

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, 2023, commencing at 5:30 p.m. Mayor Dingmann provided comments in memory of Vern Madson who served as a Council Member and as a Mayor for several years. Mayor Dingmann called the meeting to order.

A. ROLL CALL:

Mayor	Ron Dingmann	Present
Council Member-at-Large	Malinda Larson	Excused
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
City Attorney	Mark Wood	Present
City Engineer	Chuck DeWolf	Present
Independent Review	Amy Wilde	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 Minutes – July 17, 2023

B. FINANCIAL REPORTS TO APPROVE:

- 1. Electronic and Wire Transfer Report

C. CLAIMS TO AUTHORIZE FOR PAYMENT:

- 1. Computer List of Bills for \$1,259,571.88

D. OTHER PAYMENTS:

- 1. Water Treatment Facility Improvement Project –

**CITY OF LITCHFIELD
 RESOLUTION NO. 23-8-134
 AUTHORIZE PAYMENT NO. 9
 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. 9 for the 2022 Litchfield Water Treatment Facility Improvement Project totaling \$47,500.00 as attached and on file.

Adopted by the City Council this 7th day of August, 2023.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR

E. ORDINANCES – SECOND READINGS:

1. Ordinance No. 818 –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-132
SECOND READING FOR ORDINANCE NO. 818
AMENDING PART OF CITY CODE - TITLE V: PUBLIC WORKS,
CHAPTER 54: SURFACE WATER SYSTEM**

WHEREAS, a First Reading was given on July 17, 2023, Resolution No. 23-7-121,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the Second Reading of Ordinance No. 818, a Surface Water System Ordinance; and

BE IT FURTHER RESOLVED that this be entered into the Book of Ordinances as Ordinance No. 818, and into the Codified Ordinances of the City of Litchfield.

Adopted by the City Council this 7th day of August, 2023.

Attest:

ASSISTANT CITY ADMINISTRATOR

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

Approved:

MAYOR

2. Ordinance No. 819 –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-133
SECOND READING FOR ORDINANCE NO. 819
ESTABLISHING NEW ELECTRIC RATES AS PROVIDED FOR IN
CITY CODE - TITLE V: PUBLIC WORKS, CHAPTER 52: ELECTRIC,
SECTION 52.01 ELECTRIC RATES**

WHEREAS, a First Reading was given on July 17, 2023, Resolution No. 23-7-122,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the Second Reading of Ordinance No. 819, Establishing New Electric Rates as provided for in City Code – Title V: Public Works, Chapter 52: Electric, Section 52.01 Electric Rates; and

BE IT FURTHER RESOLVED that this be entered into the Book of Ordinances as Ordinance No. 819, and into the Codified Ordinances of the City of Litchfield.

Adopted by the City Council this 7th day of August, 2023.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

F. LICENSES:

- 1. Lawful Gambling Permit – Church of St. Philip –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-127
LAWFUL GAMBLING PERMIT FOR AN EXEMPT
ORGANIZATION THE CHURCH OF ST. PHILIP
OF LITCHFIELD, MINNESOTA**

WHEREAS, an application for a lawful gambling license exemption was considered from the Church of St. Philip of Litchfield, Minnesota,

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for the Church of St. Philip of Litchfield, Minnesota on September 10, 2023 at the Church of St. Philip, 821 E. 5th Street, 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, 2023.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

- 2. LDC Youth Hockey, Inc. –

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-131
LAWFUL GAMBLING PERMIT FOR
AN EXEMPT ORGANIZATION LDC YOUTH HOCKEY, INC.**

WHEREAS, an application for a lawful gambling license exemption was considered from the LDC Youth Hockey, Inc.,

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for LDC Youth Hockey, Inc. on December 16, 2023 at Litchfield Civic Arena 900 N. Gilman, 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 7th day of August, 2023.

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:

1. Minutes & Reports:

- a. Heritage Preservation Commission – July 24, 2023
- b. Library Board Minutes – July 25, 2023
- c. Finance Committee – July 31, 2023
- d. Personnel Committee – August 2, 2023

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-135
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, 2023.

