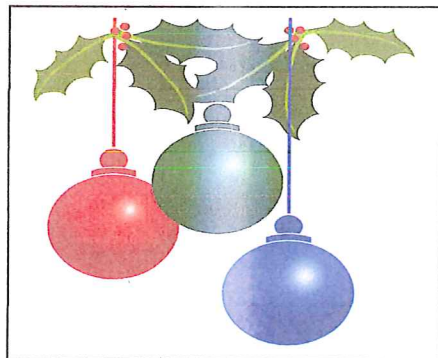


AGENDA
REGULAR PLANNING COMMISSION MEETING
December 8, 2015 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER
 - A. Roll Call: Chairperson Olsson, Commissioners Bautch, O'Neil, Thorson and Vanderbloomer
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
5. Building Permits for October & November 2015 pg. 1-7
6. APPROVAL OF PLANNING COMMISSION MINUTES
 - A. October 13, 2015 pg. 8-10
7. DISCUSSION ITEM:
 - A. P&Z December Public Hearing postponed until January 2016 meeting pg. 11
 - B. Discuss August meeting date change pg. 12
 - C. Discuss Limitation of rental housing – “30% Rule” pg. 13-14
8. NOTE COUNCIL MINUTES:
 - A. October 1, 2015, 2015 pg. 15-19
 - B. October 15, 2015 pg. 20-21
 - C. November 5, 2015 pg. 22-26
 - D. November 19, 2015 pg. 27-30
9. PLANNING COMMISSION INPUT
10. ADJOURNMENT



City of Lexington
Permits Issued & Fees Report - Detail by Address

Issued Date From: 10/1/2015 To: 10/31/2015
 Permit Type: All Property Type: All Construction Type: All
 Include YTD: Yes Status: Not Voided

mit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
mit Type: Building													
	Permit Kind:	Commercial Fire Suppression											
	Permit Kind:	Commercial Remodel											
	Permit Kind:	Commercial Repair											
	Permit Kind:	Commercial Roofing											
5-00097	10/09/2015	4131 WOODLAND RD	0		11,958.00	274.80	178.62	5.98					459.40
	Permit Kind:	Commercial Sign - Permanent											
	Permit Kind:	Public Window Replc - All Size											
	Permit Kind:	Residential Deck/Porch											
	Permit Kind:	Residential Demolition											
5-00091	10/01/2015	3867 MINUTEMAN LN	0			100.00		1.00					101.00
5-00090	10/01/2015	3800 PATRIOT LN	0			100.00		1.00					101.00
	Permit Kind:	Residential Fence/Wall < 6 FT											
	Permit Kind:	Residential Manufactured Home											
	Permit Kind:	Residential New Construction											
	Permit Kind:	Residential Remodel											
	Permit Kind:	Residential Repair											
15-00096	10/08/2015	9000 LEXINGTON AVE	0		3,000.00	109.38		1.50					110.88
	Permit Kind:	Residential Replacement											
ermit Type: Building - Totals													
	Period		4	0	14,958.00	584.18	178.62	9.48					772.28
	YTD		26	0	1,265,358.36	14,577.27	8,782.00	639.67		2	4,970.00		30,306.84

permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Mechanical													
Permit Kind: Commercial Remodel													
Permit Kind: Residential Addition													
Permit Kind: Residential Fireplace													
Permit Kind: Residential Furnace/Water Heater													
15-00099	10/14/2015	9594 GRIGGS AVE	0			40.00		1.00					41.00
15-00100	10/16/2015	8974 JACKSON AVE	0			40.00		1.00					41.00
Permit Kind: Residential Manufactured Home													
Permit Kind: Residential New Construction													
Permit Kind: Residential Repair													
15-00101	10/16/2015	9210 LAKE DR	0			60.00		1.00					61.00
Permit Kind: Residential Replacement													
Permit Type: Mechanical - Totals													
			Period	3	0								
			YTD	21	0	27,901.00	362.70	3.00					143.00
						1,478.00		69.95					1,910.65
Permit Type: Other													
Permit Kind: Residential Roofing													
15-00093	10/02/2015	9338 DUNLAP AVE	0		12,000.00	145.00		1.00					146.00
15-00094	10/02/2015	4151 FLOWERFIELD RD	0		2,000.00	145.00		1.00					146.00
15-00103	10/26/2015	4039 LOVELL RD	0		5,350.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
15-00104	10/28/2015	3700 CENTERWOOD RD	0			145.00		1.00					146.00
15-00095	10/06/2015	8864 PASCAL AVE	0		5,000.00	145.00		1.00					146.00
Permit Type: Other - Totals													
			Period	5	0	24,350.00		5.00					730.00
			YTD	11	0	45,050.00		31.00					1,626.00

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Plumbing													
Permit Kind: Commercial Remodel													
5-00092	10/01/2015	9055 S HIGHWAY DR	0		15,000.00	0.00							0.00
Permit Kind: Commercial Repair													
Permit Kind: Residential Alteration													
Permit Kind: Residential Furnace/Water Heater													
5-00105	10/29/2015	9329 DUNLAP AVE	0			40.00		1.00					41.00
Permit Kind: Residential Manufactured Home													
Permit Kind: Residential New Construction													
Permit Kind: Residential New System													
Permit Kind: Residential Repair													
Permit Kind: Residential Replacement													
Permit Kind: Residential Sewer/Water Connection													
5-00098	10/13/2015	8884 DUNLAP AVE	0										100.00
Permit Type: Plumbing - Totals													
			Period	3	0	15,000.00	40.00	1.00					141.00
			YTD	19	0	117,805.00	2,447.90	83.40	178.62				3,018.92

