

AGENDA
REGULAR PLANNING COMMISSION MEETING
August 10, 2020 - 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
 - March 2020 pg. 1-2
 - April 2020 pg. 3-5
 - May 2020 pg. 6-8
 - June 2020 pg. 9-11
 - July 2020 pg. 12-14
5. APPROVAL OF PLANNING COMMISSION MINUTES
 - B. March 10, 2020 pg. 15-17
6. DISCUSSION ITEM:
 - A. Discuss Developing an Ordinance for Tree Management pg. 18-32
7. NOTE COUNCIL MINUTES:
 - A. March 5, 2020 pg. 33-35
 - B. March 19, 2020 pg. 36-39
 - C. April 2, 2020 pg. 40-42
 - D. April 16, 2020 pg. 43-46
 - E. May 7, 2020 pg. 47-51
 - F. May 21, 2020 pg. 52-54
 - G. June 4, 2020 pg. 55-59
 - H. June 18, 2020 pg. 60-63
 - I. July 2, 2020 pg. 64-67
 - J. July 16, 2020 pg. 68-70
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT

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

Issued Date From: 3/1/2020 To: 3/31/2020
 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 Remodel													
2020-00023	03/04/2020	9200 Lexington	0		33,320.00	633.09	411.51	16.66					1,061.26
Permit Kind: Commercial Roofing													
2020-00030	03/24/2020	3800 RESTWOOD RD	0		20,000.00	421.84		10.00					431.84
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential MOVING A STRUCTURE													
Permit Kind: Residential OVER WEIGHT PERMIT													
Permit Kind: Residential Remodel													
Permit Kind: Residential Repair													
2020-00029	03/25/2020	9336 DUNLAP AVE	0		5,750.00	164.52	106.94	2.87					274.33
Permit Kind: Residential Roofing													
2020-00027	03/17/2020	3901 FLOWERFIELD RD	0		5,000.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
2020-00025	03/10/2020	8854 N HIGHWAY DR	0			145.00		1.00					146.00
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE													
Permit Type: Building - Totals													
			Period	5	0	64,070.00	1,509.45	518.45	31.53				2,059.43
			YTD	17	0	319,235.00	5,808.21	2,891.76	146.36				8,846.33

Permit Type: Fire
Permit Kind: Commercial Fire Suppression

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: Fire - Totals													
	Period		0										
	YTD		1	0		390.00	253.50	32.50					676.00
Permit Type: Mechanical													
Permit Kind: Commercial Remodel													
020-00026	03/12/2020	8941 SYNDICATE AVE A	0		3,500.00	70.00	45.50	1.75					117.25
Permit Kind: Residential HVAC													
020-00028	03/18/2020	4041 FLOWERFIELD RD	0			40.00		1.00					41.00
Permit Type: Mechanical - Totals													
	Period		2	0	3,500.00	110.00	45.50	2.75					158.25
	YTD		5	0	3,500.00	270.00	45.50	5.75					321.25
Permit Type: Plumbing													
Permit Kind: Commercial Remodel													
020-00024	03/12/2020	9200 Lexington	0		5,000.00	100.00	65.00	2.50					167.50
Permit Kind: Residential Alteration/Repair/Extention													
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													
Permit Type: Plumbing - Totals													
	Period		1	0	5,000.00	100.00	65.00	2.50					167.50
	YTD		7	0	30,000.00	1,045.00	65.00	14.25					1,124.25
Report Total													
	Period		8	0	\$72,570.00	1,719.45	628.95	36.78					2,385.18
	YTD		30	0	\$352,735.00	7,513.21	3,255.76	198.86					10,967.83

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 4/1/2020 To: 4/30/2020
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 Demolition													
2020-00035	04/21/2020	9002 N HIGHWAY DR	0		2,575.00	109.38	71.10	1.29					181.77
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential MOVING A STRUCTURE													
Permit Kind: Residential OVER WEIGHT PERMIT													
Permit Kind: Residential Remodel													
Permit Kind: Residential Repair													
2020-00034	04/09/2020	3845 WOODLAND RD	0		39,762.79	712.65	463.22	19.88					1,195.75
Permit Kind: Residential Roofing													
2020-00033	04/14/2020	8701 GRIGGS AVE	0		10,000.00	145.00		1.00					146.00
2020-00039	04/30/2020	3843 MINUTEMAN LN	0		3,000.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE													
2020-00036	04/17/2020	4041 FLOWERFIELD RD	0		4,000.00	127.76	83.04	2.00					212.80
Permit Type: Building - Totals													
			Period	5	0	59,337.79	1,239.79	617.36	25.17				1,882.32
			YTD	22	0	378,572.79	7,048.00	3,509.12	171.53				10,728.65

Permit Type: Fire
Permit Kind: Commercial Fire Suppression

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: Fire - Totals													
	Period		0										
	YTD		1	0		390.00	253.50	32.50					676.00
Permit Type: Mechanical													
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
Permit Type: Mechanical - Totals													
	Period		0										
	YTD		5	0	3,500.00	270.00	45.50	5.75					321.25
Permit Type: Plumbing													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial RPZ Installation													
020-00037	04/21/2020	9075 S HIGHWAY DR	0		1,960.66	85.25	55.25	1.00					141.50
Permit Kind: Residential Alteration/Repair/Extension													
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													
020-00038	04/29/2020	3680 CENTERWOOD RD	0			40.00		1.00					41.00
Permit Type: Plumbing - Totals													
	Period		2	0	1,960.66	125.25	55.25	2.00					182.50
	YTD		9	0	31,960.66	1,170.25	120.25	16.25					1,306.75
Permit Type: Zoning													
Permit Kind: Residential Accessory Building 200 sq ft or <													
020-00031	04/02/2020	8854 N HIGHWAY DR	0			60.00							60.00

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 Fence/Wall < 6 FT													
2020-00032	04/07/2020	9250 DUNLAP AVE		0		60.00							60.00
Permit Type: Zoning - Totals													
			Period	2	0								
			YTD	2	0	120.00							120.00
						120.00							120.00
Report Total													
			Period	9	0	1,485.04	672.61	27.17					2,184.82
			YTD	39	0	8,998.25	3,928.37	226.03					13,152.65

