

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 Tuesday, July 6, 2021, commencing at 5:30 p.m. Mayor Johnson called the meeting to order.

A. ROLL CALL:

| | | |
|------------------------------|--------------------|---------|
| Mayor | Keith Johnson | Present |
| Council Member-at-Large | Ron Dingmann | Present |
| Council Member Ward I | Eric Mathwig | Present |
| Council Member Ward II | Darlene Kotelnicki | Present |
| Council Member Ward III | Betty Allen | Present |
| Council Member Ward IV | John Carlson | Present |
| Council Member Ward V | Sara Miller | Present |
| City Administrator | Dave Cziok | Present |
| Assistant City Administrator | Joyce Spreiter | Present |
| Assistant City Attorney | Rebecca Rue | Present |
| City Engineer | Chuck DeWolf | Present |
| Independent Review | Brent Schacherer | Present |
| KLFD | Tim Bergstrom | Present |

II. CONSENT AGENDA -

Each item on the Consent Agenda was considered. No items were added or deleted.

A. COUNCIL MINUTES TO APPROVE:

1. City Council Minutes – June 21, 2021

B. FINANCIAL REPORTS TO APPROVE: None.

C. CLAIMS TO AUTHORIZE FOR PAYMENT –

1. Computer List of Bills for \$8,308,532.26

D. OTHER PAYMENTS: None.

E. ORDINANCES – SECOND READINGS:

1. Ordinance No. 809 –

July 6, 2021

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-143
SECOND READING OF ORDINANCE NO. 809
AN ORDINANCE AMENDING
CODIFIED ORDINANCE TITLE IX: GENERAL REGULATIONS:
CHAPTER 91: HEALTH AND SANITATION:
NUISANCES: SECTIONS 91.002, 91.010 AND 91.052 CONCERNING
PERVASIVE GRASS GROWTH AND WEEDS MAINTENANCE STANDARDS**

WHEREAS, a First Reading was given on June 21, 2021 Resolution No. 21-6-132, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Litchfield that this be the Second Reading of Ordinance No. 809 an ordinance amending Codified Ordinance Title IX: General Regulations: Chapter 91: Health and Sanitation: Nuisances: Sections 91.002, 91.010 and 91.052, and

BE IT FURTHER RESOLVED that this be entered into the Book of Ordinances as Ordinance No. 809 and into the Codified Ordinances of the City of Litchfield.

Adopted by the City Council this 6th day of July, 2021.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

F. LICENSES:

1. Lawful Gambling Permit – Kiwanis Club of Litchfield –

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-129
LAWFUL GAMBLING PERMIT FOR AN EXEMPT ORGANIZATION
KIWANIS CLUB OF LITCHFIELD**

WHEREAS, an application for a lawful gambling license exemption was considered from the Kiwanis Club of Litchfield,

NOW, THEREFORE, BE IT RESOLVED to approve the application for an Exemption from a Lawful Gambling license for the Kiwanis Club of Litchfield on September 25, 2021 at Meeker Coop Building, 1725 East Hwy 12, Litchfield, and to direct submittal of a copy of this resolution with their application to the State Gambling Control Division.

July 6, 2021

Resolution No. 21-7-129– Cont’d.

Adopted by the City Council this 6th day of July, 2021.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR

G. OTHER ROUTINE MATTERS:

1. 2021-2022 Airport Liability Insurance Renewal –

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-140
2021-2022 AIRPORT LIABILITY INSURANCE RENEWAL**

WHEREAS, the City has had satisfactory insurance coverage with Swett and Crawford for several years, and

WHEREAS, our insurance agent recommends continuation of this policy,

NOW, THEREFORE, BE IT RESOLVED to renew Airport Liability Insurance coverage with Swett and Crawford from June 15, 2021 to June 15, 2022 and to authorize submittal of the premium in the amount of \$11,987.00, and

BE IT ALSO RESOLVED to authorize the Assistant City Administrator to sign the application and agreements as referenced above on behalf of the City of Litchfield.

