

AGENDA
REGULAR PLANNING COMMISSION MEETING
January 10, 2023 - 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 December 2022 pg. 1-2
5. APPROVAL OF PLANNING COMMISSION MINUTES
 - B. December 13, 2022 pg. 3-5
6. DISCUSSION ITEM:
 - A. Proposed Native Landscape Ordinance pg. 6-9
7. NOTE COUNCIL MINUTES:
 - A. December 1, 2022 pg. 10-13
 - B. December 15, 2022 pg. 14-16
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

Permits Issued and Fees

From Date:

12/01/2022

To Date:

12/31/2022

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
LEX22-000105	Building	12/28/2022	3846 Boston ST	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000106	Building	12/28/2022	3853 Boston ST	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000107	Building	12/28/2022	3826 Liberty LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000108	Building	12/28/2022	3834 Liberty LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000109	Building	12/28/2022	3855 Liberty LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000110	Building	12/28/2022	3841 Minuteman LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000111	Building	12/28/2022	3851 Minuteman LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000112	Building	12/28/2022	3854 Minuteman LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00
LEX22-000113	Building	12/28/2022	3855 Minuteman LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00					\$101.00

LEX22-000114	Building	12/28/2022	3860 Minuteman LN	Ridgeland Contracting	Set Mobile Home	\$3,500.00	\$100.00		\$1.00							\$101.00
LEX22-000103	Building	12/09/2022	9115 JACKSON AVE	Innovative Building & Design	Siding	\$4,300.00	\$145.00		\$1.00							\$146.00
	Building: 11					\$39,300.00	\$1,145.00		\$11.00							\$1,156.00
LEX22-000102	Mechanical	12/09/2022	8745 DUNLAP AVE	Walter Mechanical Inc	Addition	\$600.00	\$39.70		\$1.30							\$41.00
LEX22-000115	Mechanical	12/15/2022	8999 JACKSON AVE	AQUARIUS HOME SERVICES	Furnace	\$12,000.00	\$35.00		\$6.00							\$41.00
	Mechanical: 2					\$12,600.00	\$74.70		\$7.30							\$82.00
LEX22-000104	Plumbing	12/12/2022	8745 DUNLAP AVE	Martius Plumbing		\$4,000.00	\$39.00		\$2.00							\$41.00
	Plumbing: 1					\$4,000.00	\$39.00		\$2.00							\$41.00
GRAND TOTAL:	14					\$55,900.00	\$1,258.70		\$20.30							\$1,279.00
YEAR RUNNING TOTAL:	42					\$385,169.00	\$0.00	\$1,324.73	\$99.18	\$2,485.00	\$1,800.00					\$12,996.10

MINUTES
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

Chairperson Bautch called to order the Regular Planning Commission meeting on December 13, 2022 at 7:00 p.m. Commissioners Present: Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney.

2. CITIZENS FORUM

No citizens were present to address the Planning Commission on 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 4-0.

4. LETTERS AND COMMUNICATION

A. Building Permits for November 2022

No discussion on Letters and Communications

5. APPROVAL OF PLANNING COMMISSION MINUTES

B. November 9, 2022

Koch made a motion to approve the November 9, 2022 Planning Commission Minutes as typewritten. Thorson seconded the motion. Motion carried 4-0.

6. DISCUSSION ITEM:

A. Proposed Native Landscape Ordinance

Petracek responded to Attorney Glaser's memo to P & Z about whether the proposed regulations for native landscaping was too detailed. He explained that he felt that after discussions with city staff that the proposed regulations were right in line with the need to regulate native landscape vs. grass and weeds on private property. He recommended that an additional step of requiring a zoning permit for a property owner would alleviate neighborhood disputes on whether the native landscape are weeds or not. It would also

ensure that a landscape plan has been submitted and approved; a permit would also show that the plan complies with the regulations. Discussion ensued.

Koch responded by saying that with the regulations as proposed, people willing to go through the permitting process are going to do it correctly and maintain their native landscape and not let it turn to weeds. Discussion ensued.

The consensus of P & Z was to add a provision requiring a the zoning permit. Attorney Glaser stated he would redraft the regulations for the January meeting.

- 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

Petracek provided an explanation as to why the City Council enacted a 1-year moratorium on medical facilities in Lexington. He stated that Northway mall owner's – Menlo Park - had tried to lease a space in their mall to a drug rehabilitation clinic or methadone clinic, which could have been detrimental to the city.

Attorney Glaser discussed the potential for increased crime and a burden on public safety if a methadone clinic anywhere to locate anywhere in our business districts. Discussion ensued

Bautch explained the problems that were occurring in the City of McGregor in regards to the potential locating of a methadone clinic in their community by one of the landowners. Discussion ensued.

