

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, October 17, 2022, 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	Excused
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
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 Meeting – October 3, 2022

B. FINANCIAL REPORTS TO APPROVE:

- 1. Electronic and Wire Transfer Report

C. CLAIMS TO AUTHORIZE FOR PAYMENT:

- 1. Computer List of Bills for \$185,862.63

D. OTHER PAYMENTS:

- 1. 2022 Airfield Pavement Maintenance & Taxilane Reconstruction Project –

**CITY OF LITCHFIELD
 RESOLUTION NO. 22-10-181
 AUTHORIZE PAYMENT NO. 1
 FOR THE 2022 AIRFIELD PAVEMENT MAINTENANCE &
 TAXILANE RECONSTRUCTION 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. 1 for the 2022 Airfield Pavement Maintenance & Taxilane Reconstruction Project totaling \$340,869.54 as attached and on file.

Adopted by the City Council this 17th day of October, 2022.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

E. ORDINANCES – SECOND READINGS:

- 1. Ordinance No. 813-

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-180
SECOND READING OF ORDINANCE NO. 813
AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF NEW USES
OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING,
MANUFACTURING AND DISTRIBUTION OF THC PRODUCTS.**

WHEREAS, a First Reading was given on October 3, 2022 Resolution No. 22-10-177,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the Second Reading of Ordinance No. 813, an ordinance adding Codified Ordinance Title XI: Business Regulations: Chapter 117: THC: Sections 117.01 through 117.07.

BE IT FURTHER RESOLVED that this be entered into the Book of Ordinances as Ordinance No. 813 and into the Codified Ordinances of the City of Litchfield.

Adopted by the City Council this 17th day of October, 2022.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

F. LICENSES: None

G. OTHER ROUTINE MATTERS: None

H. COMMUNICATIONS TO REVIEW :

- 1. Minutes & Reports:
 - a. Planning Commission Minutes – October 10, 2022

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-185
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 17th day of October, 2022.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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 STATION –

Anton Cox addressed the Council for consideration of a request to provide a bike repair station on public property for an Eagle Scout service project. He explained that a requirement of an Eagle Scout is to complete a service project to benefit the community. He would like to complete the project by April 2023. Anton Cox shared that he had donors for the cement pad and bike repair station equipment. He shared his preference for the bike repair station to be placed in Legion Memorial Park, close to the campgrounds. Anton Cox provided timelines for the project. City Administrator Cziok discussed determining fiscal obligations, accepting the equipment and location selection at a future date.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-182
APPROVING BIKE REPAIR STATION CONSTRUCTION ON PUBLIC PROPERTY**

WHEREAS, the Council received a request to provide a bike repair station on public property for an Eagle Scout service project; and

WHEREAS, the project entails installation of a cement pad and bike repair station equipment on public property; and

WHEREAS, Council consensus was to allow for placement of the bike repair station in Memorial Park or near the campgrounds; and

WHEREAS, the cement pad and equipment will be funded by donations made to the service project,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby authorizes Anton Cox to proceed with his Eagle Scout service project to provide a bike repair station on public property,

BE IT FURTHER RESOLVED that Anton Cox work with staff in determining location and any additional financial commitments required and report back to the Council by the first of the year (2023).

Adopted by the City Council this 17th day of October, 2022.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

B. OPPORTUNITY ZONE -

Dave Tysk, representing Litchfield Opportunity Zone, Inc., provided an update to the Council concerning his request on TIF. He outlined Resolution No. 22-8-145 stating his preapplication for TIF (Tax Increment Financing) was approved, and administration was authorized to proceed with engaging Ehlers to complete the required TIF analysis and scheduling the public hearing. Also included in the resolution was that the Housing Committee continue to work with the developer on the process. He shared that it has been more than 2 months with no communication other than with administration. Dave Tysk reported that it is not feasible for him to extend 7th Street from County Highway 34 to Cottonwood Avenue as part of the process. He explained that interest rates and construction costs have increased.

Mayor Johnson discussed getting the Housing Committee together. Dave Tysk responded to Council Member Kotelnicki's inquiry on Pay-Go TIF in that the developer takes all the risk by paying for upfront costs and being reimbursed for TIF-eligible costs. Council Member Dingmann inquired as to the cost to put in 7th Street and the process. City Administrator Cziok explained that the Planning Commission has reviewed and approved the site plan which would require further evaluations if the site plan changed enough relating to extension of 7th Street. City Administrator Cziok responded to Council Member Dingmann's inquiry that the housing study approved by the Council should be completed by the end of the year or January.