Permit Type: Zoning													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Accessory Building													
Permit Kind: Residential Alteration													
Permit Kind: Residential Driveway													
Permit Kind: Residential Fence/Wall < 6 FT													

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Zoning - Totals													
			Period	0									
			YTD	19	0	8,990.00	1,524.38						1,524.38
Report Total													
			Period	15	0	\$54,308.00	1,489.18	178.62	18.48				1,786.28
			YTD	96	0	\$1,465,104.36	21,622.55	9,323.32	824.02	2	4,970.00		38,386.79

City of Lexington
Permits Issued & Fees Report - Detail by Address

Issued Date From: 11/1/2015 To: 10/30/2015
Permit Type: All Property Type: All Construction Type: All
Include YTD: Yes Status: Not Voided

mit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
mit Type: Building													
		Permit Kind: Commercial Fire Suppression											
		Permit Kind: Commercial Remodel											
		Permit Kind: Commercial Repair											
		Permit Kind: Commercial Roofing											
		Permit Kind: Commercial Sign - Permanent											
		Permit Kind: Public Window Replc - All Size											
		Permit Kind: Residential Deck/Porch											
		Permit Kind: Residential Demolition											
		Permit Kind: Residential Fence/Wall < 6 FT											
		Permit Kind: Residential Manufactured Home											
		Permit Kind: Residential New Construction											
		Permit Kind: Residential Remodel											
		Permit Kind: Residential Repair											
		Permit Kind: Residential Replacement											
mit Type: Building - Totals													
		Period	0										
		YTD	26	0	1,265,358.36	14,577.27	8,782.00	639.67		2	4,970.00		30,306.84

mit Type: Mechanical
Permit Kind: Commercial Remodel

mit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
mit Type: Mechanical													
	Permit Kind:	Residential Addition											
	Permit Kind:	Residential Fireplace											
	Permit Kind:	Residential Furnace/Water Heater											
	Permit Kind:	Residential Manufactured Home											
	Permit Kind:	Residential New Construction											
	Permit Kind:	Residential Repair											
	Permit Kind:	Residential Replacement											
rmit Type: Mechanical - Totals													
	Period		0										
	YTD		21	0	27,901.00	1,478.00	362.70	69.95					1,910.65
mit Type: Other													
	Permit Kind:	Residential Roofing											
	Permit Kind:	Residential Siding											
rmit Type: Other - Totals													
	Period		0										
	YTD		11	0	45,050.00	1,595.00		31.00					1,626.00
mit Type: Plumbing													
	Permit Kind:	Commercial Remodel											
	Permit Kind:	Commercial Repair											
	Permit Kind:	Residential Alteration											
	Permit Kind:	Residential Furnace/Water Heater											
	Permit Kind:	Residential Manufactured Home											

mit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
mit Type: Plumbing													
	Permit Kind:	Residential New Construction											
	Permit Kind:	Residential New System											
	Permit Kind:	Residential Repair											
	Permit Kind:	Residential Replacement											
	Permit Kind:	Residential Sewer/Water Connection											
mit Type: Plumbing - Totals													
	Period		0										
	YTD		19	0	117,805.00	2,447.90	178.62	83.40					3,018.92
mit Type: Zoning													
	Permit Kind:	Commercial Sign - Permanent											
	Permit Kind:	Residential Accessory Building											
	Permit Kind:	Residential Alteration											
	Permit Kind:	Residential Driveway											
	Permit Kind:	Residential Fence/Wall < 6 FT											
mit Type: Zoning - Totals													
	Period		0										
	YTD		19	0	8,990.00	1,524.38							1,524.38
mit Type: Zoning - Totals													
	Period		0										
	YTD		96	0	\$1,465,104.36	21,622.55	9,323.32	824.02		2	4,970.00		38,386.79

unapproved
CITY OF LEXINGTON

PUBLIC HEARING
&
REGULAR PLANNING COMMISSION MEETING MINUTES
October 13, 2015 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

Public Hearing

1. CALL TO ORDER

Chairperson Olsson called to order the Public Hearing on October 13, 2015 at 7:00 p.m. Commissioners Present: John Bautch, John O'Neill, Ron Thorsen, and Mark Vanderbloomer. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney.

2. PUBLIC HEARING – Section 11.33 Schedule of Uses By District – M-1 & M-2 and code revisions to support changes to M-1 and M-2 district revisions

No citizens were present to address the planning commission at the public hearing.

Chairperson Olsson pointed out some typos in Attorney Glaser's memo regarding the code revisions. He also asked about the 80 seat minimum in the Restaurant definition. Discussion ensued.

The Commission discussed and made revisions to Section 11.10 – General Provisions, subsections: A – H – J – K.

3. ADJOURNMENT OF PUBLIC HEARING

Vanderbloomer made a motion to adjourn the public hearing at 7:40 p.m. The motion was seconded by Olsson. Motion carried unanimously 5-0.

REGULAR PLANNING COMMISSION MEETING

1. CALL TO ORDER

Chairperson Olsson called to order the Regular Planning Commission meeting on October 13, 2015 at 7:41 p.m. Commissioners Present: John Bautch, John O'Neill, Ron Thorsen, and Mark Vanderbloomer. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney.

