

AGENDA
REGULAR PLANNING COMMISSION MEETING
September 14, 2021 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER
 - A. Roll Call: Chairperson VanderBloomer, Commissioners Bautch, Thorson, Koch and Murphy
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
 - A. Building Permits for August 2021 pg. 1-3
5. APPROVAL OF PLANNING COMMISSION MINUTES
 - A. August 10, 2021 pg. 4-5
6. DISCUSSION ITEM:
 - A. Discuss Zoning Definitions for permitted and conditional uses in an M-1 Zone pg. 6-39
7. NOTE COUNCIL MINUTES:
 - A. August 5, 2021 pg. 40-43
 - B. August 19, 2021 pg. 44-47
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 8/1/2021 To: 8/31/2021
Permit Type: All Property Type: All Construction Type: All
Include YTD: Yes Status: Not Voided

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Building													
Permit Kind: Commercial Addition													
2021-00069	08/18/2021	9100 A HAMLINE AVE	0		15,000.00	329.94	214.46	7.50					551.90
Permit Kind: Commercial New Construction													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Accessory Building													
Permit Kind: Residential Demolition													
2021-00067	08/06/2021	8951-8953 DUWAYNE AVE	0			100.00		1.00					101.00
Permit Kind: Residential Foundation Only													
2021-00070	08/20/2021	3960 RESTWOOD RD	0		60,000.00	937.10	609.12	30.00					1,576.22
Permit Kind: Residential New Construction													
2021-00074	08/25/2021	3960 RESTWOOD RD	23		4,510,000.00	24,174.39	15,713.35	1,451.00		91,945.00			228,127.74
Permit Kind: Residential OVER WEIGHT PERMIT													
Permit Kind: Residential Remodel													
2021-00066	08/05/2021	9164 Lexington	0		12,000.00	274.80	178.62	6.00					459.42
Permit Kind: Residential Roofing													
Permit Kind: Residential Siding													
2021-00065	08/03/2021	8970 ALBERT AVE	0		15,000.00	145.00		1.00					146.00
Permit Kind: Residential WINDOW, EGRESS, DOOR SIZE CHANGE													
Permit Type: Building - Totals													
			Period	6	23	25,961.23	16,715.55	1,496.50		91,945.00			230,962.28
			YTD	35	23	120,988.50	76,832.28	4,329.98		269 432,390.00			1,056,684.76

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Fire													
Permit Kind: Commercial Fire Suppression													
Permit Type: Fire - Totals													
			Period	0									
			YTD	1	0	195.00	126.75	114.17					435.92
Permit Type: Mechanical													
Permit Kind: Commercial HVAC													
Permit Kind: Commercial New Construction													
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
2021-00068	08/06/2021	8780 DUNLAP AVE		0		40.00		1.00					41.00
2021-00075	08/23/2021	9103 JACKSON AVE		0		40.00		1.00					41.00
Permit Kind: Residential New Construction													
2021-00072	08/20/2021	3925 LOVELL RD		0		140.00		1.00					141.00
Permit Type: Mechanical - Totals													
			Period	3	0	220.00		3.00					223.00
			YTD	14	0	12,240.00	7,540.00	303.50					20,083.50
Permit Type: Plumbing													
Permit Kind: Commercial New Construction													
Permit Kind: Residential Alteration/Repair/Extension													
Permit Kind: Residential New Construction													
2021-00071	08/20/2021	3925 LOVELL RD		0	7,500.00	250.00		3.75					253.75
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													
2021-00064	08/02/2021	8830 N HIGHWAY DR		0		40.00		1.00					41.00

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Plumbing													
Permit Kind: Residential WATER SOFTENER													
Permit Type: Plumbing - Totals													
	Period		2	0	7,500.00	290.00		4.75					294.75
	YTD		12	0	728,538.00	22,523.44	240.50	378.83					23,142.77
Permit Type: Zoning													
Permit Kind: Commercial Driveway													
Permit Kind: Commercial Fence/Wall < 6 FT													
Permit Kind: Residential Accessory Building 200 sq ft or <													
Permit Kind: Residential Driveway													
Permit Kind: Residential Fence/Wall < 6 FT													
Permit Type: Zoning - Totals													
	Period		0										
	YTD		10	0		660.00							660.00
Report Total													
	Period		11	23	\$4,619,500.00	26,471.23	16,715.55	1,504.25		91,945.00			231,480.03
	YTD		72	23	\$23,651,987.00	156,606.94	84,739.53	5,126.48	269	432,390.00			1,101,006.95

MINUTES
REGULAR PLANNING COMMISSION MEETING
August 10, 2021 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER

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

Chairperson Vanderbloomer called to order the Regular Planning Commission meeting on August 10, 2021 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: John Hughes, City Councilmember; 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

Bautch made a motion to approve the agenda as typewritten. Murphy seconded the motion. Motion carried 5-0.

4. LETTERS AND COMMUNICATION

- A. Building Permits for July 2021

No discussion on Letters and Communications

5. APPROVAL OF PLANNING COMMISSION MINUTES

- A. July 13, 2021

Koch made a motion to approve the July 13, 2021 Planning Commission Minutes as typewritten. Thorson seconded the motion. Motion carried 5-0.

6. DISCUSSION ITEM:

- A. Discuss Disallowing Auto Sales lot as a Conditional Use Permit in an M-1 Zone

Petracek explained that this discussion is an extension of the discussion that was had at the April P & Z meeting to outlaw conditional use permits for auto sales lots in an M-1 Zone. He explained that Cook's Auto Body Shop has had many inquiries about putting an used auto sales lot in the building, and he believes that these used car lots are not a good

fit for our Lake Drive corridor and he further explained that the conditional use permit issued for George's Texaco has been difficult process to manage. Attorney Glaser also explained that auto sales lots do not provide much tax value as well. Discussion ensued.

Vanderbloomer provided his insight on the history of the M-1 zone and the uses that are allowed in that particular zone. Vanderbloomer also explained the need to zone your community for the future and how you want it to look many years from now. Discussion ensued. Vanderbloomer stated he was in favor of removing the auto sales lot as a conditional use permit, but he also recommended that we remove all conditional use permits in an M-1 Zone. Discussion ensued.

Vanderbloomer stated we should table this item and bring back discussion of the M-1 Zone and discuss the definitions of the permitted and CUP uses. The consensus of P & Z was to discuss this at the September Planning Commission meeting.

7. NOTE COUNCIL MINUTES:

- A. July 1, 2021
- B. July 15, 2021

Bautch stated that Councilmember Hughes had made the motion and seconded it in the July 1 minutes. Petracek stated he would get that corrected.

8. PLANNING COMMISSION INPUT

Thorson asked the City to look at the safety issues with Cowboy's parking on Restwood Ave. The cars cause an obstruction at the corner of S. Highway Drive and Restwood Ave. as you enter on to Restwood. Discussion ensued.

Bautch stated that the 30 MPH sign on Restwood Road on the left hand side as you are going toward Naples Road is faded and should be replaced. Discussion ensued.

9. ADJOURNMENT

Koch made a motion to adjourn at 7:55 p.m. Murphy seconded the motion. Motion carried 5-0.

