

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
NOVEMBER 7, 2019 – 7:00 P.M.
9180 LEXINGTON AVENUE**

- 1. CALL TO ORDER:** – Mayor Murphy
 - A. Roll Call - Council Members: DeVries, Harris, and Hughes

Mayor Murphy called to order the Regular City Council meeting for November 7, 2019 at 7:00 p.m. Councilmember's present: Devries, Harris, and Hughes. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Mike Kaeding, Tyler Stadler, Marie Dickover from Norhart; Tim Harmsen, Dinkytown Rentals; Joe Hammer, Citizen; Bob Dedyne, Citizen; Kathy Dedyne, Citizen; Numerous Centennial High School students; John and Sherri Urbanski; Police Officer Matt Giese

- 2. CITIZENS FORUM**

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

- 3. 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 4-0.

- 4. NORHART/LEXINGTON LOFTS DEVELOPER WILL PROVIDE A PRESENTATION ON THEIR PROPOSED DEVELOPMENT AND APPLICATION FOR ZONING REQUESTS.**

Mike Kaeding, President, Norhart, was provided a PowerPoint presentation and overview of the proposed 355-unit apartment complex – Lexington Lofts – and explained the application for zoning requests.

*Bob Dedyne
8780 Dunlap Ave.
Lexington Mn.*

Mr. Dedyne explained that these proposed apartments are inconsistent with the character of the community. Discussion ensued.

*Tim Harmsen
Owner, Ephesians Apartments*

Mr. Harmsen asked about the types of apartments being constructed with Lexington Lofts. Discussion ensued.

Councilmember Harris asked about the 5-story sky lounge and if the people in the west apartment would have access to those amenities. Kaeding responded by saying that tenants in all of the buildings will have access to these amenities. Discussion ensued.

*Kathy Dedyne
8780 Dunlap Ave.
Lexington, MN.*

Ms Dedyne asked about the other developments in the community in the past 3-years. She asked why there is a big push for these developments. Discussion ensued.

Blake Dewberry asked what impact this development will have on the school system. Discussion ensued.

*Joe Hammer
8892 Dunlap Ave.
Lexington, MN*

Mr. Hammer asked where it goes from here? Ephesians is planning another building. Councilmember Devries explained that the apartment complexes that the Ephesians has purchased have a lot of problems with police calls. Discussion ensued.

5. INFORMATIONAL REPORTS:

- A. Airport (Mayor Murphy) – *Mayor Murphy stated that the next airport meeting is in November.*
- B. Cable Commission (Mayor Murphy) – *No cable commission meeting was held.*
- C. City Administrator (Bill Petracek) – *Petracek asked for feedback on the new sign on Lexington and Lake Drive. Discussion ensued.*

6. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports 10-10-19 - 10-29-19
- B. Council Workshop minutes – October 17, 2019
- C. Minnesota Secretary of State – Notice of 2020 Presidential Nomination Primary Tuesday, March 3, 2020
- D. Anoka County Elections – Notice of 2020 Presidential Nomination Primary
- E. Public Notice – Closed Executive Session – November 7, 2019

No discussion on Letters and Communications

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 17, 2019
- B. Recommendation to Approve Claims and Bills:
Check #'s 13639 through 13642
Check #'s 45498 through 45557
Check #'s 12853 through 12869
Check #'s 12870 through 12881

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

8. ACTION ITEMS:

- A. Recommendation to approve Resolution NO. 19-22 A Resolution Adopting Preliminary Plat For Lexington Lofts

Councilmember Hughes asked about the 13' setbacks. Marie Dickover, Lexington Lofts, explained that is only on the main building. Hughes added that he is concerned about the buildings being too close to the street. Discussion ensued.

Councilmember Harris asked about the tree lines and screenings along the street. Tyler Stadler, Lexington Lofts, explained that they have various types of trees being planned for planting along Restwood and Griggs Ave. Discussion ensued.

Mayor Murphy asked about Tot Park and safe parking for the park. Discussion ensued. Murphy asked if Norhart would consider putting parking spots on the property for the park. Kaeding felt that it would affect their financing for the project negatively. Discussion ensued.

Councilmember Devries called for a vote.

