

AGENDA
REGULAR PLANNING COMMISSION MEETING
November 10, 2020 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER
 - A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy
 2. CITIZENS FORUM
 3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
 4. LETTERS AND COMMUNICATION
 - A. Building Permits for October 2020 **pg. 1-3**
 5. APPROVAL OF PLANNING COMMISSION MINUTES
 - B. October 13, 2020 **pg. 4-5**
 6. DISCUSSION ITEM:
 - A. Review Final Draft of Proposed Tree Management Ordinance **pg. 6-12**
 7. NOTE COUNCIL MINUTES:
 - A. October 1, 2020 **pg. 13-16**
 - B. October 15, 2020 **pg. 17-18**
 8. PLANNING COMMISSION INPUT
 9. ADJOURNMENT
-

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 10/1/2020 To: 10/31/2020
Permit Type: All Property Type: All Construction Type: All
Include YTD: Yes Status: Not Voided

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: Building													
		Permit Kind: Commercial Addition											
		Permit Kind: Commercial Demolition											
		Permit Kind: Commercial New Construction											
		Permit Kind: Commercial Remodel											
		Permit Kind: Commercial Roofing											
		Permit Kind: Commercial Sign - Permanent											
		Permit Kind: Residential Accessory Building											
		Permit Kind: Residential Addition											
		Permit Kind: Residential Deck/Porch											
		Permit Kind: Residential Demolition											
2020-00120	10/30/2020	3819 LIBERTY LN	0			100.00		1.00			1.00		101.00
Permit Kind: Residential MOVING A STRUCTURE													
		Permit Kind: Residential OVER WEIGHT PERMIT											
		Permit Kind: Residential Remodel											
		Permit Kind: Residential Repair											
		Permit Kind: Residential Roofing											
		Permit Kind: Residential SET MOBILE HOME											
		Permit Kind: Residential Siding											
		Permit Kind: Residential WINDOW, EGRESS, DOOR SIZE CHANGE											
2020-00114	10/19/2020	4031 FLOWERFIELD RD	0		3,714.00	127.76	83.04	1.86					212.66
2020-00119	10/28/2020	9330 SYNDICATE AVE	0		1,200.00	59.07	38.40	0.60					98.07

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: Building - Totals													
	Period		3	0	4,914.00	286.83	121.44	3.46					411.73
	YTD		64	0	12,727,153.21	73,495.80	44,373.41	2,107.06		90	223,650.00		527,151.27
Permit Type: Fire													
Permit Kind: Commercial Fire Suppression													
Permit Type: Fire - Totals													
	Period			0									
	YTD		1	0		390.00	253.50	32.50					676.00
Permit Type: Mechanical													
Permit Kind: Commercial New Construction													
2020-00118	10/29/2020	9001 GRIGGS AVE		0	500,000.00	10,000.00	6,500.00	250.00					16,750.00
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
2020-00113	10/16/2020	4031 FLOWERFIELD RD		0		40.00		1.00					41.00
Permit Kind: Residential MECHANICAL NEW MOBILE HOME													
Permit Type: Mechanical - Totals													
	Period		2	0	500,000.00	10,040.00	6,500.00	251.00					16,791.00
	YTD		15	0	503,500.00	10,629.00	6,545.50	264.75					17,439.25
Permit Type: Plumbing													
Permit Kind: Commercial NEW UTILITY LINE W&S													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial RPZ Installation													
Permit Kind: Residential Alteration/Repair/Extention													

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: Residential Alteration/Repair/Extention				0	5,300.00	190.00		2.65					192.65
2020-00110	10/15/2020	9415 HAMLIN AVE											
Permit Kind: Residential MOBILE HOME NEW CONNECTION													
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													
Permit Type: Plumbing - Totals													
			Period	1	0	190.00		2.65					192.65
			YTD	14	0	2,411.23	120.25	41.84					2,890.63
Permit Type: Zoning													
Permit Kind: Commercial ADDITIONAL OUTDOOR SEATING													
Permit Kind: Commercial PATIO - PARKING LOT													
Permit Kind: Residential Accessory Building 200 sq ft or <													
Permit Kind: Residential Driveway				0		60.00							60.00
2020-00111	10/15/2020	8700 GRIGGS AVE											
Permit Kind: Residential Fence/Wall < 6 FT				0		60.00							60.00
2020-00117	10/22/2020	8974 JACKSON AVE											
Permit Kind: Residential Free Standing Deck													
Permit Type: Zoning - Totals													
			Period	2	0	120.00							120.00
			YTD	22	0	1,135.00	35.75	1.00					1,171.75
Report Total													
			Period	8	0	10,636.83	6,621.44	257.11					17,515.38
			YTD	116	0	88,061.03	51,328.41	2,447.15		90	223,650.00		549,328.90