To: Planning and Zoning Commission

From: Bill Petracek, City Administrator

Date: September 8, 2021

Re: Discuss Zoning Definitions for permitted and conditional uses in an M-1 Zone

At the August Planning Commission meeting, the discussion was to review the definitions of all permitted uses and conditional use permits that are currently allowed in our zoning regulations – primarily the M-1 Zone – at the September meeting. This discussion would ensure that as commercial buildings and space becomes available on Lake Drive, which are located mostly in an M-1 Zone, are the types of businesses that the Planning Commission is comfortable having on our main thoroughfare in Lexington.

Enclosed is a copy of all definitions that define the permitted uses and conditional use permits in your zoning regulations.

SECTION 11.33. SCHEDULE OF USES BY DISTRICT.

LAND USE/DISTRICT	PERMITTED	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	PERMITTED	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)

SECTION 11.02. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

- A. **“Abutting”** - Having a common border or property line or separated only by streets, railroad tracks or a public utility right-of-way.
- B. **“Access”** - A means of vehicular approach or entry to or exit from property.
- C. **“Accessory Use, Structure or Building”** - A use, structure or building or portion of a structure subordinate to and serving the principal use or structure on the same lot and clearly and customarily incidental thereto.
- D. **“Agriculture”** - The use of land for growing and producing field crops. Keeping or producing of livestock and poultry and all activities incident thereto. Said term shall not include feedlots, the raising of fur-bearing animals, or the operations of riding academies, commercial stables and kennels.
- E. **“Alley”** - A minor right-of-way which affords a secondary means of access to abutting property.
- F. **“Alteration”** - Any change or rearrangement, other than incidental repairs, in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another, which would prolong the building's life.
- G. **“Animal Hospital”** - A place where animals or pets are given medical, surgical or grooming treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- H. **“Antenna”** - An arrangement of wires, metal rods, panels, dishes, etc. used to send or receive electromagnetic or microwave signals.
- I. **“Apartment”** - A room or suite of rooms in a multiple-family dwelling structure which is arranged, designed, used, or intended to be used as a dwelling unit for a single family.
- J. **“Applicant”** - The owner of land proposed to be subdivided or rezoned, or his/her legal representative.

- K. **“Automotive Sales Lot”** - Sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
- L. **“Automobile Repair, Major”** - General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting surface.
- M. **“Automobile Repair, Minor”** The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks, not in excess of 12,000 pounds gross vehicle weight.
- N. **“Automotive Service Station”** - A retail place of business engaged primarily in the sale of motor vehicle fuels, and includes businesses providing standalone car wash services.
- O. **“Banners and Pennants”** - Attention-getting devices which resemble flags and are of a paper, cloth or plastic-like material.
- P. **“Barbed Wire”** - See Fence, Hazardous.
- Q. **“Basement”** - A portion of a building located entirely or partially underground, but having half or less than its floor to ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story, except that a basement, the ceiling of which does not extend more than five feet above the curb level or above the highest level of the adjoining ground shall not be counted as a story.
- R. **“Berm”** - A mound of earth, or the act of pushing earth into a mound.
- S. **“Block”** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake, or outlet.
- T. **“Boarding House”** - Any dwelling other than a hotel, motel or apartment where meals and lodging are provided for compensation to persons unrelated to the owner or possessor, pursuant to previous arrangement.
- U. **“Bond”** - Any form of security including cash deposit, surety bond or letter of credit in an amount and form satisfactory to the Council and filed with the City.

- V. **“Boulevard”** - The portion of the street right-of-way between the curb line or surfaced roadway and the property line.
- W. **“Buffer”** - The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from the vision of another use or property, and thus reduce undesirable influences, such as sight, glare, noise, dust and other external effects.
- X. **“Building”** - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind. In addition, when said structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.
- Y. **“Building, Completely Enclosed”** - A building separated on all sides from the adjacent open space from other buildings or structure, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.
- Z. **“Building Coverage”** - The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
- AA. **“Building, Detached”** - A building surrounded by an open space on the same lot.
- BB. **“Building, Height”** - The vertical distance measured from the average ground elevation adjoining the front walls of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof.
- CC. **“Building Setback Line”** - A line on a lot, generally parallel to a lot line, high water mark, shoreline or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this Chapter. The building setback lines delimit the area in which buildings are permitted subject to all applicable provisions of this Chapter.
- DD. **“Building, Residential”** - A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families and which includes, but is not limited to, the

following types: (1) single family dwellings; (2) two family dwellings; (3) multiple family dwellings; (4) townhouses.

EE. **“Building, Principal”** - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

FF. **“Bulk Storage”** - The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale.

GG. **“Business”** - Any establishment, occupation, employment or enterprises wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

HH. **“Business, Temporary”** - Any person or corporation who engages temporarily in the business of selling and delivering goods, wears, or merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.

II. **“Caliper”** - A measurement of the size of the tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural grade.

JJ. **“Capital Improvements Program”** - A proposed City schedule of future projects or capital purchases listed in order of priority together with cost estimates and the anticipated means of financing each project.

KK. **“Carport”** - A roofed automobile shelter opened on at least two sides, usually formed by extension of the roof from the side of a building. A carport is an accessory structure.

LL. **“Central Water and Sewer System”** - A system serving a group of buildings, lots, or a defined area of the City.

MM. **“Church”** - A building or edifice consecrated to religious worship, where people join together in some form of public worship under the aegis and direction of a person who is authorized under the laws of the State of Minnesota to solemnize marriages. Camp meeting grounds, mikvahs, coffee houses, recreational complexes, retreat house, sleeping quarters for retreatants during spiritual retreats extending for periods of more than one day, Bible camps with live-in quarters, ritual slaughter houses, radio or television towers and transmission facilities theological seminaries, day care centers, hospitals, and drug treatment centers are not churches. A church as

defined above may include living quarters for persons employed on the premises of said church.

- NN. **“Clinic”** - A building in which a group of physicians, dentists, and/or allied professional assistants are associated for carrying on their profession. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.
- OO. **“Club or Lodge, Private”** - An association of persons who are bona fide members paying annual dues, of which owns, hires, or leases the building, property or a portion thereof; the use of such premises being restricted to members and their guests. It shall be permissible to serve food and means on such premises, provided adequate facilities are available.
- PP. **“Comprehensive Plan or Policies”** - A computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the Minnesota Municipal Planning Act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.
- QQ. **“Conditional Use”** - A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the restrictions and standards for that location or operation of such use as specified by this Chapter and authorized by the City.
- RR. **“Condominium”** - A form of individual ownership within a building which entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.
- SS. **“Conforming Building or Structure”** - Any building or structure which complies with all the regulations of this Chapter or any amendment thereto governing the zoning district in which such building or structure is located.
- TT. **“Construction Plan”** - The map or drawing accompanying a subdivision plat and illustrating the specific location and design of improvements to be installed in the subdivision in accordance with engineering and City Code requirements of the City and as conditioned in the approval of the plat.