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 5/1/2020 To: 5/31/2020
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 Demolition													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Deck/Porch													
020-00049	05/26/2020	3640 FLOWERFIELD RD	0		8,000.00	201.28	130.83	4.00					336.11
Permit Kind: Residential Demolition													
020-00044	05/14/2020	9004 DUNLAP AVE	0			100.00		1.00					101.00
Permit Kind: Residential MOVING A STRUCTURE													
Permit Kind: Residential OVER WEIGHT PERMIT													
020-00050	05/26/2020	8925 PASCAL AVE	0			50.00							50.00
Permit Kind: Residential Remodel													
Permit Kind: Residential Repair													
020-00046	05/15/2020	8857 NAPLES ST	0		14,498.00	329.94	214.46	7.25					551.65
Permit Kind: Residential Roofing													
020-00041	05/05/2020	9546 GRIGGS AVE	0		18,500.00	145.00		1.00					146.00
020-00047	05/18/2020	8854 N HIGHWAY DR	0		16,025.00	145.00		1.00					146.00
020-00042	05/06/2020	3882 OAK LN	0		20,000.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE													
Permit Type: Building - Totals													
			Period	7	0	77,023.00	1,116.22	345.29	15.25				1,476.76
			YTD	29	0	455,595.79	8,164.22	3,854.41	186.78				12,205.41

0

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	WAC Fees	Total Fees
Permit Type: Fire												
Permit Kind: Commercial Fire Suppression												
Permit Type: Fire - Totals												
			Period	0								
			YTD	1	0	390.00	253.50	32.50				676.00
Permit Type: Mechanical												
Permit Kind: Commercial Remodel												
Permit Kind: Residential HVAC												
Permit Type: Mechanical - Totals												
			Period	0								
			YTD	5	0	270.00	45.50	5.75				321.25
Permit Type: Plumbing												
Permit Kind: Commercial NEW UTILITY LINE W&S												
020-00051	05/26/2020	9001 GRIGGS AVE		0	34,599.00	691.98		17.30				709.28
Permit Kind: Commercial Remodel												
Permit Kind: Commercial RPZ Installation												
Permit Kind: Residential Alteration/Repair/Extension												
Permit Kind: Residential Remodel												
Permit Kind: Residential Water Heater												
Permit Type: Plumbing - Totals												
			Period	1	0	691.98		17.30				709.28
			YTD	10	0	1,862.23	120.25	33.55				2,016.03

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: Commercial ADDITIONAL OUTDOOR SEATING													
1020-00054	05/28/2020	9200 N HIGHWAY DR	0	0									0.00
1020-00055	05/29/2020	9141 SOUTH HIGHWAY DRIVE	0	0									0.00
Permit Kind: Residential Accessory Building 200 sq ft or <													
Permit Kind: Residential Driveway													
1020-00053	05/26/2020	3720 CENTERWOOD RD	0	0		60.00							60.00
1020-00048	05/19/2020	8925 PASCAL AVE	0	0		60.00							60.00
Permit Kind: Residential Fence/Wall < 6 FT													
1020-00052	05/26/2020	3720 CENTERWOOD RD	0	0		60.00							60.00
1020-00043	05/08/2020	8860 JACKSON AVE	0	0		60.00							60.00
1020-00045	05/14/2020	9508 Lexington	0	0		60.00							60.00
Permit Kind: Residential Free Standing Deck													
1020-00040	05/01/2020	9174 JACKSON AVE	0	0	500.00	55.00	35.75	1.00					91.75
Permit Type: Zoning - Totals													
			Period	8	0	500.00	355.00	35.75	1.00				391.75
			YTD	10	0	500.00	475.00	35.75	1.00				511.75
Report Total													
			Period	16	0	\$112,122.00	2,163.20	381.04	33.55				2,577.79
			YTD	55	0	\$526,155.45	11,161.45	4,309.41	259.58				15,730.44

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

Issued Date From: 6/1/2020 To: 6/30/2020
 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 Demolition													
Permit Kind: Commercial New Construction													
2020-00059	06/09/2020	9001 GRIGGS AVE	0		12,000,000.00	60,051.49	39,033.47	1,850.00		90	223,650.00		508,109.96
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
2020-00068	06/25/2020	9100 HAMLINE AVE	0										0.00
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Deck/Porch													
2020-00058	06/05/2020	3843 EDITH LN	0		5,743.38	164.52	106.94	2.87					274.33
Permit Kind: Residential Demolition													
Permit Kind: Residential MOVING A STRUCTURE													
Permit Kind: Residential OVER WEIGHT PERMIT													
Permit Kind: Residential Remodel													
2020-00064	06/16/2020	9564 Lexington	0		1,500.00	71.10	46.22	1.00					118.32
Permit Kind: Residential Repair													
Permit Kind: Residential Roofing													
2020-00061	06/09/2020	9501 ASPEN AVE	0		8,269.38	145.00		1.00					146.00
2020-00060	06/08/2020	4026 EDGEWOOD RD	0		8,000.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE													
Permit Type: Building - Totals													
	Period		6	0	12,023,512.76	60,577.11	39,186.63	1,855.87		90	223,650.00		508,794.61
	YTD		35	0	12,479,108.55	68,741.33	43,041.04	2,042.65		90	223,650.00		521,000.02

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: Fire													
Permit Kind: Commercial Fire Suppression													
Permit Type: Fire - Totals													
			Period	0									
			YTD	1	0	390.00	253.50	32.50					676.00
Permit Type: Mechanical													
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
2020-00066	06/18/2020	8815 ALBERT AVE		0		40.00		1.00					41.00
2020-00067	06/24/2020	9051 JACKSON AVE		0		40.00		1.00					41.00
2020-00057	06/03/2020	9244 RYAN PL		0		40.00		1.00					41.00
Permit Type: Mechanical - Totals													
			Period	3	0	120.00		3.00					123.00
			YTD	8	0	390.00	45.50	8.75					444.25
Permit Type: Plumbing													
Permit Kind: Commercial NEW UTILITY LINE W&S													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial RPZ Installation													
Permit Kind: Residential Alteration/Repair/Extension													
Permit Kind: Residential Remodel													
Permit Kind: Residential Water Heater													
Permit Type: Plumbing - Totals													
			Period	0									