2. CITIZENS FORUM

No citizens were present to address the Planning Commission

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Olsson made a motion was made to approve the agenda as typewritten. The motion was seconded by Bautch. Motion carried unanimously 5-0.

4. LETTERS AND COMMUNICATION

A. Building Permits for September 2015

No discussion on the September building permits

5. APPROVAL OF PLANNING COMMISSION MINUTES

A. September 8, 2015

Olsson made a motion to approve the September 8, 2015 Planning Commission minutes. The motion was seconded by Bautch. Motion carried unanimously 3-0 – O'Neill and Thorsen abstained.

6. DISCUSSION ITEM:

A. Recommendation to approve Schedule of Uses By District – M-1 & M-2 and code revisions to support changes to M-1 and M-2 district revisions.

A motion was made by Vanderbloomer to recommend approval to the City Council the Schedule of Uses by District – M-1 & M-2 and the code revisions to support changes to M-1 and M-2 District revisions. The motion was seconded by Bautch. Motion carried unanimously 5-0.

B. Discuss letter from Dan Daml

Petracek explained that Mr. Daml approached the City Council requesting action be taken to allow him to park his semi-tractor and trailer at his residence. He added that Daml was directed to approach the Planning Commission, as it is a zoning regulation. Discussion ensued.

Councilmember Hughes stated he is not in favor of amending the ordinance to allow Mr. Daml the ability to park his semi-tractor on his property. Olsson agreed with Hughes.

Attorney Glaser stated that if you issue a permit for semi-tractor, trailer parking on residential lots you could place restrictions on the parking – must be parked in a shed, maximum idling time, etc. Discussion ensued.

Chairperson Olsson called for a motion to move forward with amending the ordinance to allow Mr. Daml the ability to park his semi-tractor at his residence. No motion was made – Mr. Daml's request was denied due to a lack of a motion by the Commission.

C. Discuss proposed Off Street Residential Parking Ordinance

Olsson & Vanderbloomer both expressed their approval of the draft ordinance from Attorney Glaser. The Commission discussed the materials allowed to satisfy the draft ordinance for a residential drive-way.

Olsson asked if the Commission would like to hold a public hearing in December. Discussion ensued. Bautch stated he feels that a letter needs to be sent to property owners in Lexington that would need to comply with these new parking regulations, so that they are informed of the proposed ordinance changes and the public hearing. Attorney Glaser stated that by publishing the notice in the Quad Press satisfies the statutory requirement of a public hearing for this proposed ordinance. Discussion ensued.

Olsson made a motion to approve the parking regulation changes and move forward with a public hearing in December; and furthermore, direct city staff to identify properties and mail notification letters to citizens impacted by this ordinance. The motion was seconded by O'Neill. Motion carried unanimously 5-0.

B. NOTE COUNCIL MINUTES:

- A. September 3, 2015
- B. September 17, 2015

There was some discussion on the September Council minutes.

C. PLANNING COMMISSION INPUT

Olsson asked if the Commission wanted to hold a meeting in November. Discussion ensued. The consensus of the Commission was not to hold a November meeting.

Olsson asked Attorney Glaser for an update on the 30% rental standard ordinance. Glaser provided an update to the Commission. Olsson directed Petracek to place an item on the December agenda to discuss the draft 30% rental standard ordinance.

D. ADJOURNMENT

A motion to adjourn was made by Bautch at 9:23 pm. The motion was seconded by Olsson. Motion carried unanimously 5-0.

To: Planning and Zoning Commission

From: Bill Petracek, City Administrator


Date: December 2, 2015

Re: Parking Ordinance Public Hearing

The public hearing that was planned for the December P & Z meeting to accept comments from citizens on the proposed parking regulation amendments in Section 11.60 – Performance Standards has been postponed until the January P & Z meeting.

At the time we submitted the publication to the Quad Press for the public hearing, we were informed that the newspaper could not fit the legal notice in the November 25th edition. Consequently, to have it published in the following week's edition would not meet the ten (10) day minimum publication requirements for a zoning ordinance public hearing notice.

The building inspector has determined that 48 properties in Lexington would not comply with the new parking regulations. Letters will be sent in December to notify those properties of the public hearing in January.

To: Planning and Zoning Commission
From: Bill Petracek, City Administrator 
Date: December 2, 2015
Re: August 9, 2016 Planning & Zoning meeting

The Planning & Zoning meeting that would normally fall on Tuesday, August 9, 2016 will need to be rescheduled, as the meeting date conflicts with a primary election that is scheduled to be held in City Hall on that date.

Please review your schedules prior to the meeting so we can discuss and choose another date for the August meeting.

Memorandum

TO: Planning & Zoning Commission
FROM: Kurt Glaser, City Attorney
DATE: 12/1/2015
RE: Limitation of rental housing – “30% Rule”

SUMMARY: The language below is adapted from the City of Winona ordinance. The Minnesota Supreme Court affirmed this ordinance.

Please consider that if the City were to adopt this standard, the City might lose its position that units inside Parkview Manufactured Home Community are not subject to being rented if owned by Parkview instead of being rented by owners of individual units.

1. Limitation of rental housing. In M-1, M-2, R-1, R-2 and R-5 (twilighted use) districts of the city, no more than 30 percent (rounded up) of the lots on any block shall be eligible to obtain certification as a rental property, including homes in which roomers and / or boarders are taken in by a resident family. A block is defined as a group of lots made up of properties, parcels or manufactured home pads; bounded entirely by streets (whether public or private), public land, railroad rights of way, zoning district lines, corporate limit lines, or physical features such as bodies of water; provided that final delineation of a block shall be made by City staff. When determining the number of eligible properties on a block, the number shall be the lowest number that results in 30 percent or more of the residential lots being rental. The following table indicates how many lots are able to be certified as rentals based on the number of lots that exist on a block.