Minutes
REGULAR PLANNING COMMISSION MEETING
October 13, 2020 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER

- A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy

Chairperson Vanderbloomer called to order the Regular Planning Commission meeting on October 13, 2020 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, and Gloria Murphy. Excused Absence: Ron Thorson. Also present: John Hughes, City Councilmember; Bill Petrcek, City Administrator; Kurt Glaser, City Attorney.

2. CITIZENS FORUM

No citizens were present to address the Planning Commission on items not on the agenda.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Bautch made a motion to approve the agenda as typewritten. Koch seconded the motion. Motion carried 4-0.

4. LETTERS AND COMMUNICATION

- A. Building Permits for September 2020

Bautch asked about the roofing permit issued at 9016 Jackson Ave. and why there wasn't a valuation placed on it. Petrcek wasn't sure, but would check into it. Discussion ensued.

5. APPROVAL OF PLANNING COMMISSION MINUTES

- B. September 8, 2020

Bautch made a motion to approve the September 8, 2020 minutes as typewritten. Koch seconded the motion. Motion carried 4-0.

6. DISCUSSION ITEM:

- A. Discuss Draft Tree Ordinance

Attorney Glaser explained the draft tree ordinance. Petrcek explained he appreciated that the ordinance is not lengthy and wordy. Discussion ensued.

Glaser explained the ordinance has flexibility to have the city forester and building inspector enforce the ordinance. Petrcek provided an overview of the process to

enforce the ordinance by utilizing an outside tree management company as our appointed city forester and the arborist on their staff would work with the building inspector to enforce the ordinance. Discussion ensued.

The Planning Commission discussed the requirements for providing a notice to the property owner to abate the nuisance dead tree. Glaser explained that Subdivision 4 (e)(1) addresses the notification requirements for abatement of nuisance trees. Discussion ensued.

The Planning Commission discussed the removal of the tree when the property owner doesn't comply and what happens to the tree and the potential for use as firewood. Attorney Glaser discussed the laws that govern transporting firewood in Minnesota. Discussion ensued.

Attorney Glaser will redraft the ordinance with some edits for the next P & Z meeting and add verbiage about the nuisance or diseased tree not being allowed for firewood. Discussion ensued. Not action was taken.

B. Discuss Chapter 11 Section 11.60 Subd. 22 Parking

Petracek explained that Commissioner Koch has been receiving complaints from her neighbors about the enforcement of Chapter 11 Section 11.60 Subd. 22 Parking ordinance on them and parking their vehicles on their lawns in the front yard and not on the driveway.

Koch stated that her neighbors are feeling that the warnings and enforcement by the police department are being heavy handed and wanted to discuss with P & Z if that was the intent of the ordinance and wanted to get their perspective. She added that her neighbors told her that they only had been parking on their lawns for a brief period of time and only off to the side of their driveway. Discussion ensued.

No action was taken.

7. NOTE COUNCIL MINUTES:

- A. September 3, 2020
- B. September 17, 2020

Some discussion was had on the approval of the O'Reilly's development agreement.

8. PLANNING COMMISSION INPUT

Bautch stated he talked to Conrad Koffler about his intent to move back into his house. Discussion ensued.

9. ADJOURNMENT

Koch made a motion to adjourn at 8:37 p.m. Bautch seconded the motion. Motion carried 4-0.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: KURT GLASER, CITY ATTORNEY

SUBJECT: PROPOSED TREE ORDINANCE

DATE: NOVEMBER 2, 2020

Please find attached, the revisions of the proposed Tree Ordinance with changes from the 10/13/2020 Planning & Zoning Meeting.