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: Commercial ADDITIONAL OUTDOOR SEATING													
2020-00056	06/01/2020	9005 SOUTH HIGHWAY DRIVE	0										
Permit Kind: Commercial PATIO - PARKING LOT													
2020-00063	06/15/2020	3800 RESTWOOD RD	0			60.00							60.00
Permit Kind: Residential Accessory Building 200 sq ft or <													
Permit Kind: Residential Driveway													
Permit Kind: Residential Fence/Wall < 6 FT													
2020-00062	06/17/2020	4175 LOVELL RD	0			60.00							60.00
Permit Kind: Residential Free Standing Deck													
Permit Type: Zoning - Totals													
			Period	3	0								
			YTD	13	0	500.00	35.75	1.00					120.00 631.75
Report Total													
			Period	12	0	\$12,023,512.76	39,186.63	1,858.87		90	223,650.00		509,037.61
			YTD	67	0	\$12,549,668.21	43,496.04	2,118.45		90	223,650.00		524,768.05

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 7/1/2020 To: 7/31/2020
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 Addition													
2020-00075	07/27/2020	9390 Lexington	0		6,000.00	164.52	106.94	3.00					274.46
Permit Kind: Commercial Demolition													
Permit Kind: Commercial New Construction													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Deck/Porch													
Permit Kind: Residential Demolition													
Permit Kind: Residential MOVING A STRUCTURE													
Permit Kind: Residential OVER WEIGHT PERMIT													
2020-00071	07/09/2020	9510 ASPEN AVE	0			50.00							50.00
2020-00074	07/21/2020	8920 PASCAL AVE	0			50.00							50.00
Permit Kind: Residential Remodel													
Permit Kind: Residential Repair													
Permit Kind: Residential Roofing													
2020-00076	07/23/2020	8881 DUNLAP AVE	0		5,000.00	145.00		1.00					146.00
2020-00072	07/10/2020	8997 Lexington	0		12,000.00	145.00		1.00					146.00
2020-00079	07/29/2020	3888 LOVELL RD	0		9,176.66	145.00		1.00					146.00
2020-00081	07/31/2020	8817 S HIGHWAY DR	0		8,000.00	145.00		1.00					146.00
Permit Kind: Residential Siding													
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE													

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 - Totals													
	Period		7	0	40,176.66	844.52	106.94	7.00					958.46
	YTD		42	0	12,519,285.21	69,585.85	43,147.98	2,049.65		90	223,650.00		521,958.48
Permit Type: Fire													
Permit Kind: Commercial Fire Suppression													
Permit Type: Fire - Totals													
	Period		0										
	YTD		1	0		390.00	253.50	32.50					676.00
Permit Type: Mechanical													
Permit Kind: Commercial Remodel													
Permit Kind: Residential HVAC													
2020-00077	07/27/2020	9128 JACKSON AVE		0		40.00		1.00					41.00
Permit Type: Mechanical - Totals													
	Period		1	0		40.00		1.00					41.00
	YTD		9	0	3,500.00	430.00	45.50	9.75					485.25
Permit Type: Plumbing													
Permit Kind: Commercial NEW UTILITY LINE W&S													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial RPZ Installation													
Permit Kind: Residential Alteration/Repair/Extention													
2020-00070	07/08/2020	9575 DUNLAP AVE		0	7,272.00	250.00		3.64					253.64
Permit Kind: Residential Remodel													
2020-00080	07/30/2020	3871 EDITH LN		0	1,200.00	70.00		1.00					388.31

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: Plumbing													
Permit Kind: Residential Water Heater													
Permit Type: Plumbing - Totals													
			Period	2	0	8,472.00	320.00		4.64				641.95
			YTD	12	0	75,031.66	2,182.23	120.25	38.19				2,657.98
Permit Type: Zoning													
Permit Kind: Commercial/ADDITIONAL OUTDOOR SEATING													
Permit Kind: Commercial PATIO - PARKING LOT													
Permit Kind: Residential Accessory Building 200 sq ft or <													
			Period	0	0								
			YTD	0	0								
Permit Kind: Residential Fence/Wall < 6 FT													
			Period	0	0								
			YTD	0	0								
Permit Kind: Residential Free Standing Deck													
			Period	3	0								
			YTD	16	0	500.00	775.00	35.75	1.00				
Permit Type: Zoning - Totals													
			Period	13	0	\$48,648.66	1,384.52	106.94	12.64				1,821.41
			YTD	80	0	\$12,598,316.87	73,363.08	43,602.98	2,131.09	90	223,650.00		526,589.46

MINUTES
REGULAR PLANNING COMMISSION MEETING
March 10, 2020 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER

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

Chairperson Vanderbloomer called to order the Regular Planning Commission meeting on March 10, 2020 at 7:00 p.m. Commissioners Present: John Bautch, Michelle Koch, Gloria Murphy, and Ron Thorson. Also present: John Hughes, City Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney

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

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

4. LETTERS AND COMMUNICATION

- A. Building Permits for February 2020

No discussion on February building permits.

5. APPROVAL OF PLANNING COMMISSION MINUTES

- A. February 10, 2020

Murphy made a motion to approve the February 10, 2020 minutes with corrections. Koch seconded the motion. Motion carried 5-0.

6. DISCUSSION ITEM:

- A. Discuss City Council's request to review Tree Management Ordinance

Councilmember Hughes explained that this ordinance was brought up by him because of a neighbor that had talked to him about a tree that fell on his property from an adjacent property, and if there was anything that the City could do about it. Attorney Glaser discussed the existing ordinances in the Code book that address tree maintenance in Lexington. Discussion ensued.