Approved:

Attest:

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 –

A. ZION LUTHERAN CHURCH –

Bridget Lux and Marilyn Meline addressed the Council regarding Lutheran Social Service MN (LSS) meal delivery services. Ms. Meline, LSS Volunteer, shared that a partnership with Zion Lutheran Church and Lutheran Social Service MN, is a volunteer program providing for production and delivery of meals each day for people over the age of 60 in our community. She explained that it provides a nutritious meal. She described the experience as humbling. Ms. Meline extended an invitation for Council Members to do a ride-along in order to experience the program and to encourage volunteerism for the program.

Bridget Lux explained that LSS is community wide and an outreach program in need of support. They are spreading the word in order to get volunteers to deliver meals within the community. Marilyn Meline discussed the need for individuals receiving the meals to be treated with dignity and to be respectful of their privacy.

Council Members commended them for the services provided and several members expressed interest in a ride-along. No formal action was taken.

V. COMMISSION RECOMMENDATIONS –

A. HERITAGE PRESERVATION COMMISSION –

1. Certificate of Appropriateness Application – By Mike Corcoran – 100 North Sibley Avenue –

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:

**RESOLUTION NO. 23-8-128
GRANT CERTIFICATE OF APPROPRIATENESS
TO MICHAEL CORCORAN
FOR PROPERTY LOCATED AT 100 NORTH SIBLEY AVENUE**

WHEREAS, the Litchfield Heritage Preservation Commission held a hearing on Monday, July 24, 2023, to consider a Certificate of Appropriateness Application request by Michael Corcoran, for property located at 100 North Sibley Avenue, and

WHEREAS, the Litchfield Heritage 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 cutting of an opening in tin on east-facing rear of building for existing windows for emergency egress per building fire code, and repairing existing window openings with tin or metal, 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

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 Corcoran, for property located at 100 North Sibley Avenue.

Adopted by the City Council on this 7th day of August, 2023.

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 Application – By Linh Nguyen – 208 North Sibley Avenue –

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 Miller, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-129
GRANT CERTIFICATE OF APPROPRIATENESS
TO LINH NGUYEN
FOR PROPERTY LOCATED AT 208 NORTH SIBLEY AVENUE**

WHEREAS, the Litchfield Heritage Preservation Commission held a hearing on Monday, July 24, 2023, to consider a Certificate of Appropriateness Application request by Linh Nguyen, for property located at 208 North Sibley Avenue, and

WHEREAS, the Litchfield Heritage 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 replacement of rear concrete pad with new, ADA compliant concrete, 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, 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

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 Linh Nguyen, for property located at 208 North Sibley Avenue.

Adopted by the City Council on this 7th day of August, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

3. Certificate of Appropriateness Application – By Connor Hendrickson
–230 North Sibley Avenue –

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 Mathwig, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-130
GRANT CERTIFICATE OF APPROPRIATENESS
TO CONNOR HENDRICKSON
FOR PROPERTY LOCATED AT 230 NORTH SIBLEY AVENUE**

WHEREAS, the Litchfield Heritage Preservation Commission held a hearing on Monday, July 24, 2023, to consider a Certificate of Appropriateness Application request by Connor Hendrickson, for property located at 230 North Sibley Avenue, and

WHEREAS, the Litchfield Heritage 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 replacement of storefront awning that will have a new logo design to be presented at the meeting, 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 not be repaired rather than replaced, 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 Connor Hendrickson, for property located at 230 North Sibley Avenue, with MnDOT information given to designee regarding the type of awning allowed.

