

**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 Monday, September 18, 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	Excused
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 Engineer	Mike Geers	Present
Assistant City Attorney	Rebecca Rue	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 Meeting – September 5, 2023

**B. FINANCIAL REPORTS TO APPROVE:**

- 1. Electronic and Wire Transfer Report

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

- 1. Computer List of Bills for \$228,392.33

**D. OTHER PAYMENTS:**

- 1. Commercial and Holcombe Ave. Drainage Improvements –

**CITY OF LITCHFIELD  
 RESOLUTION NO. 23-9-152  
 AUTHORIZE PAYMENT NO. 1  
 FOR THE COMMERCIAL STREET & HOLCOMBE AVENUE  
 DRAINAGE IMPROVEMENTS**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby approves Payment No. 1 for the Commercial Street & Holcombe Avenue Drainage Improvements \$722,819.37 as attached and on file.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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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 Miller, seconded by Council Member Larson, to adopt the following:

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-159  
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 18th day of September, 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. ACKNOWLEDGEMENT OF AUDIENCE/PRESENTATIONS –**

**A. BIKE TRAIL REQUEST –**

Scott Rech addressed the Council concerning a request to consider a bike trail connecting Hubbard Avenue to Walmart as part of the planning process in conjunction with accessing Walmart to 260<sup>th</sup> Street. He discussed the need to connect Walmart to the trail system in order to be more accessible for biking rather than having to ride on Highway 12. He expressed concern on safety and the difficulty in navigating without a designated path.

Council Member Larson shared that the City has a lot of needs and suggested maybe starting out with a gravel path to begin with. Mayor Dingmann added that we haven’t acquired the land yet from 260<sup>th</sup> Street to Walmart and the bike trail request hasn’t been evaluated with the CIP. Council Member Kotelnicki shared that there is a park/trails grant available in December that the City could apply for. City Administrator Cziok responded the project has not been evaluated with the CIP, adding there may be match requirements to the grant funds. No formal action was taken.

V. **COMMISSION RECOMMENDATIONS** – None.

VI. **COMMITTEE REPORTS** – None.

VII. **LEGAL CONSIDERATIONS** – None.

VIII. **BUSINESS** –

A. **LARC JPA** –

City Administrator Cziok provided an overview of the JPA and LARC project moving forward. He shared that the priority may have to shift in that the school district is trying to find a balance with long term needs and honoring the partnership with the City. He provided the 2020 bond award requirements that include entering “into an agreement that addresses the City’s and the School District’s relative contributions to the project including the on-going operations and use of the facility.” City Administrator Cziok shared the School District is focusing on the operational side of the LARC and not so much on the capital side.

City Administrator Cziok expressed positivity in moving the project forward and discussed next steps with entering into a contract for design/management of the project. Council Member Carlson was in favor of moving forward with design/management of the project and agreed with Cziok that it’s positive. Cziok reported that design, development, construction management services contracts have been reviewed by the City Attorney and the Bond Attorney. He discussed the project schedule and reported that the project fees are 11.35%.

Pat Overum, of ICS, provided additional framework of next steps and timelines which begin with formally engaging with project consultants. He discussed finalizing the committee structure and committee members followed by initiating the community communications process. The next step would be developing and finalizing facility use and the operating agreement. Overum continued that the project timeline would be updated followed by initiating the design process and the DEED process. Pat Overum responded to Council Member Carlson’s inquiry that he has had experience with the DEED process. Mayor Dingmann inquired as to whether the School District’s involvement with the operational side meets the requirements of DEED, in which Overum responded that it would meet the requirements. Council Member Larson inquired about communication duties and shared her willingness to be involved. Pat Overum responded that would be part of the project oversight role.

City Administrator Cziok outlined three options for Council consideration depending on what additional information the Council needed in order to move the project forward. He shared that a resolution could be drafted for the next Council meeting, or the Council could authorize execution of the agreements to begin the design process. Upon inquiry of Council Member Kotelnicki, Pat Overum clarified what number the 11.35% project fees were calculated on. Council Member Kotelnicki recommended establishing a line item for donations. She shared that she is hearing from supporters for the LARC location to be next to the Civic Arena. Council Member Carlson commented that he is hearing supporters for both the school location and the Civic Arena location.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-160  
AUTHORIZE PROCUREMENT OF DESIGN, DEVELOPMENT, AND  
CONSTRUCTION MANAGEMENT SERVICES OF ICS AND WOLD  
FOR A COMMUNITY WELLNESS AND RECREATION CENTER**

**WHEREAS**, the City, along with the school district, have been pursuing the construction of a wellness and recreation facility; and

**WHEREAS**, the City secured \$6,000,000 in grants and bond proceeds for the design and construction of such a facility; and

**WHEREAS**, as part of this funding the City and the school district shall enter into an agreement that addresses the City’s and the school district’s relative contributions to the project including the on-going operations and use of the facility, and

**WHEREAS**, the City received voter approval for the use of sale tax proceeds to fund debt associated with the design and construction of said facility; and

**WHEREAS**, the total estimated project cost is \$13,500,000,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby authorizes the procurement of Design, Development, and Construction Management Services of ICS and Wold for a Community Wellness and Recreation.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR

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

**B. SALE OF PROPERTY –**

City Administrator Cziok said the purchase agreement has been signed and discussed the next step in the process which involves setting a public hearing for the sale of public property. Council Member Kotelnicki inquired about a change in the parcels to be purchased. Cziok explained that the developer had decided he did not require one of the original properties as part of the development.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-153  
SET PUBLIC HEARING TO CONSIDER SALE OF PROPERTY  
LOCATED ON WEST RIPLEY STREET – ADJACENT TO THE GOLF COURSE**

**WHEREAS**, the City owns and maintains vacant property located on West Ripley Street, adjacent to golf course property; and

**WHEREAS**, the Council has been discussing the need for housing; and

**WHEREAS**, the City accepted an offer from Litchfield Building Center (LBC) for the said property; and

**WHEREAS**, City Charter dictates that land transfers require holding a public hearing and adopting an ordinance for sale of public property,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby sets a public hearing to be held at City Hall on October 2, 2023 at approximately 5:30 p.m. to consider the sale of public property located on West Ripley Street, adjacent to golf course property, which includes part of Parcel No. 14-0160001, part of Parcel No. 14-0160000, part of Parcel No. 27-0102000; and

Resolution No. 23-9-153 – Cont’d.

**BE IT FURTHER RESOLVED** that proper notice thereof shall be published and posted.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR

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

C. CABLEVISION FRANCHISES –

City Administrator Cziok discussed the status of the current cable television franchise terms with both Nuvera Communications, Inc. and Mediacom Minnesota LLC. He explained the City has been working on contract amendments with Brian Grogan of Moss and Barnett, an attorney who provides counsel on cable franchises.

1. Nuvera –

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-154  
SET PUBLIC HEARING TO CONSIDER ORDINANCE NO. 820  
AMENDING ORDINANCE NO. 766  
TO AMEND AND EXTEND THE CABLE TELEVISION FRANCHISE TERM  
FOR NUVERA COMMUNICATIONS, INC.**

**WHEREAS**, Nuvera Communications, Inc. as successor to New Ulm Telecom, Inc. (“Grantee”) holds a cable communications franchise, Ordinance No. 766 adopted on November 5, 2012, (“Franchise”) with an effective date of December 14, 2012, for the construction and operation of a cable communications system in the City of Litchfield, MN (“City”); and

**WHEREAS**, City and Grantee have mutually agreed to amend and extend the term of the Franchise by adopting this Ordinance,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby sets a public hearing to be held at City Hall on October 2, 2023 at approximately 5:30 p.m. to consider amending Ordinance No. 766 To Amend and Extend the Cable Television Franchise Term for Nuvera Communications, Inc.

**BE IT FURTHER RESOLVED** that proper notice thereof shall be published and posted.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR

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

2. Mediacom Minnesota, LLC –

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-155  
SET PUBLIC HEARING TO CONSIDER ORDINANCE NO. 821  
AMENDING ORDINANCE NO. 767  
TO AMEND AND EXTEND THE CABLE TELEVISION FRANCHISE TERM  
FOR MEDIACOM MINNESOTA LLC**

**WHEREAS**, Mediacom Minnesota LLC (“Grantee”) holds a cable communications franchise, Ordinance No. 767 adopted on November 5, 2012, (“Franchise”) with an effective date of December 24, 2012, for the construction and operation of a cable communications system in the City of Litchfield, MN (“City”); and

**WHEREAS**, City and Grantee have mutually agreed to amend and extend the term of the Franchise by adopting this Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby sets a public hearing to be held at City Hall on October 2, 2023 at approximately 5:30 p.m. to consider amending Ordinance No. 767 To Amend and Extend the Cable Television Franchise Term for Mediacom Minnesota LLC.

