

AGENDA
PUBLIC HEARING
&
REGULAR PLANNING COMMISSION MEETING
December 10, 2024 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER
 - A. Roll Call: Chairperson Bautch, Commissioners Koch, Murphy and Thorson
2. PUBLIC HEARING – For an application to consider a zoning request pg. 1-8
 - Rezoning the property identified in this application to allow for communication tower development for wireless carriers
3. ADJOURNMENT PUBLIC HEARING

REGULAR PLANNING COMMISSION MEETING

4. CALL TO ORDER
 - B. Roll Call: Chairperson Bautch, Commissioners Thorson, Koch, Murphy and Ogden
5. CITIZENS FORUM
6. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
7. LETTERS AND COMMUNICATION
 - A. Building Permits for November 2024 pg. 9
8. APPROVAL OF PLANNING COMMISSION MINUTES pg. 10-11
 - A. November 12, 2024
9. DISCUSSION ITEM:
 - A. Discuss a recommendation to Lexington City Council to consider a proposed ordinance to re-zone to allow for a new cell tower
10. NOTE COUNCIL MINUTES:
 - A. November 7, 2024 pg. 12-13
 - B. November 13, 2024 Special Meeting pg. 14
 - C. November 21, 2024 pg. 15-17
11. PLANNING COMMISSION INPUT
12. ADJOURNMENT

To: Planning and Zoning Commission
From: Bill Petracek, City Administrator
Date: December 4, 2024



Re: Public Hearing – Application to rezone for new cell tower

Enclosed in the packet you will find an Application for Consideration of Planning Request requesting to rezone the property identified in the application—the property in question is located in Memorial Park next to the existing cell tower. Also include are the supporting documents to be considered by the Planning Commission at the December 10, 2024 public hearing.

Documents submitted and enclosed:

1. A memo from the city attorney with the proposed zoning regulations for a cell tower.
2. Application for Consideration of Planning Request
3. Public notice – Quad Press and sent to surrounding property owner's – 350 ft. (per City Code Section 11.20 (Subd. 4 – Zoning Amendments)
4. Map and list of surrounding property owner's notified within 350 ft. of the property.
5. A copy of the proposed zoning ordinance to be considered.

Memorandum

TO: Planning & Zoning Commission
FROM: Kurt Glaser, City Attorney
CC: Steve Winter & Claire Stickler, City Engineers
DATE: 12/5/2024
RE: For Public Hearing
Regulation of Cell Towers

SUMMARY: A cell phone provider proposes to construct a cell tower. The City does not currently regulate cell towers. Your City Engineer and Attorney propose the ordinance below to regulate zoning and construction of cell towers.

The Commission must hold a public hearing regarding the adoption of this ordinance.

City of Lexington

Ordinance No. [Ordinance Number]

AN ORDINANCE REGULATING THE CONSTRUCTION AND OPERATION OF CELL TOWERS

Section 1. Purpose

The purpose of this ordinance is to regulate the construction and operation of cell towers within the city limits of Lexington to ensure public safety, minimize visual impact, and protect the general welfare of the community.

Section 2. Definitions

For the purposes of this ordinance, the following terms shall have the meanings given to them:

1. **Cell Tower:** A structure intended for the transmission and reception of radio or microwave signals for telecommunications.
2. **Height:** The distance measured from the base of the tower to the highest point of the structure.
3. **Setback:** The required distance between the cell tower and property lines or other structures.

Section 3. General Provisions

1. **Permit Requirement:** No cell tower shall be constructed or operated without first obtaining a Conditional Use Permit and all other necessary permits from the Lexington Planning Department.
2. **Height Restrictions:** Cell towers shall not exceed a height of 200 feet unless otherwise approved by the City Council.
3. **Setback Requirements:** Cell towers must be set back a minimum of 400 feet from any residential property line and 300 feet from any commercial property line as measured from the center of the tower.
4. **Design Standards:** Cell towers must be designed to minimize visual impact and constructed to fall upon itself.
5. **Co-location:** New cell towers must accommodate co-location of at least three additional carriers to minimize the need for additional towers.

6. **Zoning Districts:** Cell towers shall only be constructed in zoning districts that allow open space.
7. **Decommissioning Plan:** The applicant, or their successor, must submit a plan for the demolition of the tower and restoration of the land once the tower is no longer in use.

