board Trustees received a quote from Innovative Office Solutions out of Willmar, MN in the amount of \$15,389.82 for 10 new tables and 30 new upholstered and stackable chairs, 16 folding chairs and a folding chair storage rack; and

**WHEREAS**, the price includes delivery, set-up, lifetime warranty, and a discount,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby approves the quote from Innovative Office Solutions out of Willmar, MN for the purchase of library tables, chairs, and a folding chair storage rack in the amount of \$15,389.82; and

**BE IT FURTHER RESOLVED** that the purchase be funded through the Capital Equipment Revolving Fund.

Adopted by the City Council this 21st day of February, 2023.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

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

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

**V. COMMISSION RECOMMENDATIONS – None.**

**VI. COMMITTEE REPORTS – None.**

**VII. LEGAL CONSIDERATIONS – None.**

**VIII. BUSINESS –**

**A. TOBACCO LICENSE APPLICATION –**

Mayor Dingmann outlined the concerns expressed at the February 6, 2023 Council meeting which included updating the ordinance; making downtown tobacco free; the Meeker County references requirement; the Instagram picture of guns/knives; the Hennepin Civil Court judgement; the application indicating no employees resulting in not needing Workers Compensation insurance; and the missing 18 page pdf document. He said we (the Council) have to consider the current ordinance and we can't base our decision on our own opinion.

Council Member Miller responded that Mayor Dingmann had covered all of the concerns but unfortunately it doesn't take away from her concerns. Council Member Carlson questioned the location with the proposed business located near a school with the response being that the location to schools had been removed when the ordinance was updated.

Assistant City Attorney Rue outlined the 5 grounds provided in the current ordinance as reasons to deny the tobacco license application as follows: 1) The applicant is under 18 years of age. (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products. (3) The applicant has had a license to sell licensed products suspended or revoked within the preceding 36 months of the date of application. (4) The applicant fails to provide any of the information required on the licensing application or provides false or misleading information. (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

Council Member Kotelnicki shared she has grave concerns. Council Member Larson discussed what are additional concerns the Council still has since the ordinance was revamped in 2019. She noted that convenience stores are selling tobacco. Mayor Dingmann discussed the timeframe and options. Council Member Kotelnicki shared finding conflicting information under the applicant's name in doing her own search. She questioned whether or not we verify identity and whether we searched both locally and federally (as part of the investigative process).

Assistant City Attorney Rue discussed the options to approve or deny and explained that the Council may delay for a reasonable period of time. She said tabling consideration of the application still falls within reasonable. Council Member Allen inquired as to who does a federal search. Council Member Miller responded that she believes for the most part the investigation covers that with what the investigator has access to and therefore is making the assumption that the investigator did whatever he had access to. In response to Council Member Carlson's inquiry about limiting the number of licenses, City Administrator Cziok said that there is nothing in the current ordinance that limits the number of licenses. Assistant City Attorney Rue said there are limitations to location (distance from existing businesses carrying a license).

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-41  
TABLING TOBACCO LICENSE APPLICATION FROM  
LITCHFIELD TOBACCO AND VAPE INC.**

**WHEREAS**, the City received an application for a tobacco license from Nazaleen Qumseya, dba Litchfield Tobacco; and

**WHEREAS**, a background check was completed and reviewed by the Council on February 6, 2023; and

**WHEREAS**, the Council tabled discussion on said tobacco license application for an opportunity to review an 18 page pdf document collected in the investigation process which was inadvertently not included in the agenda packet; and

**WHEREAS**, upon review of the 18 page pdf document, the Council questioned if the investigation performed included both a local and federal search,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby tabled the tobacco license application consideration pending a federal search of the applicant.

Adopted by the City Council this 21st day of February, 2023

Approved:

Attest:

\_\_\_\_\_  
MAYOR

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

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

**B. TOBACCO ORDINANCE –**

Council Member Kotelnicki expressed her wishes to review the application, update the ordinance, and consider a moratorium on tobacco licenses. She doesn’t feel like just redoing the application is enough and would like to start at the top. She said the application should be based on the new ordinance. Kotelnicki contacted the League of Minnesota Cities (LMC) for a sample ordinance and/or any resource they would have. She said LMC referred her to the document provided from the Public Health Law Center at the Mitchell Hamline School of Law included in the agenda packet. She encouraged a moratorium for 6-9 months to allow for the process. Council Member Kotelnicki would also like to create a tobacco free zone downtown.

Mayor Dingmann inquired about what the expectations are for a new ordinance to accomplish. Assistant City Attorney Rue shared that the current ordinance was just passed in 2020 and that staff had provided the same research as Council Member Kotelnicki in order to establish the current ordinance. Mayor Dingmann asked Council Member Kotelnicki to define a tobacco free zone. Council Member Kotelnicki responded no selling (of tobacco products).