Glaser stated that the only way we can legally make this ordinance function is by hire a tree maintenance company with an arborist or a forester on their staff that we could use to determine if a tree can be removed or not. Discussion ensued.

Bautch stated that a dead tree is a dead tree. Do we need to have an arborist tell us that it is dead? Attorney Glaser stated that we would need to have an arborist tell us that. Discussion ensued.

Attorney Glaser further explained the liability involved if we take out trees without using an arborist. He cited a lawsuit that the City of Centerville lost regarding tree removal and the financial damage it caused. Discussion ensued.

Vanderbloomer stated that he feels we should get a recommendation from professional's who are trained and provide tree removal services on a regular basis before we move forward with this.

After discussion, Attorney Glaser stated he would expand the existing ordinance to reflect the discussion with the Planning Commission and provide a draft ordinance at the next P & Z meeting.

No action was taken.

7. NOTE COUNCIL MINUTES:

- A. February 6, 2020**
- B. February 20, 2020**

No discussion on City Council minutes.

8. PLANNING COMMISSION INPUT

Murphy reported that on March 21st the Lex/Circle Pines Lions Club and Lexington Fire will be conducting a food drive from 9:00 a.m. to 3:00 p.m. She added that all of the collected food will go into the Centennial Food Shelf.

Koch discussed the public notice she received regarding a proposed storm water ditch being abandoned in Shoreview. Discussion ensued.

Koch also discussed the City of Lexington entrance sign on Hwy 95 creates an obstruction for drivers on Hamline Ave. that are going north. Petracek stated he would talk to public works about it.

Bautch asked about the Coronavirus if city staff is infected. Petracek stated would have to close down city hall for a period of time until the virus had subsided. Discussion ensued.

9. ADJOURNMENT

Bautch made a motion to adjourn at 8:05 p.m. Thorson seconded the motion. Motion carried 5-0.

MEMORANDUM

TO: PLANNING & ZONING COMMISSION

FROM: KURT GLASER, CITY ATTORNEY

SUBJECT: TREE MANAGEMENT

DATE: MARCH 5, 2020

The City's ordinances related to tree management are outdated and limited in scope. Our existing Code only allows the City to remove trees when they have either of two tree diseases. The Code does not allow the City to remove dangerous trees on private property. The proposed ordinance will govern all diseased and dangerous trees.

Other areas of the Code govern tree planting and management related to new construction and subdivisions. This proposed Ordinance would effectively replace the existing Section 10.30 of our Code.

The issue of expanding the City's ability to manage trees came from a workshop discussion of the City Council. They referred this matter to the Planning & Zoning Commission for your consideration.

Three documents are attached:

1. A sample ordinance based on an ordinance from the City of Maplewood.
2. Section 10.30 Lexington Code.
3. The City of Maplewood "Tree Standards" (Lexington will need to create its own Tree Standards with assistance from a Tree Arborist, City Engineer, Public Works, etc.)

TREES (PROPOSED)

Sec. XX-141. - Findings and purpose.

The city desires to protect the trees and woodlands in the City of Lexington. Trees and woodlands provide numerous environmental, economic, and scenic benefits. They help filter air pollutants, absorb stormwater runoff, provide wildlife habitat, moderate temperatures, reduce cooling costs, increase property values, provide scenic beauty, provide sound and visual buffers, and provide screening for privacy. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Lexington and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting public health, safety, and welfare of the citizens of Lexington. The purpose of this division is to establish tree preservation and protection regulations which apply to public and private property to assure the continuance of significant and specimen trees and woodlands for present and future generations which:

- (1) Preserve the natural character of neighborhoods (in developed and undeveloped areas).
- (2) Ensure the health and wellbeing of Lexington's urban forest.
- (3) Protect the health and safety of residents.
- (4) Protect water quality and minimize stormwater runoff.
- (5) Help prevent erosion or flooding.
- (6) Assure orderly development within wooded areas to minimize tree loss and environmental degradation.
- (7) Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal.
- (8) Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.
- (9) Promote the planting of trees as outlined in the city's Living Streets Policy.

Sec. XX-142. - Definitions.

The following words, terms and phrases, as used in this division, shall have the meanings ascribed to them in this section:

Applicant means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

Certified arborist means an arborist with up-to-date certification by the International Society of Arborists.

City forester means a forester who is employed by the city or appropriate agent or independent contractor designated by the city administrator.

Conifer tree means a woody plant that is a member of the division Pinophyta and at maturity is at least 12 feet or more in height. Conifers are cone bearing and most in our climate keep their leaves (also called needles) year-round. Tamarack (also called larch) is the one conifer in our climate that drops its needles in the fall.

Control includes measures to prevent, slow the spread, suppress, eradicate, or destroy a shade tree disease or pests.

Deciduous tree means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least 15 feet or more in height.

Hardwood deciduous tree means all deciduous tree species except those listed as softwood deciduous trees below.

Hazard tree means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

Invasive species means species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

Shade tree means a woody perennial that at maturity is at least 15 feet in height and grown primarily for aesthetic or environmental purposes.

Shade tree pest means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the city council to be harmful, injurious, or destructive to shade trees or community forests.

Softwood deciduous tree means the following tree species: box elder, cottonwood, elm, poplar/aspen, silver maple, and willow.

Tree standards mean a separate document authorized through this division to help achieve the goals of the city's tree ordinance and living streets policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede city ordinances.

Sec. XX-143. - Standards.

The Building official and city forester shall have the authority to develop tree standards concerning the management of trees. These standards shall not be contrary to this division.

Sec. XX-146. - Diseased and hazardous trees.

- (a) *Findings and declaration of purpose.* The health of trees in the city is threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minn. Stats. §§ 89.001, 89.01, and 89.51—64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.
- (b) *Declaration of a shade tree pest.* The Building official or city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minn. Stats. § 89.001.