- UU. **“Contour Map”** - A map on which irregularities of land surface are shown by lines connecting points of equal elevation. Contour interval is the vertical height between contour lines.
- VV. **“Contractor’s Yard”** - An area where vehicles, equipment, and/or construction materials and supplies commonly used by building, excavation, roadway construction and similar contractors are stored or serviced. The contractor’s yard includes both areas of outdoor storage and areas confined within a completely enclosed building used in conjunction with a contractor’s business.
- WW. **“Convalescent, Nursing and Rest Home”** - A home for aged, chronically ill, or convalescent persons in which two or more persons not of the immediate family are received, kept or provided with food, shelter and care of compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.
- XX. **“Cooperative”** - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
- YY. **“Corner Lot”** - See Lot, Corner.
- ZZ. **“County Recorder”** - The County Recorder when referring to abstract or registered property under the Torrens system in Anoka County.
- AAA. **“Covenant”** - A contract between two individuals which constitutes a restriction of a particular parcel of land.
- BBB. **“Coverage”** - See Lot Coverage.
- CCC. **“Cul-De-Sac”** - A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
- DDD. **“Curb Level”** - The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation. When a building has frontage on more than one street, the lowest curb level as determined above shall apply.
- EEE. **“Day Care Facility”** - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental

guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's Own home, including but not limited to family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, pre-schools, daytime activity centers, day treatment programs and day services.

FFF. **"Deck"** - An above grade platform adjacent to or extending from a principal structure and not covered by a permanent roof.

GGG. **"Deflection"** - The angle between a line and the prolongation of the preceding line.

HHH. **"Density"** - A number expressing the relationship of the number of dwellings to an acre of land.

III. **"Developer"** - The owner of land proposed to be subdivided or his legal representative.

JJJ. **"Development"** - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

KKK. **"Development Identification Sign"** - A permanent ground low profile sign which identifies a specific residential, industrial, commercial or office development and which is located on the premises of the development which it identifies.

LLL. **"District"** - See Zoning District.

MMM. **"Drive-In Use"** - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

NNN. **"Dwelling"** - A building or portion thereof designed or used exclusively for human habitation, including single family, two family, multiple family and townhouse dwellings, but not including hotels or motels.

OOO. **"Dwelling, Attached"** - An attached dwelling is one which is joined to another dwelling or building at one or more sides by a party wall or walls.

PPP. **“Dwelling, Detached”** - A detached dwelling is one which is entirely surrounded by open space on the same lot.

QQQ. **“Dwelling Unit”** - One room, or rooms located in a dwelling which are connected together constituting a complete, separate, and independent housekeeping unit for owner occupancy, rental or lease, physically separated from any other room or dwelling unit which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, manufactured homes, travel trailers or tents.

RRR. **“Dwelling, Single-Family”** - A detached building containing one dwelling unit designed for occupancy for one family.

SSS. **“Dwelling, Two-Family”** - A detached dwelling containing two dwelling units, designed for occupancy by not more than two families.

TTT. **“Dwelling, Multiple-Family or Apartment Building”** - A detached building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. Condominiums and cooperatively owned multiple residential dwellings are multiple-family dwellings for purposes of this Chapter.

UUU. **“Easement”** - A limited ownership interest in land enabling the construction and maintenance of public services and utilities thereon including, but not limited to, sanitary sewers, water mains, electrical lines, telephone lines, storm sewer or storm drainage facilities, gas lines, and conservation and pedestrian trails.

VVV. **“Efficiency Unit”** - A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

WWW. **“Entertainment”** - For the purposes of this Chapter, “entertainment” is allowed within an establishment operating under an entertainment license granted pursuant to Section 6.31.

XXX. **“Escrow”** - A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

YYY. **“Essential Services”** - The erection, construction, alteration, or maintenance of underground, surface or overhead services such as but not limited to, electrical, communications, gas, steam, water and

sewerage transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

ZZZ. **“Exterior Storage”** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

AAAA. **“Extraction”** - The removal, filling with, or storage of rock, sand, gravel, clay, silt or other like material.

BBBB. **“Extraction Permit”** - A permit approved by and issued by the City, to remove, excavate, fill with, or store rock, sand, gravel, clay, silt or other like material.

CCCC. **“Facade”** - That portion of any exterior elevation of a building exposed to public view extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

DDDD. **“Farmers Market”** – A Farmers Market is a specific use subject to a business license issued by the City and subject to operating standards as defined in Section 6.##, and as otherwise defined by State law or regulation.

EEEE. **“Family”** - Any number of individuals generally but not necessarily related by blood and marriage, living together at one location as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or rooming house, tourist home, hotel or motel.

FFFF. **“Feedlot”** - A confined area used for housing or feeding poultry or livestock where substantial amounts of animal waste will be generated, but not including barns or pens which are accessory uses incidental to a farming operation.

GGGG. **“Fence”** - A structure, partition or enclosure of wood, iron, metal, or other material enclosing or dividing a piece of land. For the purpose of this subdivision, a fence shall not include naturally growing shrubs, trees or other foliage.

HHHH. **“Fence Hazardous”** - Any barrier which exposes the general public to danger, chance, or risk of injury by the nature of its components such as barbed wire, sharpened metal or electrical charges.

IIII. **“Fence Solid”** - A fence which provides a visual barrier between adjacent property and the area enclosed without openings in fencing material.

JJJJ. **“Fill”** - Sand, gravel, earth or other material of any composition whatsoever placed or deposited by humans.

KKKK. **“Financial Institution”** - A commercial banking establishment or savings and loan association chartered by the State of Minnesota or the United States.

LLLL. **“Flood Fringe”** - That portion of the flood plain outside the floodway.

MMMM. **“Flood Plain”** - The land adjacent to a body of water which has been or may be hereafter covered by flood water, including that land covered by the regional flood.

NNNN. **“Flood, Regional”** - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

OOOO. **“Floodway”** - The minimum channel of a watercourse and those portions of the floodplain adjoining the channel that are reasonably required to discharge the regional flood.

PPPP. **“Floor Area”** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area, elevator shafts, and stairwells, at each floor, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, parking or loading shall not be included in the floor area. The floor area for enclosed space having a floor to ceiling height in excess of twenty (20) feet shall be computed on the basis that each fifteen (15) feet of height shall be equal to one floor for the purposes of computation.

QQQQ. **“Floor Area Ratio” (F.A.R.)** - The numerical value obtained by dividing the floor area of a building by the total size of the lot.

- RRRR. **“Foster Child”** - A foster child is one placed in a private home for care and maintenance by a parent, guardian, or a duly accredited and established public or private welfare agency.
- SSSS. **“Front Lot Line”** - See Lot Line, Front.
- TTTT. **“Front Yard”** - See Yard, Front.
- UUUU. **“Frontage”** - That boundary of a lot which abuts an existing or dedicated public street.
- VVVV. **“Garage, Common”** – Multi unit garage for multiple dwellings.
- WWWW. **“Garage, Public”** - A building used for the storage or care of power driven vehicles, or where such vehicles are equipped for operation, repair, or kept for storage, hire or sale.
- XXXX. **“Garden Center”** - A place of business where retail and wholesale products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold. These items may include plants, handicrafts, nursery products and stock, fertilizers, potting soil, hardware, lawn and garden power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.
- YYYY. **“General Development Plan”** - A report in text and in map form with the map drawn to scale depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.
- ZZZZ. **“Grade”** - Grade is an average level of the finished surface of the ground adjacent to the exterior walls of the building or structure, or the slope of a street, specified in percentage (%) terms.
- AAAAA. **“Greenhouse”** - A structure used for the cultivation or protection of flowers, vegetables and nursery stock.
- BBBBB. **“Health Services”** - Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.
- CCCCC. **“Home Occupation”** - See Section 11.60, Subd. 18.

