

AGENDA
REGULAR PLANNING COMMISSION MEETING
November 12, 2019 - 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 October 2019 pg. 1-3
5. APPROVAL OF PLANNING COMMISSION MINUTES
 - B. October 8, 2019 pg. 4-7
6. DISCUSSION ITEM:
 - A. Discuss Proposed Ordinance Changes – Outdoor Storage pg. 8-12
 - B. Discuss 2020 P&Z Meeting date conflicts
 - February 11, 2020 – Special Election (County Commissioner)
 - August 11, 2020 General Primary Election
7. NOTE COUNCIL MINUTES:
 - A. October 3, 2019 pg. 13-15
 - B. October 17, 2019 pg. 16-18
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

City of Lexington
Permits Issued & Fees Report - Detail by Address

Issued Date From: 10/1/2019 To: 10/31/2019
 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 New Construction													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
Permit Kind: Commercial Sign - Permanent													
019-00126	10/23/2019	9005 SOUTH HIGHWAY DRIVE	0		30,000.00	580.05	377.03	15.00					972.08
Permit Kind: Residential New Construction													
Permit Kind: Residential Remodel													
019-00125	10/17/2019	9465 GRIGGS AVE	0		120,000.00	1,451.57	943.52	60.00					2,455.09
Permit Kind: Residential Repair													
Permit Kind: Residential Roofing													
019-00119	10/03/2019	8761 DUNLAP AVE	0		8,277.00	145.00		1.00					146.00
019-00117	10/03/2019	8884 DUNLAP AVE	0		12,000.00	145.00		1.00					146.00
019-00129	10/25/2019	9151 DUNLAP AVE	0		6,000.00	145.00		1.00					146.00
019-00118	10/04/2019	9564 Lexington	0		6,500.00	145.00		1.00					146.00
019-00121	10/11/2019	9201 RYAN PL	0		13,307.00	145.00		1.00					146.00
019-00123	10/14/2019	9217 RYAN PL	0			145.00		1.00					146.00
019-00124	10/17/2019	8871 S HIGHWAY DR	0		6,500.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
019-00127	10/22/2019	9250 DUNLAP AVE	0		2,000.00	145.00		1.00					146.00
Permit Type: Building - Totals													
Period	10		0		204,584.00	3,191.62	1,320.55	83.00					4,595.17
YTD	70		0		1,118,376.01	17,176.04	6,169.19	379.70		1	2,485.00		26,638.93

Permit Type: Mechanical

Permit#	Date Issued	Site Address	Permit Type	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	WAC Fees	Total Fees
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Mechanical													
Permit Kind: Commercial New Construction													
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
19-00131	10/31/2019	9040 DUNLAP AVE		0			40.00		1.00				41.00
19-00130	10/25/2019	9151 JACKSON AVE		0			40.00		1.00				41.00
19-00128	10/21/2019	4015 LOVELL RD		0			40.00		1.00				41.00

Residential Remodel													
Permit Type: Mechanical - Totals													
Period	3	0					120.00		3.00				123.00
YTD	21	0			2,073,940.00		42,226.80	26,966.42	957.69				70,150.91

Other													
Permit Kind: Residential Roofing													
Permit Type: Other - Totals													
Period	0												
YTD	2	0					290.00		2.00				292.00

Plumbing													
Permit Kind: Commercial New Construction													
Permit Kind: Commercial Remodel													
Permit Kind: Residential Interior Remodel													
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													

Permit Type: Plumbing - Totals													
Period	0												
YTD	20	0			1,973,272.00		40,361.44	25,562.19	910.10				67,062.73

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: Zoning													
Permit Kind: Residential Accessory Building													
Permit Kind: Residential Driveway													
019-00120	10/03/2019	3801 FLOWERFIELD RD	0	0		60.00							60.00
019-00122	10/08/2019	9313 GRIGGS AVE	0	0		60.00							60.00
Permit Kind: Residential Fence/Wall < 6 FT													
Permit Type: Zoning - Totals													
			2	0		120.00							120.00
			14	0		840.00							840.00
Report Total													
			15	0	\$204,584.00	3,431.62	1,320.55	86.00		1	2,485.00		4,838.17
			127	0	\$5,165,588.01	100,894.28	58,697.80	2,249.49					164,984.57