Section 4. Application Process

1. **Application Submission:** Applicants must submit a complete Conditional Use Permit application, in accordance with Chapter 11.10 (subd. 5) – including site plans, engineering reports, proof of compliance with Federal Communications Commission (FCC) regulations, and all other required exhibits – and a site plan review application. Applicable fees and escrow deposits shall be paid pursuant to the fee schedule.
2. **Public Hearing:** A public hearing shall be held to allow for community input on the proposed cell tower’s Conditional Use Permit.
3. **Approval Criteria:** The City Council shall consider the following criteria when reviewing Conditional Use Permit applications:
 - a) Compliance with height and setback requirements.
 - b) Impact on the surrounding community.
 - c) Availability of alternative sites.
 - d) Site plan.

Section 5. Maintenance and Inspection

1. **Maintenance:** The owner of the cell tower is responsible for maintaining the structure in good condition and ensuring it does not pose a safety hazard.
2. **Inspection:** The city shall conduct annual inspections to ensure compliance with this ordinance and may require repairs or modifications as necessary.

Section 6. Enforcement and Penalties

1. **Authority:** The Lexington City Administrator, or designee shall have the authority to enforce the provisions of this ordinance.
2. **Penalties:** Any person or entity found in violation of this ordinance shall be subject to a fine of up to \$1,000 and 90 days in jail for each offense. Each day the violation continues shall constitute a separate offense.

Section 7. Effective Date

This ordinance shall take effect on [Effective Date].

City of Lexington

9180 LEXINGTON AVENUE • LEXINGTON, MINNESOTA 55014 • (763) 784-2792 • FAX (763)785-8951

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

Street Location of Property: 9100 Hamline Ave, Lexington, MN 55014

Legal Description of Property: Part of the NW ¼ of Section 35, Twp 31, Range 23, Anoka Co, MN

Owner:

Name: City of Lexington Phone: 763-784-2792

Address: 9180 Lexington Ave NE

City: Lexington State: MN Zip: 55014

Applicant (If Other than Owner):

Name: Steve Carlson, Agent for AT&T Wireless Phone: 612-810-5279

Address: 1970 Oakcrest Ave, Suite 103

City: Roseville State: MN Zip: 55113

Type of Request: Variance Conditional Use Permit Rezoning Zoning Permit

Minor Subdivision Major Subdivision Planned Unit Development
 Preliminary Plat Final Plat Grading Permit Site Plan Review

Description of Request: Rezoning the property identified in this application to allow for communication tower development for wireless carriers.

Reason for Request: AT&T Wireless is looking to improve wireless coverage in the City of Lexington. We are looking to propose a new communication tower at Lexington Memorial Park.

Present Zoning Classification: O-S, Open Space

Existing Use of Property: City Park

Has a permit for a rezoning, variance, appeal or conditional use permit on the subject site or any part thereof been previously sought? No When? _____

DISCLAIMER

The fee charged for rezoning, variance, appeal or conditional use permit is nonrefundable. Upon signing below the applicant is acknowledging they have read and understand this.


Signature of Applicant

8/15/2024
Date

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carter Johnson, being first duly sworn, on oath states as follows:

I am the publisher of the QUAD COMMUNITY PRESS, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant of Minnesota Statutes §331A.07.

The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

The dates of the month and the year and day of the week upon which the public notice attached was published in the newspaper are as follows:

Once a week, for one week, it was published on Tuesday, the 19th day of November, 2024.

The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows:

- a) Lowest classified rate paid by commercial users for comparable space
b) Maximum rate allowed by law for the above matter
c) Rate actually charged for the above matter \$ 11.84/inch

Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Ramsey County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

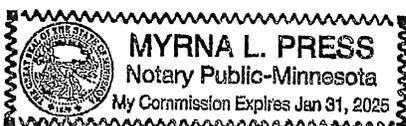
We are a qualified newspaper in the following counties: Anoka, Ramsey and Washington

FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
TITLE: Carter Johnson, Publisher
PRESS PUBLICATIONS
4779 Bloom Avenue
White Bear Lake, MN 55110

Subscribed and sworn to before me on this 19th day of November, 2024.

[Signature]
Notary Public



CITY OF LEXINGTON
COUNTY OF ANOKA, STATE OF MINNESOTA
PUBLIC NOTICE
TO WHOM IT MAY CONCERN:
Notice is hereby given, the Lexington Planning and Zoning Commission will be conducting a Public Hearing on Tuesday, Decemeber 10, 2024 at 7:00 p.m. in the Lexington City Council Chambers, Lexington City Hall, 9180 Lexington Avenue, Lexington, MN 55014.
The purpose of the Public Hearing is to consider an application to revise Chapter 11 of the City of Lexington Code of Ordinances Zoning Code. The revisions being proposed to Section 11.33 Schedule of Uses by District will affect property that is located within an O-S (open space) Zoning District.
The proposed rezoning revisions will allow for a communication tower development for wireless carriers. AT&T Wireless is looking to improve wireless coverage in the City of Lexington with a proposed communication tower to be constructed in Memorial Park.
Anyone wishing to make comments or if you have questions on the proposed revisions to Chapter 11 Zoning Code of the City of Lexington Code of Ordinances, you are invited to attend the Public Hearing. If you are unable to attend, written comments or questions are welcome and will be accepted until 4:30 p.m. on December 10, 2024. A copy of the proposed revisions are on file at City Hall and available upon request.
In accordance with the Americans with Disability Act, a hearing impaired individual wishing to attend the Public Hearing may request a sign language translator by contacting City Hall at (763) 784-2792 within one week prior to the hearing.
Bill Petracek, City Administrator
Published one time in the Quad Community Press on November 19, 2024.

**PUBLIC NOTICE
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COUNTY OF ANOKA
STATE OF MINNESOTA**

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Bill Petracek
City Administrator

ANTHONYS ENTERPRISES LLC
9002 N HIGHWAY DR
LEXINGTON, 55014

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9002 N HIGHWAY DR
LEXINGTON, 55014

NORDEEN, TRAVIS
3815 WOODLAND RD
CIRCLE PINES, 55014

PARKVIEW HOMES LLC
74195 DESERT OASIS TRL
INDIAN WELLS, 92210

LEXINGTON CITY OF
9180 LEXINGTON AVENUE N
CIRCLE PINES, 55014

KUNTZ, DANIEL J
9233 HAMLINE AVE
LEXINGTON, 55014

DOVETAILED VISION LLC
24734 HAMLET AVE
FOREST LAKE, 55025

RADMANN, KAREN E
5382 LEXINGTON AVE
SHOREVIEW, 55126

STATE OF MINNESOTA
500 LAFAYETTE RD
ST PAUL, 55155

BUESCHER GERALD & TANYA L
9217 HAMLINE AVE
LEXINGTON, 55014

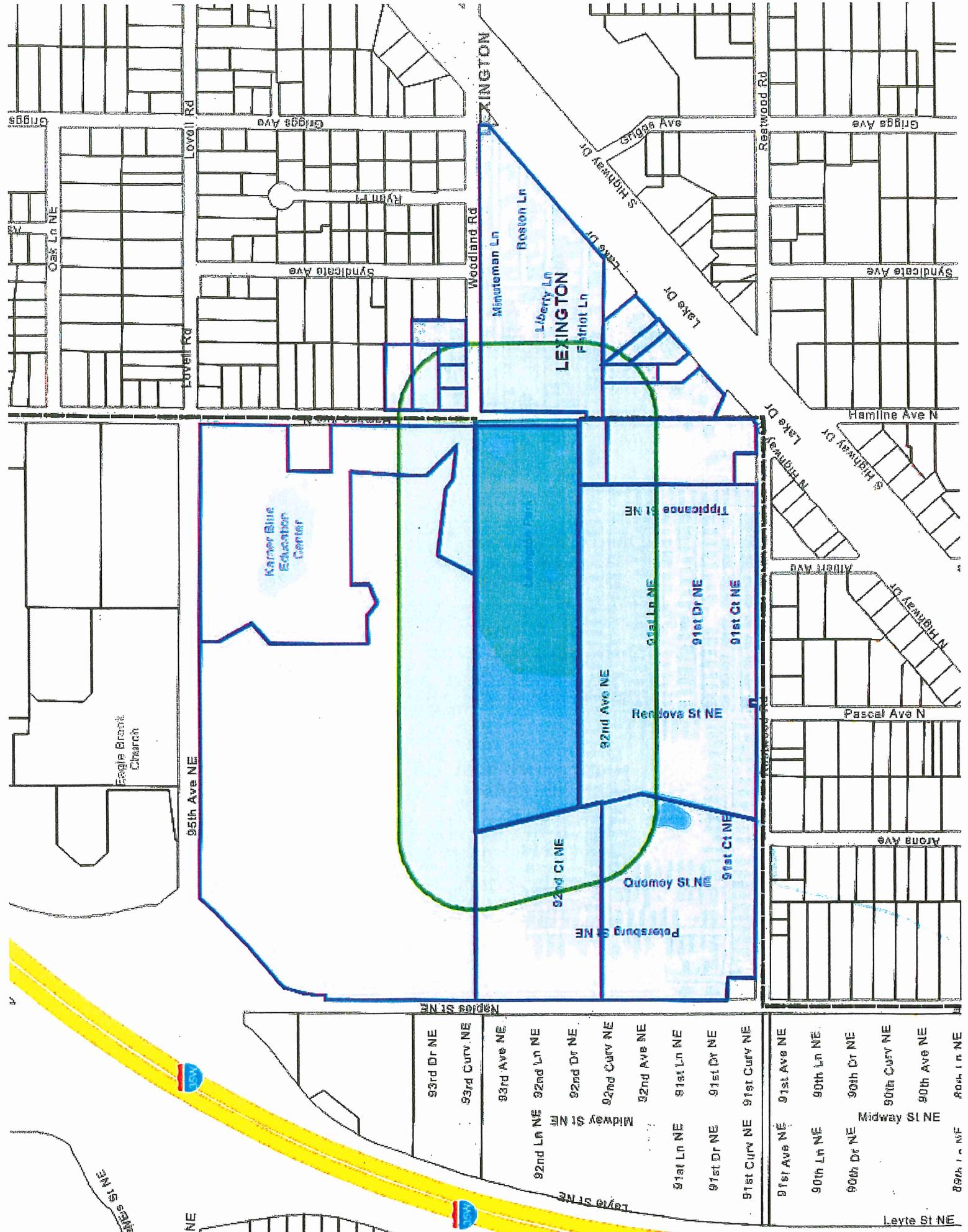
REYES RAUL ACOSTA
3825 WOODLAND RD
LEXINGTON, 55014

LANGER DONALD T & MICHELE T
3845 WOODLAND RD
CIRCLE PINES, 55014

BLAINE HOME HEALTHCARE LLC
10253 ABLE ST NE
BLAINE, 55434

COKER INVESTMENTS LLC
6497 HOKAH DR
LINO LAKES, 55014

FOSS KERRY A
3835 WOODLAND RD
CIRCLE PINES, 55014



Permits Issued and Fees

From Date: 11/01/2024

To Date: 11/30/2024

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 Unifs	SAC Fees	WAC Fees	Total Fees
LEX24-000119	Building	11/21/2024	8822 GRIGGS AVE	Galvin Home Renovations	Repair	\$70,000.00	\$1,029.00	\$668.85	\$35.00					\$1,732.85
LEX24-000122	Building	11/21/2024	9570 ASPEN AVE	Midwest Roofing, Siding & Windows	Residential Siding	\$20,000.00	\$145.00		\$1.00					\$146.00
LEX24-000116	Building: 2 Mechanical	11/08/2024	4015 LOVELL RD	Champion Plumbing	Residential Furnace /AC	\$90,000.00	\$40.00	\$668.85	\$36.00					\$1,878.85
LEX24-000117	Mechanical: 1 Plumbing	11/12/2024	8901 South Hwy	Norther's One Hour Ben Franklin		\$5,000.00	\$40.00		\$1.00					\$41.00
LEX24-000118	Plumbing: 1 Zoning	11/13/2024	9055 SOUTH HIGHWAY DR	Lexington Fire Relief Auxiliary	Accessory Building <200Sq Ft	\$5,000.00	\$175.00		\$2.50					\$177.50
LEX24-000110	Zoning	11/12/2024	9574 DUNLAP AVE	KORUS TERRENCE A	Fence<6'		\$60.00							\$60.00
GRAND TOTAL:	Zoning: 2 6					\$5,000.00 \$100,000.00	\$60.00 \$1,449.00	\$668.85	\$39.50					\$60.00 \$2,157.35
YEAR RUNNING TOTAL:	87					\$1,298,035.66	\$0.00	\$8,770.92	\$455.47			\$4,970.00	\$1,800.00	\$34,219.44

MINUTES
REGULAR PLANNING COMMISSION MEETING
November 12, 2024 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER

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

Chairperson Bautch called to order the Regular Planning Commission meeting on November 12, 2024 at 7:00 p.m. Commissioners Present: Gloria Murphy Ron Thorson and Chuck Ogden. Excused Absence: Michelle Koch. Also present: Bill Petracek, City Administrator.

2. CITIZENS FORUM

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

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

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

4. LETTERS AND COMMUNICATION

- A. Building Permits for October 2024

Some discussion on October building permits.

5. APPROVAL OF PLANNING COMMISSION MINUTES

- A. October 8, 2024
B.

Thorson made a motion to approve the October 8, 2024 Planning Commission Minutes as presented. Ogden seconded the motion. Motion carried 4-0.

6. DISCUSSION ITEM:

- A. NONE

Petracek updated the Commission on next meetings agenda items with a public hearing for a zoning application from AT&T, and a discussion item about cannabis dispensaries and the zoning. Discussion ensued.

7. NOTE COUNCIL MINUTES:

- A. October 3, 2024
- B. October 17, 2024

Discussion was had about the rubber mulch in Memorial Park. Petracek explained that there will be more discussion at the December workshop about it.

8. PLANNING COMMISSION INPUT

No input from the Planning Commission.

9. ADJOURNMENT

Bautch made a motion to adjourn at 7:25 p.m. Ogden seconded the motion. Motion carried 4-0.

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
NOVEMBER 7, 2024 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Grote

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

Mayor Grote called to order the Regular City Council meeting for November 8, 2024, at 7:00 p.m. Councilmembers present: Benson, Devries, Murphy, and Winge Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Quad Press.

3. CITIZENS FORUM

No citizens were present to discuss items not on the agenda

4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

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

5. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Devries provided update from the October meeting.*
- B. Cable Commission (Councilmember Winge) *Quarterly meetings*
- C. City Administrator (Bill Petracek) – *Petracek reminded everyone of the November 13th meeting to canvas election results. Start time is 6:00 p.m.*

6. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 10-9 through 10-22, 2024
- B. Planning & Zoning Meeting minutes – October 8, 2024

No discussion on Letters and Communications.

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 17-2024
- B. Recommendation to Approve Claims and Bills:

Check #'s 52139 through 52074
Check #'s 52138 re-issue for 52068
Check #'s 15429 through 15441
Check #'s 15442 through 15448
Check #'s 15449 through 154545

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

8. ACTION ITEMS:

- A. Recommendation to accept a donation of \$6780.00 to be recorded in the
Capital Equipment Fund for Purchase of New Fire Helmets

*Councilmember Benson made a motion to accept a donation of \$6780.00 to be
recorded in the Capital Equipment Fund for Purchase of New Fire Helmets.
Councilmember Murphy seconded the motion. Motion carried 5-0.*

- B. Recommendation to approve 2025 Anoka County Agreement for Residential
Recycling Program

*Councilmember Murphy made a motion to approve 2025 Anoka County Agreement for
Residential Recycling Program. Councilmember Devries seconded the motion. Motion
carried 5-0.*

9. MAYOR AND COUNCIL INPUT

*Councilmember Murphy congratulated Mayor Grote on a well fought Mayoral
campaign and thanked the residents for coming out to vote.*

10. ADJOURNMENT

*Councilmember Benson made motion to adjourn the meeting at 7:06 p.m.
Councilmember Devries seconded the motion. Motion carried 5-0.*

**MINUTES
CITY OF LEXINGTON
SPECIAL COUNCIL MEETING
ELECTION CANVASS
NOVEMBER 13, 2024 – 6:00 P.M.
9180 LEXINGTON AVENUE**

- 1. CALL TO ORDER:** – Mayor Grote
- A. Roll Call - Council Members: DeVries, Murphy, Benson, Winge

Mayor Grote called to order the Special City Council meeting for November 13, 2024, at 6:00 p.m. Councilmembers present: Benson, Devries, and Murphy. Excused Absence: Winge Also Present: Bill Petracek, City Administrator..

- 2. CONSENT ITEMS:**
- A. Canvass Municipal Election results – State General Election of November 5th, 2024

Councilmember Devries made a motion to Approve Municipal Election results – State General Election of November 5th, 2024. Councilmember Benson seconded the motion. Motion carried 4-0.

- 3. ADJOURNMENT**

Councilmember Devries made motion to adjourn the meeting at 6:02 p.m. Councilmember Benson seconded the motion. Motion carried 4-0.

MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
NOVEMBER 21, 2024– 7:00 P.M.
9180 LEXINGTON AVENUE

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER: – Mayor Grote

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

Mayor Grote called to order the Regular City Council meeting for November 21, 2024, at 7:00 p.m. Councilmembers present: Benson, Devries, and Murphy. Excused Absence: Winge Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Joe McPherson and Nick Dobda, Anoka County Engineer; Quad Press; various Lexington citizens.

3. CITIZENS FORUM

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

4. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Benson 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 10-23 through 11-12, 2024
- B. Public Notice – Special Council Meeting – Election Results Canvass
- C. North Metro TV – October 2024 Update
- D. City Report – October 2024
- E. Planning & Zoning meeting minutes – November 12, 2021

No discussion on Letters and Communications.

2. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – November 7, 2024
Special Council Meeting Election Canvass – November 13, 2024
- B. Recommendation to Approve Claims and Bills:
Check #'s 52199 through 52254

Check #'s 15458 through 15474
Check #'s 15478 through 15482

- C. Financial Reports
- Cash Balances
 - Fund Summary – Budget to Actual

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

3. ACTION ITEMS:

- A. Recommendation to approve Memorial Park bathroom remodel plans and specifications and solicit bids

Councilmember Devries made a motion to approve Memorial Park bathroom remodel plans and specifications and solicit bids. Councilmember Benson seconded the motion. Motion carried 4-0.

- B. Recommendation to approve Centennial Youth Hockey Association's request to use Memorial Park ice rink from January 6, 2025 through February 27, 2025 (6:00 to 7:00 PM – Monday through Thursday)

Councilmember Benson made a motion to approve Centennial Youth Hockey Association's request to use Memorial Park ice rink from January 6, 2025 through February 27, 2025 (6:00 to 7:00 PM – Monday through Thursday). Councilmember Murphy seconded the motion. Motion carried 4-0.

- C. Recommendation to approve New Business License (pending successful background check and document submission) Lirong Yang

A motion was made by Councilmember Benson to separate Action Item C, into Action Item C and D. Councilmember Murphy seconded the motion. Motion carried 4-0

Petracek explained that the background check is not complete on this business license applicant and recommends tabling this item. Discussion ensued.

Councilmember Benson made a motion to table Action item C until the background check is completed for the business licensee. Councilmember Murphy seconded the motion. Motion carried 4-0.

- D. Recommendation to approve Resolution 24-18 – A Resolution Certifying Delinquent Water & Sewer Assessments

Councilmember Devries made a motion to approve Resolution 24-18 – A Resolution Certifying Delinquent Water & Sewer Assessments. Councilmember Murphy seconded the motion. Motion carried 4-0.

- E. Recommendation to approve Resolution 24-19 – A Resolution Certifying Ordinance Violation Charges

Councilmember Devries made a motion to approve Resolution 24-19 – A Resolution Certifying Ordinance Violation Charges. Councilmember Benson seconded the motion. Motion carried 4-0.

4. MAYOR AND COUNCIL INPUT

Councilmember Devries wanted to remind citizens to pull garbage and recycling cans back far enough so they don't interfere with the snowplow.

Councilmember Benson stated the light at the Lake Drive entrance sign that was flickering is now not working.

5. ADMINISTRATOR INPUT

No input from the city administrator

6. ADJOURNMENT

Councilmember Benson made motion to adjourn the meeting at 7:10 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.