Lots	Rental	Lots	Rental	Lots	Rental	Lots	Rental	Lots	Rental
1-3	1	21-23	7	41-43	13	61-63	19	81-83	25
4-6	2	24-26	8	44-46	14	64-66	20	84-86	26
7-10	3	27-30	9	47-50	15	67-70	21	87-90	27
11-13	4	31-33	10	51-53	16	71-73	22	91-93	28
14-16	5	34-36	11	54-56	17	74-76	23	94-96	29
17-20	6	37-40	12	57-60	18	77-80	24	97-100	30

2. In cases in which one portion of the block is in an affected zone and another is in an exempt zone only, the affected portion is subject to this regulation.
 - a. Exceptions. This limitation shall not apply to state licensed residential facilities nor to rental properties which are validly licensed as of the date of adoption of this ordinance. The latter will be counted among the 30 percent of allowable rental houses for purpose determining whether new license may be issued.

- b. Exempt Districts. Property located within the following zoning districts are exempt from this rule: AG RMHP C1 R3 B1 B2 B25B3 M1 and M2.
- c. Temporary Rental License. Notwithstanding the foregoing, a property owner whose property is subject to the 30 percent limitation may obtain a temporary rental license for his or her property for a period of time not exceeding 12 consecutive months under the following conditions:
 - i. The property is actively being offered for sale to the public by the owner or by any authorized agent of the owner, during the license term.
 - ii. The property shall be temporarily licensed for rental purposes only if the property complies with all applicable City and State rental housing requirements.
 - iii. The property shall be licensed only for one of the following:
 - 1. one adult living alone; or
 - 2. two unrelated adults living together with any dependents by birth, adoption, or law; or
 - 3. any number of persons related by blood, marriage, adoption, or law.
 - iv. The temporary rental housing license shall terminate immediately upon the closing of a sale of the property to a purchaser or at the end of the license term whichever event first occurs.
 - v. A copy of the lease agreement shall be deposited with the City's Community Development Department within one week from the date of the execution of the lease.

THIS SECTION SHOULD BE ADDED TO CHAPTER 15 BUT DOES NOT RELATE TO THE 30% RULE:

- 3. Payment of Real Estate Taxes Assessments and Other Municipal Charges. At the time of initial application and renewal of a rental housing license, the applicant / licensee shall provide evidence to the City that all unpaid or delinquent real estate taxes, assessments and municipal service charges on the subject real property are paid and are current for the applicable period. Rental housing licenses will not be issued or renewed if there are unpaid and delinquent municipal charges, assessments or prior years taxes owed on the subject real property except as authorized by the City Council. During the license term, the applicant licensee shall pay all real estate taxes assessments and municipal charges on the subject real property as they become due and payable.

KBG

PUBLIC HEARING
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 1, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE

PUBLIC HEARING

1. CALL TO ORDER: - Mayor Kurth.

A. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

Mayor Kurth called to order the Public Hearing on assessments for Flowerfield Road Street improvements project of 2015 October 1, 2015 at 7:00 p.m. Councilmember's present: DeVries, Hughes, Payment, and Plasch.

Also Present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Flowerfield Road residents.

2. PUBLIC HEARING: Notice of Public Hearing on Assessments for Flowerfield Road Street Improvement Project of 2015.

Steve Winter, City Engineer, presented an informational powerpoint presentation that provided an overview of the Flowerfield Road project and the proposed special assessments roll for the residents of Lexington that live along the corridor. Kurt Glaser, City Attorney, provided an explanation to the people attending the public hearing of their rights and ability to object to the proposed special assessments. He asked that if an individual had an objection to please address the City Council at the podium and sign in with your name and address:

Eric Frisby – 4021 Flowerfield Road – explained he was not at the hearing to object to the special assessments, but explained he is concerned about the construction of the road in front of his house, and the potential for leaving ice patches in front of his driveway in the winter. Discussion ensued.

Amy Winberly - 4041 Flowerfield Road – Ms. Winberly addressed the Council by saying that she had a problem with her sprinklers during the road construction, but it has been addressed by City staff.

Travis Young – 8701 Griggs Ave. – Also explained he had a sprinkler problem due to the road construction and concurred with Winberly that City staff has addressed the problem.

Adele Piotrowski – 8813 South Highway Drive - was at the public hearing to object to the special assessments and explained that originally her linear feet of assessment was 75 feet, and the second letter she received from MSA showed her special assessment calculated with 90

linear feet of property. Discussion ensued. She also asked the Council, now that the road behind her house is planted with grass, if the City was going to maintain the property. Discussion ensued about potentially vacating the City right-of-way property.

Petracek recommended that City staff meet with Ms. Piotrowski regarding the property to discuss the various options of maintenance and provide the Council with a recommendation for the land.

Discussion continued about the special assessment for Piotrowski's property. Mayor Kurth asked her that she actually has 200 linear feet of property frontage, and the City has dropped it to 90'. Discussion ensued.

ADJOURN PUBLIC HEARING

A motion was made by Councilmember DeVries to adjourn the public hearing on assessments for Flowerfield Road Street Improvement Project of 2015. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

Public hearing adjourned at 7:44 p.m.