Council Member Miller corrected misinformation concerning the Mighty Dragons preschool in that they existed in their current location long before 2020. She would like to do something similar to the liquor licenses and questioned whether the City could grandfather in current locations holding a tobacco license, not necessarily the current business, if the City were to limit the number of licenses. Council Member Kotelnicki agreed with the concept.

Council Member Larson said it is a pretty good ordinance regulating fruity tobacco products and distance from existing establishments carrying a tobacco license. Mayor Dingmann recommended updating the current application. Council Member Kotelnicki said the application doesn’t match the ordinance. Council Member Miller recalled the last process with updating the ordinance. City Administrator Cziok said the process began in late 2018 throughout 2019 with 2 different versions and that 2 public hearings were held. He reported that in 2020 the current ordinance was finally passed in which the Council was comfortable with.

Council Member Miller didn’t think it would hurt changing the application. City Administrator Cziok recommended reaching out to the Public Health Law Center at the Mitchell Hamline School of Law for their availability in assisting.

It was moved by Council Member Kotelnicki, seconded by Council Member Allen, to authorize administration to reach out to the Public Health Law Center at the Mitchell Hamline School of Law to review the current ordinance and make recommendations including a moratorium and establishing a tobacco free zone. Upon roll call vote, all members present voted aye, whereupon the motion carried.

It was moved by Council Member Miller, seconded by Council Member Mathwig, to change the tobacco license application to the draft as provided for consideration in the Council packet that is more in line with the current ordinance. The motion passed with 7 votes in favor and 0 against.

C. COUNCIL COMMITTEES –

Mayor Dingmann outlined the proposed Council appointments to commissions, committees, and other groups.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-37  
COUNCIL APPOINTMENTS TO COMMISSIONS/COMMITTEES/OTHER GROUPS**

**WHEREAS**, the Mayor recommends appointing Council Member representatives to Commissions/Committees/Other Groups for 2023,

**NOW, THEREFORE, BE IT RESOLVED** that the Council Members be appointed as follows:

**COUNCIL REPRESENTATIVE TO ANOTHER GROUP**

- AIRPORT – Eric Mathwig
- COMMUNITY ED – Malinda Larson
- G.A.R. HALL – Malinda Larson
- HERITAGE PRESERVATION – Darlene Kotelnicki
- LIBRARY – Betty Allen
- CENTRAL COMMUNITY TRANSIT – Eric Mathwig and Betty Allen
- CHAMBER OF COMMERCE – Sara Miller
- VISITORS BUREAU – Malinda Larson & Cathy Haugo
- PLANNING – John Carlson
- SAFE ROUTES TO SCHOOL – John Carlson
- CABLE/SOLID WASTE FRANCHISE NEGOTIATIONS – Betty Allen and Darlene Kotelnicki

\*Mayor serves as backup representative if contacted

**STANDING COMMITTEES**

PERSONNEL COMMITTEE – Ron Dingmann, Sara Miller, Malinda Larson

FINANCE & INFRASTRUCTURE COMMITTEE - Ron Dingmann, Eric Mathwig, and Betty Allen

HOUSING COMMITTEE – Darlene Kotelnicki, John Carlson, Eric Mathwig

Adopted by the City Council this 21st day of February, 2023

Attest:

Approved:

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

\_\_\_\_\_  
MAYOR

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

D. GOLF COURSE RATES –

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-42  
ADOPT 2023 GOLF COURSE RATES/FEEES**

**WHEREAS**, the Council approves annual golf course membership rates and green fees,

**NOW, THEREFORE, BE IT RESOLVED** to approve setting the following:

2023 Golf Course Rates & Fees

**GREEN FEES:**

Season Rates (May 1 – September 14, 2023):

		<u>Green Fee</u>	<u>Cart</u>	<u>Rate</u>	<u>Total w/Tax</u>
Mon-Thu	9 Holes	\$16.00	\$13.00	\$29.00	\$30.99
Mon-Thu	18 Holes	\$27.00	\$13.00	\$40.00	\$42.75
Fri-Sun	9 Holes	\$22.00	\$13.00	\$35.00	\$37.41
Fri-Sun	18 Holes	\$30.00	\$16.00	\$47.00	\$50.23

Saturday Special 18 Holes – Golf & Cart after 4 PM \$25.00/person

Spring/Fall Rates\*:

9 Holes or 18 Holes	\$16.00	\$11.00	\$27.00	\$28.86
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\*(March-April 2023 and September 15, 2023 to the end of 2023 golf season.)