Adopted by the City Council on this 7th day of August, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

4. MN Historical Society Conference/CLG Grant –

Council Member Kotelnicki requested consideration for approval of attendance at the annual MN Historical Society Conference for HPC Members or others interested. She shared that a Certified Local Government (CLG) grant application is available to cover the cost of attendance and lodging. She explained that the grant requires a 30% match from the City, however that can be matched in-kind including the volunteer hours at the conference. Council Member Kotelnicki shared that 3-4 HPC Commissioners expressed an interest in attending the conference and that up to 5 people could be approved. She added that she could complete the application for funding since she was authorized last year to complete grant documents. City Administrator Cziok responded that City Hall staff could complete the CLG grant application process.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-136
AUTHORIZE CLG GRANT APPLICATION FOR
MN HISTORICAL SOCIETY CONFERENCE ATTENDANCE**

WHEREAS, the Heritage Preservation Commission is a federally recognized Certified Local Government and eligible for federal dollars administered through the Minnesota Historical Society; and

WHEREAS, several HPC members have expressed an interest in going to the Mn Historical Society Conference; and

WHEREAS, Certified Local Government (CLG) grant applications are available to fund attendance at the MN Historical Society Conference including registration and hotel costs; and

WHEREAS, said CLG grant application requires a 30% match from the City that can be in cash or in-kind:

WHEREAS, attendance at the conference can be used as in-kind,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby authorizes applying for a CLG grant for attendance and lodging of up to 5 individuals at the MN Historical Society Conference.

Adopted by the City Council on this 7th day of August, 2023.

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. FINANCE COMMITTEE –

1. Downtown Alleyway –

City Administrator Cziok reported that the Finance Committee had a lengthy discussion relating to options to consider for the alleyway located between the American Legion and Sweet Escapes. He shared that costs range from \$5,000 to between \$20,000 and \$30,000 depending on the amount of concrete replaced in the alleyway. Mayor Dingmann asked about advantages and disadvantages to the options and inquired how far the improvement goes into the north/south alleyway. City Administrator Cziok explained that the American Legion has drainage issues and requested to partner with the City in hooking up to the City’s manholes in order to alleviate the issues. He discussed City responsibility relative to the drainage issues with the City having standing water in the north/south alleyway. The arrangement discussed included the American Legion provide for the drainage improvements and the City to be responsible for restoration of the alleyway. The cost in question being as to whether or not the project include cementing the entire alley once the new drainage connection is completed or just the narrow strip that was disturbed.

Operations Coordinator Provencher shared that he, Operations Engineer Geers, and the American Legion Representative Marland Meyer have met to review the options. He acknowledged that it is not an easy decision. He expressed concern about disrupting areas that are not of concern and causing more problems such as causing damage to the buildings by redirecting drainage with a potential to cause water leaking into the basements. Operations Coordinator Provencher shared that he had contacted cement contractors who expressed concern as well. He suggested not disrupting the west side of the alley other than the narrow strip disrupted for the piping. He shared that the cement is in good shape, however he recommended the east side of the alleyway be completely replaced with new cement.

Council Member Kotelnicki shared that she had discussions with Emergency Management Director and Safety Coordinator Stephanie Johnson relating to grants available. City Administrator Cziok explained that the FEMA report is not complete, and that Stephanie Johnson will continue to coordinate with administration moving forward. Based on further discussions at the Council table, Council Member Mathwig shared that he changed his thoughts from the Finance Committee meeting to follow the recommendations of staff.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-137
AUTHORIZING ALLEYWAY IMPROVEMENTS**

WHEREAS, the American Legion would like to partner with the City to address drainage issues; and

WHEREAS, the American Legion is agreeable to fund a new connection between the alleyway to the north of their property and existing stormwater drainage to address drainage issues relating to their building; and

WHEREAS, the City is agreeable to fund restoration of the alleyway; and

WHEREAS, the Council reviewed several options for consideration relating to partial or complete restoration of the cement in the alleyway,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves of partnering with the American Legion on addressing alleyway issues; and

BE IT FURTHER RESOLVED that American Legion will be responsible for funding a new connection between the alleyway to the north of their property and existing stormwater drainage and the City will be responsible for providing for restoration of the alleyway; and

BE IT FURTHER RESOLVED that the City will be responsible for replacing the strip of cement disturbed on the west side of the alleyway and will replace the entire east side with new concrete up to the north/south alley.

Adopted by the City Council on this 7th day of August, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

B PERSONNEL COMMITTEE –

1. City Administrator Annual Review –

Council Member Miller reported that the Personnel Committee recommended no changes to the annual performance evaluation process and using the same process as last year. She shared that last year seemed to be the smoothest process yet. She read a memo to the Council outlining the City Administrator performance evaluation process.

