

**CITY OF LEXINGTON
REGULAR COUNCIL MEETING
AUGUST 21, 2014 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Mayor Pitchford

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

Mayor Pitchford called to order the Regular Council meeting of the City of Lexington of August 21, 2014 at 7:01 p.m. Councilmember's present: Bailey, Hughes, Payment and Plasch. Also Present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Gary Grote, Fire Chief; Mark Vanderbloomer, Assistant Fire Chief; Mark Kurth, Fire Lieutenant; Don Drusch, Firefighter; Ron Wasmund, Building Official; Amy Overgaard, Quad City Press; Tim & Lori Glover, Bistro Laroux Owner's.

2. CITIZENS FORUM –

There were no citizens present for discussion under this item.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Motion was made by Councilmember Payment, seconded by Councilmember Bailey to approve the agenda as presented. Passed unanimously. Motion carried 5-0.

4. INFORMATIONAL REPORTS:

A) Lexington Fire Department 2013 Annual Report

Gary Grote, Fire Chief, provided an overview of the 2013 Annual Fire Department Report. Discussion ensued. No action taken.

B) Building Official Report -

Ron Wasmund, Building Official, provided an overview of his report involving his activities dealing with building inspections, property maintenance, and rental housing inspections since he started as the building official in June. Discussion ensued. No action taken.

C) LETTERS AND COMMUNICATIONS:

- A. Public Notice – Budget Workshop Scheduled September 4, 2014 immediately following regular Council meeting
- B. Notice of Public Hearing on Middle Rice Creek Restoration Project
- C. Minnesota Management & Budget – Pay Equity Compliance

There was some discussion on Letters and Communications agenda items. No action was taken.

Consent Agenda:

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – August 7, 2014
- B. Recommendation to Approve Claims and Bills:
Check #'s 13285-13287
Check #'s 38662-38702
Check #'s 10015-10035
- C. Recommendation to approve Business License Renewal

Motion was made by Councilmember Bailey, seconded by Councilmember Plasch to approve the consent agenda as presented. Passed unanimously. Motion carried 5-0.

Action Items:

6. ACTION ITEMS:

- A. Public Works – Tire Purchase Request

Mayor Pitchford questioned why this was on the agenda for an action item. Petracek provided an explanation as to why this item was tabled at the last City Council meeting and Councilmember Hughes providing a cheaper quote from his place of work – Goodyear Commercial Tire. Hughes provided an explanation as to why Public Works should replace six tires instead of five tires. Hughes had had some discussions with Public Works about the tire purchase. Discussion ensued.

Motion was made by Mayor Pitchford, seconded by Councilmember Bailey approving the low quote to purchase six tires from Goodyear Commercial Tires in the amount of \$1,826.54. Passed by majority. Motion carried 4-0. Councilmember Hughes abstained.

- B. Proclamation – October of 2014 Is Proclaimed As Domestic Violence Awareness Month.

Motion was made by Councilmember Bailey, seconded by Councilmember Bailey to approve the proclamation declaring October of 2014 as Domestic Violence Awareness Month. Passed unanimously Motion carried 5-0.

- C. Recommendation from Planning & Zoning Commission to approve Ordinance NO. 14-01 An Ordinance Amending Chapter 11 Zoning

Section 11.33, Schedule of Uses By District In A B-4 Zone By Adding
Restaurant With Or Without Bar As A Uses Permitted.

City Attorney Glaser provided an explanation to the proposed ordinance that currently a B-4 zone does not allow the sale of beer under these regulations, adding that this zoning ordinance amendment will allow for the sale of beer and wine in a restaurant setting in a B-4 zone. This will be the zoning regulations under which Bistro La Roux will operate their restaurant. Tim & Lori Glover, owners of Bistro La Roux provided an explanation that they want to be able to serve beer and wine to their customer's to enhance the food they serve at their establishment. They don't anticipate wanting to sell liquor.