REGULAR COUNCIL MEETING

1. CALL TO ORDER: – Mayor Kurth
- A. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

Mayor Kurth called to order the Regular Council meeting of the City of Lexington on October 1, 2015 at 7:45 p.m. Councilmember's present: DeVries, Hughes, Payment, and Plasch.

Also Present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer.

2. CITIZENS FORUM

John O'Neil- 9409 Hamline Ave – was present to introduce himself to the City Council – O'Neil was recently appointed to the Planning & Zoning Commission. O'Neil also wanted to express his concerns about Hamline Ave. truck traffic. He explained that often trucks miss the 95th Ave from Lovell Ave, and turn onto Hamline Ave. even though there is a sign for no trucks on the street. He explained that the road has only been reconstructed for 3 years, and there is already road patching being done to maintain the road. He believes there has been increased truck traffic. Discussion ensued.

Steve Winter, City Engineer, explained that 95th Ave is a County road, and they have talked to them about putting signs up to address the truck traffic with no success. He further added that

the City does not have jurisdiction to put up truck traffic signage on 95th Ave. Discussion ensued.

Mayor Kurth asked Petracek if he could talk to Chief Coan about the enforcement of truck traffic on Hamline Ave.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Hughes to approve the agenda as typewritten. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Plasch) – *Plasch explained that there would not be a meeting until November.*
- B. Cable Commission (Councilmember Payment) – *Payment explained that the September meeting was cancelled, but the Cable Commission will be meeting October 7th to review the new franchise agreement with CenturyLink, which is nearing completion.*
- C. City Administrator (Bill Petracek) – *Petracek updated the Council on the Lovell Building letter that was sent to tenants regarding the future sale of the building. He explained that he has been contacted by most of the tenants about the City selling the building.*

5. LETTERS AND COMMUNICATIONS:

- A. Rice Creek Watershed District Summer 2015 Newsletter
- B. Notice – Planning & Zoning Public Hearing – October 13, 2015
- C. Council Workshop meeting minutes – September 17, 2015
- D. Notice of Public Meeting- Centennial Lakes Police Joint Governing Board
- E. Public Notice – Closed Executive Session – September 17, 2015
- F. Public Notice – Special Council Workshop – October 1, 2015

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – September 17, 2015
- B. Recommendation to Approve Claims and Bills:
Check #'s 13403 through 13405
Check #'s 39990 through 40029
- C. Financial Reports
 - Cash Balances

D. Fund Summary – Budget to Actual

Recommendation to approve Business License Renewal

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

7. ACTION ITEMS:

- A. Recommendation to approve Partial Payment #1 for Flowerfield Street Improvement Project to Hardives Inc. in the amount of \$328,268.78.

A motion was made by Councilmember Devries to approve partial payment #1 for Flowerfield Street Improvement Project to Hardives Inc. in the amount of \$328,268.78. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.

- B. Recommendation to approve Cost Sharing Agreement with the City of Blaine to repair Flowerfield Road culvert at a cost of \$23,722.00.

A motion was made by Councilmember Devries to approve the cost sharing agreement with the City of Blaine to repair Flowerfield Road culvert at a cost of \$23,722.00. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.

- C. Recommendation to approve Resolution NO. 15-29 A Resolution Approving Easement Vacation.

Attorney Glaser provided a brief explanation for the easement vacation on Paster Properties.

A motion was made by Councilmember Hughes to approve Resolution No. 15-29 – A Resolution Approving Easement Vacation. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.

- D. Recommendation to approve Resolution NO. 15-30 A Resolution Adopting Assessment.

Attorney Glaser provided an explanation to Ms. Piotrowski's objection to the assessment of her property on South Highway Drive. He recommended tabling Piotrowski's assessment, but adopt the rest of the assessment roll in Resolution No. 15-30.

A motion was made by Devries to table the assessment for Piotrowski, but adopt the remaining assessments of Resolution No. 15-30. Discussion ensued.

Mayor Kurth feels the 90 linear feet of assessment of Ms. Piotrowski's property is fair. Councilmember Hughes agreed with Mayor Kurth. Councilmember Payment explained to Piotrowski that she understands her frustration, but she also agrees with Mayor Kurth on the 90 ft. assessment.

Councilmember Devries retracted his original motion.

Councilmember Devries made a motion to approve Resolution No. 15-30 – A Resolution Adopting Assessment. The motion was seconded by Councilmember Hughes. Motion carried unanimously 5-0.

E. Recommendation to approve GIS Proposal – Phase II.

A motion was made by Councilmember Hughes to approve GIS Proposal – Phase II. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.

F. Recommendation to approve salary increase – Election Judges.

A motion was made by Councilmember Devries to approve salary increases for election judges. The motion was seconded by Councilmember Plasch. Motion carried unanimously 5-0.

G. Recommendation to approve Social Media Policy.

A motion was made by Councilmember Plasch to approve the Social Media Policy. The motion was seconded by Councilmember Devries. Motion carried unanimously 5-0.

H. Recommendation to approve Personnel Policy Changes

- Short Term/Long Term/ Life Insurance
- Holidays

A motion was made by Councilmember Devries to approve Personnel Policy Changes to Short Term/Long Term/Life Insurance and Holidays. The motion was seconded by Councilmember Hughes. Motion carried unanimously 5-0.

