

**AGENDA**  
**REGULAR PLANNING COMMISSION**  
**MEETING December 13, 2022 - 7:00**  
**P.M. 9180 Lexington Avenue, Lexington,**  
**MN**

1. CALL TO ORDER
  - A. Roll Call: Chairperson Bautch, Commissioners, Thorson, Koch and Murphy
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
  - A. Building Permits for November 2022 pg. 1
5. APPROVAL OF PLANNING COMMISSION MINUTES
  - B. November 9, 2022 pg. 2-3
6. DISCUSSION ITEM:
  - A. Proposed Native Landscape Ordinance pg. 4-7
  - B. Ordinance NO. 22-03 An Ordinance Establishing a Moratorium  
Temporarily Prohibiting the Establishment of New Medical Facilities  
or the Expansion of Existing Medical Facilities for a Period of One Year pg. 8-16
7. NOTE COUNCIL MINUTES:
  - A. November 3, 2022 pg. 17-19
  - B. November 17, 2022 pg. 20-23
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

## Permits Issued and Fees

From Date: 11/01/2022  
 To Date: 11/30/2022  
 Permit Type: City of Lexington Building Permit  
 All Cities And Townships: N

Permit#	Subtype	Issue Date	Address	Applicant	Type of Construction	Completed Value	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
LEX22-000095	Building	11/02/2022	4060 RESTWOOD RD	Home Pro America LLC	Deck/Porch	\$12,990.00	\$293.17	\$190.57	\$6.50					\$490.24
LEX22-000096	Building	11/03/2022	3818 Minuteman LN	Soft Touch Demolition	Demolition	\$7,000.00	\$100.00	\$1.00						\$101.00
LEX22-000097	Building	11/07/2022	9325 DUNLAP AVE	MARSH, JERRY A	Siding	\$3,500.00	\$145.00		\$1.00					\$146.00
LEX22-000101	Building	11/17/2022	9063 JACKSON AVE	Roofs R Us	Roofing	\$5,363.00	\$145.00		\$1.00					\$146.00
	Building: 4					\$28,853.00	\$683.17	\$191.57	\$8.50					\$883.24
LEX22-000098	Mechanical	11/10/2022	3963 LOVELL RD	AJ Mechanical	Furnace	\$10,500.00	\$35.75		\$5.25					\$41.00
LEX22-000100	Mechanical	11/15/2022	3815 WOODLAND RD	Liberty Comfort Systems	Furnace	\$2,950.00	\$39.52		\$1.48					\$41.00
	Mechanical: 2					\$13,450.00	\$75.27		\$6.73					\$82.00
LEX22-000092	Plumbing	11/02/2022	3828 Minuteman LN	Valley Rich Co.		\$20,000.00	\$625.00		\$10.00					\$635.00
	Plumbing: 1					\$20,000.00	\$625.00		\$10.00					\$635.00
GRAND TOTAL:	7					\$62,303.00	\$1,383.44	\$191.57	\$25.23					\$1,600.24
YEAR RUNNING TOTAL:	24					\$301,745.00	\$0.00	\$1,324.73	\$75.88			\$2,485.00	\$1,800.00	\$11,184.16

**MINUTES**  
**REGULAR PLANNING COMMISSION MEETING**  
**November 9, 2022 - 7:00 P.M.**  
**9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER

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

*Chairperson Bautch called to order the Regular Planning Commission meeting on November 9, 2022 at 7:00 p.m. Commissioners Present: Michelle Koch and Ron Thorson. Excused Absence: Gloria Murphy. Also present: Bill Petracek, City Administrator.*

2. CITIZENS FORUM

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

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

*Koch made a motion to approve the agenda as typewritten. Thorson seconded the motion. Motion carried 3-0.*

4. LETTERS AND COMMUNICATION

A. Building Permits for October 2022

*Some discussion on October building permits.*

5. APPROVAL OF PLANNING COMMISSION MINUTES

B. October 11, 2022

*Koch made a motion to approve the October 11, 2022 Planning Commission Minutes as typewritten. Bautch seconded the motion. Motion carried 3-0.*

6. DISCUSSION ITEM:

A. Proposed Native Landscape Ordinance

*Petracek explained that Attorney Glaser could not attend due to conflicting meetings with Centerville. He added that Glaser asked him to tell P & Z to read through the proposed regulations and decide if they want this much detail in the ordinance. Discussion ensued. Item tabled until next meeting.*

7. NOTE COUNCIL MINUTES:

A. October 6, 2022

B. October 20, 2022

*Some discussion on October 6th and October 20th City Council meetings.*

8. PLANNING COMMISSION INPUT

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*Petracek updated the P & Z on the sale of Cook's Auto Body. He stated that he spoke with one of the new owner's and the closing on the property is in December. Discussion ensued.*

9. ADJOURNMENT

*Thorson made a motion to adjourn at 7:25 p.m. Koch seconded the motion. Motion carried 3-0.*

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## MEMORANDUM

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**TO:** PLANNING & ZONING COMMISSION  
**FROM:** KURT GLASER, CITY ATTORNEY  
**SUBJECT:** PROPOSED NATIVE LANDSCAPE ORDINANCE DISCUSSION  
**DATE:** NOVEMBER 3, 2022

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The list of features requested by the Commission for inclusion in this ordinance is long. The text below includes each feature requested by members of the Commission. Does the Commission want this level of detail and complexity?

### PROPOSED ORDINANCE

#### ***Section ###.### Definitions***

*MEADOW VEGETATION: Grasses and flowering broadleaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.*

*NOXIOUS WEEDS: Those plants so categorized by the state of Minnesota under Minnesota statutes 18.75 - 18.91 and listed on the "noxious weeds list" published by the Minnesota department of agriculture.*

*REGULARLY CUT: Mowing or otherwise cutting weeds or grass so that it does not exceed six inches (6") in length.*

*TURF GRASSES: Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and nonwoody vegetation interspersed with them.*

*WEEDS: Shall be construed to mean and include all noxious weeds as defined by the statutes of the state of Minnesota to include, but not be limited to: buffalobur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quack grass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower, and all such useless and troublesome plants as are commonly known as weeds to the general public. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden*

#### ***Section ###.### Nuisance***



(a) Weeds and grass. All weeds or growing grass upon any lot, parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

- (1) Meadow vegetation shown on an approved landscape plan in accordance with Section ###;
- (2) Natural wooded areas;
- (3) Wetlands, ponds or rain gardens; and
- (4) Areas where mowing is prohibited by easement or law.

***Section ###.### Landscape Plan***

- (1) Landscape Plan: A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in question, complete with a listing and locations of plant species. The plants specifically defined as noxious weeds may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.
- (2) An area may be established pursuant to a landscape plan if:
  - a. The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;
  - b. The area is cut at least once per year to a length of no more than six inches (6"), if weeds cover more than twenty five percent (25%) of the area;
  - c. The area is clearly defined by edging, fence, or similar material;
  - d. The area is set back not less than twenty feet from the front lot line. For the purposes of this ordinance, corner lots shall be deemed to have two front yards;
  - e. The area is set back not less than five feet from the side and/or rear lot lines to provide a transition zone. No set back is required on the side or rear lot lines if
    - i. (1) there is a fully opaque fence at least five feet in height installed between the native plants and the side or rear lot lines or
    - ii. (2) the native plants abut a neighboring Native Plant Landscape Area;
  - f. A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the Sign

Ordinance but must be no smaller than ten inches (10") square, no larger than one square foot, and no higher than three feet (3') tall.

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## EXISTING ORDINANCE SECTIONS

The proposed ordinance would require revisions to the following, existing sections of the Code.

### ***SECTION 7.10. REGULATION OF GRASS, WEEDS, AND TREES.***

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**Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.** Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of ~~one-foot six~~ **inches** it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

### ***SECTION 10.33. MAINTENANCE OF PRIVATE PROPERTY.***

**Subd. 1. Owner Responsibilities.** It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards there from; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

**Subd. 2. Penalty.** If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the Clerk has not within ten (10) days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The Clerk shall certify to the County Auditor of Anoka County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

### ***SECTION 15.103. GENERAL REQUIREMENTS.***

**Subd. 1. General Requirements.** No person shall occupy as owner, occupant or let another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

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M. Maintenance of Grass, Weeds, Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of



such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six-inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

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- P. Yard Cover. Exposed areas surrounding (or within) a principal or accessory structure, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, must be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed six inches in height.



CITY OF LEXINGTON  
ANOKA COUNTY  
MINNESOTA

ORDINANCE NUMBER 22-03

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM TEMPORARILY PROHIBITING THE ESTABLISHMENT OF NEW MEDICAL FACILITIES OR THE EXPANSION OF EXISTING MEDICAL FACILITIES FOR A PERIOD OF ONE YEAR.

WHEREAS, pursuant to Minnesota Statutes, Section 462.355, subdivision 4, cities may adopt interim ordinances in order to study the impacts of certain uses, and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens; and

WHEREAS, the City is undertaking a study to consider possible changes to the Zoning Ordinances, Business Licensing and Permits, and the City Code that would address the types of uses and controls involving medical facilities, clinics, and other businesses which provide medical treatment or counseling, including dispensing pharmaceutical drugs, and the City may implement suggestions from the study.

THE CITY COUNCIL OF THE CITY OF LEXINGTON ORDAINS:

SECTION 1: PROHIBITION. No business, person, or entity may establish a new use or expand an existing use that includes or involves medical facilities, clinics, and other businesses which provide medical treatment or counseling, including dispensing pharmaceutical drugs, for a period of up to twelve (12) months from the effective date of this ordinance; until ordinances regulating such uses become effective; or until the Council rescinds this Interim Ordinance, whichever occurs first.

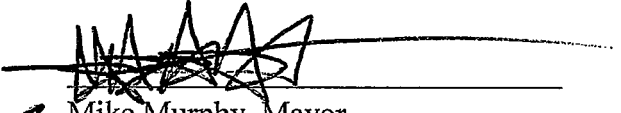
SECTION 2: STAFF DIRECTED STUDY. City Staff is directed to conduct a study to gather information and make a recommendation to the Planning and Zoning Commission and/or the City Council to determine if the Zoning Ordinances, Business Licenses and Permits, and the City Code need to be amended regarding these types of uses to better protect the citizens of Lexington, and if so, what regulations are appropriate.

SECTION 3: SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

"The City will be undergoing a study regarding medical facilities, clinics, and other businesses which provide medical treatments or counseling, including dispensing pharmaceutical drugs to determine if regulations surrounding zoning and licensing are appropriate. ~~No new use may be established, and no existing use may be expanded until~~ the City adopts regulations regarding these uses, or determines no regulations are necessary and rescinds the interim ordinance or for a period of one year, whichever occurs first."

SECTION 4: EFFECTIVE DATE AND DURATION. This ordinance shall take effect and be in full force from and after its passage and publication. It shall remain in effect until the adoption of official controls contemplated herein by the City, the Council rescinds or terminate this Ordinance, or twelve (12) months from its effective date.

PASSED AND DULY ADOPTED this 20<sup>th</sup> day of October 2022 by the City Council of the City of Lexington.

  
Mike Murphy, Mayor

ATTEST:

  
Bill Petracek, City Administrator

**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**ORDINANCE NO. 22-01**

**AN ORDINANCE REVISING ZONING**

WHEREAS, the Planning and Zoning Commission considered the adoption of these revisions to Chapter 10 AND Chapter 11 of the Lexington Code of Ordinances during a public hearing held on November 9, 2021 and did RECOMMEND the ordinance revisions set forth.

WHEREAS, the first reading of this Ordinance occurred on January 6, 2022.

WHEREAS, the second reading of this Ordinance occurred on January 20, 2022.

THE CITY COUNCIL OF LEXINGTON DOES HEREBY ORDAIN AS FOLLOWS:

**Subdivision 1.** Section 11.33 of the Lexington Code of Ordinances, shall reflect the following changes.

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1			
Mixed Medium Density Residential With Business	Financial Institutions	Accessory Building	<a href="#">Animal Hospital</a>
	Home Occupation	Garage, common	<a href="#">Automotive Sales Lot</a>
	Public Land or Buildings	Parking	<a href="#">Automotive Service Station</a>
	Restaurant	Signs	<a href="#">Convalescent, Nursing and Rest Home</a>
	Retail Sales & Service		<a href="#">Day Care Facility</a>
	Farmers Market		<a href="#">Entertainment</a>
	<a href="#">Shopping Center</a>		<a href="#">Residential Facility</a>
	Dwelling, Single-Family		<a href="#">Veterinary Clinic</a>
	Dwelling, Two-Family		
	Dwelling, Multiple- Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		
	<a href="#">Day Care Facility</a>		
	<a href="#">Professional and Business Offices</a>		



LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>M-2</b>			
Professional & Business Office Development	Church	Accessory Building	Day Care Facility
	Home Occupation	Garage, common	Residential Facility
	<a href="#">Professional &amp; Business Offices</a>	Parking	
	Farmers Market	Signs	
	Public Land or Buildings		
	Recreation, Public		
	Dwelling, Single-Family		
	Dwelling, Two-Family		
	Dwelling, Multiple- Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>B-1</b>			
Limited Business			
Limited Retail and Services to meet daily needs of residents	Professional & Business Office Retail Shops (2,000 S.F)	Surface Parking Signs	School (Public) Farmers Market
	Pharmacy		Veterinary Clinic
	Day Care Facility		Churches
	Personal Service		<a href="#">Entertainment</a>
	Small Appliance Repairs		<a href="#">Adult Uses</a>
	Farmers Market		
	Medical/Dental Clinic		
	Public Utility Structures		
	Government Buildings		

### SECTION 11.33. SCHEDULE OF USES BY DISTRICT.

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1			
Mixed Medium Density Residential With Business	Financial Institutions	Accessory Building	Animal Hospital
	Home Occupation	Garage, common	Automotive Sales Lot
	Public Land or Buildings	Parking	Automotive Service Station
	Restaurant	Signs	Convalescent, Nursing and Rest Home
	Retail Sales & Service		Day Care Facility
	Farmers Market		Entertainment
	Shopping Center		Residential Facility
	Dwelling, Single-Family		Veterinary Clinic
	Dwelling, Two-Family		
	Dwelling, Multiple-Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		

(Revised 15-11, 12/1/15, 1/5/17)

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-2			
Professional & Business Office Development	Church	Accessory Building	Day Care Facility
	Home Occupation	Garage, common	Residential Facility
	Offices	Parking	
	Farmers Market	Signs	
	Public Land or Buildings		
	Recreation, Public		
	Dwelling, Single-Family		
	Dwelling, Two-Family		
	Dwelling, Multiple-Family or Apartment Building. *At a maximum density of 20 dwelling units per acre as part of an allowed business structure, or standalone structure.		
	Townhouse		

(Revised 15-11, 12/1/15, 1/5/17)

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>R-1</b>	Single Family Detached Dwelling	Garage	Temp. Real Estate Office and Model Home
Single-Family Detached Residential	Parks & Playgrounds	Storage Shed	Private Kennel
Single-Family Residential Large Lot Development with a min. lot size of 11, 250 S.F.	Public Utility Structures	Swimming Pool	Communication Tower in excess of 45' from grade.
	Day Care Facility for 10 or fewer	Tennis Court	Home Occupation
	Residential Facility (Group Home) for up to 4 persons excluding supervisors	Gazebo	Wind Generator Private
<b>R-2</b>	Single Family Detached Dwelling	Garage	Temp. Real Estate Office and Model
Single Family Detached & Two Family Residential	Duplexes, Public Utility Structures	Swimming Pool	Churches
	Parks & Playgrounds	Storage Shed	Kennel Private
Low Density Residential Subdivisions with a min. lot size of 10,000 S.F. for a single family and 12,000 S.F. for duplex	Day Care Facility for 10 or fewer children	Tennis Court	Home Occupation
	Residential Facility (Group Home) for up to 6 Persons excluding supervisors	Gazebo	Non-Retail Woodworking Studio
			Communication Tower in excess of 45' grade.
			Wind Generator Private

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>R-3</b>			
Townhouse & 4 Plex	Townhouses, Single and two family	Common Garage	Temp. Real Estate Office and Model
	4 Plexes	Pool	Day Care Center



Residential development at a maximum density of 10 dwelling units per acre	Public Utility Structures	Tennis Courts	Supervised Living Group Homes
	Parks & Playgrounds	Storage Shed	Home Occupations
<b>R-4</b>			
Med. Density Residential	Townhouses & Multi-Family, Single and Two Family	Common Garage	Nursing Home
		Pool	Day Care Center
		Tennis Court	Supervised Living Group Home
		Playground	
Townhouses & Multi-Family Residential Structures at a maximum density of 20 dwelling units per acre	Public Utility Structures	Storage Shed	Temp. Real Estate Office and Model
	Residential Facility (Group Home) for 7 to 16 Persons excluding supervisors		Home Occupations
<b>R-5</b>			
Manufactured home Park	Manufactured Housing Manufactured Homes	Common Garage	Day Care Center
Manufactured Residential Structures at a maximum density of 10 dwelling units per acre	Public Utility Structures	Pool	Supervised Living Group Homes
	Parks & Playgrounds	Tennis Courts	Temp. Real Estate Office
		Playground	
		Storage Shed	Home Occupations

LAND USE DISTRICT B-1	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>B-1</b>			
Limited Business	Professional & Business Office Retail Shops (2,000 S.F)	Surface Parking Signs	School (Public) Farmers Market
Limited Retail and Services to meet daily needs of residents	Pharmacy		Veterinary Clinic
	Day Care Facility		
	Personal Service		Churches
	Small Appliance Repairs		
	Farmers Market		
	Medical/Dental Clinic		

	Public Utility Structures		
	Government Buildings		
<b>B-2</b>	As permitted in B-1 Ord. 05-09		Major Auto Repair
Highway & Business Services	Fast Food & Family Restaurant	Signs	Print Shop
Highway Oriented Commercial Development Restricted to a low building profile	Motel	Surface Parking	Machine Shop
	Retail Shops		Gasoline Pumps
	Minor Auto Repair		
	Car Wash		Automotive Sales Lot
	Farmers Market		Veterinary Clinic
	Convenience Food Store		Tattoo Parlor
	Liquor Stores		Welding/Fabrication
	Lodge		
	Medical/Dental Clinic		Day Care Facility
	Public Utility Structures		
	Bar		
	Government Buildings		
	Fire Station		

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>B-3</b>			
Central Business	Shopping Center	Parking	Indoor Amusement Center
Downtown business supporting a strong central business district while enhancing the overall character of the community	Retail Shops and Stores Restaurants with or w/o bar Entertainment Financial Institutions w/o drive-in Medical/Dental Clinic	Surface or Structure	Automotive Sales Lot Gasoline Pumps Veterinary Clinic
	Grocery Stores (10,000 S.F.+)		
	Personal Services		
	Health/Recreation Club		
	Fast Food Restaurant as part of complex		
	Public Utility Structures		

<b>B-4</b>	As permitted in B-1 except Day Care Facility		Minor Auto Repair
	Convenience Food Stores		Automotive Sales Lot
	Farmers Market		Gasoline Pumps
	Restaurants Fast Food & Family		Veterinary Clinic
	Restaurant. Establishments holding a liquor license pursuant to Section 5.212, except licenses pursuant to 5.212, subd. 4A.		
<b>B-5</b>			
Office	Offices	Parking Surface or Structure	Day Care Center
Professional & Business Office Development		Signs	

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
<b>O-S</b>			
OPEN SPACE	Public Recreation		
Public Parks, Recreation and Open Space	Public Works Buildings		
	Public Utilities		
	Private Utilities		

NOTE: Uses of land, buildings, and structures not permitted below as either principal, accessory, or conditional are prohibited.