Council Member Carlson inquired if it was a combination of expense for the extension of 7th Street and elimination of one or two buildings relating to the requirement of extending 7th Street that is impactful to feasibility of the development. Dave Tysk responded that it is a combination. Council Member Kotelnicki inquired on setting a date to meet. City Administrator Cziok responded that the Housing Committee could meet quickly dependent upon scheduling of committee members. Council Dingmann inquired that if 7th Street isn't going to work would there be two access points to this property such as extension of 10th Street. Dave Tysk shared that he would favor extension of 10th Street as the other access point however Meeker County won't allow two access points on County Highway 34.

Council Member Kotelnicki questioned the status of the transportation plan approved two years ago. City Administrator Cziok responded that he doesn't believe there was a resolution approving a transportation study. Secondly, he shared that an engineering study is going to take some time. Council Member Kotelnicki requested a timeframe and estimate on completing a transportation study. Council Member Mathwig shared that there are seasonal impacts with a study as such and it takes time. City Administrator Cziok said that the City Engineer DeWolf could provide a scope of work including a timeframe and budget for a transportation study to be completed. Without consensus by members of the Council on completing a transportation study, Mayor Johnson expressed the need to move on and to set up a Housing Committee meeting for further discussions concerning the Litchfield Opportunity Zone, Inc. development. No formal action was taken.

V. COMMISSION RECOMMENDATIONS – None.

VI. COMMITTEE REPORTS – None.

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. TOBACCO LICENSE APPLICATION – King Tobacco –

City Administrator Cziok reported that the tobacco license application from King Tobacco was complete, and a background check has been completed. He explained that the applicant is requesting a waiver from providing three Meeker County references. He shared that it is also worth noting that the application may look incomplete however the applicant is a business (in which some of the questions are not applicable). He discussed an alternative to consider would be to allow references from outside of Meeker County which would result in further law enforcement review.

Council Member Mathwig shared that the Council has denied previous applications not providing residents of Meeker County for references and inquired as to whether or not that is an issue. City Attorney Wood responded that previous applications were denied in addition to references including spacing reasons. Upon questioning legalities by Mayor Johnson, City Attorney Wood explained that the references are a requirement of the application not the ordinance.

Council Member Kotelnicki expressed concern that the references could not be related or financially interested in the premises or business. City Attorney Wood shared that there would be validity in removing the Meeker County resident requirement (relating to character references). Mayor Johnson inquired as to how long it would take the police department to provide additional investigation. City Administrator Cziok responded that it is dependent on the applicant providing the references along with the availability of the references.

Council Member Miller requested the applicant provide the nine other stores the applicant owns for additional investigative purposes. Council Member Dingmann expressed concern that there is no workers' compensation provided with there being nine other businesses associated. Council Member Kotelnicki questioned the process as to whether or not the Council acts on the current application or the application is put on the next agenda, adding she is uncomfortable with making changes on the fly. She explained that the Council hasn't changed the application.

Mayor Johnson reported that he had completed some research and found there were no issues for the most part with the applicant in other communities. City Attorney Wood shared that the Council has the ability to do anything reasonable. Council Member Miller inquired as to whether or not the current application needed to be denied. City Attorney Wood explained that the application can be tabled at such time allowing the applicant to produce the additional information. Council Member Kotelnicki requested clarification. City Administrator Cziok explained that the application requirements are not part of the ordinance however facilitating a background check is required by the ordinance.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-183
APPROVING WAIVER REQUEST TO ALLOW FOR REFERENCES FROM OUTSIDE
OF MEEKER COUNTY ON CIGARETTE LICENSE APPLICATION
KING TOBACCO LITCHFIELD INC./DBA AS KING TOBACCO**

WHEREAS, the City received an application for a cigarette license from King Tobacco Litchfield Inc./DBA King Tobacco; and

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

WHEREAS, the current application requires the applicant provide references of three persons who reside in Meeker County who are of good moral character, not related to the applicant or financially interested in the premises or business, regarding the applicant's character, or, in the case where information is required of a Manager, the Manager's character; and

WHEREAS, the applicant provided two character references who may be considered to have financial interest in the business; and

Resolution No. 22-10-183 – Cont’d.

WHEREAS, the applicant requested a waiver from said requirement offering to provide one or more character references from outside Meeker County; and

WHEREAS, the Council reviewed the application requirements relating to providing character references and determined it is somewhat limited,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves the request from King Tobacco Litchfield Inc./DBA King Tobacco to provide character references from outside Meeker County; and

BE IT FURTHER RESOLVED that the applicant provides a list of the other businesses operated/owned by the applicant,

AND BE IT FURTHER RESOLVED that further investigation be carried out and a report be provided on the additional information as requested to be considered by the Council upon completion of said report.