8. MAYOR AND COUNCIL INPUT – *No input from the Mayor or city Council*

9. ADJOURNMENT

A motion was made by Councilmember Devries to adjourn at 8:24 p.m. The motion was seconded by Councilmember Payment. Motion carried unanimously 5-0.

I hereby certify that the October 1, 2015, Regular City Council Minutes as presented, were approved by the Lexington City Council on October 15, 2015.

*Bill Petracek
City Administrator*

/bp

CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 15, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE

1. CALL TO ORDER: – Vice Mayor Payment

- A. Roll Call - Council Members: Devries, Hughes, and Plasch. Excused absence:
Mayor Kurth

Vice Mayor Payment called to order the Regular Council meeting of the City of Lexington on October 15, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Payment. Excused absence: Mayor Kurth.

Also Present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director.

2. CITIZENS FORUM –

No citizens were present to approach the Council.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Devries to approve the agenda with a correction to the agenda – Item 6(b) Resolution 15-28 to 15-31. The motion was seconded by Councilmember Plasch. Motion carried unanimously 4-0.

4. LETTERS AND COMMUNICATIONS:

- A. Public Notice – Fire Department Open House – October 10, 2015
- B. CenterPoint Energy request to Minnesota Public Utilities Commission
for Natural Gas rate increase
- C. Comcast – Customer Experience Newsletter
- D. Anoka County Parks and Community Services newsletter
- E. Park Board meeting minutes – September 14, 2015
- F. Council Workshop meeting minutes – October 1, 2015

No discussion on Letters and Communications.

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 1, 2015
- B. Recommendation to Approve Claims and Bills:
Check #'s 13406 through 13406
Check #'s 40030 through 40030

Check #'s 40031 through 40085
Check #'s 10553 through 10566

C. Recommendation to approve Business Licenses

A motion was made by Councilmember Devries to approve the consent agenda items. The motion was seconded by Plasch. Motion carried 4-0.

6. ACTION ITEMS:

A. Recommendation to approve purchase and installation of 24 port switch.

Tina Northcutt, Finance Director, explained the installation of a 24 port switch as preparation for the new phone system. Discussion ensued.

A motion was made by Councilmember Hughes to approve the purchase and installation of 24 port switch. Motion was seconded by Devries. Motion carried 4-0.

B. Recommendation to approve Resolution NO. 15-31 A Resolution
Accepting A Donation.

A motion was made by Councilmember Devries to approve Resolution No. 15-31 – A Resolution Accepting a Donation. The motion was seconded by Councilmember Hughes. Motion carried 4-0.

C. Recommendation to approve Partial Payment #1 for Fire Station Project
in the amount of \$41,153.52

A motion was made by Councilmember Plasch to approve partial payment #1 for fire station project in the amount of \$41,153.52. The motion was seconded by Councilmember Devries. Motion carried 4-0.

7. MAYOR AND COUNCIL INPUT.

No input.

8. CITY ADMINISTRATOR INPUT –

No input.

9. ADJOURNMENT

A motion was made by Councilmember Devries to adjourn the meeting at 7:05 p.m. The motion was seconded by Councilmember Plasch. Motion carried 4-0.

I hereby certify that the October 15, 2015, Regular City Council Minutes as presented, were approved by the Lexington City Council on November 4, 2015.

Bill Petracek
City Administrator
/bp

unapproved
APPEALS HEARING
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
November 5, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE

APPEALS HEARING

1. CALL TO ORDER: – Mayor Kurth

A. Roll Call - Council Members: Devries, Hughes, Payment, Plasch

Mayor Kurth called to order the Appeals Hearing for November 5, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Joe Wressel, Community Service Officer; Toutou Khomsot, Appellant

A. APPEALS HEARING: HEARING TO APPEAL DESIGNATION AS A POTENTIALLY DANGEROUS DOG, by Tou Tou Khamsot

Joe Wressel, community service officer, Centennial Lakes Police Department provided the Council an explanation for the reasons Tarsand, Khamsot's dog, was designated a potentially dangerous animal by the police department.

Tou Tou Khamsot addressed the Council to ask them to reconsider Tarsand's designation of being considered a potentially dangerous dog.

Mayor Kurth asked if she disputes any of the information CSO Wressel reported to the Council. Khamsot stated that Wressel's report was correct, but she promised this would never happen again.

Mayor Kurth stated that this is the second time this has happened and the City Council has an obligation to act on this for our citizens' protection. Discussion ensued.

Councilmember Plasch asked if she's had obedience training for her dog. Khamsot stated Tarsand has not had training. Attorney Glaser stated she can reapply to remove the potentially dangerous designation after six months and Khamsot has demonstrated that Tarsand has received obedience training and she has addressed the other items listed in the ordinance dealing with a potentially dangerous animal. Discussion ensued.

2. ADJOURN APPEALS HEARING

A motion was made by Councilmember Devries to adjourn the appeals hearing at 7:21 p.m. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

REGULAR COUNCIL MEETING

3. CALL TO ORDER: – Mayor Kurth

Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

Mayor Kurth called to order the Regular City Council meeting for November 5, 2015 at 7:21 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Heidi Arnson, NMTV; Mike Bradley, Attorney Cable Commission; A representative from Century Link; Adele Piotrowski – 8813 South Highway Drive.