Unapproved Minutes

PUBLIC HEARING & REGULAR PLANNING COMMISSION MEETING October 8, 2019 - 7:00 P.M. 9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER PUBLIC HEARING

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

Chairperson Vanderbloomer called to order the Public Hearing on October 8, 2019 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Excused Absence: John Hughes, Councilmember. Also present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Police Officer's – B. J. Steppan and Lucas Frederickson; Mike Kaeding, Tyler Stadler, and Marie Dickover from Norhart; John Kohler, Paster Properties; Diane Harris, Councilmember; Mike Murphy, Councilmember; Shannon Granholm, Quad Press; Various citizens for the public hearing.

Public Hearing The purpose of the Public Hearing is to consider a request to rezone properties from an R-3 zone to an M-1 zone, formulate a Planned Unit Development (PUD), approve a preliminary plat for all parcels involved, vacate Gerald Avenue, and amend the 2030 Comprehensive Plan to accommodate a proposed 355-unit apartment complex –Lexington Lofts:

- A. Norhart/Lexington Lofts Developer will provide a presentation on their proposed development and application for zoning requests.

Mike Kaeding, President of Norhart, provided a powerpoint presentation of the proposed zoning requests for the Lexington Lofts development. Following Mr. Kaeding's presentation, Chairperson Vanderbloomer opened it up for public comments and questions on the project.

Bob Dedeyn
8780 Dunlap Ave.
Lexington, MN.

Mr. Dedeyn stated that it isn't necessary to double the population of Lexington. He feels that these new apartment complexes in residential areas is unreasonable. He

added that this is the 3rd time a development of this type has happened in Lexington and nobody listens.

*Joe Hammer
8892 Dunlap Ave.
Lexington, MN.*

He complimented Norhart on a great job and great design, but he lives in an 80 year old house, and all of these amenities will not help the City. He added that moving Tot Park closer to the road does not help the safety of the kids. He doesn't agree with a building of this size and that it should not be next to a residential area.

*Alex Green
8929 Paschal
Lexington, MN.*

He stated that it is a nice building, but added that this isn't a Lexington building. Lexington has a small town feel and now it is gone. These residents are accustomed to this small town feel. He believes that this apartment complex will attract a rowdy crowd. This building will double the population, and is this worth sacrificing what we have in this town.

*Rebecca Green
8929 Paschal Ave.
Lexington, MN.*

Small town police department and small town fire department. Are we prepared to handle this building if it starts on fire?

2. ADJOURNMENT OF PUBLIC HEARING

Bautch made a motion to adjourn public hearing at 7:30 p.m. Koch seconded the motion. Motion carried 5-0.

REGULAR PLANNING COMMISSION MEETING

1. CALL TO ORDER

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

Chairperson Vanderbloomer called to order the Regular Planning Commission on October 8, 2019 at 7:31 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Excused Absence: John Hughes, Councilmember. Also present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Steve Winter, City Engineer; Police Officer's – B. J. Steppan and Lucas Frederickson; Mike Kaeding, Tyler Stadler, and Marie Dickover from Norhart; John Kohler, Paster

Properties; ; Diane Harris, Councilmember; Mike Murphy, Councilmember; Shannon Granholm, Quad Press; Various citizens for the public hearing.

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

Murphy made a motion to approve the agenda with an amendment to the date on the agenda from the 10th to the 8th. Koch seconded the motion. Motion carried 5-0.

4. LETTERS AND COMMUNICATION

A. Building Permits for September 2019

B. Public Notice – Council & Park Board attendance at Public Hearing

Some discussion on roofing permits issued.

5. APPROVAL OF PLANNING COMMISSION MINUTES

A. September 10, 2019

Koch made a motion to approve the July 10, 2018 minutes. Murphy seconded the motion. Motion carried 4-0.

6. DISCUSSION ITEM:

A. Recommend to the City Council to approve a Rezone from an R-3 zone to an M-1 zone for lot parcels #35-31-23-11-0082, #35-31-23-11-0071, #35-31-23-11-0070, #35-31-23-11-0078.