Councilmember Devries made a motion to approve Resolution NO. 19-22 A Resolution Adopting Preliminary Plat for Lexington Lofts. Councilmember Harris seconded the motion. Motion carried 3-1

- B. Recommendation to approve Ordinance NO 19-02 An Ordinance Of The City Council Of Lexington, Minnesota, Approving A Planned Unit Development For The Plat Lexington Lofts

Councilmember Harris made a motion to approve Ordinance NO 19-02 An Ordinance Of The City Council Of Lexington, Minnesota, Approving A Planned Unit Development For The Plat Lexington Lofts. Councilmember Devries seconded the motion. Motion failed 3-1 (approval needed a 4/5th majority vote)

- C. Recommendation to Approve Final Payment for the City Hall Security Upgrades in the amount of \$17,436.25 to Broadview Builders, Inc.

Councilmember Harris made a motion to Approve Final Payment for the City Hall Security Upgrades in the amount of \$17,436.25 to Broadview Builders, Inc. Councilmember Hughes seconded the motion. Motion carried 4-0.

- D. Recommendation to Approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees For 2019

Councilmember Harris made a motion to approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees for 2019. Councilmember Hughes seconded the motion. Motion carried 3-1.

Mayor Murphy asked Devries why he voted against the Resolution. Councilmember Devries stated that he wanted to finish the year as the alternate for the Governing Board, and the amended Resolution does not have him in that position. Mayor Murphy asked if the vote can be reopened for discussion. Councilmember's Harris and Hughes were okay with reopening the vote for discussion. Discussion ensued.

Mayor Murphy stated he would like to put Devries back on as the alternate for the Police Governing Board. Petracek stated he can have a new Resolution by tomorrow for the Mayor to be sign if the Council agrees.

Councilmember Hughes made a motion to approve Resolution NO. 19-21 – A Resolution Amending the Naming Of Appointees for 2019 with Councilmember Devries being appointed as the alternate for the Police Governing Board. Councilmember Harris seconded the motion. Motion carried 3-0.

- E. First Reading of Proposed Ordinance 19-01 – An Ordinance Amending Section 3.30 – Rules and Regulation to Sewerage Service

Petracek explained that a community that provides a water and sewer utility generally has this type of language requiring the property owner to maintain their sewer service pipe that connects their home or business to the City's sewer main. He added that our water utility ordinance already has this requirement in the regulations and by adopting this ordinance, the sewer utility ordinance will have the same requirements. Discussion ensued.

Attorney Glaser read proposed ordinance 19-01. No action was taken.

9. CLOSED SESSION

Attorney Glaser explained the need for the city council to go into closed session.

Councilmember Hughes made a motion to convene into closed session for the city attorney to provide a confidential update on the status of the October 14th mediation regarding Parkview Homes LLC vs. City of Lexington at 8:29 p.m. to Councilmember Devries seconded the motion. Motion carried 4-0.

- a) Attorney-Client Privileged discussion regarding Parkview Homes LLC v. City of Lexington. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session in order for the city attorney to provide a confidential update on the status of the case following the Oct 14 mediation.

Councilmember Harris made a motion to reconvene into open session at 8:35 p.m. Councilmember Hughes seconded the motion. Motion carried 4-0.

Attorney-Client Privileged discussion regarding threatened litigation involving Lease Finance Group and/or First Resource Bank. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session in order for the City Council to seek and receive candid advice from legal counsel regarding litigation strategy.

Councilmember Hughes made a motion to convene back into closed session at 8:35 p.m. to discuss threatened litigation involving Lease Finance Group and/or First Resource Bank. Councilmember Devries seconded the motion. Motion carried 4-0.

10. RECONVENE FROM CLOSED SESSION

Councilmember Hughes made a motion to reconvene into open session at 8:58 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.

Councilmember Devries made a motion authorizing the City Attorney to answer and defend any legal action that may arise from the dispute involving Lease Finance Group or First Resource Bank. Councilmember Harris seconded the motion. Motion carried 4-0.

11. MAYOR AND COUNCIL INPUT

Councilmember Harris stated that she feels that if City staff plants some shrubs, trees or plants around the new sign at Lexington Ave. and Lake Drive would be sufficient. Petracek stated that staff felt that the old signs should be installed behind the new sign. Harris stated it wouldn't look good. Petracek asked if the rest of the council thought the same.

The consensus of the Council was to direct the city administrator to have city staff plant some shrubs or plants behind the new sign.

12. ADJOURNMENT

Councilmember Devries made motion to adjourn the meeting at 9:03 p.m. Councilmember Harris seconded the motion. Motion carried 4-0.