DDDDD. **“Horticulture Use”** - The use of land for the growing or production of fruits, vegetables, flowers, nursery stock including plants, trees and cultured sod for income.

EEEE. **“Hospital”** - An institution providing persons with intensive medical or surgical care and devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

FFFF. **“Hotel”** - A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

GGGG. **“Impervious Surface”** - Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

HHHH. **“Individual Sewage Treatment System”** - A sewage treatment system or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and dispersal.

IIII. **“Industrial”** - See Manufacturing.

JJJJ. **“Junk Yard”** - An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and lumber. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established in conjunction with a permitted manufacturing process when within an enclosed area or building. The storage of unlicensed and/or inoperable motor vehicles for a period in excess of thirty (30) days shall also be considered a junk yard.

KKKK. **“Kennel, Commercial”** - Any place where a person, firm, or corporation accepts dogs, cats, or other common household pets from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming.

LLLL. **“Kennel, Private”** - Any place where more than two (2) dogs or cats over six months of age are kept or harbored, such animals being

owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

MMMMM. **“Key Map”** - A map drawn to comparatively small scale which definitely shows the area proposed to be platted or developed and the areas surround it to a given distance.

NNNNN. **“Land Reclamation”** - Depositing of clean fill materials so as to elevate the grade of said land.

OOOOO. **“Landscaping”** - The addition to a lot of lawns, trees, plants, and other natural and decorative features including walks, patios, gravel, and mulches.

PPPPP. **“Loading Space”** - That portion of a lot designed to serve the purpose of loading or unloading all types of vehicles.

QQQQQ. **“Lot”** - A separate parcel, tract, or area of land undivided by any public street or private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this Chapter for such building, use or development.

RRRRR. **“Lot, Area”** - The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by public rights-of-way.

SSSSS. **“Lot, Corner”** - A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same Street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

TTTTT. **“Lot Coverage”** - That portion or percentage of a lot which may be covered by buildings or impervious surfaces.

UUUUU. **“Lot Depth”** - The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot lines. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

VVVVV. **“Lot, Double Frontage”** - An interior lot having frontage on two streets.

WWWWW. **“Lot Frontage”** - The boundary of a lot fronting on a public street.

XXXXX. **“Lot, Interior”** - A lot other than a corner lot.

YYYYY. **“Lot Line”** - A line of record bounding a lot which divides one lot from another lot or from a right-of-way or any other public space.

ZZZZZ. **“Lot Line, Front”** - The lot line separating a lot from a street right-of-way. In the case of a corner lot it shall be the boundary with the shortest dimension on the street. In the case of lots with more than two street frontages, the front lot line shall be the lot line having the legal street address.

AAAAA. **“Lot Line, Rear”** - The lot line which is parallel to and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet in length, entirely within lots, parallel to and at the maximum possible distance from the front lot line.

BBBBB. **“Lot Line, Side”** - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

CCCCC. **“Lot of Record”** - Any legally recorded lot which at the time of its recordation complied with all applicable laws, City Code provisions, and regulations.

DDDDD. **“Lot, Through”** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. On a through lot, both street lot lines shall be deemed front lot lines. Same as double frontage lot.

EEEEEE. **“Lot Width”** - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

FFFFF. **“Lot, Zoning”** - A zoning lot is a single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record.

GGGGG. **“Manufactured Home”** - A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or

more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of Federal laws relating to manufactured homes and complies with the standards established pursuant to M.S. 327.31 - M.S. 327.35. A manufactured home is a dwelling.

HHHHHH. **“Manufactured Home Park”** - A parcel of land so designated and improved with utilities, parking paths, walks and access roads homes for the purpose of supplying a location or accommodation for a manufactured home.

IIIIII. **“Manufacturing, Heavy”** - All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use located. Such uses include, but are not limited to the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass chemicals, plastics, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junk yard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.

JJJJJJ. **“Machine Shop”** – Fabricating of metal parts by milling, tooling or welding.

KKKKKK. **“Manufacturing, Light”** - Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

LLLLLL. **“Medical Uses”** - Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental

services, medical services, or clinic, nursing or convalescent home, orphan homes, rest home, sanitarium.

MMMMMM. **“Metes and Bounds Description”** - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

NNNNNN. **“Minerals”** - The nonmetallic materials found in the earth including, but not limited to, rock, sand, gravel, clay, silt and soil which may be covered by overburden.

OOOOOO. **“Mini-Warehouse”** - A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises, and outdoor storage must be fully screened from public view at street level.

PPPPPP. **“Motel, Motor Court, Motor Hotel”** - An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single zoning lot and designed for use by transient automobile tourists, and furnishing customary hotel services.

QQQQQQ. **“Motor Freight Terminal”** - A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.

RRRRRR. **“Motor Vehicle”** - Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

SSSSSS. **“Non-Conforming Lot”** - Any lot of record which does not comply with the minimum lot area, frontage, or depth requirements of the district in which it is located, as required by this Chapter.

TTTTTT. **“Non-Conforming Structure”** - Any building or structure which lawfully existed on the effective date of this Chapter, or any amendments thereto, which does not comply with the bulk, placement, land use intensity, or height regulations of the district in which it is located, as required by this Chapter.

UUUUUU. **“Non-Conforming Use”** - Any use of land, buildings, or structures lawfully existing on the effective date of this Chapter which use does not comply with all the regulations of this Chapter or any amendment hereto governing the zoning district in which such use is located.

VVVVVV. **“Noxious Water or Material”** - Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

WWWWWW. **“Nursery”** - An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items (but not including power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance.

XXXXXX. **“Odorous Matter”** - Any material or matter that yields an odor which is offensive in any way.

YYYYYY. **“Office”** - Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting and similar uses.

ZZZZZZ. **“Official Zoning Map”** - The map or maps which are a part of this Chapter and delineate the boundaries of the zoning districts.

AAAAAA. **“On-Site”** - Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

BBBBBB. **“Open Space”** - Any open area not covered by structure or paving.

CCCCCC. **“Ordinary High Water Mark”** - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

DDDDDD. **“Outdoor Storage”** - The storage of any goods, junk, equipment, wood, trailers, material, merchandise, supplies or vehicles not fully enclosed in a building for more than twenty-four hours.

EEEEEEEE. **“Outlot”** - A platted lot to be developed for a use which will not involve a building.

FFFFFFF. **“Overburden”** - Those materials which lie between the surface of the earth and the material to be excavated.

GGGGGGG. **“Owner”** - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

HHHHHHH. **“Parking Area”** - A suitable surfaced and permanently maintained area on property either within or outside of a building of sufficient size to store one or more standard automobile. Commonly referred to as a ‘parking lot.

IIIIII. **“Parking Space”** - A suitable surfaced and permanently maintained area on property either within or outside of a building of sufficient size to store one standard automobile.

JJJJJJJ. **“Patio”** - A level, hard surfaced area adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

KKKKKKK. **“Peddler”** - Any person corporation who engages temporarily in the business of selling and delivery of goods, wears or merchandise within the City and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.

LLLLLLL. **“Pedestrian Way”** - A public pedestrian walkway provided between lots where required by the City to allow for pedestrian accessibility to streets or public service areas. This may also be referred to as a trailway.

MMMMMMM. **“Performance Bond”** - A bond granted by the person(s) platting property to the City to guarantee the installation of improvements required in this Chapter.

NNNNNNN. **“Performance Guarantee”** - A financial guarantee to insure that all improvements, facilities, or work required by this Chapter will be completed in compliance with this Chapter, regulations, and the approved plans and specifications of a development.

OOOOOOO. **“Performance Standard”** - A criterion established to control noise, odor, toxic or noxious matter, vibration, fire and

explosive hazards, glare or heat, or other nuisance elements which a particular use, property, or process may not exceed.

PPPPPP. **“Permitted Use”** - Any principal use allowed in a zoning district as a property right without the special conditions required for a conditional use, but subject to the minimum requirements and restrictions established in this Chapter for that zoning district.

QQQQQQQ. **“Plat”** - A map or drawing which graphically delineates the boundary of and layout for streets, lots, and easements for a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505.

RRRRRRR. **“Plat, Preliminary”** - The preliminary map, drawing or plan indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Council for their consideration.

SSSSSSS. **“Plat, Final”** - The final map, drawing or plan on which the sub divider’s plan of subdivision is presented to the Council for approval and which, if approved, will be submitted to the County Recorder.

TTTTTTT. **“Platting Authority”** - The City Council.

UUUUUUU. **“Premises”** - A lot, parcel, tract or plot of land together with the building and structures thereon.

VVVVVVV. **“Principal Building”** - See Building, Principal.

WWWWWWW. **“Principal Use”** - See Use, Principal.

XXXXXXX. **“Prohibited Use”** - A use that is not permitted in a zoning district under any circumstances.

YYYYYYY. **“Property Line”** - See Lot Line.

ZZZZZZZ. **“Processing”** - The crushing, washing, compounding or treating of rock, sand, gravel, clay, silt or other like material.

AAAAAAA. **“Protective Covenants”** - Contracts entered into between private parties that constitute a restriction on the use of all private property within the platted area, and provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

- BBBBBBBB. **“Public Land or Building”** - Land or building owned and/or operated by a governmental unit.
- CCCCCCCC. **“Publication”** - An official notice as prescribed by State Statutes in a newspaper so designated for this purpose by the Council.
- DDDDDDDD. **“Rear Lot”** - See Lot Line, Rear.
- EEEEEEEE. **“Rear Yard”** - See Yard, Rear.
- FFFFFFF. **“Recreation, Commercial”** - Includes all uses such as bowling alleys, driving ranges and movie theaters, that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- GGGGGGGG. **“Recreation, Public”** - Includes all uses such as tennis courts, ball fields, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.
- HHHHHHHH. **“Recreational Vehicle”** - A vehicle or vehicular unit which can be driven or which can be towed or hauled, and which is primarily designed as a temporary living accommodations for recreational camping and travel use. Recreational vehicles include travel trailers, camping trailers, truck campers, and self-propelled motor homes.
- IIIIIII. **“Registered Land Survey”** - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into tract or tracts of registered land survey number.
- JJJJJJJ. **“Rehabilitation”** - To renew land or buildings to a self-sustaining, long-term use which is compatible with contiguous land uses in accordance with the standards set forth in this Chapter.
- KKKKKKKK. **“Replat”** - The platting of an area that was previously platted.
- LLLLLLLL. **“Research Laboratory”** - A research laboratory building, or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

MMMMMMMM. **“Residential Facility”** - Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a twenty-four hour per day (24 hr./day) substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person’s own home, including but not limited to, state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

NNNNNNNN. **“Restaurant, Fast Food”** - An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders; and whose principal method of operation includes the following characteristics (a) food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers; (b) the customer is not served food at his table by an employee, but receives it at a counter, window, or similar facility and carries it to another location on or off the premises for consumption.

OOOOOOOO. **“Restaurant, Standard”** - Means any establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment thereof, meals are regularly served at tables to the general public, which employs an adequate staff to provide the usual and suitable service to its guests.

PPPPPPPP. **“Retail Sales and Service”** - Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Examples include uses from the four subgroups listed below:

- i. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, plants, printed material, stationery, and videos; food sales, and Farmers Markets.
- ii. Personal service-oriented: Branch banks, laundromats; dry cleaners; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes;

taxidermists; mortuaries; and animal grooming; medical and dental offices; health services; pharmacies.

- iii. Entertainment-oriented: Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, and other temporary lodging with an average length of stay of less than 30 days.
- iv. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop.

QQQQQQQQ. **“Right-of-Way”** - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or presently occupied by a road, pedestrian walk, railroad, electric transmission lines, oil or gas pipeline, sewer and water lines, and other similar uses.

RRRRRRRR. **“Right-of-Way Lines”** - The lines that form the boundaries of a right-of-way.

SSSSSSSS. **“Salvage Yard”** - See Junk Yard.

TTTTTTTT. **“Setback”** - The minimum horizontal distance between a structure and the nearest property line or roadway easement line; and, within shore land areas, it shall also mean the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark.

UUUUUUUU. **“Sewage”** - Any water-carried domestic wastes, exclusive of footing and roof drainage, from any industrial, agricultural or commercial establishment, or any dwelling or other structure. Domestic waste includes, but is not limited to, liquid waste produced by bathing, laundry, culinary operations, and liquid wastes from toilets and floor drains. Domestic waste specifically excludes animal waste and commercial process wastes.

VVVVVVVV. **“Shopping Center”** - An integrated group of commercial establishments planned, developed, and managed as a unit, with off-street parking facilities provided on-site.

WWWWWWW. **“Shore Land”** - Land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream or

the landward extend of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved by bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

XXXXXXXX. **“Side Lot Line”** - See Lot Line, Side.

YYYYYYYY. **“Side Yard”** - See Yard, Side.

ZZZZZZZZ. **“Sign”** - Any object, device, display, or structure, or part thereof situated outdoors, or visible through a window or door, which is used to advertise, announce, identify, display, direct or attract attention to an object, person, institution, organization, business, commodity, product, service, event or location, by means, including words, letters, figures, design, symbols, fixtures, pictures, illumination or projected images.

AAAAAAAAAA. **“Sign, Address”** - any signs which identify the property number or numerical address of the premises on which the sign is located.

BBBBBBBBBB. **“Sign, Advertising”** - Any sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located.

CCCCCCCCCC. **“Sign, Alteration”** - Any change, reconstruction, relocation, or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, and the repainting of sign copy and display matter shall not be deemed to be an alteration within the context of this Chapter.

DDDDDDDDDD. **“Sign, Area Identification”** - A free standing sign which identifies a specific residential subdivision development, whether single-family or multifamily, or an office and industrial park. Area identification signs shall be located on the same premises as the development which it identifies.

EEEEEEEEEE. **“Sign, Billboard”** - See Sign, Advertising.

FFFFFFFFFF. **“Sign, Bulletin Board”** - A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names

of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

GGGGGGGGG. **“Sign, Business”** - A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

HHHHHHHHH. **“Sign, Business Directory”** - A sign which identifies the names of specific businesses located in a shopping center and which is located on the premises of the shopping center so identified.

IIIIIIII. **“Sign, Campaign”** - A temporary sign announcing, promoting, or supporting political candidates or issues in connection with any national, state, or local election.

JJJJJJJJ. **“Sign, Canopy or Marquee”** - A sign which is mounted, painted on, or attached to any projection or extension of a building that is designed in such a manner as to provide shelter or cover over the approach to any entrance of the building.

KKKKKKKKK. **“Sign, Construction”** - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the situation or project.

LLLLLLLLL. **“Sign, Directional”** - A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pick-up and delivery areas.

MMMMMMMMM. **“Sign Display Area”** - The area within a single continuous perimeter enclosing the extreme limits of the actual sign message surface, but excluding any structural elements outside the limits of each sign not forming an integral part of the sign. The stipulated maximum sign display area for a sign refers to a single facing.

NNNNNNNNN. **“Sign, Flashing”** - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

OOOOOOOOO. **“Sign, Free Standing”** - Any non-movable sign not affixed to a building.

PPPPPPPPP. **“Sign, Governmental”** - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, City Code provision or other governmental regulation.

QQQQQQQQQ. **“Sign, Ground”** - Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

RRRRRRRRR. **“Sign, Ground Low Profile Business”** - A business sign affixed directly to the ground, with the sign display area not greater than two (2) feet above the ground.

SSSSSSSSS. **“Sign Height”** - The vertical distance measured from the ground surface at the base of the sign to the top of the sign.

TTTTTTTTT. **“Sign, Holiday Decoration”** - Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

UUUUUUUUU. **“Sign, Home Occupation”** - A sign containing only the name and occupation of a permitted home occupation.

VVVVVVVVV. **“Sign, Illuminated”** - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

WWWWWWWWW. **“Sign, Institutional”** - A sign which identifies the name and other characteristics of a public or private institution of the site where the sign is located.

XXXXXXXXX. **“Sign, Motion”** - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

YYYYYYYYY. **“Sign, Nameplate”** - A sign, located on the premises, which bears the name and/or address of the occupant of the building or premises.

ZZZZZZZZZ. **“Sign, Pole or Pylon”** - A free standing sign erected upon a pole, post or other similar support so that the bottom edge of the sign display area is eight (8) feet or more above the ground elevation at the base of the sign.

AAAAAAAAAA. **“Sign, Portable”** - A sign designed so as to be movable from one location to another, and that is not permanently affixed to a building, structure, or the ground.

BBBBBBBBBB. **“Sign, Private Sale or Event”** - A temporary sign advertising private sales or personal property such as “house sales”, “Garage sales”, and the like or private not—for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.

CCCCCCCCC. **“Sign, Projecting”** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

DDDDDDDDDD. **“Sign, Real Estate”** - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

EEEEEEEEEE. **“Sign, Roof”** - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

FFFFFFFFFF. **“Sign, Rotating”** - A sign which revolves or rotates on its axis by mechanical means.

GGGGGGGGGG. **“Sign, Surface Area Of”** - The entire area with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and nor forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surface area.

HHHHHHHHHH. **“Sign, Temporary”** - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

IIIIIIIII. **“Sign, Wall”** - A sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of the wall, and which does not project more than 12 inches from such building or structure.

JJJJJJJJJJ. **“Site”** - Any lot or parcel of land or combination of contiguous lots or parcels of land.

KKKKKKKKKK. **“Site Plan”** - The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed conditions of the lots.

LLLLLLLLLL. **“Sketch Plan”** - An informal layout of the proposed subdivision including preliminary topographic data, location of existing structures, requested zoning changes, relationship to existing community facilities and relationship to existing surrounding land use.

MMMMMMMMMM. **“Solar Access Space”** - That air space above all lots within the district necessary to prevent any improvement or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten feet high located along the property lines of said lots between the hours of 9:30 A.M.-2:30 P.M. central standard time on December 21, provided, however, this Chapter shall not apply to any improvement or tree which casts a shadow upon a solar device at the time of installation of said device, or to vegetation existing at the time of installation of said solar device.

NNNNNNNNNN. **“Solar Collector”** - A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure’s energy supply.

OOOOOOOOOO. **“Solar Energy”** - Radiant energy direct, diffused, and reflected which is received from the sun.

PPPPPPPPPP. **“Solar Energy System”** - A complete design or assembly consisting of a solar energy collector, and energy storage facility and components to the distribution of transformed energy. To qualify as a solar energy system, the system must be permanently located for not less than 90 days in any calendar year beginning with the first calendar year after completion of construction. Paths of solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

QQQQQQQQQQ. **“Solar Sky Space”** - The space between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the cost effective operation.

RRRRRRRRRR. **“Solar Sky Space Easement”** - A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instruments executed by or on the behalf of any landowner, which protects the solar sky space of an actual, proposed, or

designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimension space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

SSSSSSSSSS. **“Solar Structure”** - A structure designed to utilize solar energy as an alternative for, or supplemental to, a conventional energy system.

TTTTTTTTTT. **“Specialty Food Store”** - A retail store specializing in a specific type of class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

UUUUUUUUUU. **“Story”** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

VVVVVVVVVV. **“Streets and Alleys”:**

- 1) **“Street”** - A public right-of-way accepted or a private right-of-way approved pursuant to the requirements of the City, by public authority which provides a legal primary means of public access to abutting property. The term “street” shall include a highway, thoroughfare, arterial, parkway, collector, avenue, drive, circle, road, boulevard or any other similar term describing an entity complying with the preceding requirements.
- 2) **“Collector Street”** - A street which carries traffic from minor streets to arterials.
- 3) **“Cul-De-Sac”** - A minor street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- 4) **“Marginal Access Street”** - A minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
- 5) **“Minor Street”** - A street of limited continuity which is used primarily for access to abutting properties.

- 6) **“Alley”** - A public right-of-way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- 7) **“Private Street”** - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- 8) **“Arterial Street”** - A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the City or County and beyond.

WWWWWWWWW. **“Street Frontage”** - That portion of a parcel of land abutting one or more public streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.

XXXXXXXXXX. **“Street Width”** - The shortest distance between the lines delineating the right-of-way of a street.

YYYYYYYYYY. **“Structure”** - Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

ZZZZZZZZZZ. **“Subdivider”** - Any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

AAAAAAAAAA. **“Subdivision”** - The separation of any area, parcel, or tract or land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- 1) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- 2) Creating cemetery lots;
- 3) Resulting from Court orders or the adjustment of a lot line by the relocation of a common boundary.

BBBBBBBBBBB. **“Subdivision, Major”** - A subdivision involving the creation of four (4) or more parcels, tracts, or lots.

CCCCCCCCCCC. **“Subdivision, Minor”** - A subdivision involving the creation of not more than three (3) parcels, tracts, or lots and the dedication of public utility and street easements is not involved.

DDDDDDDDDDD. **“Tangent”** - A straight line; also a straight line projected from the end of a curve, which is perpendicular to a line in the curve drawn from the radius point to the end of the curve.

EEEEEEEEEEE. **“Temporary Structure”** - A structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which temporary structure was erected has ceased.

FFFFFFFFFFF. **“Temporary Use”** - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

GGGGGGGGGGG. **“Top Soil”** - That portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation.

HHHHHHHHHHH. **“Townhouse”** - A single family attached residence building consisting of three or more dwelling units having the first story at the ground level with no separate dwelling units directly above or below and with each dwelling unit separated from the adjoining unit by a fire resistant wall or walls with no openings and extending from the basement to the roof.

IIIIIIIIII. **“Toxic Matter or Material”** - Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

JJJJJJJJJJJ. **“Trailer, Temporary”** - A trailer or manufactured home used for no more than six months as an office for construction mobilization the display or sale of real estate, or as a temporary form of residential dwelling on lot on which a house is being repaired or improved. Temporary trailers shall not connect to water or sewer. Temporary trailers may be used in any district only following the receipt of a zoning permit from staff. In the event of a natural disaster or other emergency, staff shall issue permits for temporary trailers as necessary.

KKKKKKKKKKKK. **“Trailer, Travel”** - A vehicle or movable structure which is designed, intended or used for temporary human habitation during recreational or vacation activities. The term includes, without limitation, recreational vehicles, campers, camper trailers and tents, and house travel and tent trailers, but does not include manufactured homes.

LLLLLLLLLLLLL. **“Travel Trailer Court”** - A park, court, campsite or lot, tract, or parcel of land maintained or intended for the purpose of providing temporary location or accommodation for travel trailers, provided that parcels or lots used for the inspection and sale of such trailers are not trailer courts.

MMMMMMMMMMMM. **“Truck Terminal”** - Any use, area, or building where cargo, trucks, truck parts, loading equipment, etc., is stored and/or where trucks load and unload on a regular basis.

NNNNNNNNNNNN. **“Use”** - The purpose or activity for which land, buildings, or structures are designed, arranged, or intended, or for which land, buildings, or structures are occupied or maintained.

OOOOOOOOOOOO. **“Use, Permitted”** - See Permitted Use.

PPPPPPPPPPP. **“Use, Principal”** - The primary or predominant use of any lot.

QQQQQQQQQQQQ. **“Variance”** - A modification or variation of the provisions of this Chapter as applied to a specific piece of property, except that modification of the allowable uses within a district shall not be considered a variance.

RRRRRRRRRRRR. **“Veterinary Clinic”** - A facility whose function is the medical and surgical treatment of animals, including grooming, on an out-patient basis.

SSSSSSSSSSSS. **“Warehousing”** - The commercial storage of merchandise and personal property.

TTTTTTTTTTTT. **“Wetland”** - Land which is annually subject to periodic or continuing inundation by water and commonly referred to as a bog, swamp, or marsh.

UUUUUUUUUUUU. **“Wholesale Trade”** - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying

merchandise for, or selling merchandise to, such individuals or companies.

VVVVVVVVVV. **“Windmill”** - A mechanism operated by the wind’s rotation of soils or vanes radiating from a shaft; used as a source of energy.

WWWWWWWWWWW. **“Yard”** - Any open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Chapter.

XXXXXXXXXXX. **“Yard, Front”** - A yard extending across the full width of the lot between any building and the front lot line, and measured perpendicular to the building from the closest point of the building to the front lot line.

YYYYYYYYYYY. **“Yard, Rear”** - A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building from the closest point of the building to the rear lot line.

ZZZZZZZZZZ. **“Yard, Side”** - A yard extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the building from the closest point of the building to the side lot line.

AAAAAAAAAAAA. **“Zero Lot Line”** - A property line forming a common boundary of two dwellings or commercial units, or combinations thereof, not required to provide building setbacks along said boundary.

BBBBBBBBBBBB. **“Zoning Administrator”** - The officer charged with the administration enforcement of this Chapter.

CCCCCCCCCCCC. **“Zoning Amendment”** - A change authorized by the City, either in the allowed use within a district, or in the boundaries of a district.

DDDDDDDDDD. **“Zoning District”** - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

EEEEEEEEEEEE. **“Zoning Map”** - The map or maps incorporated into this Chapter as a part thereof, designating the zoning district.

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
AUGUST 5, 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 August 5, 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; Larry Renallo, Cowboy's; Arturo Renallo, Cowboy's; Heidi Zaworski, Cowboy's; Andrew Bardwell, Cowboy's Attorney; Captain Pat Aldrich, Centennial Lakes Police Department; Tony Scholt's, George's Texaco

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 Harris seconded the motion. Motion carried 5-0.

5. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) *Councilmember Devries stated that the next meeting is October 13th.*
- B. Cable Commission (Councilmember Winge) –*Councilmember Winge stated they did not have a meeting in August*
- C. City Administrator (Bill Petracek) –*Petracek discussed the construction projects currently underway in Lexington. He added that he would be taking time off in August and September for a family emergency, vacation, and jury duty. Discussion ensued.*

6. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports 7-1 through 7-27, 2021
- B. City Report – June 2021
- C. North Metro TV – June 2021 Update
- D. Planning & Zoning Public Hearing and Regular Commission meeting 7-13-2021

No discussion on Letters and Communications.

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – July 15, 2021
- B. Recommendation to Approve Claims and Bills:
Check #'s 47931 through 47988
Check #'s 13902 through 13913
Check #'s 13916 through 13927
Check #'s 13928 through 13938
Check #'s 13939 through 13947

VOID # 13803

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

8. ACTION ITEMS:

- A. Planning & Zoning Commission recommendation to renew Conditional Use Permit to George's Texaco

Attorney Glaser explained the need to renew George's Texaco Conditional Use Permit. Councilmember Devries made a motion to renew George's Texaco Conditional Use Permit. Councilmember Winge seconded the motion. Motion carried 5-0.

- B. Recommendation to approve Payment # 1 for 2021 Street Improvement Project to North Valley Inc., in the amount of \$131,079.41

Councilmember Hughes made a motion to approve Payment # 1 for 2021 Street Improvement Project to North Valley Inc., in the amount of \$131,079.41. Councilmember Harris seconded the motion. Motion carried 5-0.

- C. Recommendation to approve Conditions for 2021-2022 liquor licenses issued to Larry Ranallo (Mr. Arthurs, Inc.) DBA Cowboy's Saloon

Attorney Glaser explained the need to ask the City Council to approve the conditions and the reason he is asking Cowboy's Saloon to install security cameras on the outside of their facility. Discussion ensued.

Councilmember Winge asked if other bars in Lexington were required to have security cameras on the outside of their establishment. Glaser replied that there was not a requirement. Discussion ensued.

Councilmember Harris asked if Attorney Glaser or the police department knew how many fights came out of Lexington bars. Glaser explained the type of calls to our various bars in town.

Councilmember Harris asked for numbers about the incidents. Glaser stated the police reports were complex and he would email those reports to her. Discussion ensued.

Attorney Andrew Bardwell addressed the City Council to explain how Cowboy's Saloon benefits the City of Lexington. He disagrees with the need to have outdoor security. Discussion ensued.

Attorney Glaser provided details about a fight that happened at Cowboy's Saloon and provided documentation to the Council. He discussed the criminal charges that were submitted and he provided an overview of the police reports. Glaser also explained that the ordinance allows for the Council to place conditions on liquor licenses. Discussion ensued.

Councilmember Devries asked the bar owner if he was willing to install the security cameras. Renallo stated that we just got through a pandemic and they were short on cash and he is losing \$15,000/month. Mayor Murphy asked if he is opposed to installing the cameras. Larry Renallo replied that they are not in a financial position to install the cameras. Councilmember Hughes asked if his only objection was the cost of installing security cameras on the outside of the building. Larry Renallo explained Cowboy's commitment to the community and provided detail of his commitment to the community.

Arturo Renallo addressed the Council and explained the night of the altercation. Discussion ensued.

Councilmember Devries asked if the Council allowed the Renallo's a year to install the cameras could it be done. Larry Renallo stated he objects to the conditions being applied to Cowboy's and the fact that other bars in town are not required to follow the same standards. Discussion ensued.

Heidi Zaworsky addressed the Council and gave testimony on behalf of Cowboy's. Discussion ensued.

Councilmember Harris stated she wants to feel assured that people who come to Lexington will be safe and wants people to feel welcome. She added that she feels Cowboy's has done everything they can to manage their fights. Discussion ensued.

The Council discussed removing items A and E of the proposed conditions on Cowboy's Saloon.

Attorney Glaser read the conditions into the minutes:

- A. Licensee shall allow law enforcement key access to the video surveillance system to view or download recordings within 24 hours of a request.*
- B. Licensee shall allow downloading of video from their surveillance system within 24 hours of a request by the City or police department.*
- C. Licensee shall maintain all video surveillance recordings for a minimum of 14 days before such recording may be overwritten with new data or deleted*

Councilmember Devries made motion to approve the conditions applied to Cowboy's Saloon with the removal of Items A and E from the original proposed conditions. Councilmember Harris seconded the motion. Motion carried 5-0.

- D. Recommendation to approve Special Event Permit to Alissa O'Hara for Centennial Girls Hockey Blue Line Club fundraiser (at Boulevard Bar and Grill) on October 9, 2021 from noon to 4:00 pm.

Councilmember Harris made a motion to approve Special Event Permit to Alissa O'Hara for Centennial Girls Hockey Blue Line Club fundraiser (at Boulevard Bar and Grill) on October 9, 2021 from noon to 4:00 pm. Councilmember Devries seconded the motion. Motion carried 5-0.

- E. Recommendation to approve Business License Renewals

Councilmember Devries made a motion to approve Business License Renewals. Councilmember Harris seconded the motion. Motion carried 5-0.

9. 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

Glaser stated that city staff is working with the City of Blaine to update the SCADA System and there is no need to go into closed session.

Councilmember Hughes made a motion to not go into closed session. Councilmember Devries seconded the motion. Motion carried 5-0.

10. MAYOR AND COUNCIL INPUT

Councilmember Devries discussed the storm drains that were being installed on Woodland Road and the need. Petracek stated the City Council had approved a change order on the project for the replacement of the storm drains due to two of the inlets were sinking into the ground. Discussion ensued.

Councilmember Harris discussed how proud she was of the look of Memorial Park. Discussion ensued.

11. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 8:53 p.m. Councilmember Harris seconded the motion. Motion carried 5-0.

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
AUGUST 19, 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

Vice Mayor Harris called to order the Regular City Council meeting for August 19, 2021 at 7:01 p.m. Councilmember's present: Devries, Hughes, and Winge. Mayor Murphy attended via Zoom as an ex officio member. Excused Absence: Mayor Murphy. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Tim and Karen Harmsen, Glen Rank from DinkyTown Rentals.

3. CITIZENS FORUM

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

4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

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

5. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports -8-1 through 8-10, 2021
- B. City Report - July 2021
- C. North Metro TV – July 2021 Update
- D. Planning & Zoning meeting minutes - 8-10-21

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – August 5, 2021
- B. Recommendation to Approve Claims and Bills:
Check #'s 47989 through 47989
Check #'s 47990 through 48049

Check #'s 13948 through 13960

C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

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

7. ACTION ITEMS:

- A. Recommendation to approve Final Payment Application #4 for 2017 Street Improvement Project in the amount of \$33,457.67

Councilmember Devries made a motion to approve Final Payment Application #4 for 2017 Street Improvement Project in the amount of \$33,457.67. Councilmember Hughes seconded the motion. Motion carried 4-0.

- B. Recommendation to approve 2022 Centennial Lakes Police Department Budget

Councilmember Hughes made a motion to approve 2022 Centennial Lakes Police Department Budget. Councilmember Winge seconded the motion. Motion carried 4-0.

- C. Recommendation to approve Resolution NO. 21-14 A Resolution to Accept the Corona Virus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act

Councilmember Hughes made a motion to approve Resolution NO. 21-14 A Resolution to Accept the Corona Virus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act. Councilmember Devries seconded the motion. Motion carried 4-0.

- D. Recommendation to approve Development Agreement for Ephesians Phase II

Councilmember Devries made a motion to approve Development Agreement for Ephesians Phase II. Councilmember Winge seconded the motion. Motion carried 4-0.

- E. Recommendation to approve Business License Renewal

Councilmember Hughes made a motion to approve Business License Renewal. Councilmember Winge seconded the motion. Motion carried 4-0.

- F. Recommendation to approve Special Event Permit – Lexington Fall Festival – September 17 & 18, 2021

Councilmember Devries made a motion to approve Special Event Permit – Lexington Fall Festival – September 17 & 18, 2021. Councilmember Winge seconded the motion. Motion carried 4-0.

- G. Recommendation to approve Temporary Street Closure to coincide with Fall Festival on September 17 & 18, 2021 (Car show and Street Dance)

Councilmember Hughes made a motion to approve Temporary Street Closure to coincide with Fall Festival on September 17 & 18, 2021 (Car show and Street Dance). Councilmember Devries seconded the motion. Motion carried 4-0.

- H. Recommendation to approve Lexington Park Board request to appoint Marlene K. Rose to fill the vacancy on the Park Board

Councilmember Hughes made a motion to approve Lexington Park Board request to appoint Marlene K. Rose to fill the vacancy on the Park Board. Councilmember Devries seconded the motion. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

No discussion from Vice Mayor and City Council.

9. MOVE TO CONVENE REGULAR COUNCIL MEETING TO CLOSED SESSION

Attorney Glaser explained the need to go into closed session for attorney- client privilege to discuss fire department personnel issues and Lexington-Blaine interconnected sewer and water system.

Councilmember Winge made a motion to convene the regular Council meeting go into closed session at 7:16 pm to discuss fire department personnel issues. Councilmember Devries seconded the motion. Motion carried 4-0.

10. CLOSED SESSION

- A. The purpose is to discuss fire department personnel issues.

- B. 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.

11. MOVE TO RECONVENE REGULAR COUNCIL MEETING

Councilmember Devries made a motion to reconvene into open session at 8:07 pm. Vice Mayor Harris seconded the motion. Motion carried 4-0.

Councilmember Hughes made a motion to convene into closed session at 8:07 p.m. to discuss Lexington-Blaine interconnected sewer and water system. Councilmember Winge seconded the motion. Motion carried 4-0.

Councilmember Devries made a motion to reconvene into open session at 8:18 p.m. Vice Mayor Harris seconded the motion. Motion carried 4-0.

12. ADMINISTRATOR INPUT

No input from the city administrator.

13. ADJOURNMENT

Councilmember Devries made motion to adjourn the meeting at 8:19 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.