Mayor Pitchford questioned if changing this ordinance to allow the sale of beer & wine would open up the door for more liquor licenses to be sold. Attorney Glaser explained that we cannot have anymore bars like Bamboo Betty's or Cowboy's that sell liquor. Discussion ensued.

Motion was made by Councilmember Bailey, seconded by Councilmember Plasch to approve the recommendation from the Planning and Zoning Commission to adopt Ordinance No. 14.01 – An Ordinance Amending Chapter 11 Zoning Section 11.33, Schedule of Uses by District In a B-4 Zone by Adding Restaurant With or Without Bar as a uses permitted. Passed unanimously. Motion carried 5-0.

- D. Recommendation from Planning & Zoning Commission to approve
Ordinance NO. 14-04 An Ordinance Amending Chapter 11 Zoning
Section 11.60, Subdivision 22, Performance Standards

Attorney Glaser explained that the City of Lexington has strict parking standards and we do not have any way of providing accommodations to businesses to ease these restrictions. He explained that this ordinance would provide “exceptions” to the parking regulations, but the property owner's would still need to prove a need to the Planning Commission and the City Council for an “exception” to be granted to them. Discussion ensued.

Motion was made by Councilmember Hughes, seconded by Councilmember Bailey to approve the recommendation from the Planning & Zoning Commission to adopt Ordinance No. 14.04 – An Ordinance Amending Chapter 11 Zoning Section 11.60, Subdivision 22 - Performance Standards. Passed unanimously. Motion carried 5-0.

- E. Recommendation from Planning & Zoning Commission to approve
Ordinance NO. 14-05 An Ordinance Amending Chapter 11 Zoning
Section 11.31 Re-designating the M-2 Parcel Adjoining Lovell Road As B-4.

Attorney Glaser explained that this proposed ordinance amendment corrects an error on the zoning map that was overlooked during the codification process, which would make the B-5 (M-2) zone on the corner of Lexington and Lovell Road a B-4 zone. Discussion ensued.

Motion was made by Councilmember Bailey, seconded by Councilmember Hughes to approve the recommendation from Planning & Zoning Commission to adopt Ordinance No. 14-05 – An

Ordinance Amending Chapter 11 Zoning Section 11.31 – Re-designating the M-2 Parcel Adjoining Lovell Road as B-4 zone. Passed unanimously. Motion carried 5-0.

7. Recommendation to approve Liquor License – Bistro La Roux pending Centennial Lakes Police Department approval.

Administrator Petracek explained that we have not yet received the final background analysis of Bistro La Roux from the Centennial Lakes Police Department. Attorney Glaser recommended approving the liquor license contingent upon the completion of the background investigation from the police department.

Motion was made by Councilmember Bailey, seconded by Councilmember Plasch to approve the liquor license for Bistro La Roux pending the completion of the background investigation by the Centennial Lakes Police Department. Passed unanimously. Motion carried 5-0.

8. Recommendation to approve Resolution NO. 14-17 A Resolution Amending Fee Schedule.

Administrator Petracek provided an explanation to Resolution No. 14-17 that the fee schedule would have a charge for the City to grant an “exception” to the parking regulations. This fee would be the same amount charged for a variance or conditional use permit. Discussion ensued.

Councilmember Bailey made a motion, seconded by Councilmember Hughes to approve Resolution No. 14-17 – A Resolution Amending Fee Schedule. Passed unanimously. Motion carried 5-0.

9. MAYOR AND COUNCIL INPUT –

No input from the Mayor or City Council

10. ADJOURNMENT

Motion was made by Mayor Pitchford, seconded by Councilmember Plasch to adjourn the Regular Council meeting at 8:01 pm. Passed unanimously. Motion carried 5-0.

I hereby certify that the August 21, 2014, Regular City Council Minutes as presented, were approved by the Lexington City Council on September 4, 2014.

***Bill Petracek
City Administrator***