- (c) *Public nuisances.* Public nuisances relating to trees are outlined in the tree standards.
- (d) *Inspection.*
 - (1) The Building official and city forester shall have the ability and authority to inspect all premises and places within the city for public nuisances relating to trees. Inspection shall be of living or dead trees, parts of trees, stumps, and firewood.
 - (2) The Building official and city forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this ordinance.
- (e) *Abatement of shade tree pest nuisances.*
 - (1) The Building official or city forester shall notify in writing the owner of record or occupant of the premise that a public nuisance exists. The notice shall specify the measures to be taken to abate the nuisance and shall specify that the nuisance shall be abated within a reasonable amount of time, not less than ten days from the date of mailing.
 - (2) If the owner fails to comply with the removal or control measures specified for the hazard tree, infested tree, or wood on his/her property as outlined in this division and the tree standards, and within the time specified, the Building official or city forester may order the work done either by city employees or by contractor. The cost of this work shall be billed to the owner. If the bill is not paid within 30 days, the city shall assess the costs to the property.
- (f) *High-cost abatement.* If the cost of abating a nuisance from a shade tree pest will exceed \$5,000.00 in a given year or in two consecutive years, based on a reasonable, good faith estimate from a certified arborist, the owner or occupant may request the matter be referred to the city council for a hearing as outlined in the tree standards. This does not apply to hazardous trees.
- (g) *Emergency abatement.* Nothing in this division shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Sec. XX-147. - Enforcement.

The city shall be responsible for the enforcement of this division. Any person who fails to comply with or violates this section shall be deemed guilty of a misdemeanor. In addition to criminal prosecution, the City shall suspend all land use, building, and grading permits until the applicant or owner has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

The city reserves the right to inspect the site or property at any reasonable time for compliance with tree standards. If the city finds the site or property in violation, the city may issue a stop work order until conditions are corrected.

LEXINGTON CODE

SECTION 10.30. SHADE TREE DISEASE CONTROL AND PREVENTION.

Subd. 1. Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. **"Shade Tree Disease"** - Dutch elm disease or oak wilt disease.
- B. **"Tree Inspector"** - The Clerk, or such other employee of the City as the Council may designate and who shall thereafter qualify, together with his/her duly designated assistants.
- C. **"Nuisance"** - (1) any living or standing tree infected to any degree with a shade tree disease; or (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the Tree Inspector.

Subd. 3. Scope and Adoption by Reference. Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is unlawful for any person to keep, maintain or permit upon premises owned by him/her or upon public property where he/she has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection and Diagnosis. It is the power and duty of the Tree Inspector to enter upon public or private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his/her duties, the Tree Inspector may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

Subd. 6. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such

abatement procedures shall be carried out in accordance with current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith.

Subd. 7. Procedure for Removal of Infected Trees and Wood.

- A. Whenever the Tree Inspector finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he/she shall proceed as follows:
 - 1) If the Tree Inspector finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he/she shall make a written report of his/her finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (b) abating the nuisance as provided in Subparagraph B of this Subdivision.
 - 2) If the Tree Inspector finds that the danger of infection of other trees is imminent, he/she shall notify the owner of the property, or the abutting property, as the case may be, by certified mail that the nuisance will be abated within a specific time, not less than five (5) days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice he/she may abate the nuisance.
 - 3) If the Tree Inspector finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he/she may proceed to abate the nuisance forthwith. He/she shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.
- B. Upon receipt of the Tree Inspector's report required by Subparagraph A, Item 1, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

- C. The Tree Inspector shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the Council all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.
- D. On or before September 1 of each year the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.
- E. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

Subd. 8. Spraying Trees.

- A. Whenever the Tree Inspector determines that any tree or wood is infected or threatened with infection, he/she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his/her agents whenever possible.
- B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. It is unlawful for any person to transport elm wood, including elm firewood, with bark intact into or through the City, or into or through any designated "disease control area" as defined by Minnesota Statutes, Section 18.023. This prohibition shall not apply to movement of such wood pursuant to an approved wood disposal or utilization program authorized by Minnesota Statutes, Section 18.023, or to transportation of elm wood intended for industrial use not to include firewood, provided such transportation of elm logs for industrial use continues without interruption through the City of "disease control area" to their intended destination lying outside the City and "disease control area".

Subd. 10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the Tree Inspector while he/she is engaged in the performance of duties imposed by this Section.

Subd. 11. Additional Duties of Tree Inspector. It is the additional duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. He/she shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to such a program adopted by the Council.

Subd. 12. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees".

Subd. 13. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

Maplewood Tree Standards
Adopted - December 21, 2015
Revised – January 3, 2017

The City of Maplewood has developed tree standards to help achieve the goals of the City's Tree Ordinance and Living Streets Policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede City ordinances.

1. Definitions. All definitions as outlined in the Tree Ordinance apply to the Tree Standards including the following additional definitions:

Critical Root Zone (CRZ) means an imaginary linear circle surrounding the tree trunk with a radius distance of one and one half (1-1/2) foot per one (1) inch of tree diameter (e.g., a sixteen (16) inch diameter tree has a CRZ with a radius of twenty four (24) feet).

Drip Line means the farthest distance around and away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of that tree.

Infestation includes actual, potential, incipient, emergent infestation, or infection by forest pests or shade tree pests.

Retaining Wall means a structure utilized to hold a slope in a position in which it would not naturally remain.

Slope means the inclination of the natural surface of the land from the horizontal; commonly described as a ratio of the length to the height.

Tree Replacement Schedule means the per caliper inch cost of replacement trees as set by resolution by the City Council from time to time.

Wilding Tree means a tree that was not grown in a nursery or been maintained by a nursery.

