**Unapproved minutes**

**APPEALS HEARING**

**&**

**CITY OF LEXINGTON**

**REGULAR COUNCIL MEETING**

**MAY 19, 2016 – 7:00 P.M.**

**9180 LEXINGTON AVENUE**

**APPEALS HEARING**

1. **Call to Order:** Mayor Kurth
   1. Roll Call - Council Members: DeVries, Hughes, Plasch, Payment

***Mayor Kurth called to order the Appeals Hearing for May 19, 2016 at 7:00 p.m. Councilmember’s present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Paul Floyd, Employment Attorney; Kris Carlson, CLPD Sergeant; Colleen Nelson, Appellant; Lexington citizens.***

1. **APPEALS HEARING: HEARING TO APPEAL DESIGNATION AS A POTENTIALLY DANGEROUS DOG, by Colleen Nelson**

***Ms. Nelson explained that her dog had bit her hand and she has very sensitive skin caused by the medication she is taking – prednisone. She explained that her dog is not vicious. Mayor Kurth asked if her dog has ever bitten anyone else. Nelson explained that her dog has never bit neither her, nor anyone else. Discussion ensued. Nelson explained that her neighbor had called 911 and she didn’t want the police called. She stated that she doesn’t understand why she needs to go through this process.***

***Attorney Glaser explained the process of dealing with a dangerous/potentially dangerous animal designation. The owner must show proof of rabies shots, get the animal micro-chipped, have the animal insured, provide proper enclosure for the animal, and have it leashed and muzzled when outside the enclosure. Discussion ensued.***

1. **ADJOURN APPEALS HEARING**

***A motion was made by Councilmember Devries to adjourn the appeals hearing at 7:16 p.m. The motion was seconded by Councilmember Hughes. Motion carried 5-0.***

1. **Call to Order:** – Mayor Kurth
   1. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

***Mayor Kurth called to order the Regular City Council meeting for May 19, 2016 at 7:16 p.m. Councilmember’s present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Paul Floyd, Employment Attorney; Kris Carlson, CLPD Sergeant; Ron Wasmund, Building Official; Chris (Hristo) Galiov, Finance Director Candidate; numerous citizens to address the City Council on action item 9B.***

1. **Citizens Forum**

***No citizens were present to address the Council.***

1. **APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

***A motion was made by Councilmember Devries to approve the agenda as presented. The motion was seconded by Councilmember Payment. Motion carried 5-0.***

1. **LETTERS AND COMMUNICATIONS:**
   1. Metropolitan Council -- 2015 Annual Population Estimate
   2. CentennialLakes Police Department Media Report 4/28/2016 - 5/10/16
   3. North Metro TV – April 2016 Update
   4. Public Notice – Closed Executive Session
   5. Planning & Zoning meeting minutes - May 10, 2016

***No discussion on Letters and Communications.***

**Consent Agenda:**

1. **Consent ITEMS:**
   1. Recommendation to Approve Council Minutes:

Council Meeting – May 5, 2016

* 1. Recommendation to Approve Claims and Bills:

Check #’s 13423 through 13424

Check #’s 40733 through 40733

Check #’s 40734 through 40786

Check #’s 10863 through 10877

* 1. Recommendation to Approve Business License

***A motion was made by Councilmember Hughes to approve the consent agenda items. The motion was seconded by Councilmember Payment. Motion carried 5-0.***

**Action Items:**

1. **Action Items** 
   1. Consider appeal of designation as a potentially dangerous dog by Colleen Nelson.

***A motion was made by Councilmember Plasch to overturn the police department’s potentially dangerous/dangerous designation of Colleen Nelson’s dog Jackson. The motion was seconded by Councilmember Payment. Motion carried 5-0.***

* 1. Consider Planning & Zoning Commissions Recommendation to Approve Ordinance NO. #16-01 – An Ordinance Amending City Code Chapter 11.60 – Performance Standards – SUBD. 22 – Parking

***Councilmember Hughes explained that the Planning & Zoning Commission have been working on developing the amendments to this ordinance for 6-7 months as a result of many ongoing complaints received in city hall regarding property owner’s parking their cars anywhere on their property. Discussion ensued.***

***Mayor Kurth asked if anyone in the audience wanted to speak on the proposed ordinance amendment.***

***Citizens who approached the Council to speak on the proposed ordinance:***

***Alex Green***

***8920 Pascal Ave***

***Lexington, MN.***

***Joe Hammer***

***8892 Dunlap Ave.***

***Lexington, MN.***

***Laurie Waldbillig***

***9590 Hamline Ave.***

***Lexington, MN.***

***Discussion ensued. Ron Wasmund, Building Official, explained that their plans would be to begin enforcing the ordinance within 3-6 months, but would start by educating citizens who are non-compliant with the ordinance on the changes that will need to be made to comply. Discussion ensued.***

***A motion was made by Councilmember Hughes to approve Ordinance No. 16-01 – An Ordinance   
Amending City Code Chapter 11.60 – Performance Standards – SUBD. 22 – Parking. The motion was seconded by Councilmember Plasch. Motion carried 3-2.***

* 1. Recommendation to Approve Summary of Ordinance NO. 16-01 for publication

***Attorney Glaser explained that approval of the summary of ordinance for publication will save the City money, so that the entire ordinance will not need to be published. It would take a 4/5th’s majority vote of the Council to approve.***

***A motion was made by Councilmember Hughes to approve Summary of Ordinance No. 16-01 for publication. The motion was seconded by Councilmember Plasch. Motion defeated 3-2 (vote did not get the 4/5th’s vote required).***

* 1. Recommendation to approve Finance Director Employment Agreement for Hristo (Chris) Galiov.

***A motion was made by Councilmember Devries to approve the Finance Director Employment Agreement for Hristo ( Chris) Galiov. The motion was seconded by Councilmember Payment. Motion carried 5-0.***

* 1. Recommendation to approve a liquor store keg lifter not to exceed an amount of $3,500

***A motion was made by Councilmember Devries to approve a liquor store keg lifter not to exceed an amount of $3,500. The motion carried 5-0.***

* 1. Recommendation to approve 2016 management and non-union salaries effective June 1, 2016

***A motion was made by Councilmember Devries to approve the 2016 management and non-union salaries effective June 1, 2016. The motion was seconded by Councilmember Plasch. Motion carried 5-0.***

***Petracek explained that he will need the City Council to do his annual review, which is required by his contract. He stated that historically, the personnel committee conducted this process. Discussion ensued.***

1. **MAYOR AND COUNCIL INPUT**

***No input from the Mayor or City Councilmembers***

1. **ADMINISTRATOR INPUT**

***Petracek provided update on hydrant flushing. He also reminded the City Council of the Six city feasibility study meeting being held in Lino Lakes city hall on may 26, 2016.***

***Discussion ensued.***

1. **CONVENE FOR CLOSED EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGED MATTER**

***Attorney Glaser stated there was no need to go into closed session this evening. He provide the City Council an update on the Parkview lawsuit in open session***

1. **RECONVENE FROM CLOSED SESSION**
2. **ADJOURNMENT**

***A motion was made by Councilmember Devries to adjourn the meeting at 8:44 p.m. The motion was seconded by Councilmember Payment. Motion carried 5-0.***

/pm