After review, it was moved by Council Member Mathwig, seconded by Council Member Carlson, to approve the City Administrator Performance evaluation process and that the performance evaluation be scheduled for the August 21, 2023 Council meeting. The motion passed with 6 votes in favor and 0 against.

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. LARC JPA –

City Administrator Cziok shared recent committee discussions relating to the LARC and the JPA. He explained that the City needs to own the facility which allows for the most flexibility based on guidance from the City’s bond counsel. He outlined the key details which include the City owning the facility (located next to the High School), there are land options identified, the City will design and construct the building, operation horsepower will come from the School District, operations and maintenance costs will be split equally between the City and the School District. Cziok discussed the concept of developing a fund balance for operations and maintenance consisting of both City and School District dollars.

The LARC JPA may be reformatted if things change, City Administrator Cziok shared, adding relocation of tennis courts and parking lots have yet to be determined. Council Member Mathwig inquired about Item 10.2 as to holding the School District responsible for maintaining the building (based on past experience with another City owned facility that hasn’t been maintained per agreement). City Administrator Cziok responded that the language includes it is subject to review on an annual basis, adding that the City is responsible for 50% of the maintenance as well.

Council Member Kotelnicki inquired about discussions relating to turning it over to the School District once a Certificate of Occupancy was granted. City Administrator Cziok explained that according to the agreement with DEED, relating to the funding of the LARC, the City can turn operations to the school. In response to Council Member Kotelnicki's inquiry, City Administrator Cziok clarified that since the LARC is a City facility curriculum based requirements are not required since education is not the primary purpose. Council Member Kotelnicki questioned whether the community will be using the facility 50% of the time with City Administrator Cziok responding that 50% or more is expected of community use.

Upon inquiry by Council Member Kotelnicki, City Administrator Cziok responded that he will reach out to bond counsel relating to removal of the Joint Powers Board from the LARC JPA. He discussed next steps which include an RFP. With it being a high profile project, Council Member Kotelnicki expressed concern about information not coming back to the Council and not to delegate outside of this (Council) table. She discussed concerns about changes to the project scope. City Administrator Cziok explained that changes to project scope may be based on school improvements including relocation of tennis courts and parking lots. No formal action was taken.

B. GOLF COURSE LOTS –

City Administrator Cziok distributed copies for review of the counteroffer, drafted after discussions in a closed session, to the proposal from Litchfield Building Center for purchasing golf course property from the City. He outlined the counteroffer details which include sales price of \$40,000, LBC to coordinate soil borings, the City to provide the survey and splits, no fiscal participation in infrastructure improvements, Parcels 27-2378000 and 27-2379000 would be tied to completion of housing units, and the City to execute a 3 year tax rebate program.

The Council afforded some time to review the counteroffer draft that was distributed. Mayor Dingmann inquired as to whether the 3 year tax rebate program would initiate with a Certificate of Occupancy. City Administrator Cziok responded that has yet to be determined. In response to Council Member Carlson's inquiry relating to gifting property back to the City in the original proposal, Cziok clarified that the City would be retaining City owned property and addressing that in tax parcel splits (as included in the counterproposal).

After review, it was moved by Council Member Miller, seconded by Council Member Mathwig, to approve the counteroffer as presented and authorize administration to submit the counteroffer to the developer, LBC. Upon roll call vote, all members present voted aye, whereupon the motion carried.

C. MARIJUANA –

Council Member Kotelnicki shared that she would like to see a moratorium relating to the sale of marijuana. Mayor Dingmann doesn't think a moratorium is going to make a difference. City Attorney Wood shared that there is a lot of vagueness to the Statute passed by the legislature. He said some cities are addressing smoking on public property. He added that discussion is moving in a lot of directions right now.

It was moved by Council Member Kotelnicki, seconded by Council Member Allen, to start the process and move forward with a moratorium until January 2025 for the purpose of studying. Upon clarification that a moratorium addresses the sale of marijuana, Council Member Miller expressed concern that it doesn't address the use of marijuana in public, adding that is a separate issue from a moratorium. She shared that a moratorium won't stop people from smoking marijuana in parks. City Administrator Cziok provided a perspective on a moratorium relating to the sale of marijuana versus smoking marijuana in a park.