PROPOSED ORDINANCE

I propose replacing the existing Section 10.30 with the following.

SECTION 10.30. SHADE TREE DISEASE CONTROL AND PREVENTION

Subd. 1. - Findings and purpose.

The city desires to protect the trees and woodlands in the City of Lexington. Trees and woodlands provide numerous environmental, economic, and scenic benefits. They help filter air pollutants, absorb stormwater runoff, provide wildlife habitat, moderate temperatures, reduce cooling costs, increase property values, provide scenic beauty, provide sound and visual buffers, and provide screening for privacy. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Lexington and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting public health, safety, and welfare of the citizens of Lexington. The purpose of this Section is to establish tree preservation and protection regulations which apply to public and private property to assure the continuance of significant and specimen trees and woodlands for present and future generations which:

- (1) Preserve the natural character of neighborhoods (in developed and undeveloped areas).
- (2) Ensure the health and wellbeing of Lexington's urban forest.
- (3) Protect the health and safety of residents.
- (4) Protect water quality and minimize stormwater runoff.
- (5) Help prevent erosion or flooding.
- (6) Assure orderly development within wooded areas to minimize tree loss and environmental degradation.

- (7) Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal.
- (8) Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.

Subd. 2. - Definitions.

- a.) The following words, terms and phrases, as used in this Section, shall have the meanings ascribed to them in this Section:

Applicant means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

Certified arborist means an arborist with up-to-date certification by the International Society of Arborists.

City forester means a forester who is employed by the city or appropriate agent or independent contractor designated by the city administrator.

Conifer tree means a woody plant that is a member of the division Pinophyta and at maturity is at least 12 feet or more in height. Conifers are cone bearing and most in our climate keep their leaves (also called needles) year-round. Tamarack (also called larch) is the one conifer in our climate that drops its needles in the fall.

Control includes measures to prevent, slow the spread, suppress, eradicate, or destroy a shade tree disease or pests.

Deciduous tree means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least 15 feet or more in height.

Hardwood deciduous tree means all deciduous tree species except those listed as softwood deciduous trees below.

Hazard tree means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

Invasive species means species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

Shade tree means a woody perennial that at maturity is at least 15 feet in height and grown primarily for aesthetic or environmental purposes.

Shade tree pest means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the city council to be harmful, injurious, or destructive to shade trees or community forests.

Softwood deciduous tree means the following tree species: box elder, cottonwood, elm, poplar/aspen, silver maple, and willow.

Tree standards mean a separate document authorized through this Section to help achieve the goals of the city's tree ordinance and living streets policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede city ordinances.

- b.) Any tree or part of tree declared a diseased or hazardous tree when abated pursuant to this section is not considered firewood and shall be removed as part of any abatement.

Subd. 3. - Standards.

The Building official or city forester shall have the authority to develop tree standards concerning the management of trees. These standards shall not be contrary to this Section.

Subd. 4. - Diseased and hazardous trees.

- (a) *Findings and declaration of purpose.* The health of trees in the city is threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minn. Stats. §§ 89.001, 89.01, and 89.51—.64, the provisions of this Section are adopted as an effort to control and prevent the spread of these shade tree pests.
- (b) *Declaration of a shade tree pest.* The Building official or city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minn. Stats. § 89.001.
- (c) *Public nuisances.* Public nuisances relating to trees include all hazard trees and trees otherwise are outlined in the tree standards.
- (d) *Inspection.*
 - (1) The Building official or city forester shall have the ability and authority to inspect all premises and places within the city for public nuisances relating to trees. Inspection shall be of living or dead trees, parts of trees, stumps, and firewood.
 - (2) The Building official or city forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this ordinance.
- (e) *Abatement of nuisance trees.*
 - (1) The Building official or city forester shall notify in writing the owner of record or occupant of the premise that a public nuisance exists. The notice shall specify the measures to be taken to abate the nuisance and shall specify that the nuisance shall be abated within a reasonable amount of time, not less than ten days from the date of mailing.
 - (2) If the owner fails to comply with the removal or control measures specified for the hazard tree, infested tree, or wood on his/her property as outlined in this Section and the tree standards, and within the time specified, the Building official or city forester may order the work done either by city employees or by contractor. The cost of this work shall be billed to the owner. If the bill is not paid within 30 days, the city shall assess the costs to the property.