4. CITIZENS FORUM

Adele Piotrowski – 8813 South Highway Drive – addressed her concerns about the Flowerfield Road cul de sac that was closed off and seeded with grass during the reconstruction of Flowerfield Road. She brought up concerns about the following items:

- 1. Loose tar on the road.*
- 2. No dead-end signs – people were driving on the seeded cul de sac*
- 3. Snowplowing*
- 4. Snowmobile trail signs*

Discussion ensued. Petracek explained that Flowerfield was not 100% complete and the City Engineer has to go through a punch list of items with the contractor before final payment would be made to the company. He would bring these concerns to the city engineer and public works.

5. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

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

6. INFORMATIONAL REPORTS:

- a. Airport (Councilmember Plasch) – No report*
- b. Cable Commission (Councilmember Payment) – No report*
- c. City Administrator (Bill Petracek) - Petracek provided update on fire station and the Flowerfield Road culvert replacement.*

7. LETTERS AND COMMUNICATIONS:

- a. Park Board meeting minutes – October 5, 2015*

- b. Planning and Zoning meeting minutes – October 13, 2015
- c. Centennial School District Community Education – Adopt a backpack drive
- d. 2016 Schedule of Meeting dates and calendar drafts
- e. Public Notice - Blaine Planning Commission – Blaine Preserve Business Park Fourth Addition

No discussion on Letters and Communications

8. CONSENT ITEMS:

A. Recommendation to Approve Council Minutes:
Council Meeting – October 15, 2015

B. Recommendation to Approve Claims and Bills:

Check #'s 13407 through 13409
Check #'s 40086 through 40087
Check # 40088
Check #'s 40089 through 40142
Check #'s 10567 through 10590

C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

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

9. ACTION ITEMS:

A. Consider appeal of designation as a potentially dangerous dog by Tou Tou Khomsot.

Councilmember Devries made a motion to uphold the police department's designation of Tarsand – Tou Tou Khomsot's dog – as a potentially dangerous dog. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

B. Recommendation to acknowledge and approve Century Link Cable Franchise
Application Findings of Fact – Attorney Mike Bradley at present.

Cable Commission Attorney Mike Bradley was present to provide an overview of the CenturyLink cable franchise agreement.

Councilmember Hughes asked Bradley how soon he would be able to connect to CenturyLink's system. Bradley stated as soon as the ordinance goes into effect. Bradley explained that certain homes in Lexington wouldn't be able to connect to the system immediately due to infrastructure deficiencies. He added that the franchise agreement has a 5-year build-out requirement, and the cable commission would be getting regular updates on Century Link's progress. Discussion ensued.

A motion was made by Councilmember Devries to acknowledge and approve Century Link's cable franchise application findings of fact. The motion was seconded by Councilmember Payment. Motion carried 5-0.

- C. Recommendation to approve CenturyLink Cable Television Franchise Ordinance NO. 15-12

A motion was made by Councilmember Payment to approve Century Link Cable Television Franchise Ordinance No. 15-12. The motion was seconded by Councilmember Devries. Motion carried 5-0.

- D. Recommendation to approve Resolution NO. 15-32 A Ordinance For Summary Of Publication.

A motion was made by Councilmember Payment to approve Resolution No. 15-32 – Ordinance for Summary of Publication. The motion was seconded by Councilmember Devries. Motion carried 5-0.

- E. Recommendation from Planning & Zoning Commission to approve Ordinance NO. 15-11 - M1 & M2 Schedule of Uses and related Ordinance Amendments.

A motion was made by Councilmember Hughes to approve Ordinance No. 15-11 – M1 & M2 – Schedule of Uses and related Ordinance Amendments. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

- F. Recommendation to approve New Liquor License Application – Carbone's Noslo Restaurant Operations, Inc Pending background check.

Petracek explained that the background check for the new owner – Peter James Olson - came back without any discrepancies. Discussion ensued.

A motion was made by councilmember Devries to approve the new liquor license application – Carbone's Noslo Restaurant Operations, Inc. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

- G. Public Works building sandblast and paint request not to exceed \$5200.00.

A motion was made by Councilmember Devries to approve the quote from High Performance Coatings Inc. in the amount not to exceed \$5,200 to sandblast and paint the public works building. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

- H. Recommendation to approve MSA Professional Services Agreement – DuWayne Park Design Development and 30% Construction Documentation.

Tina Northcutt, Finance Director, explained that the agreement with MSA involves the implementation of the Parks Master Plan. She added that MSA will review the existing infrastructure in DuWayne and Memorial Park, and focus primarily on DuWayne Park. Northcutt stated that MSA project manager will put together documents that will allow us to begin searching for grant funding for the Parks Master Plan. Discussion ensued.

A motion was made by Councilmember Plasch to approve the MSA Professional Services Agreement – DuWayne Park Design Development and 30% construction documentation. The motion was seconded by Councilmember Devries. Motion carried 5-0.

10. MAYOR AND COUNCIL INPUT

No input from Mayor or City Council

11. ADJOURNMENT

A motion was made by Councilmember Plasch to adjourn the meeting at 8:11 p.m. The motion was seconded by Councilmember Payment. Motion carried 5-0.

*Bill Petracek
City Administrator*

/bp

UNAPPROVED MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
NOVEMBER 19, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE

1. CALL TO ORDER: – Mayor Kurth

- A. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

Mayor Kurth called to order the Regular City Council meeting for November 19, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Plasch. Excused absence: Payment. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Steve Winter, City Engineer; Gary Grote, Fire Chief; Bill Snoke, Allina EMS; Dave Mattison, Allina EMS; Sara Moore, Quad Press.

