

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

1. CALL TO ORDER
 - A. Roll Call: Chairperson Bautch, Commissioners, Thorson, Koch and Murphy
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
 - A. Building Permits for October 2022 pg.1-2
5. APPROVAL OF PLANNING COMMISSION MINUTES
 - B. October 11, 2022 pg. 3-4
6. DISCUSSION ITEM:
 - A. Proposed Native Landscape Ordinance pg. 5-8
7. NOTE COUNCIL MINUTES:
 - A. October 6, 2022 pg.9-12
 - B. October 20, 2022 pg. 13-15
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

Permits Issued and Fees

From Date: 10/01/2022

To Date: 10/31/2022

Permit Type: City of Lexington Building Permit

All Cities And Townships: N

Permit#	Subtype	Issue Date	Address	Applicant	Type of Construction	Completed Value	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
LEX22-000077	Building	10/05/2022	8745 DUNLAP AVE	Emerald Remodeling	Addition	\$35,000.00	\$646.35	\$420.13	\$17.50					\$1,083.98
LEX22-000080	Building	10/25/2022	8871 SOUTH HIGHWAY DR	WILLIS ALICIA	Remodel	\$20,000.00	\$421.84	\$274.20	\$10.00					\$706.04
LEX22-000084	Building	10/07/2022	9016 DUNLAP AVE	Midwest Roofing, Siding & Windows Inc	Roofing	\$16,000.00	\$145.00		\$1.00					\$146.00
LEX22-000086	Building	10/11/2022	9052 DUNLAP AVE	WUNDERLICH, TRAVIS	Window/Door Replacement (Size Change)	\$1,500.00	\$63.18	\$41.07	\$0.75					\$105.00
LEX22-000087	Building	10/18/2022	9052 DUNLAP AVE	WUNDERLICH, TRAVIS	Addition	\$1,000.00	\$55.00	\$35.75	\$0.50					\$91.25
LEX22-000089	Building	10/25/2022	8930 JACKSON AVE	Total Contracting & Improvements LLC	Roofing	\$10,000.00	\$145.00		\$1.00					\$146.00
LEX22-000093	Building	10/26/2022	3467 RESTWOOD RD	BELLETE, BELLETE ALEMU	Roofing		\$145.00		\$1.00					\$146.00
	Building: 7					\$83,500.00	\$1,621.37	\$771.15	\$31.75					\$2,424.27
LEX22-000088	Mechanical	10/24/2022	3975 LOVELL RD	Centerpoint Energy	Furnace	\$11,800.00	\$35.10		\$5.90					\$41.00
LEX22-000082	Mechanical	10/05/2022	9075 SOUTH HIGHWAY DR	TWIN CITY HEATING AND AIR	Furnace	\$23,000.00	\$460.00		\$11.50					\$471.50
LEX22-000083	Mechanical	10/13/2022	9000 Griggs AVE	Norhart	New Construction	\$1,530,000.00	\$50,490.00		\$712.00					\$51,202.00
	Mechanical: 3					\$1,564,800.00	\$50,985.10		\$729.40					\$51,714.50

LEX22-000094	Plumbing	10/28/2022	3660 CENTERWOOD RD	North Anoka Plumbing		\$3,000.00	\$109.38		\$1.50					\$110.88
LEX22-000085	Plumbing	10/11/2022	9052 DUNLAP AVE	Grey Duck Plumbing		\$11,000.00	\$355.00		\$5.50					\$360.50
LEX22-000091	Plumbing	10/26/2022	8881 DUNLAP AVE	ASAP Underground LLC		\$5,500.00	\$190.00		\$2.75					\$192.75
	Plumbing: 3					\$19,500.00	\$654.38		\$9.75					\$664.13
LEX22-000090	Zoning	10/25/2022	8871 SOUTH HIGHWAY DR	WILLIS ALICIA	Driveway/Pad		\$60.00							\$60.00
LEX22-000081	Zoning	10/07/2022	9052 DUNLAP AVE	North Star Fence	Fence<6'	\$18,290.00	\$60.00							\$60.00
	Zoning: 2					\$18,290.00	\$120.00							\$120.00
GRAND TOTAL:	15					\$1,686,090.00	\$53,380.85	\$771.15	\$770.90					\$54,922.90
YEAR RUNNING TOTAL:	70					\$1,587,194.88	\$0.00	\$5,878.07	\$611.35	\$2,485.00	\$1,800.00			\$30,543.22