Adopted by the City Council this 6th day of July, 2021.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR

2. 2021-2022 Workers Compensation Insurance Renewal –

July 6, 2021

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-141
2021-2022 WORKERS COMPENSATION INSURANCE RENEWAL**

WHEREAS, the City has had satisfactory insurance coverage with the League of Minnesota Cities Insurance Trust for several years,

NOW, THEREFORE, BE IT RESOLVED to enter into an Agreement with the League of Minnesota Cities Insurance Trust for renewal of Worker’s Compensation Insurance coverage from June 15, 2021 to June 15, 2022, and at the estimated annual premium in the amount of \$221,090.00, and

BE IT ALSO RESOLVED to authorize the Assistant City Administrator to sign the Agreement on behalf of the City of Litchfield.

Adopted by the City Council this 6th day of July, 2021.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

3. Employment Offer –

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-142
EMPLOYMENT OFFER FOR
PART-TIME POSITIONS**

WHEREAS, the City needs employees for part-time positions, and

WHEREAS, the funds to fill these positions were approved in the 2021 Budget, and

WHEREAS, the supervisors will adjust the wage schedule for 2021 part-time employees to fill these positions, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Litchfield to offer 2021 part-time employment with the City of Litchfield, to the following:

Department

Re-Hires

New Hires

Parks

Calvin Jones

Liquor Store

Hailey Rogers

July 6, 2021

Resolution No. 21-7-142– Cont’d.

Adopted by the City Council this 6th day of July, 2021.

Attest:

Approved:

ASSISTANT CITY ADMINISTRATOR

MAYOR

H. COMMUNICATIONS:

1. Minutes & Reports:

- a. Heritage Preservation Commission – June 28, 2021

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

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-149
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 6th day of July, 2021.

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. **ACKNOWLEDGMENT OF AUDIENCE/PRESENTATIONS** – None.

V. **COMMISSION RECOMMENDATIONS** –

A. **Heritage Preservation Commission** –

1. **Certificate of Appropriateness** – Greater Litchfield Opera House – 136 N. Marshall Ave. –

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 Dingmann, to adopt the following:

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-146
GRANT CERTIFICATE OF APPROPRIATENESS
TO GREATER LITCHFIELD OPERA HOUSE ASSOCIATION
FOR PROPERTY LOCATED AT 136 N. MARSHALL AVE.**

WHEREAS, the Litchfield Historic Preservation Commission held a hearing on Monday, June 28, 2021, to consider a Certificate of Appropriateness Application request by Greater Litchfield Opera House Association, for property located at 136 N. Marshall Ave., and

WHEREAS, the Litchfield Historic 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 for the replacement of the upper gutter with 6” aluminum in either coco brown or antique ivory. Gutters to be anchored in same place as original, but not to brick, 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

July 6, 2021

Resolution No. 21-7-146– Cont’d.

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, 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 Greater Litchfield Opera House Association, for property located at 136 N. Marshall Ave.

Adopted by the City Council on this 6th day of July, 2021.

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 – John Dyer – 226 Sibley Ave. North –

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. 21-7-145
GRANT CERTIFICATE OF APPROPRIATENESS
TO SWEET ESCAPE
FOR PROPERTY LOCATED AT 226 SIBLEY AVENUE NORTH**

WHEREAS, the Litchfield Historic Preservation Commission held a hearing on Monday, June 28, 2021, to consider a Certificate of Appropriateness Application request by Sweet Escape, for property located at 226 Sibley Avenue North, and

July 6, 2021

Resolution No. 21-7-145– Cont’d.

WHEREAS, the Litchfield Historic 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 for the replacement of lighting on front of the building; replacement of windows; addition of awning to the front of the building; replacement of breaking and falling stucco with similar design as Mimi’s across the street; paint top window on front and replace windows with same style; replacement of transom letters from previous sign with vertical siding and trim to match bulkhead in materials and paint colors Valspar Dorian Gray T511 and Wedding Cake V151, 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, the 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

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 Sweet Escape, for property located at 226 Sibley Avenue North.

Adopted by the City Council on this 6th day of July, 2021.

