

MINUTES
Canvass Election Results
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
NOVEMBER 17, 2022– 7:00 P.M.
9180 LEXINGTON AVENUE

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for November 17, 2022 at 7:00 p.m. Councilmember's present: Benson, Devries, Harris, and Winge. Also Present: Bill Petracek, City Administrator; Chris Galiov, Finance Director; Kurt Glaser, City Attorney; Mary Vinzant, Deputy City Clerk; Abdilahi Botan, Amril Samater, Nick Alkatez – Little Rabbit's Hole, LLC

3. CITIZENS FORUM

No citizens were present to discuss items not on the agenda.

4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Devries made a motion to approve the agenda with corrections. Councilmember Harris seconded the motion. Motion carried 5-0.

5. HEARING TO DISCUSS REVOCATION/SUSPENSION OF LITTLE RABBIT'S HOLE BUSINESS LICENSE

Mayor Murphy read to the audience setting the procedures and parameters for the hearing to consider the revocation/suspension of Little Rabbit's Hole Business License.

Attorney Glaser provided an overview of the purpose for the hearing and the background as to why city staff is recommending to the City Council to revoke Little Rabbit's Hole business license. He provide a summary of the issues surrounding the recommendation to revoke the license.

*Abdilahi Botan
900 10th Ave. North
Minneapolis Mn.*

Mr. Botan explained that he doesn't understand why he is here for this hearing. He stated that he didn't realize there is a timeframe on opening a business under his license. Botan apologized for the lack of communication with city staff. He has spoken with the Department of Human Service (DHS) and has had troubles regarding the fire inspection report that is required to obtain a daycare facility license through DHS. He added that he has opened 2-3 daycare facilities, and

explained that it always takes 6-9 months to gain approval through DHS for a daycare facility. He stated that the quickest he opened a facility was 9 months. He currently has 5 qualified teachers for 95 potential students. Discussion ensued.

Councilmember Harris asked Botan how many teachers are required for 90 children. Botan stated there needs to be one (1) student per 10 children. Mayor Murphy asked if he has any pre-registered kids for the facility. Botan stated there are none, yet.

Nick Alkatez stated that you can call DHS. They will tell you it takes 6-9 months. To get a daycare license. Discussion ensued.

Mary Vinzant, Deputy City Clerk, explained that Mr. Botan told her originally that he was going to transfer his current license from his Apple Valley facility to Lexington, and it shouldn't take more than 6 weeks to 8 weeks to open. She added that according to DHS, Mr. Botan or Little Rabbit's Hole did not have a valid daycare license to transfer at the time they applied for a business license. However, she pushed to provide them a business license so they could open as soon as possible. She stated after August there has been no communication with Mr. Botan even though she has left several voicemails to contact her. Discussion ensued.

Attorney Glaser stated according to the DHS website, Little Rabbit's Hole has never had a valid daycare license to transfer from their Apple Valley facility. He believes there is a breach of trust with the City on this license. Discussion ensued.

Councilmember Benson asked Glaser if there is a process for reactivation. Glaser stated the Council would set the conditions for reactivation.

Botan stated he needs a business license to get his DHS license. Attorney Glaser disagreed with the need for having a local business license to obtain a daycare license. Petracek also disagreed and stated there are a lot communities in the Minnesota that don't require business licensing that have licensed daycare facilities.

Mr. Botan stated he has a DHS inspection scheduled for November 30th, which would be the next step in the process of obtaining the daycare license from DHS. Discussion ensued.

The consensus was to table this item until Little Rabbit's Hole has their DHS inspection on November 30th. The Council would take action on the license at the December 1st Regular City Council meeting.

6. LETTERS AND COMMUNICATIONS:

- A. Planning & Zoning meeting minutes – November 9, 2022
- B. Centennial Lakes Police Department Media Reports – 10-26 through 11-8, 2022
- C. City Report October 2022
- D. North Metro TV – October 2022 Update

No discussion on Letters and Communications.

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – November 3, 2022
- B. Recommendation to Approve Claims and Bills:
Check #'s 13733 through 13738
Check #'s 49595 through 49652
Check #'s 14521 through 14535
- C. Financial Reports
 - Cash Balances
 - Fund Summary – Budget to Actual

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

8. ACTION ITEMS:

- A. Canvass Municipal Election results – State General Election of November 8th, 2022

Mayor Murphy explained that he will asking for a recount of the Mayoral election results. Discussion ensued.

Councilmember Winge made a motion to accept the Municipal Election results – State General Election of November 8th, 2022. Councilmember Benson seconded the motion. Motion carried 4-1.

- B. Recommendation to approve Resolution NO. 22-32 A Resolution Certifying Delinquent Water and Sewer Assessments Against Benefited Property

Councilmember Devries made a motion to approve Resolution NO. 22-32 A Resolution Certifying Delinquent Water and Sewer Assessments Against Benefited Property. Councilmember Benson seconded the motion. Motion carried 5-0.

- C. Recommendation to revoke Little Rabbit's Hole Business License indefinitely

Mayor Murphy made a motion to table Little Rabbit's Hole Business license until the first Council meeting in December. Councilmember Devries seconded the motion. Motion carried 5-0.

9. MAYOR AND COUNCIL INPUT

Councilmember Devries updated everyone on Lexington lofts progress. He asked about overnight parking on Restwood Ave. and winter parking rules. Petracek stated he would remind CLPD to enforce winter parking rules.

Councilmember Harris asked about the road closed signs on Hamline Ave. and Edgewood Road. She stated that they are unsightly. Petracek stated he would follow-up with the city engineer on the signs.

Councilmember Winge wished everyone a Happy Thanksgiving

10. ADMINISTRATOR INPUT

Petracek informed the Council regarding the progress of the Stormwater discharge permit (MS4 Permit) auditing process being conducted by Minnesota Pollution Control Agency (MPCA. He added that there is threat of enforcement action and a potential fine for not completing the requirements from the audit process in a timely manner. He stated there is nothing to be alarmed about, this is strictly for information. Staff and MSA are working through these issues with MPCA. The amount of the fine is unknown at this time. Discussion ensued.

11. CLOSED SESSION

- This portion of the meeting is closed pursuant Minn. Stat. Section 13D.05, subd. 3(b), and is permitted by the attorney-client privilege to discuss the legal aspects surrounding personnel matters under investigation.
- This portion of the meeting is closed pursuant to Minnesota Statute Section 13D.05, subdivision 3(b), and is permitted by the attorney-client privilege to discuss the pending litigation versus the City of Blaine regarding the interconnected water and sewer systems

Attorney Glaser stated there is no need to go into closed session for City of Blaine vs. Lexington lawsuit.

Attorney Glaser explained the need for a closed session for the purpose of discussing personnel matters under investigation.

Councilmember Devries made a motion to go into closed session at 8:07 p.m. pursuant Minn. Stat. Section 13D.05, subd. 3(b), and is permitted by the attorney-client privilege to discuss the legal aspects surrounding personnel matters under investigation.

Councilmember Harris seconded the motion. Motion carried 5-0.

Councilmember Winge made a motion to reconvene into open session at 8:30 p.m.

Councilmember Devries seconded the motion. Motion carried 5-0.

12. ADJOURNMENT

Councilmember Murphy made motion to adjourn the meeting at 8:31 p.m.

Councilmember Devries seconded the motion. Motion carried 5-0.