- (f) *Emergency abatement.* Nothing in this Section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 5. - Transporting Wood Prohibited.

It is unlawful for any person to transport firewood into or through the City unless it has been subjected to a state-certified process to reduce the risk of it carrying a regulated pest or disease, and the firewood bears proof or a written certification that it has been subjected to that process.

Subd. 6. - Enforcement.

The city shall be responsible for the enforcement of this Section. Any person who fails to comply with or violates this Section shall be deemed guilty of a misdemeanor. In addition to criminal prosecution, the City shall suspend all land use, building, and grading permits until the applicant or owner has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

The city reserves the right to inspect the site or property at any reasonable time for compliance with tree standards. If the city finds the site or property in violation, the city may issue a stop work order until conditions are corrected.

If the property owner failed to pay the City for services rendered pursuant to this Section, the City shall collect its costs pursuant to assessment against a parcel where services have been rendered pursuant to Minn. Stat. Sec. 429.101.

***EXISTING LEXINGTON CODE – TO BE SUPERSEDED BY NEW SECTION 10/30
SECTION 10.30. SHADE TREE DISEASE CONTROL AND PREVENTION.***

Subd. 1. Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. **“Shade Tree Disease”** – [NEEDED TO ADD MORE DISEASES] - Dutch elm disease or oak wilt disease.
- B. **“Tree Inspector”** –The Clerk, or such other employee of the City as the Council may designate and who shall thereafter qualify, together with his/her duly designated assistants.

C. ADD HAZARDOUS TREES / PUBLIC SAFETY (NEEDED EXPAND SCOPE TO INCLUDE TREES THAT MIGHT FALL DOWN) “Nuisance”

- (1) any living or standing tree infected to any degree with a shade tree disease; or (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the Tree Inspector.

Subd. 3. Scope and Adoption by Reference. [OUTDATED STANDARD]
Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is unlawful for any person to keep, maintain or permit upon premises owned by him/her or upon public property where he/she has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection and Diagnosis. It is the power and duty of the Tree Inspector to enter upon public or private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his/her duties, the Tree Inspector may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

Subd. 6. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith.

Subd. 7. Procedure for Removal of Infected Trees and Wood.

- A. Whenever the Tree Inspector finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he/she shall proceed as follows:
 - 1) If the Tree Inspector finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he/she shall make a written report of his/her finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (b) abating the nuisance as provided in Subparagraph B of this Subdivision.
 - 2) If the Tree Inspector finds that the danger of infection of other trees is imminent, he/she shall notify the owner of the property, or the abutting property, as the case may be, by certified mail that the nuisance will be abated within a specific time, not less than five (5) days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice he/she may abate the nuisance.

- 3) If the Tree Inspector finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he/she may proceed to abate the nuisance forthwith. He/she shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.
- B. Upon receipt of the Tree Inspector's report required by Subparagraph A, Item 1, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.
- C. The Tree Inspector shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the Council all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.
- D. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.
- E. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

Subd. 8. Spraying Trees. [OUTDATED STANDARD]

- A. Whenever the Tree Inspector determines that any tree or wood is infected or threatened with infection, he/she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his/her agents whenever possible.
- B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. [OUTDATED STANDARD] It is unlawful for any person to transport elm wood, including elm firewood, with bark intact into or through the City, or into or through any designated “disease control area” as defined by Minnesota Statutes, Section 18.023. This prohibition shall not apply to movement of such wood pursuant to an approved wood disposal or utilization program authorized by Minnesota Statutes, Section 18.023, or to transportation of elm wood intended for industrial use not to include firewood, provided such transportation of elm logs for industrial use continues without interruption through the City of “disease control area” to their intended destination lying outside the City and “disease control area”.

Subd. 10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the Tree Inspector while he/she is engaged in the performance of duties imposed by this Section.

Subd. 11. Additional Duties of Tree Inspector. It is the additional duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. He/she shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to such a program adopted by the Council.

Subd. 12. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled “Regulation of Grass, Weeds and Trees”.