**TOURNAMENTS:**

	<u>Rate</u>	<u>Total w/Tax</u>	<u>Includes</u>
9 Holes	\$1,400.00	\$1,496.25	9 Holes with 28 carts & unlimited Green Fees
18 Holes	\$2,700.00	\$2,885.62	18 Holes with 28 carts & unlimited Green Fees

\*29-42 Carts - \$50 per extra cart used

\*\*43 or more carts require additional coordination

**MEMBERSHIPS (Includes USGA/MGA Handicap Fees):**

	<u>Rate</u>	<u>Tax</u>	<u>Total</u>
Family/Couples	\$960.00	\$66.00	\$1,026.00
Single	\$810.00	\$55.69	\$865.69
Ages 18-24	\$400.00	\$27.50	\$427.50
High School Student	\$160.00	\$11.00	\$171.00
Middle School Student	\$110.00	\$ 7.55	\$117.65

**GOLF CART OPTIONS:**

	<u>Rate</u>	<u>Tax</u>	<u>Total</u>
Private Cart Usage	\$300.00	\$20.63	\$320.63
Cart Storage – Gas	\$200.00	\$13.75	\$213.75
Cart Storage – Electric	\$250.00	\$17.19	\$267.19
Seasonal Cart Usage	\$550.00	\$37.81	\$587.81

**MEMBERSHIP EARLY PAY INCENTIVE:**

Family/Couple/Single Memberships who pay in full by April 14, 2023 will receive a \$50.00 discount.

**2023 GOLF SEASON MEMBERSHIP INCENTIVE:**



All members new or second year, and all regular memberships receive a 10% discount on Pro-Shop merchandise priced \$5.00 or more for 2023 season (excludes food items)

**NEW MEMBERSHIP INCENTIVE (FAMILY/COUPLES/SINGLE ONLY):**

New membership incentive for any family/couples/single is available only to first-time members of Litchfield Golf Course or if you have not had a membership the past 3 years. This rate will be \$650.00 plus tax for total of \$694.69. (The \$50 early pay incentive does not apply.)

**SECOND YEAR MEMBERSHIP INCENTIVE (FAMILY/COUPLES/SINGLE ONLY):**

Second year membership incentive for those who were new family/couple/single members under the 2022 new membership incentive. This rate will be \$750.00 plus tax for a total of \$801.56. (The \$50 early pay incentive does not apply.)

**RECIPROCITY:**

Litchfield Golf Course Members can request reciprocity rates from area courses offering reciprocity rates for 2023.

\$75.00 of all regular Family/Couple and Single members go to Golf Club, Inc. to pay for youth golf programming.

Adopted by the City Council this 21st day of February, 2023.

Attest:

Approved:

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

\_\_\_\_\_  
MAYOR

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

E. STAFFING –

1. Mechanic Promotion –

City Administrator Cziok discussed the recommendation for promotion of current maintenance workers to mechanic positions.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-43  
APPOINTING AARON NORRIS AND QUINTEN CZECH TO  
MECHANIC POSITIONS**

**WHEREAS**, the City currently has two maintenance workers doing more mechanical work on a day to day basis; and

**WHEREAS**, the City has two mechanic positions open currently; and

**WHEREAS**, these positions were posted as required by the union; and

**WHEREAS**, City staff recommends appointing Aaron Norris and Quinten Czech to fill the Mechanic positions,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby authorizes appointing Aaron Norris and Quinten Czech to Mechanic positions within the Public Works Department at Pay Grade 3.

Adopted by the City Council this 21st day of February, 2023.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

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

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

2. Maintenance Worker –

City Administrator Cziok discussed the maintenance worker vacancy and recommendation for filling the vacancy.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-2-44  
APPROVING MAINTENANCE WORKER POSITION APPOINTMENT**

**WHEREAS**, there is currently a maintenance worker position vacancy within the Public Works Department; and

**WHEREAS**, this position was posted as required by the union; and

**WHEREAS**, the City received an application for the position from outside of the City; and

**WHEREAS**, City staff recommends hiring Kyle Olson to the maintenance worker,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Litchfield to hereby appoint Kyle Olson to Maintenance Worker position at Pay Grade 2.

Adopted by the City Council this 21st day of February, 2023.

Approved:

Attest:

\_\_\_\_\_  
MAYOR

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

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

F. PICKLEBALL COURTS –

Council Member Kotelnicki discussed the need for additional pickleball courts due to community interest and the costs relating to providing courts. She shared possible options that were more cost effective including painting stripes on existing tennis courts or the possibility of using the Civic Arena. After discussion, the Council agreed by consensus that Malinda Larson, Council representative to the Community Education Advisory Committee, meet with Civic Arena Manager Chadd Benson and Community Education Director Grant Solem to discuss possibilities in providing additional pickleball courts and report back in March. No formal action was taken.

**IX. ADDITIONAL ITEMS** – None.

**X. ANNOUNCEMENTS** –

A. **WORK SESSION** –

The Council held a work session to discuss administrative priorities and agenda technology. Minutes of the work session are on file. No formal action was taken.

**XI. ADJOURNMENT** –

It was moved by Council Member Miller, seconded by Council Member Mathwig to adjourn City Council meeting at 6:39 p.m. Motion carried.

Attest:

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

Approved:

\_\_\_\_\_  
MAYOR