2. CITIZENS FORUM

No citizens were present to address the Council

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Plasch to approve the agenda as presented. The motion was seconded by Councilmember Devries. Motion carried 4-0.

4. LETTERS AND COMMUNICATIONS:

- A. Minnesota Department of Commerce
B. Park Board meeting minutes – November 2, 2015
C. Public Notice – Park Board meeting – Monday December 14th

No discussion on Letters and Communications.

Consent Agenda:

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – November 5, 2015
B. Recommendation to Approve Claims and Bills:
Check #'s 13410 through 13410

Check #'s 40143 through 40194
Check #'s 10591 through 10615
VOID #10568

C. Financial Reports

- o Cash Balances
- o Fund Summary – Budget to Actual

A motion was made by Councilmember Hughes to approve the consent agenda items. The motion was seconded by Councilmember Plasch. Motion carried 4-0.

Action Items:

6. ACTION ITEMS:

- A. Recommendation to approve Change Order # 2 for Flowerfield Road Street Improvement Project.

A motion was made by Councilmember Devries to approve change order #2 for Flowerfield Road Street improvements project. The motion was seconded by Councilmember Plasch. Motion carried 4-0.

- B. Recommendation to approve Partial Payment # 2 for Flowerfield Road Street Improvement Project in the amount of \$191,200.35

A motion was made by Plasch to approve partial payment #2 for Flowerfield Road Street improvement project in the amount of \$191,200.35. The motion was seconded by Councilmember Hughes. Motion carried 4-0.

- C. Recommendation to approve Partial Payment #2 to JPMI Construction for Fire Station Project in the amount of \$130,907.15

Councilmember Devries stated that the Cook's Autobody fence has not been put back up. Steve Winter, City Engineer, explained that there were several items on MSA's punchlist that have not been completed on the fire station. Winter's handed out a field report from the inspector showing the items that have not been completed. Discussion ensued.

Attorney Glaser explained that there is a clause in the contract allowing for the City of Lexington to issue liquidated damages in the amount of \$250 each day that JPMI is late on completing the project. The Council discussed assessing liquidated damages to JPMI for being late on the completion of the project.

A motion was made by Councilmember Hughes to approve partial payment #2 to JPMI Construction for Fire Station project in the amount of \$130,907.15. The motion was seconded by Councilmember Devries. Motion carried 4-0.

- D. Recommendation to approve Resolution NO. 15-35 A Resolution Adopting Assessment.

A motion was made by Councilmember Hughes to approve Resolution No. 15-35 – A Resolution Adopting Assessment. The motion was seconded by Councilmember Plasch. Motion carried 4-0.

- E. Recommendation to approve Resolution NO. 15-36 A Resolution Deferring Special Assessments for 2015 Flowerfield Road Project.

A motion was made by Councilmember Devries to approve Resolution No. 15-36 – A Resolution Deferring Special Assessments for 2015 Flowerfield Road Project. The motion was seconded by Councilmember Plasch. Motion carried 4-0.

- F. Recommendation to approve Resolution No. 15-37 A Resolution Certifying Ordinance Violation Charges Against Benefitted Property.

A motion was made by Councilmember Hughes to approve Resolution No. 15-37 - A Resolution Certifying Ordinance Violation Charges Against Benefitted Property. The motion was seconded by Councilmember Devries. Motion carried 4-0.

- G. Recommendation to approve Resolution NO. 15-38 A Resolution Certifying Delinquent Water and Sewer Assessment Against Benefitted Property.

A motion was made by Councilmember Devries to approve Resolution No. 15-38 – A Resolution Certifying Delinquent Water and Sewer Assessment against Benefitted Property. The motion was seconded Councilmember Hughes. Motion carried 4-0.

- H. Recommendation to approve Resolution NO. 15-33 A Resolution Amending Fee Schedule.

A motion was made by Councilmember Plasch to approve Resolution No. 15-33 – A Resolution Amending Fee Schedule. The motion was seconded Councilmember Hughes. Motion carried 4-0.

- I. Recommendation of Lexington Park Board to approve St. Anthony-New Brighton School District request for Girls Section 4 - AAA Softball Tournament use of ball fields at Lexington Memorial Park

- May 24th
- May 25th (May 26th rain back-up date)
- May 27th (May 28th rain back-up date)
- May 31 (June 1st rain back-up date)
- June 2 (June 3rd rain back-up date)

A motion was made by Councilmember Devries to approve St. Anthony-New Brighton School District request for Girls Section 4 - AAA Softball Tournament use of ball fields at Lexington Memorial Park for the following dates: May 24th, May 25th (May 26th rain back-up date), May 27th (May 28th rain back-up date), May 31 (June 1st rain back-up date), June 2 (June 3rd rain back-up date). The motion was seconded by Councilmember Hughes. Motion carried 4-0.

- J. Recommendation to approve Resolution NO. 15-34 A Resolution Approving
Summary Text of Ordinance NO. 15-11 for Publication

A motion was made by Councilmember Plasch to approve Resolution No. 15-34 – A Resolution approving summary text of ordinance No. 15-11 for publication. The motion was seconded by Councilmember Devries. Motion carried 4-0.

7. MAYOR AND COUNCIL INPUT

Mayor Kurth wished everyone a safe and Happy Thanksgiving. No further input.

8. ADMINISTRATOR INPUT

No input

9. ADJOURNMENT

A motion was made by Councilmember Hughes to adjourn the meeting at 7:19 p.m. The motion was seconded by Councilmember Devries. Motion carried 4-0.