Attorney Glaser provided an explanation of the rezoning of the properties. He stated that the M-1 zoning should be consistent throughout the properties, and there is no reason to have an R-3 zone. Discussion ensued.

B. Recommend to the City Council to approve a Preliminary Plat for all lot parcels: Property I.D. # 35-31-23-12-0049, #35-31-23-11-0082, #35-31-23-11-0071, #35-31-23-11-0070, #35-31-23-11-0078.

Steve Winter, City Engineer, explained that the preliminary plat. Bautch asked about the increased traffic caused by the proposed development. Winter stated that a traffic study was not required for this development, but could be still called for during the approval process. Discussion ensued.

B. Recommend to the City Council to approve a Planned Unit Development for lot parcel # 35-31-23-12-0049, #35-31-23-11-0082, #35-31-23-11-0071,

#35-31-23-11-0070, #35-31-23-11-0078 subject to the approval of the Preliminary Plat for all lot parcels.

Attorney Glaser provided an overview of the requested adjustments to the zoning regulations by Norhart for the Planned Unit Development and proposed development. Discussion ensued.

- C. Recommend to the City Council to approve the vacation of Gerald Ave. subject to the approval of the Preliminary Plat for all lot parcels.

City staff and consultants explained the need to vacate Gerald Ave. for the project. Discussion ensued.

- D. Recommend to the City Council to approve an amendment to the 2030 Comprehensive Plan subject to the approval of the Preliminary Plat for all lot parcels.

Bautch addressed the thought of the safety of the new Tot Park and the setback from the road. Discussion ensued.

Vanderbloomer addressed the population changed due to the new development. Discussion ensued.

Attorney Glaser explained that the 2030 Comprehensive Plan needs to be amended for this project. Petracek added if the 2040 Plan had been adopted, there would be no need to amend the Comprehensive Plan, as the new plan has high-density housing incorporated into the new plan. He anticipates the approval of the plan at the next City Council meeting.

Attorney Glaser explained that rather than taking action on items A-D, he recommended that the Planning Commission adopt his memo. He added that his memo provides all of the requirements for making a recommendation to the City Council on the proposed Lexington Lofts development.

Bautch made a motion to adopt the City Attorney's staff memo. Thorson seconded the motion. Motion carried 4-1

7. NOTE COUNCIL MINUTES:

- A. September 5, 2019
- B. September 19, 2019

No discussion was had on the City Council minutes.

8. PLANNING COMMISSION INPUT

No input from the Planning Commission

- 9. ADJOURNMENT ***Bautch made a motion to adjourn at 8:23 p.m. Murphy seconded the motion. Motion carried 5-0.***

Memorandum

TO: Planning & Zoning Commission
FROM: Kurt Glaser, City Attorney
DATE: 09/10/2019
RE: Proposed Ordinance Changes
Outdoor Storage

SUMMARY: Changes to the proposed Ordinance text have been made below, the body of this memo is unchanged.

Chapter 11.02, Definitions:

NOTE, THE TERM "OUTDOOR STORAGE" HAS BEEN REMOVED FROM THE CHAPTER 11 AND IS NOT USED ANYWHERE ELSE IN THE CODE. REFERENCES USING THE TERM "OUTDOOR STORAGE" HAVE BEEN CHANGED TO "EXTERIOR STORAGE". "OUTSIDE STORAGE" IS USED IN CHAPTER 15.

~~"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.~~

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

SECTION 11.60. PERFORMANCE STANDARDS.

Any item outside of a principal or accessory structure is allowable as either an Accessory Use or Conditional Use in each land use district. "Exterior storage" as set forth in Chapter 11, shall govern business and multiuse districts. "Outside storage" as set forth in Chapter 15, shall govern residential district.

Subd. 12. Exterior Storage.

- A. All materials and equipment shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, patio furniture, firewood and operable and currently licensed automobiles and trucks weighing not more than one ton.

- B. In non-residential and multiuse districts, all materials, equipment, and items shall be stored within a building or fully screened from adjacent properties and the street. The exceptions are: (1) merchandise being displayed for immediate sale; (2) materials and equipment currently being used for construction on the premises; (3) merchandise located on service station pump islands.

Version 09/10/2019 pending before P&Z.