Attorney Glaser stated that P & Z needs to come up with potential barriers of entry for these types of facilities over the next year. He added that we are going to take our time to work through this problem. We have a 1-year moratorium to decide how we want to regulate these facilities and he needs to do more research on this issue. He discussed the problems regarding the methadone clinic in Anoka.

No action taken.

7. NOTE COUNCIL MINUTES:

- A. November 3, 2022
- B. November 17, 2022

Bautch asked about Little Rabbit's Hole business license. Petracek provided an explanation as to why the Council had suspended their business license. Discussion ensued.

8. PLANNING COMMISSION INPUT

Thorson brought up the "Free 7" graffiti on Cowboy's Saloon on the corner of the front of the building. Koch also stated that same graffiti on the little brick building front of Parkview. Petracek stated he would talk to staff about it.

Bautch brought up the "Crockett" political signs in front of George's Texaco. He asked when they need to be taken down. Petracek said he would talk to staff about it.

9. ADJOURNMENT

Thorson made a motion to adjourn at 8:26 p.m. Koch seconded the motion. Motion carried 4-0.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: KURT GLASER, CITY ATTORNEY

SUBJECT: PROPOSED NATIVE LANDSCAPE ORDINANCE DISCUSSION

DATE: JANUARY 4, 2023

From the December Commission meeting, the version of the proposed ordinance in this memo adds a provision for governance by a Zoning Permit. See the highlighted portion, below.

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.

- (3) Zoning Permit: An approved landscape plan shall be incorporated into a ~~n~~-annual zoning permit every two years. -The City Administrator or his designee shall examine proposed landscape plans and issue a zoning permit when the elements of a plan meet the criteria set forth in this section. The zoning permit shall be subject to suspension or revocation if any vegetation grown on the lot, parcel of land, or adjacent right-of-way area does not conform to the approved landscape plan or otherwise violates law or regulation.

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.

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.

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.

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.

MINUTES
CITY OF LEXINGTON
PUBLIC HEARING – TRUTH IN TAXATION 7:00 PM
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
DECEMBER 1, 2022 - Immediately Following Public Hearing
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 Truth In Taxation hearing for December 1, 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; Jim Mork, Police Chief; Mary Vinzant, Deputy City Clerk; Abdilahi Botan, Amril Samater – Little Rabbit's Hole, Centennial High School students. .

2. PUBLIC HEARING: TRUTH IN TAXATION

- A. Final 2023 Budget Recommendations

No citizens were present for the Truth in Taxation hearing

3. ADJOURN PUBLIC HEARING

Councilmember Devries made motion to adjourn the hearing at 7:01 p.m. Councilmember Winge seconded the motion. Motion carried 4-0.

MINUTES
REGULAR COUNCIL MEETING
DECEMBER 1, 2022 – 7:00 P.M.
9180 LEXINGTON AVENUE
AGENDA

1. 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 December 1, 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; Jim Mork, Police Chief; Mary Vinzant, Deputy City Clerk; Abdilahi Botan, Amril Samater – Little Rabbit's Hole; Centennial High School students.

2. CITIZENS FORUM

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

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Winge made a motion to approve the agenda with the removal of the closed sessions. Councilmember Benson seconded the motion. Motion carried 4-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – ***no meeting until May***
- B. Cable Commission (Councilmember Winge) *Quarterly meetings – no meeting*
- C. City Administrator (Bill Petracek) – ***No report given.***

5. LETTERS AND COMMUNICATIONS:

- A. Council Workshop meeting minutes – November 17, 2022

No discussion on Letters and Communications

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – November 17, 2022
- B. Recommendation to Approve Claims and Bills:
- C. Recommendation to cancel Landings of Lexington's Letter of Credit

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

7. ACTION ITEMS:

- A. Recommendation to approve Resolution No. 22-33 A Resolution Adopting
Final 2023 Operating Budget for the City of Lexington

Councilmember Devries made a motion to approve Resolution No. 22-33 A Resolution Adopting Final 2023 Operating Budget for the City of Lexington. Councilmember Winge seconded the motion. Motion carried 4-0.

- B. Recommendation to approve Resolution NO. 22-34 A Resolution Certifying 2022 Tax Levy Collectable in 2023

Councilmember Winge made a motion to approve Resolution NO. 22-34 A Resolution Certifying 2022 Tax Levy Collectable in 2023. Councilmember Murphy seconded the motion. Motion carried 4-0.

- C. Recommendation to approve Resolution NO. 22-35 A Resolution In Support of Anoka County Joint Law Enforcement Council's Renewal of Legislation for Future Public Safety Projects

Police Chief Jim Mork was present to provide an overview of Resolution No. 22-35. He stated that a countywide tax levy is expiring that funds major law enforcement projects in Anoka County. Anoka County Law Enforcement officials are asking to have the levy extended for another 10 years and seeking support from cities within Anoka County. Discussion ensued.

Councilmember Murphy made a motion to approve Resolution NO. 22-35 A Resolution In Support of Anoka County Joint Law Enforcement Council's Renewal of Legislation for Future Public Safety Projects. Councilmember Devries seconded the motion. Motion carried 4-0.

- D. Recommendation to approve Centennial Lakes Little League Request for Use of Memorial Park Ball Fields April 1 through September 30, 2023

Councilmember Devries made a motion to approve Centennial Lakes Little League Request for Use of Memorial Park Ball Fields April 1 through September 30, 2023. Councilmember Benson seconded the motion. Motion carried 4-0.

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

Mary Vinzant, Deputy City Clerk, provided an update on Mr. Botan's daycare licensing process and discussed the conversation she had with a Department of Human Services (DHS) official regarding the process. She stated that DHS told her that Mr. Botan needed to provide documentation to them by noon on December 2nd regarding the credential of Little Rabbit's Hole teachers. Discussion ensued.

Ms. Vinzant also explained that Mr. Botan has not provided certification of liability insurance for his business. That is also a requirement for the issuance of a business license. Discussion ensued. Mayor Murphy asked about liability insurance coverage. Mr. Botan was unclear in his response regarding whether he could provide proof of insurance or not. Discussion ensued.

Councilmember Winge made a motion to suspend the business license for Little Rabbit's Hole until such time as obtains a license from DHS; and, meet the requirements for issuance of a City business license, to the satisfaction of the City Administrator. Councilmember Benson seconded the motion. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

Councilmember devries stated that there are still 4-5 parked on restwood ave. overnight. Petracek stated that he reminded the p.d. to enforce winter parking rule in lexington. Chief Mork stated that he would ensure that those rules are enforced in all three communities.

Councilmember Winge stated he would not be at the next Council meeting.

9. ADJOURNMENT

Councilmember Devries made motion to adjourn the meeting at 7:25 p.m. Councilmember Benson seconded the motion. Motion carried 5-0.

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
DECEMBER 15, 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 December 15, 2022 at 7:00 p.m. Councilmember's present: Benson, Devries, and Harris. Excused Absence: Winge. Also Present: Bill Petracek, City Administrator; Chris Galiov, Finance Director; Mayor-elect Gary Grote.

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 the removal of the two (2) closed sessions. Councilmember Harris seconded the motion. Motion carried 4-0.

5. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 11-16 through 12-5, 2022
- B. Press Publication request to be Official Newspaper for 2023
- C. City Report – November 2022
- D. North Metro TV – November 2022 Update

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – December 1, 2022
- B. Recommendation to Approve Claims and Bills:
Check #'s 49698 through 49743
Check #'s 14536 through 14553
- C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

D. Canvass Election Re-Count Results

Councilmember Harris made a motion to approve the consent agenda items. Councilmember Benson seconded the motion. Motion carried 4-0.

7. ACTION ITEMS:

- A. Recommendation to approve Resolution NO. 22-36 A Resolution Ordering Preparation On Improvement – Dunlap Avenue

Councilmember Benson made a motion to approve Resolution NO. 22-36 A Resolution Ordering Preparation On Improvement – Dunlap Avenue. Councilmember Harris seconded the motion. Motion carried 4-0.

- B. First Reading of Ordinance NO. 22-05 An Ordinance Amending Chapter 13 – Stormwater Management Regulations

Petracek provided a first reading overview of Ordinance NO 22-05 and the need for the City to adopt these amendments to our storm water regulations. He stated that these regulations are being mandated by the Minnesota Pollution Control Agency (MPCA) as a result of our storm water discharge permit audit. Discussion ensued. Not action taken.

- C. Recommendation to approve Lexington Fire Department's Request to Donate Used Self Contained Breathing Apparatus to Century College Fire Fighter Training Program

Councilmember Devries made a motion to approve Lexington Fire Department's Request to Donate Used Self Contained Breathing Apparatus to Century College Fire Fighter Training Program. Councilmember Benson seconded the motion. Motion carried 4-0.

- D. Recommendation to approve New Business License - pending successful background investigation

Petracek stated that the background investigation was good for business license applicant, Michelle Velin.

Councilmember Devries made a motion to approve New Business License for Dairy Queen. Councilmember Harris seconded the motion. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

Members of the Council thanked Mayor Murphy for his service to Lexington.

Mayor Murphy thanked Lexington for allowing him to serve the community.

9. ADMINISTRATOR INPUT

No input from the city administrator

10. ADJOURNMENT

*Councilmember Devries made motion to adjourn the meeting at 7:06 p.m.
Councilmember Harris seconded the motion. Motion carried 4-0.*