

**MINUTES  
CITY OF LEXINGTON  
BOARD OF REVIEW  
&  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
MAY 7, 2020 – 7:00 P.M.  
9180 LEXINGTON AVENUE  
THIS MEETING WAS HELD VIA ZOOM**

- 1. CALL TO ORDER BOARD OF REVIEW** - Mayor Murphy
  - A. Roll Call- Council Members: DeVries, Harris, Hughes and Winge

*Mayor Murphy called to order the Board of Review meeting for May 7, 2020 at 7:00 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Tedman Anderson and Theodore Anderson, Anoka County Assessor's*

- 2. INTRODUCTION OF COUNTY ASSESSOR**

*Tedman and Theodore Anderson introduced themselves and presented the 2020 Assessor's Report. Petracek stated he did not receive a copy of the 2020 Assessor's Report; therefore, it did not get placed in the Council's meeting packet. Discussion ensued.*

- 3. CITIZENS WHO WISH TO ADDRESS ASSESSOR**

*No citizens were present by phone or Zoom to address the Board of Review to contest their property values.*

- 4. CLOSE BOARD OF REVIEW**

*Councilmember Hughes made a motion to close the Board of Review at 7:07 p.m. Councilmember Devries seconded the motion. Motion carried 5-0.*

- 5. 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 May 7, 2020 at 7:09 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Mark Kurth, Lexington Fire Relief Association Gambling Manager; Justin Templin, Attorney from Hoff Barry.*

## **6. CITIZENS FORUM**

*No citizens were present via phone or zoom to address the council on items not on the agenda*

## **7. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Councilmember Winge made a motion to approve the agenda as typewritten. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

## **8. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that he was not able to attend meeting due to the type of virtual online meeting being held.*
- B. Cable Commission (Councilmember Winge)- *Councilmember Winge had nothing to report*
- C. City Administrator (Bill Petracek) – *Petracek stated that hydrant flushing will begin on the following Monday. He also updated the City Council on Landings of Lexington occupancy is at 75% leased, and approximately 30 apartments are full on the west building. Discussion ensued.*

## **9. LETTERS AND COMMUNICATIONS:**

- A. Public Notice – Closed Executive meeting
- B. 35W North MnPASS Project Update – Spring 2020
- C. Council Workshop meeting minutes – April 15, 2020
- D. Centennial Lakes Police Department – Media Reports 4-8 through 4-28-2020

*No discussion on Letters and Communications.*

## **10. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – April 16, 2020
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13672 through 13673  
Check #'s 46181 through 46245  
Check #'s 13154 through 13182  
Check #'s 13186 through 13195

*Councilmember Devries made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

## 11. ACTION ITEMS:

- A. Recommendation to Approve Resolution NO. 20-13 – A Resolution Accepting Bid for 2020 Street Improvements (Jackson Ave. and Liquor Store Parking Lot Project).

*Steve Winter, City Engineer, provided an overview of his recommendation to approve Resolution 20-13. Discussion ensued.*

*Councilmember Harris made a motion to Approve Resolution NO. 20-13 – A Resolution Accepting Bid for 2020 Street Improvements (Jackson Ave. and Liquor Store Parking Lot Project). Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

- B. Recommendation to approve Escrow Agreement for Site Grading- Lexington Lofts.

*Attorney Glaser provided an overview of the escrow agreement for site grading for Lexington Lofts. Discussion ensued.*

*Councilmember Winge made a motion to approve an Escrow Agreement for Site Grading- Lexington Lofts. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

- C. Recommendation to approve the low quote from Super Siders, Albertville, MN in the Amount not to Exceed \$17,976 for Roofing and Fascia Repair to Memorial Park Concessions Stands

*Councilmember Devries made a motion to approve the low quote from Super Siders, Albertville, MN in the Amount not to Exceed \$17,976 for Roofing and Fascia Repair to Memorial Park Concessions Stands. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

- D. Cable Commission Recommendation to Approve Updates to the North Metro Telecommunications Commission Joint Powers Agreement

*Councilmember Winge made a motion to Approve Updates to the North Metro Telecommunications Commission Joint Powers Agreement. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

- E. Recommendation to Approve Resolution NO. 20-12 – A Resolution In Support of the Protecting Community Television Act

***Councilmember Devries made a motion to Approve Resolution NO. 20-12 – A Resolution In Support of the Protecting Community Television Act. Councilmember Hughes seconded the motion. . Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.***

- F. Second Reading: Ordinance NO. 20-05 – An Ordinance Incorporating Chapter 11.8 – Planned Unit Development

***Councilmember Harris made a motion to approve Second Reading: Ordinance NO. 20-05 – An Ordinance Incorporating Chapter 11.8 – Planned Unit Development. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.***

- G. Recommendation to approve Resolution 20-14 Summary Publication of Ordinance NO. 20-05

***Councilmember Hughes made a motion to approve Resolution 20-14 Summary Publication of Ordinance NO. 20-05. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.***

- H. Recommendation to Rehire T.J. Schmid as a Seasonal Employee at \$13.50/hour.

***Councilmember Harris made a motion to Rehire T.J. Schmid as a Seasonal Employee at \$13.50/hour. Councilmember Devries seconded the motion. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.***

- I. Recommendation to approve Temporary Business License for Renaissance Fireworks, Inc. – June 26 through July 5, 2020

***Councilmember Harris made a motion to approve Temporary Business License for Renaissance Fireworks, Inc. – June 26 through July 5, 2020. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.***

- J. Recommendation to approve Minnesota Lawful Gambling LG214 Premises Permit Application for Lexington Fire Relief Association/Lexington Municipal Liquor Store

***Mark Kurth, Fire Relief Association Gambling Manager, explained that he was not aware that pull-tabs could be placed in convenience stores and liquor stores until recently. He stated he spoke with the city administrator and liquor store manager and we believe that there is money to be made***

*on pull tabs at the liquor store. He stated that the liquor store would make 20% of the profits and the Lexington Fire Relief Association would get the other 80% of the profits. Discussion ensued.*

*Councilmember Devries made a motion to approve Minnesota Lawful Gambling LG214 Premises Permit Application for Lexington Fire Relief Association/Lexington Municipal Liquor Store. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

## **12. CLOSED SESSION**

Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session.

*Councilmember Harris made a motion to convene into closed session at 7:48 p.m for the purpose of Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*

*Councilmember Harris made a motion to reconvene into open session at 8:29 p.m. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0*

## **13. MAYOR AND COUNCIL INPUT**

*Councilmember Harris stated that she and a friend cleaned the ditch on Hamline Ave by the Blaine Business Park. They approached the Blaine Planning Commission to get help from the City of Blaine to keep the ditch cleaned. They are also going to try to get businesses in the park to help maintain the ditch. Discussion ensued.*

## **14. ADJOURNMENT**

*Councilmember Hughes made motion to adjourn the meeting at 8:36 p.m. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris- yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.*