July 6, 2021

Resolution No. 21-7-145– Cont’d.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

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

VI. COMMITTEE REPORTS – None.

VII. LEGAL CONSIDERATIONS – None.

VIII. BUSINESS –

A. CENTRAL COMMUNITY TRANSIT –

Council Member Dingmann addressed the Council concerning the request from Central Community Transit for 2022 funding in which both Council Members Dingmann and Allen represent the City on the committee. Council Member Dingmann provided an update on the program and discussed the budget. He explained that the request for funding in 2022 includes capital and operating costs.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-144
APPROVING CENTRAL COMMUNITY TRANSIT 2022 FUNDING**

WHEREAS, the City participates in the Central Community Transit bus program, and

WHEREAS, the combined public transit entity includes Kandiyohi County, the City of Willmar, Renville County, Meeker County, and the City of Litchfield, and

WHEREAS, Central Community Transit is planning for capital expenditures in 2022 which includes replacement of one 19 passenger vehicle and one 28 passenger vehicle for the fleet, and

July 6, 2021

Resolution No. 21-7-144– Cont’d.

WHEREAS, Central Community Transit is requesting \$17,500 for capital and operating costs from the City of Litchfield and each of the combined public transit entities, and

WHEREAS, the MnDOT Office of Transit provides 85% of the total cost of operations and up to 80% for capital expenditures,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves funding the Central Community Transit bus program for 2022 in the amount of \$17,500 for capital and operating costs.

Adopted by the City Council on this 6th day of July, 2021.

Approved:

Attest:

MAYOR

ASSISTANT CITY ADMINISTRATOR

Upon roll call vote, all members present voted aye, with Council Member Mathwig abstaining due to conflict of interest, whereupon the resolution was declared adopted.

B. CIP –

City Administrator Cziok discussed holding an open house on July 26th to allow for public feedback concerning the proposed CIP. He explained that the proposed projects will be displayed individually on boards for the public to view. He discussed the format for the town hall meeting in that there would be public comment allowed after individuals have an opportunity to review the boards.

Council Member Kotelnicki shared she was uncomfortable about the display concerning the Wellness/Recreation Center. She explained that the display was the 2019 plan and the project hasn't been discussed since then. She expressed concern that the public will perceive that is the plan. Council Member Mathwig encouraged feedback over the Wellness/Recreation Center. Council Member Miller shared that the City needs to keep moving forward. Council Member Carlson questioned whether or not the City has ever imposed a local sales tax and inquired as to what other towns have a .05% local sales tax. City Administrator Cziok responded that the City of Litchfield has never imposed a local sales tax. He said St. Cloud, Willmar and Hutchinson have imposed a local sales tax however he was unsure of the amount imposed. Council Member Dingmann asked about advertising the public forum. City Administrator Cziok said the City will advertise through the local radio and newspaper.

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

July 6, 2021

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-150
SCHEDULING OPEN HOUSE FOR CIP REVIEW**

WHEREAS, the Council is in the process of developing a CIP document, and

WHEREAS, staff identified and ranked infrastructure needs for the CIP document, and

WHEREAS, the Council identified and ranked additional projects to be integrated with projects identified by staff, and

WHEREAS, the Council provided preliminary approval of a calendar outlining tentative CIP projects for the years 2021 through 2026 based on the rankings of projects by staff and the Council, and

WHEREAS, the calendar included potential tax levy rate increases and other fee rate adjustments necessary to accomplish the tentative projects, and

WHEREAS, staff recommends holding an open house allowing for public review and feedback concerning the proposed CIP,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby schedules an open house on July 26, 2021 to allow for public review and feedback concerning the proposed CIP.

Adopted by the City Council this 6th day of July, 2021.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

C. EMERGENCY DECLARATION –

City Administrator Cziok discussed removal of the emergency management declaration explaining that he sees no reason to continue unless the Council feels differently.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-147
REMOVAL OF EMERGENCY MANAGEMENT DECLARATION**

WHEREAS, the City Council of the City of Litchfield, Minnesota found that the following local emergency (“Emergency”) exists in the City of Litchfield, Minnesota (“City”):

1. The Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 on March 13, 2020; and
2. The City faced an imminent threat to life and public health resulting from the novel coronavirus and the resulting COVID-19 disease; and
3. The City was confronted with a worldwide pandemic creating threat of disaster of major proportions, which the safety and welfare of the guests to and inhabitants of the City were jeopardized and placed at extreme peril, in which timely action to contain and mitigate the risk to human life.

WHEREAS, the Mayor presented Declaration No. 20-01 finding an Emergency existed in the City; and

WHEREAS, the City Council of the City of Litchfield, Minnesota held an emergency hearing to review and consent to said Declaration No. 20-01; and

WHEREAS, Minnesota Statutes Section 12.29 and Litchfield City Ordinance Chapter 32 authorized the Mayor to declare the existence of the Emergency, invoke necessary portions of the Emergency Operation Plans and the Pandemic Response Plan, and authorize aid and services in accordance with interjurisdictional agreements; and

WHEREAS, Minnesota Statutes Section 12.37 authorized the City, acting through its governing body, to

1. Enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster;
2. Exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to
 - a. The performance of public work
 - b. Entering into contracts;
 - c. Incurring of obligations;
 - d. Employment of temporary workers;
 - e. Rental of equipment;
 - f. Purchase of supplies and materials;

July 6, 2021

Resolution No. 21-7-147– Cont’d.

- g. Limitations upon tax levies;
- h. The appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets; and

WHEREAS, the City Council found that conditions in Minnesota and the threat to the visitors to and inhabitants of the City had worsened considerably as a result of the Emergency; and

WHEREAS, the City Council found that this situation threatened the health, safety, and welfare of the citizens of the community and threatened the provision and delivery of city services as a result of the Emergency; and

WHEREAS, the City Council found that the Emergency posed the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

WHEREAS, the City Council found that traditional sources of relief are not able to repair or prevent the injury and loss; and

WHEREAS, the City Council consented to the Mayor’s declaration of local Emergency effective on March 20, 2020 in the City of Litchfield, Minnesota; and

WHEREAS, the Governor’s Executive Order 20-1 declaring the Peacetime Emergency has not been renewed by the June 30, 2021 deadline.

NOW, THEREFORE, the City Council of the City of Litchfield, Minnesota finds that the local emergency no longer exists, the emergency management emergency has ended, and emergency regulations are hereby expired upon adoption of this resolution. The City shall resume normal operations pursuant to Minnesota Statutes and City of Litchfield Ordinances.

Adopted by the City Council this 6th day of July, 2021.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

D. COMMUNITY EDUCATION JOINT POWERS AGREEMENT –

Council Member Carlson provided an update concerning proposed amendments to the Community Education Joint Powers Agreement. In representing the City on the

July 6, 2021

committee, he explained that the amendments include some verbiage changes and change of address for Community Education.

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

**CITY OF LITCHFIELD
RESOLUTION NO. 21-7-148
APPROVE AMENDMENTS TO JOINT POWERS AGREEMENT BETWEEN
THE CITY OF LITCHFIELD AND INDEPENDENT SCHOOL DISTRICT 465
COMMUNITY EDUCATION AND RECREATION**

WHEREAS, Community Education provides a comprehensive community education program which coordinates resources of agencies, organizations and groups in the community and promotes more efficient use of school and community personnel, buildings, equipment and finances, and

WHEREAS, Independent School District 465 and the City of Litchfield have a Joint Powers Agreement in order to provide a comprehensive community education program, and

WHEREAS, Independent School District 465 has proposed updating the Joint Powers Agreement with current needs including verbiage changes and change of address, and

WHEREAS, the City Council has reviewed said amended Joint Powers Agreement,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Litchfield hereby approves the amended Joint Powers Agreement with Independent School District 465 Community Education and Recreation.

Adopted by the City Council this 6th day of July, 2021.

Approved:

Attest:

ASSISTANT CITY ADMINISTRATOR

MAYOR

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

E. VARIANCE FOR 428 S. YALE –

City Administrator Cziok shared for information purposes that a building permit had been denied for 428 South Yale Avenue due to the result of an expired variance. He explained that variances are good for 6 months unless work continues on the property and this

July 6, 2021

variance however was approved 4.5 years ago and therefore beyond its effective date. He said the applicant has been advised to resubmit the variance request. No formal action was taken.

IX. ADDITIONAL ITEMS – None.

X. ANNOUNCEMENTS – None.

XI. ADJOURNMENT –

The City Council meeting adjourned at 6:01 p.m. by unanimous consent.

Attest:

ASSISTANT CITY ADMINISTRATOR

Approved:

MAYOR