City Attorney Wood explained that with a moratorium the Council has to identify what they want to study, along with who, and a timeline. He shared that the tobacco ordinance offers some level of restrictions with smoking, adding it identifies the number of licenses issued. He commented that the next legislative session will involve looking at the Statute passed.

Mayor Dingmann shared that he was asked to be on the Meeker County task force. He commended the work completed by Meeker County and the resources available and recommended continuing to work with Meeker County. Council Member Carlson shared that his daughter teaches health and provided him with information, however he doesn't feel like he is educated enough on the topic. Council Member Miller clarified that just because she doesn't support a moratorium, that doesn't mean she supports the sale and use of marijuana, adding she agrees we have to do something.

Upon roll call vote of the resolution presented by Council Member Kotelnicki, seconded by Council Member Allen, to start the process and move forward with a moratorium until January 2025 for the purpose of studying, Council Members Kotelnicki and Allen voted aye, and Mayor Dingmann, Council Members Mathwig, Carlson, and Miller voted nay, whereupon the resolution was declared defeated. Council Members were supportive on continuing efforts with Meeker County regarding the sale and use of marijuana.

After review, it was moved by Council Member Kotelnicki, seconded by Council Member Miller, that the marijuana topic be placed on the first agenda of the even months beginning in October. The motion passed with 6 votes in favor and 0 against.

D. CEMETERY –

Council Member Carlson outlined resolutions he would like to offer relating to contracting for stone maintenance/restoration and adopting new cemetery rates.

1. Stone Maintenance –

Council Member Carlson reported on recent discussions with contractors who provide stone maintenance/restoration and recommends engaging with Dave Hendricks to provide those services. He shared that they contacted several cemeteries who have engaged with Dave Hendricks and they reported that he was very thorough and professional. Council Member Carlson added that Mr. Hendricks provides pictures before and after stone restoration.

City Administrator Cziok advised waiting for the maintenance policy from Michael Sharkey who the Council authorized engaging with for his legal services. He discussed legality and liability issues, adding who determines what stones are deemed unsafe.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 23-8-138
AUTHORIZING CEMETERY GRAVESTONE RESTORATION**

WHEREAS, the Council appointed Council Members to a committee to review and identify needs at the Litchfield Cemetery; and

WHEREAS, said committee identified several issues they would like addressed; and

WHEREAS, said committee recommends engaging with someone who provides cemetery gravestone restoration services; and

WHEREAS, the cemetery committee recommends contracting with Dave Hendricks to provide cemetery gravestone restoration services,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves contracting with Dave Hendricks to provide cemetery gravestone restoration services for an amount up to \$8,000 for 2023 contingent upon legal input and the stone maintenance policy to be provided by Michael Sharkey; and

BE IT FURTHER RESOLVED that the City provide a waiver for Dave Hendricks to Rule 12 of the Cemetery Rules and Regulations requiring a 4" concrete or granite border,

AND BE IT FURTHER RESOLVED that the City provide 3 yards of class 5 gravel.

Adopted by the City Council on this 7th day of August, 2023.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

2. Rates –

Council Member Carlson explained that after review of the City’s current cemetery rates, the City is not competitive with surrounding communities. He expressed the need to approve the proposed rates provided by administration and move forward in order to accomplish their goals which include stone repair. City Administrator Cziok explained that the rate increases help address the deficit in the cemetery fund balance, and they provide for stone maintenance repair costs.

The Council requested having Michael Sharkey present at the next meeting, whether he was available by zoom or in person, to address the maintenance policy and perpetual care. The Council determined that they would wait on adopting new rates until Mr. Sharkey was able to be in attendance. No formal action was taken.

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS – None.

XI. ADJOURNMENT –

It was moved by Council Member Mathwig, seconded by Council Member Miller, to adjourn the City Council meeting at 7:17 p.m. Motion Carried.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR