

**MINUTES
PUBLIC HEARING
&
REGULAR COUNCIL MEETING
FEBRUARY 16, 2023– 7:00 P.M.
9180 LEXINGTON AVENUE**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Grote

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

Mayor Grote called to order the Public Hearing meeting for February 16, 2023 at 7:00 p.m. Councilmember's present: Devries and Winge. Excused Absence: Councilmember Benson and Harris. Also Present: Chris Galiou, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer. Citizens for the public hearing.

PUBLIC HEARING

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PUBLIC HEARING: THE CITY COUNCIL WILL TAKE COMMENTS ON THE 2023 STREET IMPROVEMENTS, THE PROPOSED IMPROVEMENT OF THE FOLLOWING STREETS: DUNLAP AVENUE BETWEEN RESTWOOD ROAD AND FLOWERFIELD ROAD

*William Farbelo
8740 Dunlap Ave.
Lexington, Mn*

Mr. Farbelo asked about garbage pick-up and if there was a possibility of the city going to a single waste hauler. He feels that the streets are being beaten up from too many waste haulers allowed in the city. Discussion ensued.

*Judy Bell
8824 Dunlap Ave.
Lexington, Mn.*

Ms. Bell feels that the roads in Lexington are treacherous. She used to live in Blaine and feels that Lexington doesn't do a very good job of maintaining roads. She added that she also feels that the city should have just one waste hauler and the city should look into this. Discussion ensued.

*Karen Johnson
8887 Dunlap Ave.
Lexington, MN.*

Ms. Johnson asked if someone could provide the actual costs per resident for the assessment on this project. Steve Winter, City Engineer, stated he could provide that information following the public hearing.

3. ADJOURN PUBLIC HEARING

Councilmember Devries made motion to adjourn the public hearing at 7:17 p.m. Councilmember Winge seconded the motion. Motion carried 3-0.

CITY OF LEXINGTON REGULAR COUNCIL MEETING FEBRUARY 16, 2023– 7:00 P.M. 9180INGTON AVENUE

- 4. CALL TO ORDER:** – Mayor Grote
A. Roll Call - Council Members: DeVries, Harris, Winge and Benson

Mayor Grote called to order the Public Hearing meeting for February 16, 2023 at 7:17 p.m. Councilmember's present: Devries and Winge. Excused Absence: Councilmember Benson and Harris. Also Present: Chris Galiov, Finance Director; Kurt Glaser, City Attorney; Steve Winter, City Engineer. Citizens for the public hearing.

5. CITIZENS FORUM

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

6. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Devries made a motion to approve the agenda with the removal of closed session item to discuss personnel issues. Councilmember Winge seconded the motion. Motion carried 3-0.

7. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 1-25 through 2-7-2023

- B. City Report – January 2023
- C. North Metro TV – January 2023 Update
- D. Public Notice
- E. Minnesota Pollution Control Agency – Administrative Penalty Order

Petracek explained the letter from MPCA regarding the administrative penalty order and the background on the MPCA audit in regards to our storm water discharge permit process. He explained that we were going to get a monetary penalty regardless of how well the auditing process went. He added that we had some deficiencies in our storm water discharge permit program that needed some updating and we have made those changes and are now compliant with MPCA's orders.

He said the \$2,700 penalty was explained to him by MPCA official as the State's way of offsetting their costs for the auditing process – there was potential for a \$10,000 penalty - and the idea of appealing the process would not be advised. He stated that the costs to have the city attorney and the city engineer to help us appeal the process would not be worth the effort and costs. Petracek directed the finance director to pay the penalty. Discussion ensued.

2. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – February 2, 2023
- B. Recommendation to Approve Claims and Bills:
Check #'s 49925 through 49977
Check #'s 14628 through 14634
Check #'s 14635 through 14640
Check #'s 14644 through 14654
- 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 3-0.

3. ACTION ITEMS:

- A. Recommendation to approve Resolution NO. 23-07 A Resolution Ordering Improvement and Preparation of Plans

Councilmember Winge made a motion to approve Resolution NO. 23-07 A Resolution Ordering Improvement and Preparation of Plans. Councilmember Devries seconded the motion. Motion carried 3-0.

- B. Second Reading and Recommendation to approve Ordinance NO. 23-02 An Ordinance Regarding Native Landscape

Attorney Glaser provided an overview of Ordinance No. 23-02 as the second reading. Discussion ensued.

Councilmember Devries made a motion to approve Ordinance NO. 23-02 An Ordinance Regarding Native Landscape. Councilmember Winge seconded the motion. Motion carried 3-0.

4. MAYOR AND COUNCIL INPUT

No input from Mayor and City Council

5. ADMINISTRATOR INPUT

No input from the administrator.

6. CLOSED SESSION

Attorney Glaser explained the need to go into closed session to discuss the lawsuit with the City of Blaine regarding our water system.

Councilmember Devries made a motion to go into closed session at 7:37 pm 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. Councilmember Winge seconded the motion 3-0.

- 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.

Councilmember Devries made a motion to reconvene into open session at 8:06 pm. Councilmember Winge seconded the motion. Motion carried 3-0.

7. ADJOURNMENT

Councilmember Winge made motion to adjourn the meeting at 8:06 p.m. Councilmember Devries seconded the motion. Motion carried 3-0.

No workshop was held.