- C. In non-residential district, up to three commercial vehicles such as delivery and service trucks up to 12,000 pounds of gross weight may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds shall require screening.

NOTE, SUBDIVISION 14 IS DELETED AND MOVED TO CHAPTER 15.

~~**Subd. 14. Parking or Storage of Motor Home or Travel Trailer.** One travel trailer, motor home, camper, or similar vehicle may be parked or stored on a residential site when used by the family residing in the dwelling on such site. Such vehicles or items shall have affixed thereto current registration or license plates as required by law and shall be stored so that same shall meet all minimum side, front and rear yard setback requirements of the residential district of this Chapter and such parking or storage shall otherwise meet all other requirements of any other City Code provision and State laws. None of such parked or stored vehicles or items shall be connected to any water or sewage disposal system on said residential property where same is so parked or stored.~~

SECTION 15.102. DEFINITIONS.

Subd. 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter.

- A. **"Recreational vehicle"** – The following are considered Recreational Vehicles:
- a. Motor vehicles and trailers which include living quarters designed for temporary accommodation; or,
 - b. Mobile vehicles used for recreational purposes capable of being towed or being self-propelled, including but not limited to boats, watercraft, snowmobiles, or all-terrain vehicles.
 - c. A recreational vehicle does not include a manufactured home, construction trailer, or any other vehicle or trailer designed for permanent habitation as evidenced by its capability for a permanent connection to a water, sewer or electricity service.
- B. **"Trailer"** - an unpowered vehicle capable of being towed by another.
- C. **"Fish house"** - A shelter, generally used for ice fishing or fish spearing, commonly known as an ice shelter, dark house, fish house, or wheelhouse, otherwise requiring a license from the State. These shelters include any shelter ever licensed for use when taking fish from public waters. Once any structure or shelter is licensed by the State for use as a fish house, it is thereafter designated to be a "fish house" under this definition.

SECTION 15.103. GENERAL REQUIREMENTS.

Subd. 1 (F) [GOVERNING RESIDENTIAL PROPERTY]

Outside Storage. Where allowed in a zoning district, the outside storage of materials, equipment or other personal property on or adjacent to any building property shall conform to the following:

1) All materials, equipment or other personal property shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, firewood and operable, currently licensed automobiles and trucks weighing not more than one ton, and those other exceptions defined in subsection 3 (below).

2) No commercial vehicles of over one (1) ton capacity or commercial trailers shall be parked or stored in any residential district except when loading, unloading or rendering a service. All vehicles equipped with truck parking permits shall be exempt.

3) a) The outside storage of boats, unoccupied boat trailers, unoccupied trailers with a maximum gross weight of 3,000 pounds, or fish houses is permissible in the areas defined below; and,

b) The outside storage of one recreational vehicle is permissible in the areas defined below.

c) The permissible areas for outside storage are defined as:

i) Rear yard at least ten (10) feet from the rear property line; and,

ii) Side yard at least five (5) feet from the side property line.

iii) Except that anywhere in the Front yard, storage is limited to the area at least ten (10) feet from the back curb line and then only on a driveway surface.

iv) In no case shall boats, unoccupied boat trailers, unoccupied trailers with the maximum gross weight of 3,000 pounds or recreational vehicles be parked to cause a safety hazard due to poor traffic sight distance or inaccessibility to properties by emergency vehicles or persons.

v) All trailers stored pursuant to this section may not be used to store materials and equipment on or about the trailer, with the

exception that boat trailers may store a boat intended for use with the trailer.

4) The outside storage of boats, trailers, fish houses, and recreational vehicles defined in this subsection are:

(a) Not required to be parked, stand or operate only on a hard and dust-free surface when parked in a rear or side yard, as otherwise required by Section 11.60, subdivision 22 (H).

(b) Shall have affixed thereto current registration or license plates as required by law and shall be stored.

(c) Shall not be connected to any water or sewage disposal system.

5) The outside storage of firewood shall be restricted to the side or rear yards provided it is no closer than five (5) feet to any property line. Such wood shall be stacked in a neat, orderly, safe manner. The maximum height allowed is six (6) feet. Storage of firewood in the front yard shall be permitted for loading and unloading on temporary basis only not to exceed five (5) days.