Subd. 13. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 1, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Mayor Murphy

- A. Roll Call - Council Members: DeVries, Harris, Hughes and Winge

Mayor Murphy called to order the Regular City Council meeting for October 1, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Winge. Excused Absence: Harris. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Jack Borgen, Liquor Store Manager; Mark Kurth, Lexington Fire Department/Gambling Manager.

2. CITIZENS FORUM

No citizens were present to address the Council on items not on the agenda.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Devries made a motion to approve the amended agenda as typewritten. Councilmember Winge seconded the motion. Motion carried 4-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries explained that the next meeting will be via Skype on November 14th.*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge explained that the franchise fees are down for the quarter, but they will still be within the budgeted amount of revenue for the year. The Cable Commission voted to ask member cities to contribute to NMTV Covid expenses from their CARES Act funds. A recommendation for franchise renewal will come in November. Discussion ensued.*
- C. City Administrator (Bill Petracek) – *Petracek explained to the Council that a special meeting needs to be held on November 12th at 6:00 p.m. to canvass election results. The consensus of the Council was that is a good date and time for everyone.*

Petracek explained that all 20 permits for the new homes in Parkview have been applied for by the owner's. The intention is to have the new homes in place within the next 6 months or so. Discussion ensued.

5. LETTERS AND COMMUNICATIONS:

- A. CenturyLink – Expiration of Prism Franchise Agreement and Termination of Prism Product
- B. Centennial Lakes Police Department Media Reports 9-9 through 9-22, 2020

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – September 19, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13702 through 13704
Check #'s 13399 through 13408
- C. Financial Reports
 - Cash Balances
 - Fund Summary – Budget to Actual

Councilmember Winge made a motion to approve the consent agenda items. Councilmember Hughes seconded the motion. Motion carried 4-0.

7. ACTION ITEMS:

- A. Recommendation to approve Final Payment for 2020 Street Improvement Project – Jackson Avenue in the amount of \$86,049.31

Councilmember Devries made a motion to approve Final Payment for 2020 Street Improvement Project – Jackson Avenue in the amount of \$86,049.31. Councilmember Hughes seconded the motion. Motion carried 4-0.

- B. Recommendation to approve Resolution NO. 20-23 A Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for Jackson Avenue Project

Councilmember Winge made a motion to approve Resolution NO. 20-23 A Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for Jackson Avenue Project. Councilmember Hughes seconded the motion. Motion carried 4-0.

- C. Recommendation to approve Resolution NO. 20-24 A Resolution Setting A Date For Public Hearing On November 5, 2020 On Proposed Assessment

Councilmember Hughes made a motion to approve Resolution NO. 20-24 A Resolution Setting A Date For Public Hearing On November 5, 2020 On Proposed Assessment. Councilmember Devries seconded the motion. Motion carried 4-0.

D. Recommendation to approve Prorated 2020 Liquor License Fees

Petracek explained the prorated fees provide relief to our liquor license owner's for the three months that they were shut down and asked the Council to set a date for payment of December 1st. Discussion ensued.

Mayor Murphy made a motion to approve Prorated 2020 Liquor License Fees by December 1st, 2020. Councilmember Devries seconded the motion. Motion carried 4-0.

E. Recommendation to approve Replacement of Exterior Digital Sign at
Lexington Liquor not to exceed \$35,350.00

Jack Borgen, Liquor Store Manager explained that the current sign is old and needs repairs. This recommendation to approve will replace the sign with better technology. Borgen provided an overview of the quotes. Discussion ensued.

Councilmember Devries made a motion to approve Electro Signs quote to replace the Exterior Digital Sign at Lexington Liquor not to exceed \$35,350.00. Councilmember Winge seconded the motion. Motion carried 4-0.

F. Recommendation to approve Business License Renewal

Councilmember Winge made a motion to approve Business License Renewal. Councilmember Hughes seconded the motion. Motion carried 4-0.

