

# **AGENDA**

## **CITY OF LEXINGTON REGULAR PARK BOARD MEETING March 1 2021 – 5:30 P.M. 9180 Lexington Avenue Lexington, MN 55014**

### **1. CALL TO ORDER**

Roll Call: Chairperson Koch, Commissioners Fields, Ginter, and Murphy. Also present - Finance Director Galiov, and Council Liaison Hughes.

### **2. CITIZENS FORUM**

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

### **4. LETTERS AND COMMUNICATION**

A. None

### **5. APPROVAL OF PARK BOARD MINUTES**

A. January 4, 2021

### **6. ACTION ITEMS:**

A. None.

### **7. NOTE COUNCIL MINUTES:**

A. January 7, 2021

B. January 21, 2021

C. February 18, 2021

### **8. PARK BOARD INPUT**

### **9. ADJOURNMENT**

**MINUTES**  
**CITY OF LEXINGTON**  
**REGULAR PARK BOARD MEETING MINUTES**  
**January 4, 2021 – 5:30 P.M.**  
**9180 Lexington Avenue**  
**Lexington, MN 55014**

**1. CALL TO ORDER**

Roll Call: Present Chairperson Koch, Commissioners Murphy, Fields, and Ginter. Also present - Finance Director Galiov and Council Liaison Hughes.

Call to order 5:30 pm

**2. CITIZENS FORUM**

*No one wished to address the Board.*

**3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

Commissioner Murphy, seconded by Commissioner Ginter, made motion to approve the agenda. Motion carried.

**4. LETTERS AND COMMUNICATION**

None.

**5. APPROVAL OF PARK BOARD MINUTES**

Commissioner Fields, seconded by Commissioner Ginter, made a motion to approve the Park Board Minutes of November 2, 2020. Motion carried 4-0.

**6. ACTION ITEMS:**

A. None

**7. NOTE COUNCIL MINUTES:**

- A. November 5, 2020
- B. November 19, 2020
- C. December 3, 2020

**8. PARK BOARD INPUT**

*Chairperson Koch brought up the renaming of Tot Park. The Commissioners discussed if the renaming should be presented to a broader public forum, but concluded that this might prolong and complicate the process. The Board suggested proposing to Council naming the new park Lexington City Park. Commissioner Fields, seconded by Commissioner Ginter, made a motion to present renaming Tot Park to Lexington City Park to Council. Motion carried 4-0*

**9. ADJOURNMENT**

Commissioner Murphy made a motion to adjourn the meeting. Commissioner Fields seconded the motion. Meeting adjourned at 5.40 pm.

**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
JANUARY 7, 2021 – 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. PLEDGE OF ALLEGIANCE**

**2. SWEARING IN CEREMONY**

- A. Mayor Murphy
- B. Councilmember Harris
- C. Councilmember Winge

*Petracek swore in Mayor Murphy, Councilmember Harris, and Councilmember Winge*

**3. 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 January 7, 2021 at 7:03 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.*

**4. CITIZENS FORUM**

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

**5. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Councilmember Devries made a motion to approve the agenda as typewritten. Councilmember Harris seconded the motion. Motion carried 5-0.*

**6. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Devries) – *Nothing to report*
- B. Cable Commission (Councilmember Winge) – *Nothing to report*
- C. City Administrator (Bill Petracek) – *Petracek discussed the Local Board of Appeals and Equalization training with the Council and the need to have trained Councilmembers to retain local control over the property assessment appeal process. He added that currently there are no certified Councilmembers. Discussion ensued.*

*Petracek also discussed the Elected Leaders Institute, and explained the conference is being held online. Discussion ensued.*

*He discussed a recommendation from the Park Board will be on next meeting's agenda to name the new park, "Lexington City Park." Discussion ensued. He added that we finally have a signed development agreement from O'Reilly's, and the public hearing for Ephesians Phase 2 is next Tuesday.*

**7. LETTERS AND COMMUNICATIONS:**

- A. Planning & Zoning meeting minutes – December 8, 2020
- B. City Report – November 2020
- C. North Metro TV – November 2020 Update
- D. Centennial Lakes Police Department Media Report -11-25 through 12-21 2020
- E. Public Notice of Meeting Cancellation - December 17, 2020
- F. Public Notice - Closed Executive Session
- G. Public Notice of Public Hearing on Ephesians Phase 2 – January 12, 2021

*No discussion on Letters and Communications*

**8. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – December 3, 2020
- B. Recommendation to Approve Claims and Bills:  
Check #'s 47089 through 47144  
Check #'s 47145 through 47206  
Check #'s 47207 through 47221  
Check #'s 13529 through 13551  
Check #'s 13555 through 13580  
ACH #'s 2020047 through 2020050
- 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 5-0.*

## 9. ACTION ITEMS:

- A. Recommendation to Approve Resolution NO. 21-01 – A Resolution Approving the Naming of Appointees for 2021

***Councilmember Devries made a motion to Approve Resolution NO. 21-01 – A Resolution Approving the Naming of Appointees for 2021. Councilmember Winge seconded the motion. Motion carried 5-0.***

- B. Recommendation to Approve Resolution NO. 21-02 – A Resolution Adopting 2021 Fee Schedule

***Mayor Murphy asked why the commercial water rates are less than residential rates. He recommended bumping up the commercial rates to equal residential rates. He also recommended increasing the fee for Notary Public to the statutory amount of \$5.00. Discussion ensued.***

***Councilmember Devries made a motion to Approve Resolution NO. 21-02 – A Resolution Adopting 2021 Fee Schedule with an amendment increasing the commercial water rates to reflect the same charge as residential water rates, and increasing the fee for Notary Public to \$5.00. Councilmember Harris seconded the motion. Motion carried 5-0.***

- C. Recommendation to Approve Resolution NO. 21-03 – A Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

***Councilmember Hughes made a motion to Approve Resolution NO. 21-03 – A Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Councilmember Harris seconded the motion. Motion carried 5-0.***

- D. Recommendation to Approve Resolution NO. 21-04 – A Resolution Ordering Preparation of Report on Improvement – Woodland Ave. and Ryan Place

***Councilmember Devries made a motion to Approve Resolution NO. 21-04 – A Resolution Ordering Preparation of Report on Improvement – Woodland Ave. and Ryan Place. Councilmember Harris seconded the motion. Motion carried 5-0.***

- E. First Reading of Ordinance NO. 21-01 – An Ordinance Revising Chapter 10 Regarding Shade Tree Regulations

***Attorney Glaser provided a summary first reading of the Ordinance NO. 21-01 to the Council. He explained that the Planning Commission worked to develop this ordinance to remove dead and diseased trees from private property. Discussion ensued.***

*Councilmember Harris questioned Subdiv. 4 (1)(D) and the enforcement of the ordinance. She feels that a phone call or a letter should be written to homeowner giving them notice. Discussion ensued. Petracek explained that the enforcement of this ordinance will be handled a lot like property maintenance, which involves a citizen complaint or notification from the police department or public works. He did add that this is a new program, working with a contracted arborist, so there will be some learning involved in the best approach to enforcement of the ordinance. Discussion ensued.*

- F. Recommendation to Approve the 2021 Memorandum of Understanding (MOU) with Centennial Lakes Little League Association

*Councilmember Harris made a motion to approve the 2021 Memorandum of Understanding (MOU) with Centennial Lakes Little League Association. Councilmember Winge seconded the motion. Motion carried 5-0.*

- G. Recommendation to approve Business License Application

*Councilmember Hughes made a motion to approve business license application. Councilmember Harris seconded the motion. Motion carried 5-0.*

## **10. 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 legal aspects of options related to the interconnected water and sewer with the City of Blaine. This portion of the meeting is also closed pursuant Minn. Stat. Section 13D.05, subd. 3(c), and is permitted to determine the asking price for, and to develop or consider offers or counteroffers for the purchase or sale to parts of the interconnected water and sewer with the City of Blaine.