6) For purposes of this section, materials or equipment existing outside of a building for a period greater than 24 hours shall be considered "stored." Stored materials, equipment or personal property shall not be used for human habitation.

NOTE, SECTION 15.103 REQUIRES AN EXCEPTION FROM THE PARKING REQUIREMENT IN SECTION 11.60

Section 11.60 PERFORMANCE STANDARDS

Subd. 22. Parking. H. Design, Maintenance, and Installation. 1) All open off-street parking areas and access to those areas shall be paved and improved with a hard and dust-free surface, **and vehicles shall park, stand or operate only on that surface.**

PROPOSED STORAGE PER DISTRICT

These Accessory and Conditional Uses would be added to the existing Table of Uses.

LAND USE DISTRICT INTENT	USES PERMITTED PRINCIPAL	ACCESSORY	CONDITIONAL
M-1		-No RV, Trailer, or Fish House Storage on property with any commercial use -Outside, RV or Fish House Storage allowed on residential property	Outside or exterior storage on property with any commercial use
M-2		-No RV, Trailer, or Fish House Storage on property with any commercial use -Outside, RV or Fish House Storage allowed on residential property	Outside or exterior storage on property with any commercial use
B-1		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-2		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-3		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-4		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
B-5		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-1		-Allowed: Outside Storage, RV, Trailer, or Fish House Storage	
R-2		-Allowed: Outside Storage, RV, Trailer, or Fish House Storage	
R-3		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-4		-No RV, Trailer, or Fish House Storage	Outside or exterior storage
R-5		-No RV, Trailer, or Fish House Storage	Outside or exterior storage

Unapproved Minutes
AGENDA
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 3, 2019 – 7:00 P.M.
9180 LEXINGTON AVENUE

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

Vice Mayor Hughes called to order the Regular City Council meeting for October 3, 2019 at 7:00 p.m. Councilmember's present: Devries, Harris, and Murphy. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Justin Templin, Hoff and Barry Law Firm; Joe Ackerman, Citizen.

- 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 amended agenda as typewritten. Councilmember Harris seconded the motion. Motion carried 4-0.

- 4. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Murphy) – *No meeting was had.*
- B. Cable Commission (Councilmember Murphy) – *Councilmember Murphy updated the Council on the livestreaming capabilities through Rucco and Apple. Discussion ensued.*
- C. City Administrator (Bill Petracek) – *Petracek announced that the Police Patrol Union has filed for mediation during contract negotiations. Petracek added that the police operations committee believes they have offered the patrol union a fair contract and is hopeful we can resolve the contract dispute. Petracek also explained that there was a minor break-in of our city hall garage. Nothing was stolen, just some minor damage to the door. Discussion ensued.*

- 5. LETTERS AND COMMUNICATIONS:**

- A. Council Workshop meeting minutes – September 19, 2019
- B. Public Notice – Closed Executive Session – October 3, 2019
- C. Public Notice – Fall Festival – September 20-22, 2019

- D. Public Notice – Planning & Zoning Public Hearing – October 8, 2019
- E. Anoka County – Taxable Market Value Comparison
- F. Centennial Lakes Police Department Media Reports – 9-11 through 24, 2019

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – September 19, 2019
- B. Recommendation to Approve Claims and Bills:
Check #'s 13635 through 13636
Check #'s 45392 through 45431
Check #'s 12816 through 12827

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

7. ACTION ITEMS:

- A. Resolution NO. 19-19 A Resolution Accepting the Resignation of Mayor Mark Kurth and Declaring A Vacancy In the Office of Mayor

Councilmember Harris made a motion to approve Resolution NO. 19-19 A Resolution Accepting the Resignation of Mayor Mark Kurth and Declaring a Vacancy In the Office of Mayor. Councilmember Murphy seconded the motion. Motion carried 4-0.

- B. Recommendation to approve Election Judges

Councilmember Devries made a motion to approve election judges and salaries. Councilmember Murphy seconded the motion. Motion carried 4-0.

8. CLOSED SESSION

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 Council to seek and receive candid advice from legal counsel regarding litigation strategy.