**BE IT FURTHER RESOLVED** that proper notice thereof shall be published and posted.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR

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

D. NOTICE OF VIOLATION –

Paul Saffert, Environmental Engineer for Bolton & Menk, reported on the Wastewater Notice of Violation (NOV) the City of Litchfield received on August 28, 2023. He reported that FDA is working on a pretreatment solution which indicates significant loading decreases to the City of Litchfield. He shared that the City is in the process of negotiating a new Significant Industrial User (SIU) agreement for current discharge and a future SIU agreement.

Paul Saffert reported that FDA and the City are working on terms relating to the SIU agreement and shared that there are multiple steps. He provided a timeframe which is anticipated by the end of October. He added that MPCA is supportive as long as the communication lines remain open. No formal action was taken.

E. FORFEITED PROPERTY –

City Administrator Cziok explained that the City can request a sale or conveyance of tax-forfeited property. City staff has viewed the property and has expressed interest in the property for a public purpose if allowable with new language concerning tax-forfeited property.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-156  
APPROVAL OF SALE OF TAX FORFEITED PROPERTY**

**WHEREAS**, the City has been notified by the Meeker County Auditor of tax-forfeited property; and

**WHEREAS**, the City must approve the classification and sale or conveyance of tax-forfeited property; and

**WHEREAS**, the City has considered several options in the classification and sale or conveyance of tax-forfeited property,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby approves of the classification by the Meeker County Board of Commissioners and requests consideration of either the sale or conveyance of the property, if allowable, to the City of Litchfield legally described as follows:

Parcel #27-1679000

Part of Lot A, Chandler’s Subdivision of part of NW ½, Section 13, Township 119 North, Range 31 West, described as follows, to wit: Beginning at a point on the North line of Lot A of Chandler’s Subdivision of Section 13, Township 119 N, Range 31 W, 501.13 feet West of the Northeast corner of said lot, said point is the Southeast corner of Block 11 of Isaacson’s Addition to the City of Litchfield, thence due South 150.00 feet, thence West and parallel to the North line of Lot A a distance of 300.00 feet, thence due North 150.0 feet, thence East along the North line of Lot A a distance of 300.00 feet to the point of beginning, containing 1.3 acres, more or less.

**AND BE IT FURTHER RESOLVED** that the purpose would be for additional storage needed.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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

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

**F. HWY 12/34 INTERSECTION –**

City Engineer DeWolf discussed the Transportation Economic Development (TED) grant application process. Requests have been sent to local businesses in the vicinity of the intersection to complete an economic development survey and provide a letter of support for the application. DeWolf shared the current updated cost estimate for the project is approximately \$3.1M, adding it is a competitive process.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-157  
AUTHORIZING A TRANSPORTATION ECONOMIC DEVELOPMENT  
PROGRAM APPLICATION FOR THE TH 12 AND CSAH 34 INTERSECTION  
IMPROVEMENT PROJECT**

**WHEREAS**, the Transportation Economic Development (TED) program is a competitive grant opportunity administered by the Minnesota Department of Transportation (MnDOT) to generate economic benefits through investment in transportation infrastructure; and

Resolution No. 23-9-157 – Cont’d.

**WHEREAS**, the MnDOT has \$20 million in funding available through this solicitation for project construction in calendar years 2024 through 2026; and

**WHEREAS**, the TED program funds projects that improve, enhance, or modify a state trunk highway or highway right-of-way; and

**WHEREAS**, the City of Litchfield is applying for TED funding with Meeker County for the TH 12 and CSAH 34 Intersection Improvement Project; and

**WHEREAS**, this project will construct a roundabout at the intersection of TH 12 and CSAH 34 to improve safety and congestion issues at the intersection; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Litchfield will act as the legal sponsor for the TH 12 and CSAH 34 Intersection Improvement Project and requests funding from the Transportation Economic Development (TED) Program of the Minnesota Department of Transportation; and

**BE IT FURTHER RESOLVED** that the City of Litchfield has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds and adequate construction of the proposed project; and

**BE IT FURTHER RESOLVED** that the City of Litchfield has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

**BE IT FURTHER RESOLVED** that upon approval of its application by the state, the City of Litchfield may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements; and

**BE IT FURTHER RESOLVED** that the City of Litchfield has committed to the local match requirement;

**BE IT FURTHER RESOLVED** that the City of Litchfield confirms if the project cost increases above the amount listed in the Application, Litchfield will provide or secure all additional funds necessary to complete the project.