MINUTES
REGULAR PLANNING COMMISSION MEETING
October 11, 2022 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER

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

Chairperson Bautch called to order the Regular Planning Commission meeting on October 11, 2022 at 7:00 p.m. Commissioners Present: Michelle Koch, Gloria Murphy and Ron Thorson. Also present: Bill Petracek, City Administrator.

2. CITIZENS FORUM

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

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Koch made a motion to approve the agenda as typewritten. Murphy seconded the motion. Motion carried 4-0.

4. LETTERS AND COMMUNICATION

- A. Building Permits for August & September 2022
- B. Tree Report 6-17-2021 through 9-15-2022

Some discussion on building permits and the tree report.

5. APPROVAL OF PLANNING COMMISSION MINUTES

C. September 13, 2022

Thorson made a motion to approve the September 13, 2022 Planning Commission Minutes as typewritten. Murphy seconded the motion. Motion carried 4-0.

6. DISCUSSION ITEM:

No discussion items

7. NOTE COUNCIL MINUTES:

- A. September 1, 2022
- B. September 15, 2022

Some discussion on September 1st and 15th Council minutes.

8. PLANNING COMMISSION INPUT

Bautch thanked public works for fixing the asphalt surrounding the manhole cover on Albert Ave.

Petracek provided an update of potential businesses coming to Lexington. He informed the Commission of some proposed zoning amendments coming to them in the near future addressing medical clinics. He explained that the owners of Northway Mall had been negotiating with a drug rehabilitation clinic to lease space in the mall. He explained that the zoning in an M-1 Zone restricts that type of business, but he added that the B-3 and B-4 Zone would allow it. He further explained that this type of business would have a negative impact on our community. Discussion ensued.

He provided updates on the sale of Cook's Auto Body and the old Red Rooster. He added that Scooter's Coffee is looking at various locations in Lexington. Discussion ensued.

9. ADJOURNMENT

Bautch made a motion to adjourn at 7:35 p.m. Koch seconded the motion. Motion carried 4-0.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: KURT GLASER, CITY ATTORNEY

SUBJECT: PROPOSED NATIVE LANDSCAPE ORDINANCE DISCUSSION

DATE: NOVEMBER 3, 2022

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

PROPOSED ORDINANCE

Section ###.## Definitions

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

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

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

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

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

Section ###.## Nuisance

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

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

Section ###.### Landscape Plan

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

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

EXISTING ORDINANCE SECTIONS

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

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

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

SECTION 10.33. MAINTENANCE OF PRIVATE PROPERTY.

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

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

SECTION 15.103. GENERAL REQUIREMENTS.

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

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

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

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

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 6, 2022 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for October 6, 2022 at 7:00 p.m. Councilmember's present: Benson, Devries, Harris, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Erik Edwards, Fire Chief.

3. CITIZENS FORUM

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

4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

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

5. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Devries stated the meeting was moved from October to November.*
- B. Cable Commission (Councilmember Winge) *Quarterly meetings – Winge stated that newscaster Rusty Ray is leaving and Eric Nelson will start October 4th. He added that closed captioning is in place and franchise fees are steadily declining and PEG fees are going up.*
- C. City Administrator (Bill Petracek) – *Petracek did not have an update to provide.*

6. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 9-21 through 9-27, 2022
- B. City Report – August 2022
- C. North Metro TV – August 2022 Update
- D. Rice Creek Watershed District Appointment

- E. Council Workshop meeting Synopsis
- F. Planning & Zoning meeting minutes- September 13, 2022

No discussion on Letters and Communications.

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – September 15, 2022
- B. Recommendation to Approve Claims and Bills:
Check #'s 49430 through 49483
Check #'s 14473 through 14485
VOID # 14461
- C. Recommendation to approve a six (6) month extension for letter of credit
for Landings of Lexington

Councilmember Harris asked about the item C regarding the 6 month extension for the letter of credit with Landings of Lexington. Petracek explained that this is part of the development agreement that protects the City. He added that Landings of Lexington still has to provide us with a final set of plans for the project and they have not done that yet, and this extension will insure that we receive those plans. The current letter of credit expired in October.

8. ACTION ITEMS:

- A. Recommendation to approve spending up to \$15000.00 at State Fire Chief's
Convention for various equipment

Fire Chief Edwards explained that the fire department is well supplied, but he's asking to have the flexibility to purchase demo equipment at the State Fire Chief's convention. He said if they can get a good price, he would replace some hose nozzles, and maybe a chainsaw. Petracek stated this money would come out of the equipment replacement fund.

Councilmember Devries made a motion to approve spending up to \$15000.00 at State Fire Chief's Convention for various equipment. Councilmember Benson seconded the motion. Motion carried 5-0.

- B. Recommendation to approve Lexington Fire Department request to hire as
Fire Fighters:
 - Eric Quigley
 - Zachary O'Connell

Councilmember Devries made a motion Lexington Fire Department request to hire Fire Fighters Eric Quigley and Zachary O'Connell. Councilmember Harris seconded the motion. Motion carried 5-0.

- C. Recommendation to approve Final Payment Estimate # 2 for 2022 North Highway Drive Improvement Project in the amount of \$2595.90

Councilmember Winge made a motion to approve Final Payment Estimate # 2 for 2022 North Highway Drive Improvement Project in the amount of \$2595.90. Councilmember Harris seconded the motion. Motion carried 5-0.

- D. Recommendation to approve Business License renewal

Councilmember Winge made a motion to approve Business License renewal. Councilmember Benson seconded the motion. Motion carried 5-0.

- E. Recommendation to approve Anoka County Contract # C0009415 – 2023 Agreement for Residential Recycling Program

Councilmember Harris made a motion to approve Anoka County Contract # C0009415 – 2023 Agreement for Residential Recycling Program. Councilmember Devries seconded the motion. Motion carried 5-0.

9. MAYOR AND COUNCIL INPUT

No input from Mayor Murphy or City Council

10. CLOSED SESSION

This portion of the meeting is closed pursuant Minn. Stat. Section 13D.05, subd. 3(b), and is permitted by the attorney-client privilege to discuss the legal aspects surrounding personnel matters under investigation.

Attorney Glaser explained the need to go into closed session.

Councilmember Winge made a motion to go into closed session at 7:11 p.m. pursuant to Minn. Stat. Section 13D.05, subd. 3(b), and is permitted by the attorney-client privilege to discuss the legal aspects surrounding personnel matters under investigation. Councilmember Devries seconded the motion. Motion carried 5-0.

This portion of the meeting is closed pursuant to Minnesota Statute Section 13D.05, subdivision 3(b), and is permitted by the attorney-client privilege to discuss the pending litigation versus the City of Blaine regarding the interconnected water and sewer systems.

Councilmember Devries made a motion to convene into second closed session at 7:21 p.m. pursuant to Minnesota Statute Section 13D.05, subdivision 3(b), and is permitted by the attorney-client privilege to discuss the pending litigation versus the City of

Blaine regarding the interconnected water and sewer systems. Councilmember Harris seconded the motion. Motion carried 5-0.

Councilmember Devries made a motion to reconvene into open session at 8:19 p.m. Councilmember Harris seconded the motion. Motion carried 5-0

11. ADJOURNMENT

Councilmember Devries made motion to adjourn the meeting at 8:19 p.m. Councilmember Harris seconded the motion. Motion carried 5-0.

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 20, 2022– 7:00 P.M.
9180 LEXINGTON AVENUE**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for October 20, 2022 at 7:00 p.m. Councilmember's present: Devries, Harris, and Winge. Excused Absence: Benson. Also Present: Bill Petracek, City Administrator; Chris Galiov, Finance Director; Kurt Glaser, City Attorney; Mary Vinzant, Deputy City Clerk.

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 Winge seconded the motion. Motion carried 4-0.

5. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 10-1 through 10-11, 2022
- B. City Report – September 2022
- C. North Metro TV – September 2022 Update
- D. Planning & Zoning meeting minutes – October 6, 2022

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 6, 2022
- B. Recommendation to reduce Letter of Credit for Lexington Lofts from
\$406,411.25 to \$200,000.00
- C. Recommendation to Approve Claims and Bills:
Check #'s 49484 through 49547
Check #'s 14488 through 14498

D. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

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

7. ACTION ITEMS:

- A. Recommendation to approve Ordinance NO. 22-03 An Interim Ordinance Establishing a Moratorium Temporarily Prohibiting the Establishment of New Medical Facilities or the Expansion of Existing Medical Facilities for the Period of One Year

Petracek explained that following the informal conversation with the City Council at the last meeting involving a potential drug rehabilitation clinic in Northway Mall, he and the city attorney determined that three of Lexington's business zones are vulnerable to allowing this type of business without restrictions. He explained that there needed to be a moratorium on medical facilities until the Planning Commission has an opportunity to review zoning ordinances for this type of business.

Attorney Glaser provided an example of regulating a medical business that may overuse your services – fire and police – due to how their business model is set-up. He added as an example a senior facility in Centerville deliberately understaffed their facility and utilized the fire department and police department for lift assists. He added that it was burdening police and fire department personnel as a result, which prompted tighter restrictions on medical facilities in Centerville.. Discussion ensued.

Mayor Murphy made a motion to prove Ordinance NO. 22-03 An Interim Ordinance Establishing a Moratorium Temporarily Prohibiting the Establishment of New Medical Facilities or the Expansion of Existing Medical Facilities for the Period of One Year. Councilmember Harris seconded the motion. Motion carried 4-0.

- B. 1st Reading of Ordinance NO. 22-04 An Ordinance Regulating Cannabinoid Products

Attorney Glaser provide a summary of Ordinance No.22-04. Councilmember Harris discussed the idea of limiting the amount cannabis licenses in Lexington. She's concerned that the ordinance doesn't address people running a business out of their home that may want to be licensed to sell cannabis. Councilmember Winge didn't feel that businesses other than liquor establishments and tobacco shops would even be interested in selling cannabis products. Discussion ensued.

Mayor Murphy suggested limiting people selling cannabis products to liquor and tobacco license holders only. Discussion ensued.

Councilmember Harris made a motion to limit the cannabis licenses to liquor and tobacco license holders. Councilmember Devries seconded the motion. Motion carried 3-1

8. MAYOR AND COUNCIL INPUT

No input from Mayor Murphy or city councilmembers

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.

Attorney Glaser provided an explanation for the need to go into closed session.

Mayor Murphy made a motion to convene into closed session at 7:25 p.m. 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. Councilmember Winge seconded the motion. Motion carried 4-0.

Councilmember Devries made a motion to reconvene into open session at 7:49 p.m. Councilmember Harris seconded the motion. Motion carried 4-0.

10. ADMINISTRATOR INPUT

No administrator input.

11. ADJOURNMENT

Councilmember Harris made motion to adjourn the meeting at 7:50 p.m. Councilmember Winge seconded the motion. Motion carried 4-0.