2. Tree preservation plan. A tree preservation plan is required for any project which requires a woodlot alteration, land use, grading, or building permit; excluding the exemptions and exceptions as outlined in the Tree Ordinance. A tree preservation plan shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest significant and specimen trees are destroyed or damaged and to minimize the negative environmental impact to the site. The tree preservation plans shall include the following:
 - a. A tree inventory overlay on the site plans that shows size, species, general health, and location of all significant and specimen trees located within the property where significant and specimen tree removal is proposed. The tree inventory plan:

- 1) Shall be drawn at the same scale as the other site plan submittals and shall coincide with required engineering documents such as topography maps, wetland information, grading plans, road locations, and building locations;
 - 2) Shall include trees growing in clump form. These trees will be considered individual trees and each stem/trunk is measured as individual trees.
 - 3) Include the location of groups of standing dead or diseased significant and specimen trees.
 - 4) Include the outer boundaries of all contiguous wooded areas, with a general description of trees not meeting the significant and specimen tree size threshold and any indication of the presence of epidemic tree diseases.
 - 5) Include significant and specimen trees (species and diameter) identified in both graphic and tabular form.
 - 6) Include locations of the proposed buildings, structures, or impervious surfaces.
 - 7) Include delineation of all limits of land disturbance, clearing, grading, and trenching.
- b. A list of total diameter inches of all healthy significant and specimen trees inventoried.
 - c. The total diameter inches of healthy significant and specimen trees removed.
 - d. Location of trees protected and the proposed measures for protection including delineation of tree protection fencing, tree protection signs, location for material storage, parking, debris storage, and wash out area for redi-mix trucks.
 - e. Protection measures for replacement trees being planted in areas with high deer population.
 - f. The name(s), telephone number(s), and address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - g. Size, species, number, and location of all replacement trees and woody shrubs proposed to be planted on the property, planted on city property, or amounts to be paid into the city's tree fund in accordance with the tree removal, mitigation, and replacement section of the tree ordinance.
 - h. All tree preservation plans shall be prepared by a forestry or horticultural professional whose qualifications are approved by the EEDD Director.
 - i. The tree preservation plan shall be reviewed by the EEDD Director for compliance with this ordinance. Reasons for denial shall be noted on the tree preservation plan, or otherwise stated in writing.

3. Safeguarding preserved trees. The following measures will be taken to ensure survival of trees scheduled to be preserved:
- a. Layout of the project site utility and grading plans shall accommodate the tree preservation areas. Utilities are recommended to be placed along corridors between tree preservation areas and use of common trenches or tunnel installation if possible.
 - b. Custom grading, retaining walls, or tree wells to maintain existing grade for preserved trees can be used.
 - c. Prior to issuance of a grading or building permit the EEDD Director may require one or all of the following measures for safeguarding preserved trees:
 - 1) Tree protective areas shall be located at a minimum of the CRZ of trees or drip line, whichever is greater, whenever possible. Saving groups or stands of trees is encouraged over protecting individual trees scattered throughout the site.
 - 2) Suitable tree protection fencing in active areas includes use of orange polyethylene laminar safety fencing or woven polyethylene fabric (silt fencing). Fencing shall be self-supportive. Tree protection fencing shall be maintained and repaired by the applicant for the duration of construction.
 - 3) Use of passive forms of tree protection may be allowed, i.e., tree protection fencing consisting of continuous rope or flagging (heavy mil plastic four (4) inches or wider).
 - 4) Active tree protection areas with "Tree Save Area" signs posted and readable from at least ten (10) feet away.
 - 5) Minimize tree wounding by felling or removing trees away from trees remaining on site.
 - 6) Construction site activities such as parking, material storage, concrete washout, placement of holes, etc., shall be arranged so as not to encroach on tree protection areas.
 - 7) Measures such as deep mulching may be required in some situations.
 - 8) Identify and prevent oak wilt infection. Treat all known oak wilt infected areas with current accepted guidelines including root cutting and removal of infected trees. If pruning oaks is required between April 1 and July 1 fresh wounds shall be covered with nontoxic tree wound sealant or latex paint.
 - d. No construction work shall begin until tree protection fencing has been installed, inspected, and approved by the EEDD Director. Once EEDD

Director approves tree protection fencing or devices it shall not be altered or removed without EEDD Director approval.

4. Post construction tree care mitigation. The city may require post construction tree care mitigation for trees protected to include:
 - a. Tree root aeration, fertilization, and/or irrigation systems.
 - b. Therapeutic pruning.
 - c. Mitigate soil compaction by the following:
 - 1) Mulch drive lanes with eight (8) to ten (10) inches of woodchips.
 - 2) Soil fracturing with deep tillage or other similar methods.
 - 3) Inclusion of organic matter to existing soil.
 - 4) Core aeration.
5. Tree mitigation. Once the total caliper inches for replacement trees are determined, the applicant shall mitigate loss of significant and specimen trees by planting replacement trees in appropriate areas on the property in accordance with the tree removal, mitigation, and replacement section of the tree ordinance. After putting as many trees as feasible on the site, if the replacement requirement is still not met, the EEDD Director can approve tree replacement steps as outlined below prior to issuance of a grading or building permit:
 - a. Planting replacement trees on city property under the direction of the EEDD Director.
 - b. Mulched beds of native or drought tolerant shrubs that are not required as part of foundation, screening, stormwater planting requirements, or other city-required plantings will qualify towards tree replacement at a rate of .5 caliper inches per number three (#3) shrub.
 - c. Alternative forms of mitigation can be approved by the EEDD Director. Examples of alternative mitigation includes buckthorn removal and management. Buckthorn removal and management will qualify the applicant for reducing the number of replacement trees or the payment into the city's tree fund with a dollar for dollar credit.
 - d. Paying the city a sum per caliper inch in accordance with the tree replacement schedule set forth in the city fee schedule. Payment shall be deposited into an account designated specifically for tree planting on public property or providing financial assistance for properties that want to voluntarily plant trees. The maximum tree reimbursement required for a single family house is \$10,000 if the following apply:
 - a. The lot is two (2) acres or less.

- b. The lot is an existing vacant lot or a lot approved through the City's minor subdivision process.