*Attorney Glaser read the purpose for going into closed session.*

*Councilmember Hughes made a motion to convene into closed session at 7:34 p.m. Councilmember seconded the motion. Motion carried 5-0.*

## **11. RECONVENE FROM CLOSED SESSION**

*Councilmember Hughes made a motion to reconvene into open session at 9:01 p.m. Councilmember Harris seconded the motion. Motion carried 5-0.*

## **12. MAYOR AND COUNCIL INPUT**

*Councilmember Harris expressed her concerns about how public works pushes snow onto private property on her corner of Centerwood Rd. and Hamline Ave. Mayor Murphy stated he also had a citizen complaint on snow plowing. Discussion ensued.*

*Mayor Murphy also stated that the Council's old email addresses are on the City's website.*

### **13. ADJOURNMENT**

*Councilmember Devries made motion to adjourn the meeting at 9:04 p.m.  
Councilmember Hughes seconded the motion. Motion carried 5-0.*

**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
JANUARY 21, 2021– 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. PLEDGE OF ALLEGIANCE**

**2. 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 January 21, 2021 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; Gina Estrem and Holly McCallister, Dominion Housing.*

**3. CITIZENS FORUM**

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

**4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

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

**5. REPRESENTATIVES FROM DOMINIUM /LANDINGS OF LEXINGTON WILL BE PRESENT TO ADDRESS CITY COUNCIL**

*Gina Estrum and Holly McCallister, Representatives from Dominion, were present to address the City Council on the issues surrounding Landings of Lexington. Ms. McCallister apologized for how their building has been a drain on the City's resources – police and fire departments. McCallister went on to explain that they are taking steps to alleviate this strain on these city services. They have set-up regular meetings with both the fire department and police department to work through problems to alleviate any issues with Landings of Lexington. She also stated they are educating their residents on being a good neighbor and have hired a resident advocate to help them address any language barriers they may have with their residents. Discussion ensued.*

*Mayor Murphy asked Dominion how they are handling the increase domestic violence calls. Ms. Estrum explained the legal challenges to evict someone causing domestic violence. Discussion ensued.*

*Petracek asked about the background check on applicants. Ms. Estrum explained that they use a third-party company that does background checks and evaluates future tenants. That company follows the proper procedures and then makes a recommendation to sign a lease or not with an individual.*

*Councilmember Hughes stated that he is disappointed at how Landings of Lexington has operated up to this point. Discussion ensued.*

*Mayor Murphy stated that the City Council made a commitment to their citizens and assured them that there wouldn't be an increase in crime and he feels like this is not going well at all. Discussion ensued.*

*Petracek stated we need to keep communicating with Dominionium to ensure that they get this under control.*

#### **6. LETTERS AND COMMUNICATIONS:**

- A. Public Notice – January 12, 2021 Planning & Zoning Public Hearing
- B. Minnesota Green Step Cities
- C. Centennial Lakes Police Department Media Reports 12-23-20 through 1-12-21
- D. City Report – December 2020
- E. North Metro TV – December 2020 Update
- F. Public Notice – January 21, 2021 Council Workshop meeting cancelled
- G. Planning & Zoning meeting and Public Hearing minutes January 12, 2021

*No discussion on Letters and Communications.*

#### **7. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – January 7, 2021
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13724 through 13724  
Check #'s 47222 through 47278  
Check #'s 13582 through 13597  
Check #'s 13600 through 13615
- C. Financial Reports
  - Cash Balances
  - Fund Summary – Budget to Actual

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

## 8. ACTION ITEMS:

- A. 2<sup>nd</sup> Reading of Ordinance NO. 21-01 and Recommendation to Approve Ordinance NO. 21-01 An Ordinance Revising Chapter 10 Regarding Shade Tree Regulation

*Attorney Glaser summarized the 2nd reading of Ordinance NO. 21-01 due to the length of the ordinance. Petracek explained the next steps following the adoption of this ordinance, involves the Council appointing a City Forester so that we can begin the enforcement of the new regulations. Discussion ensued.*

*Councilmember Hughes made a motion to approve Ordinance NO. 21-01 and Recommendation to Approve Ordinance NO. 21-01 An Ordinance Revising Chapter 10 Regarding Shade Tree Regulation. Councilmember Devries seconded the motion. Motion carried 4-0.*

- B. Recommendation to approve Resolution No. 21-05 A Resolution of the City Council of Lexington, Minnesota Approving Summary Publication of Ordinance

*Councilmember Devries made a motion to approve Resolution No. 21-05 A Resolution of the City Council of Lexington, Minnesota Approving Summary Publication of Ordinance. Councilmember Hughes seconded the motion. Motion carried 4-0.*

- C. Recommendation to approve low quote from Stan Morgan & Associates not to exceed \$47,108.22 for installation of beer cooler #2 at Lexington Municipal Liquor Store

*Jack Borgen, Liquor Store Manager, was present to explain that this project started at the end of 2019. He further explained that the extra space that beer cooler #2 is needed for new and popular products such as: Craft beer, seltzer, and Minnesota produced liquors. Discussion ensued.*

*Councilmember Devries made a motion to approve the low quote from Stan Morgan & Associates not to exceed \$47,108.22 for installation of beer cooler #2 at Lexington Municipal Liquor Store. Councilmember Winge seconded the motion. Motion carried 4-0.*

- D. Recommendation to approve the recommendation from Lexington Park Board to rename Tot Park to Lexington City Park

*Councilmember Winge made a motion to approve the recommendation from Lexington Park Board to rename Tot Park to Lexington City Park. Councilmember Devries seconded the motion. Motion carried 4-0.*

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

*Councilmember Devries asked about the installation of the new liquor store sign. Borgen stated it would be installed this month.*

*Councilmember Hughes asked if Certificates of Occupancy's have been issued for the new Parkview homes. Petracek stated that he believed that some C.O.'s have been issued. Discussion ensued.*

#### **10. ADMINISTRATOR INPUT**

*Petracek stated they have started the process to install the light at Lovell and Lexington Ave. He added that O'Reilly's is expecting to begin the construction phase on Monday. Discussion ensued.*

#### **11. ADJOURNMENT**

*Councilmember Hughes made motion to adjourn the meeting at 7:42 p.m. Councilmember Devries seconded the motion. Motion carried 5-0.*

**NO WORKSHOP WAS HELD DUE TO LACK OF DISCUSSION ITEMS**

/mv

**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
FEBRUARY 18, 2021 – 7:00 P.M.  
9180 LEXINGTON AVENUE**

**1. PLEDGE OF ALLEGIANCE**

**2. 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 February 18, 2021 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; Steve Winter, City Engineer; Tim and Karen Harmsen, Dinkytown Rentals; Glen Rank, Dinkytown Rentals.*

**3. CITIZENS FORUM**

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

**4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS**

*Councilmember Harris made a motion to approve the agenda as typewritten. Councilmember Hughes seconded the motion. Motion carried 5-0.*

**5. PRESENTATION OF EPHESIANS PHASE II – APPLICATION FOR ZONING REQUEST**

*Tim Harmsen, Dinkytown Rentals, addressed the City Council and thanked them for all of their hard work in helping them construct Ephesians. Harmsen briefly discussed Ephesians phase 2, and turned it over to Glen Rank.*

*Glen Rank, Dinkytown Rentals, provided a PowerPoint presentation to present Ephesians Phase 2 and to discuss the Application for Zoning Request. Discussion ensued.*

*Mayor Murphy asked about the timeline for construction from start to finish. Harmsen explained that due to Covid 19 eviction restrictions imposed by Governor Walz, it would create challenges of moving people out of the three existing buildings so they can demo them. Discussion ensued.*

**6. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Devries) – No Discussion from Councilmember Devries
- B. Cable Commission (Councilmember Winge) – No discussion from Councilmember Winge
- C. City Administrator (Bill Petracek) – *Petracek explained that the time for Councilmembers to get the training for Local Board of Appeals and Equalization has expired as of February 1, and Lexington did not have anyone obtain training. He explained that Lexington will lose their ability to be the Local Board of Appeals and Equalization for two years, so if anyone wants to appeal their property tax assessment value, it would be done at the County level. Discussion ensued.*