**BE IT FURTHER RESOLVED** that the City of Litchfield certifies that it will comply with all applicable laws, regulations, and rules of the Application; and

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Assistant City Administrator, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Adopted by the City Council this 18<sup>th</sup> day of September, 2023.

Approved:

Attest:

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MAYOR

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

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



G. HOUSING –

City Administrator Cziok requested a two-week extension from the original date for the housing committee to meet and report back to the Council on October 2, 2023. He explained that there have been scheduling conflicts and the date scheduled for the housing meeting is October 3, 2023. It was moved by Council Member Carlson, seconded by Council Member Miller, to allow for a two-week extension for the Housing Committee to meet and report back to the Council. The motion passed with 6 votes in favor and 0 against.

H. CEMETERY –

City Administrator Cziok reported that the stone maintenance contractor selected by the Council is scheduled to begin work on or about October 2, 2023. He shared that Mr. Sharkey hasn't provided a stone maintenance policy which was requested prior to stone maintenance work. Cziok inquired as to whether or not the Council wanted to proceed with stone maintenance ahead of a stone maintenance policy. Council Member Carlson responded that the contractor is ready to get started and since it is not a long term agreement he suggested moving forward with stone maintenance.

City Administrator Cziok suggested consideration of adjusting rates ahead of the stone maintenance work being completed. Council Member Allen shared that she would like Michael Sharkey's review on rates. City Administrator Cziok responded that if the Council was looking for input on perpetual care, which would be a separate fee on top of the other fees and could be added at a later date.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-161  
AUTHORIZING MOVING AHEAD WITH CEMETERY GRAVESTONE  
RESTORATION AND AUTHORIZING CEMETERY RATE ADJUSTMENTS**

**WHEREAS**, the Council authorized contracting with Dave Hendricks to provide cemetery restoration services contingent upon legal input and a stone maintenance policy to be provided by Michael Sharkey; and

**WHEREAS**, the City has not received the stone maintenance policy and the contractor would like to begin the stone maintenance October 2, 2023; and

**WHEREAS**, the Council wishes to move forward with stone maintenance ahead of the stone maintenance policy; and

**WHEREAS**, the Council has reviewed cemetery rate adjustments to align with stone maintenance work being completed,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby approves contractor Dave Hendricks to begin stone maintenance ahead of receiving the stone maintenance policy; and

**BE IT FURTHER RESOLVED** that the Council approve the proposed cemetery fee schedule as presented and as on file.

Adopted by the City Council this 18th day of September, 2023.

Approved:

Attest:

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MAYOR

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

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

I. ELECTION FUNDING –

City Administrator Cziok discussed the funding available for voting operations, technology, and election resources (VOTER). With the support the City receives from Meeker County throughout the election process, administration recommended Meeker County retain all Voting Operations, Technology, and Election Resources (VOTER) Account Funds received.

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

**CITY OF LITCHFIELD  
RESOLUTION NO. 23-9-158  
APPROVE AGREEMENT WITH MEEKER COUNTY FOR VOTING OPERATIONS,  
TECHNOLOGY & ELECTION RESOURCES (VOTER) ACCOUNT**

**WHEREAS**, the 2023 Legislative Session made state funding available for county and municipal election administration; and

**WHEREAS**, the funds can be used for any purpose that is directly related to election administration and is outlined in the enabling legislation; and

**WHEREAS**, Counties and local units of government within the county have options for distribution of the available funding; and

**WHEREAS**, Meeker County received \$7,013.63 and the City of Litchfield would be allocated \$447.49 of said funding; and

**WHEREAS**, local units of government can agree to allow Meeker County to retain all Voting Operations, Technology, & Election Resources (VOTER) Account Funds; and

**WHEREAS**, Meeker County provides election administration on behalf of all the local units of governments,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Litchfield hereby agrees to allow Meeker County to retain all Voting Operations, Technology, & Resources (VOTER) Account Funds received,

**AND BE IT FURTHER RESOLVED** that the City authorizes the Voting Operations, Technology & Election Resources (VOTER) Account County-Municipality Agreement between Meeker County and the City of Litchfield.

Adopted by the City Council this 18<sup>th</sup> day of September, 2023.

Approved:

Attest:

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MAYOR

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ASSISTANT CITY ADMINISTRATOR

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

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS – None.

**XI. ADJOURNMENT –**

It was moved by Council Member Miller, seconded by Council Member Carlson, to adjourn the City Council meeting at 6:40 p.m. Motion Carried.

Attest:

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ASSISTANT CITY ADMINISTRATOR

Approved:

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MAYOR