G. Recommendation to approve up to \$80,000.00 in CARES Act Funding to
Replace Fire Department Radios

Mark Kurth, Gambling Manager, Lexington Fire Relief Association, was present on behalf of the fire chief to explain their request for CARES ACT funds to purchase new portable radios. Kurth explained that the current radios haven't been supported by Motorola since 2017. He added they were supposed to be getting grant money from Anoka County to replace the radios, but that hasn't come to fruition. He further explained that many other cities have purchased this type of equipment for their fire departments with CARES Act funds – Cottage Grove, Stillwater, East Bethel, etc. Discussion ensued.

Councilmember Devries made a motion to approve up \$80,000 in CARES Act funding and \$43,958 from the fire equipment replacement fund to replace fire department portable radios at \$123, 958 giving discretion to the city administrator to appropriate more funds to the radios if money is available at the date of CARES Act funds expiration. Councilmember Hughes seconded the motion. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

Councilmember Devries discussed the security fence around lexington lofts. Discussion ensued. Devries also explained that the mini-hydrants being installed in parkview on Liberty Ave is used for flushing the water main. Discussion ensued.

Mayor Murphy stated the new entrance sign looks great. Discussion about the lighting on the flag and the power source – solar vs. electricity.

Petracek stated the solar lights have been fixed. He asked Councilmember Devries if he still wanted the City Council to consider running electricity to the new sign lights. He added that public works has had trouble getting a quote from Xcel Energy, and they feel that it could cost between \$20,000-\$30,000. Devries stated that if the solar lights are working then he didn't see the need. Petracek asked each of them to look at the sign when it is lit at night. Discussion ensued.

9. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 7:40 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.

I hereby certify that the October 1, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on October 15, 2020.

*Bill Petracek
City Administrator*

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 15, 2020– 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Mayor Murphy

- A. Roll Call - Council Members: DeVries, Harris, Hughes and Winge

Mayor Murphy called to order the Regular City Council meeting for October 15, 2020 at 7:00 p.m. Councilmember's present: Devries, Harris, Hughes, Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Jim Fischer, Public Works.

2. CITIZENS FORUM

No citizens were present to discuss items not on the agenda

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Devries made a motion to approve the agenda as amended. Councilmember Hughes seconded the motion. Motion carried 5-0.

4. LETTERS AND COMMUNICATIONS:

- A. Public Notice – Special Council Meeting – November 12, 2020 – 6:00 pm
B. Centennial Lakes Police Department Media Reports – 9-23 through 10-6, 2020

No discussion on Letters and Communications

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 1, 2020
B. Recommendation to Approve Claims and Bills:
Check #'s 13705 through 13706
Check #'s 46850 through 46908
Check #'s 13409 through 13421
Check #'s 13425 through 13431
C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

Councilmember Winge made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Motion carried 5-0.

6. ACTION ITEMS:

- A. Recommendation to approve Right of Way tree trimming quote from Metro Tree and Crane Service not to exceed \$15,000.00

Jim Fischer, Public Works, stated that when he obtained the quotes for tree trimming he made sure that the companies he received quotes from had an arborist on staff. The tree trimming in the right-of-way will happen in the winter time so that it doesn't kill the trees. He discussed other liquor store and city hall tree maintenance that the quote includes. Discussion ensued.

Councilmember Harris made a motion to approve Right of Way tree trimming quote from Metro Tree and Crane Service not to exceed \$15,000.00. Councilmember Hughes seconded the motion. Motion carried 5-0.

- B. Recommendation to approve expense allocation in the amount of \$48,821.74 to the CARES Act Fund.

Councilmember Hughes made a motion to approve expense allocation in the amount of \$48,821.74 to the CARES Act Fund. Councilmember Winge seconded the motion. Motion carried 5-0.

- C. Recommendation to approve Solicitors/Peddlers License Xfinity/Comcast – pending successful background check

Councilmember Devries made a motion to approve Solicitors/Peddlers License Xfinity/Comcast – pending successful background check. Councilmember Winge seconded the motion. Motion carried 5-0.

7. MAYOR AND COUNCIL INPUT

Mayor Murphy discussed the opening on the Park Board and interested people should apply on line or in person.

8. ADMINISTRATOR INPUT

No input from the administrator

9. ADJOURNMENT

Councilmember Harris made a motion to adjourn the meeting at 7:19 p.m. Councilmember Hughes seconded the motion. Motion carried 5-0.