**7. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports – 1-20 through 2-9, 2021

*No discussion on Letters and Communications*

**8. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – January 21, 2021
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13725 through 13725  
Check #'s 47279 through 47330  
Check #'s 13616 through 13623  
Check #'s 13627 through 13631

An additional set of Claims and Bills will be presented at the meeting

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

**9. ACTION ITEMS:**

- A. Recommendation to approve Resolution NO. 21-06 A Resolution approving  
Land Use Applications for Ephesians II

*The City Council discussed the thought of extending the expiration of the Planned Unit Development to allow the Harmsen's plenty of time to accomplish the relocation of people out of the three existing apartments during the pandemic and the eviction restrictions imposed by Governor Walz. Attorney Glaser stated that the ordinance allows the Planned Unit Development 6 months before construction begins and he explained that the Council could extend that time period in Resolution No. 21-06. Discussion ensued.*

*Councilmember Devries made a motion to adopt Resolution 21-06 with the following revised language, "5. These approvals shall be effective through February 5, 2022. This effective date*

*may be extended by written approval of the City Administrator." Councilmember Devries seconded the motion. Motion carried 5-0.*

- B. Recommendation to approve salt shed quote from Greystone Construction not to exceed \$144,500.00

*Petracek explained that the discussion about a salt shed began 13 years ago, and it is time to get this built. The quote from GreyStone is under budget. Steve Winter, City Engineer, explained the building and the construction process. Discussion ensued.*

*Councilmember Harris asked about providing a picture of the building. Petracek explained that we would be bringing a sketch of the building forward to be approved along with the recommended color scheme. Discussion ensued.*

*Councilmember Hughes asked about the life of the roof and costs. Winter stated that the life of the roof is 20+ years, but he did not know the cost to replace. Discussion ensued.*

*Councilmember Harris made a motion to approve salt shed quote from Greystone Construction not to exceed \$144,500.00. Councilmember Devries seconded the motion. Motion carried 5-0.*

- C. Recommendation to approve Centennial Lakes Little League request for use of Memorial Park ball fields and facilities from April 1<sup>st</sup> through late September 2021

*Councilmember Harris made a motion to approve Centennial Lakes Little League request for use of Memorial Park ball fields and facilities from April 1 through late September 2021. Councilmember Winge seconded the motion. Motion carried 5-0.*

- D. Recommendation to NOT WAIVE the monetary limits on municipal tort liability established by Minn. Stat. § 466.04

*Councilmember Harris 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 5-0.*

## **10. 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 legal aspects of options related to the interconnected water and sewer with the City of Blaine. This portion of the meeting is also closed pursuant Minn. Stat. Section 13D.05, subd. 3(c), and is permitted to determine the asking price for, and to develop or consider offers or counteroffers for the purchase or sale to parts of the interconnected water and sewer with the City of Blaine.

*Attorney Glaser summarized the need to go into closed session.*

*Councilmember Hughes made a motion to go into closed session at 7:57 p.m. pursuant to Minn. Stat. Section 13D.05, subd. 3(b), and is permitted by the attorney-client privilege to discuss legal aspects of options related to the interconnected water and sewer with the City of Blaine. This portion of the meeting is also closed pursuant Minn. Stat. Section 13D.05, subd. 3(c), and is permitted to determine the asking price for, and to develop or consider offers or counteroffers for the purchase or sale to parts of the interconnected water and sewer with the City of Blaine. Councilmember Devries seconded the motion. Motion carried 5-0.*

**11. RECONVENE FROM CLOSED SESSION**

*Councilmember Harris made a motion to reconvene from closed session at 9:34 p.m. Councilmember Hughes seconded the motion. motion carried 5-0.*

**12. MAYOR AND COUNCIL INPUT**

*No input from Mayor Murphy or Councilmembers.*

**13. ADJOURNMENT**

*Councilmember Hughes made motion to adjourn the meeting at 9:34 p.m. Councilmember Harris seconded the motion. Motion carried 5-0.*

**THE SCHEDULED WORKSHOP WAS NOT HELD DUE TO LACK OF  
DISCUSSION ITEMS.**