Adopted by the City Council this 17th day of October, 2022.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

B. NELSON STREET LOTS –

City Administrator Cziok provided the status of the progress relating to development of the lots on East Nelson Street owned by the City. He reported that Greg Schilling has completed the submittals requested to date and the next step in the process is to schedule a public hearing for the sale of public property and adoption of an ordinance as required by City Charter. He said a developer’s agreement is being prepared and asked the Council for any conditions that they would like to see added to said agreement. Mayor Johnson asked for one condition to be added concerning lawn maintenance. City Administrator Cziok responded that would be difficult since that condition hasn’t been included in other agreements. City Administrator Cziok explained the need to have the developer’s agreement in place prior to the transfer of land.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-184
SET PUBLIC HEARING TO CONSIDER SALE OF PROPERTY
LOCATED AT 212 AND 216 NELSON STREET EAST**

WHEREAS, the City owns and maintains vacant property at 212 and 216 East Nelson Street; and

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

WHEREAS, the City accepted an offer from Gregg Schilling for said property; and

WHEREAS, Gregg Schilling has completed submittals requested by the City concerning development of said property; and

WHEREAS, City Charter dictates that land transfers require holding a public hearing and adopting an ordinance for sale of public property; and
Resolution No. 22-10-184 – Cont’d.

WHEREAS, City staff is establishing a developer’s agreement for the property to be reviewed by the Council,

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 November 21, 2022 at approximately 5:30 p.m. to consider the sale of public property located at 212 and 216 Nelson Street East legally described as follows:

Parcel No. 27-2247-000
Lot 5, Block 2, Paul’s Addition
City of Litchfield, Minnesota

Parcel No. 27-2248-000
Lot 6, Block 2, Paul’s Addition
City of Litchfield Minnesota

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

Adopted by the City Council this 17th day of October, 2022.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

C. LITCHFIELD AIRPORT ADVISORY BOARD APPOINTMENTS –

Council Member Mathwig reported on the appointment requirements of the newly established Litchfield Airport Advisory Board. He reported that the Litchfield Flying Club met and provided a recommendation for an appointment of one of its members to represent them on said board. He explained that there are staggered three year terms and one appointment will be for a two year term and the other will be for a three year term starting out in order to stagger the terms.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-186
AIRPORT ADVISORY BOARD APPOINTMENT**

WHEREAS, the Council approved the Litchfield Airport Advisory Board Rules and Procedure; and

WHEREAS, the Council established a Litchfield Airport Advisory Board consisting of a Council Member representative, City Administrative Official, Public Works representative, one private hangar owner, and one Flying Club member; and

WHEREAS, the Litchfield Airport Advisory Board will consist of staggered three year terms; and

WHEREAS, the Litchfield Flying Club is recommending Blaine Adams to represent them on the advisory board; and

Resolution No. 22-10-186 – Cont’d.

NOW, THEREFORE, BE IT RESOLVED to appoint Blaine Adams, representing the Flying Club, to the Litchfield Airport Advisory Board for a term from November 1, 2022 to October 31, 2025.

Adopted by the City Council this 17th day of October, 2022.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

Council Member Mathwig reported that the City provided applications to private hangar owners and has received applications from three qualified pilots/hangar owners.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 22-10-187
AIRPORT ADVISORY BOARD APPOINTMENT**

WHEREAS, the Council approved the Litchfield Airport Advisory Board Rules and Procedure; and

WHEREAS, the Council established a Litchfield Airport Advisory Board consisting of a Council Member representative, City Administrative Official, Public Works representative on private hangar owner, and on Flying Club member; and

WHEREAS, the Litchfield Airport Advisory Board will consist of staggered three year terms; and

WHEREAS, City staff provided applications to private hangar owners; and

WHEREAS, the City received three applications for consideration,

NOW, THEREFORE, BE IT RESOLVED to appoint Patrick Cattarin to the Litchfield Airport Advisory Board for a term from November 1, 2022 to October 31, 2024.

Adopted by the City Council this 17th day of October, 2022.

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 –

A. WORK SESSION –

The Council held a work session to discuss uses for the American Rescue Plan Act (ARPA) funds the City received. Minutes of the work session are on file. No formal action was taken.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:23 p.m. by unanimous consent.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR