

**APPEALS HEARING
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
November 5, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE**

APPEALS HEARING

1. CALL TO ORDER: – Mayor Kurth

A. Roll Call - Council Members: Devries, Hughes, Payment, Plasch

Mayor Kurth called to order the Appeals Hearing for November 5, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Joe Wressel, Community Service Officer; Toutou Khomsot, Appellant

A. APPEALS HEARING: HEARING TO APPEAL DESIGNATION AS A POTENTIALLY DANGEROUS DOG, by Tou Tou Khamsot

Joe Wressel, community service officer, Centennial Lakes Police Department provided the Council an explanation for the reasons Tarsand, Khamsot's dog, was designated a potentially dangerous animal by the police department.

Tou Tou Khamsot addressed the Council to ask them to reconsider Tarsand's designation of being considered a potentially dangerous dog.

Mayor Kurth asked if she disputes any of the information CSO Wressel reported to the Council. Khamsot stated that Wressel's report was correct, but she promised this would never happen again.

Mayor Kurth stated that this is the second time this has happened and the City Council has an obligation to act on this for our citizens' protection. Discussion ensued.

Councilmember Plasch asked if she's had obedience training for her dog. Khamsot stated Tarsand has not had training. Attorney Glaser stated she can reapply to remove the potentially dangerous designation after six months and Khamsot has demonstrated that Tarsand has received obedience training and she has addressed the other items listed in the ordinance dealing with a potentially dangerous animal. Discussion ensued.

2. ADJOURN APPEALS HEARING

A motion was made by Councilmember Devries to adjourn the appeals hearing at 7:21 p.m. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

REGULAR COUNCIL MEETING

3. CALL TO ORDER: – Mayor Kurth

Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

Mayor Kurth called to order the Regular City Council meeting for November 5, 2015 at 7:21 p.m. Councilmember's present: DeVries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Heidi Arnson, NMTV; Mike Bradley, Attorney Cable Commission; A representative from Century Link; Adele Piotrowski – 8813 South Highway Drive.

4. CITIZENS FORUM

Adele Piotrowski – 8813 South Highway Drive – addressed her concerns about the Flowerfield Road cul de sac that was closed off and seeded with grass during the reconstruction of Flowerfield Road. She brought up concerns about the following items:

- 1. Loose tar on the road.*
- 2. No dead-end signs – people were driving on the seeded cul de sac*
- 3. Snowplowing*
- 4. Snowmobile trail signs*

Discussion ensued. Petracek explained that Flowerfield was not 100% complete and the City Engineer has to go through a punch list of items with the contractor before final payment would be made to the company. He would bring these concerns to the city engineer and public works.

5. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Hughes to approve the agenda as presented. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

6. INFORMATIONAL REPORTS:

- a. Airport (Councilmember Plasch) – No report*
- b. Cable Commission (Councilmember Payment) – No report*
- c. City Administrator (Bill Petracek) - Petracek provided update on fire station and the Flowerfield Road culvert replacement.*

7. LETTERS AND COMMUNICATIONS:

- a. Park Board meeting minutes – October 5, 2015*
- b. Planning and Zoning meeting minutes – October 13, 2015*
- c. Centennial School District Community Education – Adopt a backpack drive*

- d. 2016 Schedule of Meeting dates and calendar drafts
- e. Public Notice - Blaine Planning Commission – Blaine Preserve Business Park Fourth Addition

No discussion on Letters and Communications

8. CONSENT ITEMS:

A. Recommendation to Approve Council Minutes:
Council Meeting – October 15, 2015

B. Recommendation to Approve Claims and Bills:

- Check #'s 13407 through 13409
- Check #'s 40086 through 40087
- Check # 40088
- Check #'s 40089 through 40142
- Check #'s 10567 through 10590

C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

A motion was made by Councilmember Plasch to approve the consent agenda items. The motion was seconded by Councilmember Payment. Motion carried 5-0.

9. ACTION ITEMS:

A. Consider appeal of designation as a potentially dangerous dog by Tou Tou Khomsot.

Councilmember Devries made a motion to uphold the police department's designation of Tarsand – Tou Tou Khomsot's dog – as a potentially dangerous dog. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

B. Recommendation to acknowledge and approve Century Link Cable Franchise Application Findings of Fact – Attorney Mike Bradley at present.

Cable Commission Attorney Mike Bradley was present to provide an overview of the CenturyLink cable franchise agreement.

Councilmember Hughes asked Bradley how soon he would be able to connect to CenturyLink's system. Bradley stated as soon as the ordinance goes into effect. Bradley explained that certain homes in Lexington wouldn't be able to connect to the system immediately due to infrastructure deficiencies. He added that the franchise agreement has a 5-year build-out requirement, and the cable commission would be getting regular updates on Century Link's progress. Discussion ensued.

A motion was made by Councilmember Devries to acknowledge and approve Century Link's cable franchise application findings of fact. The motion was seconded by Councilmember Payment. Motion carried 5-0.

- C. Recommendation to approve CenturyLink Cable Television Franchise Ordinance NO. 15-12

A motion was made by Councilmember Payment to approve Century Link Cable Television Franchise Ordinance No. 15-12. The motion was seconded by Councilmember Devries. Motion carried 5-0.

- D. Recommendation to approve Resolution NO. 15-32 A Ordinance For Summary Of Publication.

A motion was made by Councilmember Payment to approve Resolution No. 15-32 – Ordinance for Summary of Publication. The motion was seconded by Councilmember Devries. Motion carried 5-0.

- E. Recommendation from Planning & Zoning Commission to approve Ordinance NO. 15-11 - M1 & M2 Schedule of Uses and related Ordinance Amendments.

A motion was made by Councilmember Hughes to approve Ordinance No. 15-11 – M1 & M2 – Schedule of Uses and related Ordinance Amendments. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

- F. Recommendation to approve New Liquor License Application – Carbones’s Noslo Restaurant Operations, Inc Pending background check.

Petracek explained that the background check for the new owner – Peter James Olson - came back without any discrepancies. Discussion ensued.

A motion was made by councilmember Devries to approve the new liquor license application – Carbone’s Noslo Restaurant Operations, Inc. The motion was seconded by Councilmember Hughes. Motion carried 5-0.

- G. Public Works building sandblast and paint request not to exceed \$5200.00.

A motion was made by Councilmember Devries to approve the quote from High Performance Coatings Inc. in the amount not to exceed \$5,200 to sandblast and paint the public works building. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

- H. Recommendation to approve MSA Professional Services Agreement – DuWayne Park Design Development and 30% Construction Documentation.

Tina Northcutt, Finance Director, explained that the agreement with MSA involves the implementation of the Parks Master Plan. She added that MSA will review the existing infrastructure in DuWayne and Memorial Park, and focus primarily on DuWayne Park. Northcutt stated that MSA project manager will put together documents that will allow us to begin searching for grant funding for the Parks Master Plan. Discussion ensued.

A motion was made by Councilmember Plasch to approve the MSA Professional Services Agreement – DuWayne Park Design Development and 30% construction documentation. The motion was seconded by Councilmember Devries. Motion carried 5-0.

10. MAYOR AND COUNCIL INPUT

No input from Mayor or City Council

11. ADJOURNMENT

A motion was made by Councilmember Plasch to adjourn the meeting at 8:11 p.m. The motion was seconded by Councilmember Payment. Motion carried 5-0.

I hereby certify that the November 5, 2015, Regular City Council Minutes as presented, were approved by the Lexington City Council on November 19, 2015.

*Bill Petracek
City Administrator*

/bp