6. Tree replacement requirements. The applicant shall follow tree replacement requirements as outlined below:

- a. Three-year replacement period: The applicant shall maintain replacement trees for three (3) years after planting. If any tree requires replacement during this three (3) year period, the replacement period shall start at the date the replacement tree was planted. Trees required to be planted pursuant to any other provision of the city ordinances are not included in this and shall be replaced according to such ordinance.
- b. Species requirements: Where ten (10) or more replacement trees are required, not more than thirty (30) percent shall be of the same type of tree without the written approval of the EEDD Director. Tree species native to the Maplewood area are preferred. The following plant species are potentially invasive and should be avoided in city plantings and on development projects.

Norway maple	<i>Acer platanoides</i>
Amur maple	<i>Acer ginnala</i>
Siberian elm	<i>Ulmus pumila</i>
Common buckthorn	<i>Rhamnus cathartica</i>
Glossy buckthorn	<i>Rhamnus frangula</i>
Black locust	<i>Robinia pseudoacacia</i>
Siberian pea shrub	<i>Caragana arborescens</i>

If elm trees are planted on city projects they should be cultivars resistant to Dutch Elm Disease. Ash trees should not be planted.

- c. Sources of trees: Replacement trees shall consist of certified nursery stock as defined by current Minnesota Statutes and shall be hardy for USDA plant hardiness zones 2, 3, or 4 (hardiness rated trees) or other trees including wilding trees, so long as such wilding trees comply with the following standards and are approved by the EEDD Director. All replacement trees shall be healthy and free from insect or disease infestation. A wilding tree measured in caliper inches shall not exceed the maximum height as shown on the table below:

Caliper Inches	Maximum Height (Feet)
2-3	18
3-4	20
4-5	24

The lowest branch of a wilding tree shall not be at a height above the surface of the ground more than one-half (1/2) the total height of the tree (e.g., a fourteen (14) foot tree shall have a branch within seven (7) feet of the surface of the surrounding ground).

- d. Tree replacement size: Replacement trees shall be no less than two (2) caliper inches deciduous or six (6) foot height conifer tree unless pre-approved by the EEDD Director. Use the following table to convert conifer trees to caliper inches:

Conifer Tree Height (Feet)	Caliper Inches
6	2.0
7	2.5
8	3.0
9	3.5
10	4.0
11	4.5
12	5.0

- e. Other required replacement trees: Trees required to be planted pursuant to any other provision of city ordinances shall comply with tree size specification of such ordinance.
7. Tree replacement escrow. The applicant shall post tree replacement escrow with the city, such as a tree replacement cash deposit or letter of credit. The tree replacement escrow will be equal to a sum per caliper inch in accordance with the tree replacement schedule set forth in the city fee schedule. The escrow will be held by the city until successful completion of final planting inspection and assurance that the trees are covered by at least a one (1) year warranty for replacement. In areas where trees are planted in an area with heavy deer population or other tree hazards not normally covered under a warranty, the city may hold the escrow for longer to ensure viability of trees. Once the escrow is reimbursed to the applicant, it is still the applicant's responsibility to maintain the replacement trees for three years after planting as outlined in the three-year replacement period section above. It shall be the applicant's responsibility to call for final escrow reimbursement inspection. Tree replacement escrow does not include other escrows required pursuant to any other provision of city ordinances or city directive.
8. Public nuisances. The following may be declared nuisances whenever they are found within the city:
- a. Any living or standing elm tree (*Ulmus* spp.) or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau or which harbors the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh).
 - b. Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other material from which the bark has not been removed. Proper disposal of removed bark includes chipping or burning.
 - c. Any living, standing, or dead oak tree (*Quercus* spp.) or part thereof infected to any degree with the oak wilt fungus *Ceratocystis fagacearum* (Bretz) Hunt. Also, any living, standing, or dead oak tree that, due to its proximity to an oak infected with oak wilt, possesses a threat of

transmission of the oak wilt fungus to other oak trees through interconnected root systems.

- d. Any living, standing, or dead ash tree (*Fraxinus* spp.) or part thereof with infestation of emerald ash borer (*Agrilus planipennis*).
- e. Other shade trees or parts thereof infested with shade tree pests that are epidemic.
- f. Hazardous trees.

9. Abatement of shade tree pest nuisances.

- a. The abatement measures required may include removal of an infested tree or wood to control the airborne spread of epidemic shade tree pests. If the city forester or EEDD Director finds that Dutch elm disease or oak wilt threatens to cross property boundaries, the city forester or EEDD Director may require root graft disruption to prevent the spread of the disease through roots.
- b. For hazardous tree abatement may include removal of branches or the whole tree or other control measures that are widely accepted to abate the nuisance.
- c. If the owner served fails to abate the shade tree pest nuisance, the city will abate the shade tree pest nuisance per Section 18-37 of city code. The cost of abatement shall be in accordance with the abatement schedule set forth in the city fee schedule.

10. High cost abatement.

- a. The owner may request a high cost abatement matter referred to the city council for a hearing as outlined below:
 - 1) The owner or occupant shall notify the EEDD Director within twenty (20) days of the date on the abatement notification letter, provide an estimate from a certified arborist, and provide in writing a request for exemptions and the reasons for exemption.
 - 2) The EEDD Director will notify the owner of the date, time, and location of the hearing at least three (3) days in advance of the hearing.
 - 3) The owner shall be given the opportunity to present evidence at the hearing.
 - 4) The city council may modify the abatement notice or extend the time by which abatement shall be completed.

Minutes
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
MARCH 5, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE

1. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for March 5, 2020 at 7:00 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Brian Garin, Citizen.