Attorney Glaser read a statement out loud as to the reason the Lexington City Council will be going into closed session.

Glaser stated, "The City Council will convene into CLOSED SESSION for the purpose of 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 Council to seek and receive candid advice from legal counsel regarding litigation strategy."

Councilmember Murphy made a motion to go into closed session at 7:08 p.m. for the purpose of 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 Council to seek and receive candid advice from legal counsel regarding litigation strategy. Councilmember Devries seconded the motion. Motion carried 4-0

9. RECONVENE FROM CLOSED SESSION

The city council reconvened into open session at 7:48 p.m.

10. MAYOR AND COUNCIL INPUT

No input from the vice mayor or city council

11. ADJOURNMENT

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

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
OCTOBER 17, 2019– 7:00 P.M.
9180 LEXINGTON AVENUE**

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

Vice Mayor Hughes called to order the Regular City Council meeting for the City of Lexington at 7:00 pm of October 17, 2019. Councilmember's present: Devries, Harris, and Murphy. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director.

- 2. CITIZENS FORUM**

No citizens were present to discuss 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 Murphy seconded the motion. Motion carried 4-0.

- 4. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Report – 9-25 – 10-8-2019
- B. Public Notice – Public Accuracy Test – October 23, 2019
- C. North Metro TV – September 2019 Update
- D. City Report – September 2019
- E. Notice of Traffic Control Change – (I-35W North MNPASS Design-Build Project)
- F. Eagle Building Company – Monthly Progress Report – Landings of Lexington – September 2019
- G. Planning & Zoning Public Hearing and Regular meeting minutes – October 8, 2019
- H. Park Board meeting minutes – October 7, 2019
- I. Public Notice – Closed Executive Session – October 17, 2019

No discussion on Letters and Communications.

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – October 3, 2019
- B. Recommendation to Approve Claims and Bills:
Check #'s 13637 through 13638
Check #'s 45432 through 45497
Check #'s 12831 through 12839
Check #'s 12840 through 12850
- C. Financial Reports
 - Cash Balances
 - Fund Summary – Budget to Actual

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

6. ACTION ITEMS:

A. Resolution NO. 19-20 A Resolution Filling Vacancy In The Office Of Mayor
Vice Mayor Hughes asked if anyone volunteers to be Mayor. He stated that he believes that the new Mayor should want to voluntarily do the job. Councilmember Murphy stated that he would volunteer to be the new Mayor. Discussion ensued.

Councilmember Devries made a motion to approve Resolution No. 19-20 Appointing Mike Murphy to Fill Vacancy in the Office of Mayor. Councilmember Harris seconded the motion. Motion carried 4-0.

B. Swearing in of new Mayor
Petracek swore in Mike Murphy as the Mayor of Lexington.

C. Recommendation to approve Business License renewal
Petracek explained that Circle Pines Sausage Haus had inadvertently forgot to send in their business license renewal. They paid their late fees. Discussion ensued.

Councilmember Hughes made a motion to approve business license renewal. Councilmember Devries seconded the motion. Motion carried 4-0.

7. CLOSED SESSION

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 to closed session at 7:10 p.m. for the purpose of 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 Harris seconded the motion. Motion carried 4-0.

Councilmember Hughes made a motion authorizing staff to spend up to \$5000 to resolve the disputes with Lease Finance Group and First Resource Bank on the condition that both banks indemnify the City from disputes with each other and third parties, and that this resolution is reduced to a written agreement. Councilmember Devries seconded the motion. Motion carried 4-0.

8. RECONVENE FROM CLOSED SESSION

Councilmember Hughes made a motion to reconvene in open session from closed session at 7:36 p.m. Councilmember Devries seconded it. Motion carried 4-0.

9. MAYOR AND COUNCIL INPUT

No input from Mayor and city council

10. ADMINISTRATOR INPUT

Petracek advised the council that the new City of Lexington signs had been delivered. Public works is going to install the one on the corner of Lexington and Lake Drive, and they will try to get the other sign installed – weather permitting. Discussion ensued.

11. ADJOURNMENT

Councilmember Devries made motion to adjourn the meeting at 7:39 p.m. Councilmember Harris seconded the motion. Motion carried 4-0.