**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
NOVEMBER 3, 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 3, 2022 at 7:00 p.m. Councilmember's present: Benson, Devries, and Winge. Excused Absence: Councilmember Harris Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director.*

**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 amended agenda as typewritten. Councilmember Winge seconded the motion. Motion carried 4-0.*

**5. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Devries) – *Devries stated they were working on constructing a new restaurant at the Blaine Airport; they also voted on bylaws to allow voting over the internet. The next meeting is May 10th.*
- B. Cable Commission (Councilmember Winge) *Quarterly meetings – No meeting held*
- C. City Administrator (Bill Petracek) - *Petracek stated he would be out of the office until November 9th.*

Choose a building block.

**6. LETTERS AND COMMUNICATIONS:**

- A. Centennial lakes Police department Media Report 10-12 through 10-24, 2022
- B. Council Workshop Synopsis – October 20, 2022
- C. Tree Removal Report

*No discussion on Letters and Communications.*

**7. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – October 20, 2022
- B. Recommendation to Approve Claims and Bills:  
Check #'s 49548 through 49594  
Check #'s 14501 through 14518

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

## **8. ACTION ITEMS:**

- A. Second Reading and Recommendation to Approve Ordinance NO. 22-04 – An Ordinance Regulating Cannabinoid Products

***Attorney Glaser provided an overview of Ordinance NO. 22-.04 for the second reading. Councilmember Benson made a motion to approve Ordinance NO. 22-04 – An Ordinance Regulating Cannabinoid Products. Mayor Murphy seconded the motion. Motion carried 4-0.***

- B. Recommendation to Approve Resolution NO. 22-30 – A Resolution Approving Summary Publication of Ordinance NO. 22-04

***Councilmember Benson made a motion to Approve Resolution NO. 22-30 – A Resolution Approving Summary Publication of Ordinance NO. 22-04. Councilmember Devries seconded the motion. Motion carried 4-0.***

- C. Recommendation to Not Waive the Monetary Limits on Municipal Tort Liability Established by Minn. Stat. 466.04

***Councilmember Benson made a motion to Not Waive the Monetary Limits on Municipal Tort Liability Established by Minn. Stat. 466.04. Councilmember Winge seconded the motion. Motion carried 4-0.***

- D. Recommendation to approve New Business License – Northway Tobacco – (New Ownership) pending successful background check

***Councilmember Devries made a motion to approve New Business License – Northway Tobacco – (New Ownership). Councilmember Winge seconded the motion. Motion carried 4-0.***

- E. Recommendation to approve Resolution NO. 22-25 A Resolution Submitting a List of Eligible Nominees to Anoka County for the Open Manager Position on Rice Creek Watershed District Board of Managers

***Councilmember Winge made a motion to approve Resolution NO. 22-25 A Resolution Submitting a List of Eligible Nominees to Anoka County for the Open Manager Position on Rice Creek Watershed District Board of Managers. Councilmember Devries seconded the motion. Motion carried 4-0.***

## **9. MAYOR AND COUNCIL INPUT**

*Devries discussed Phase 3 of the Lexington Lofts and the water and sewer hookups on Restwood Ave. and parking around the Lexington Lofts area. Discussion ensued.*

*Winge reminded everyone to vote.*

## **10. CLOSED SESSION**

- 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 was no need to discuss the Blaine lawsuit in closed session.*

*Attorney Glaser explained the need to go into closed session to discuss personnel matters.*

- 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.

*Councilmember Devries made a motion to go into 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 at 7:18 p.m. Councilmember Winge seconded the motion. Motion carried 4-0.*

*Councilmember Benson made a motion to reconvene into open session at 7:40 p.m. Councilmember Winge seconded the motion. Motion carried 4-0.*

## **11. ADJOURNMENT**

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



**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 10<sup>th</sup> 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. Petrcek 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 30<sup>th</sup>, 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 30<sup>th</sup>. The Council would take action on the license at the December 1<sup>st</sup> 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.*