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 Harris seconded the motion. Motion carried 5-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that they are holding a meeting this month at KeyAir.*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge provided on update on the last Cable Commission meeting: franchise fees distributed to each member City, CenturyLink update, and Northmetro TV would provide a technician to each City, if necessary, to record City Council meetings. Discussion ensued.*
- C. City Administrator (Bill Petracek) – *Petracek discussed the new emails with the Council.*

5. LETTERS AND COMMUNICATIONS:

- A. Eagle Building Company – Monthly Progress Report – Landings of
Lexington – February 20230
- B. Anoka County – Coronavirus Informational Resource Contact Information
- C. Park Board meeting minutes – February 3, 2020
- D. Centennial Lakes Police Department – Media Report 2-19 / 2-25, 2020
- E. USagain Certificate of Sustainability

- F. Council Workshop meeting minutes – February 20, 2020

Mayor Murphy discussed the USAgain sustainability letter, and the 14,807 pounds of clothing collected from our receptacle.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – February 20, 2020

- B. Recommendation to Approve Claims and Bills:

Check #'s 13663 through 13663

Check #'s 45967 through 46012

Check #'s 13076 through 13088

Check #'s 13089 through 13094

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

7. ACTION ITEMS:

- A. Recommendation to approve Compliance Agreement with the Minnesota Department of Health.

Petracek explained that the draft press release regarding the compliance agreement has been reviewed by MDH and everyone is comfortable with its content. He intends to send it to the Quad Press and place it in the quarterly newsletter. Discussion ensued.

Councilmember Hughes made a motion to approve Compliance Agreement with the Minnesota Department of Health. Councilmember Devries seconded the motion. Motion carried 5-0.

- B. First Reading: Ordinance NO. 20-05 – An Ordinance Incorporating Chapter 11.8 – Planned Unit Development

Attorney Glaser explained the need to incorporate an ordinance regulating Planned Unit Development in the ordinance book. He stated that this ordinance will provide specific criteria for a developer to apply for a PUD. He added that an ordinance can place more scrutinizing conditions on PUD's and it will formalize the process for City staff. Discussion ensued.

Councilmember Harris asked that this be placed on the workshop agenda for more discussion before the seconded reading and approval of the ordinance. Petracek stated that he will place this on the workshop agenda for discussion.

- C. Recommendation to approve Entertainment License Application – City Heat Charities Annual Ride- May 31, 2020

Councilmember Devries made a motion to approve Entertainment License Application – City Heat Charities Annual Ride- May 31, 2020. Councilmember Harris seconded the motion. Motion carried 5-0.

- D. Recommendation to accept \$1200.00 donation to Lexington Fire Department from Mrs. Barbara Decheine and record it in the Fire Department's Capitol Equipment Fund.

Councilmember Devries made a motion to accept \$1200.00 donation to Lexington Fire Department from Mrs. Barbara Decheine and record it in the Fire Department's Capitol Equipment Fund. Councilmember Hughes seconded the motion. Motion carried 5-0.

- E. Park Board Recommendation to approve Concept Plan Option #1 of the Memorial Park Asphaltting and Parking Lot Project

Steve Winter, City Engineer, explained that an MSA architect provided the designs for both options of the asphaltting and parking lot project. He provided detailed explanation for the two options for Memorial Park. Discussion ensued. He said once the Council approves one of the options, he will bring the final design back to the Council for review and approval.

Councilmember Harris made a motion to approve Concept Plan Option #1 of the Memorial Park Asphaltting and Parking Lot Project. Councilmember Winge seconded the motion. Motion carried 5-0.

8. MAYOR AND COUNCIL INPUT

No input from Mayor Murphy or City Council.

9. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 7:24 p.m. Councilmember Devries seconded the motion. Motion carried 5-0.

I hereby certify that the March 5, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on March 19, 2020.

***Bill Petracek
City Administrator***

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
MARCH 19, 2020– 7:00 P.M.
9180 LEXINGTON AVENUE**

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

Mayor Murphy called to order the Regular City Council meeting for March 19, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, Winge. Excused Absence: Harris. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Chris Frye, Quad Press.

- 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 Hughes seconded the motion. Motion carried 4-0.

- 4. LETTERS AND COMMUNICATIONS:**

- A. Public Notice – Closed Executive Session
- B. Planning & Zoning meeting minutes – March 10, 2020
- C. Centennial Lakes Police Department Media Report – 3-4 through 3-10, 2020
- D. Park Board meeting minutes

No discussion on Letters and Communications.

- 5. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:
Council Meeting – March 5, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13664 through 13669
Check #'s 46013 through 46068
Check #'s 13098 through 13102
Check #'s 13103 through 13114
Check #'s 13117 through 13119
- C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

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

6. ACTION ITEMS:

- A. Recommendation to approve the revised City of Lexington CoVid-19 Staff Policy

Petracek provided an explanation to the revised proposed policy for Covid- 19 staff Policy. He stated that the virus is progressing so rapidly that we tried to add items to the policy to capture all possible scenarios that could potentially affect how we provide city services. Discussion ensued.

Councilmember Devries made a motion to approve the revised City of Lexington CoVid-19 Staff Policy. Councilmember Winge seconded the policy. Motion carried 4-0.

- B. Recommendation to approve Resolution NO. 20-10 A Resolution Approving Plans and Specifications and Ordering Advertisement For Bids

Steve Winter, City Engineer, explained the Memorial Park paving and parking lot plan estimates have gone way over the \$150,000 budgeted amount. Winter estimated the project at \$360,000 without grading for stormwater ponding. Petracek stated that public works had solicited quotes from a contractor, originally, and he should have had the city engineer do the estimate at budget time. Winter recommended that we do the Memorial Park plan in phases, and bid it separately from the Jackson Ave. project. Discussion ensued.

Mayor Murphy asked if cheaper oil plays a factor in the cost of the paving. Winter replied that it can have an effect on the cost of asphalt paving.

Councilmember Hughes made a motion to approve Resolution NO. 20-10 A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids without bidding the Memorial Park upgrades in this project. Councilmember Devries seconded the motion. Motion carried 4-0.

- C. Recommendation to approve Resolution NO. 20-11 A Resolution of Proclamation and Declaration of Emergency.

Attorney Glaser explained Mayor Murphy's emergency declaration for up to 72 hours and added that the City Council must now approve a Resolution and Declaration of Emergency to make it permanent. Attorney Glaser explained the powers and responsibilities that the emergency declaration gives to the fire department, police department, and city administrator during this period of Covid-19 virus infestation. Glaser provided a detailed explanation of tenants 1-9 of the emergency declaration. He

added that the emergency declaration legally suspends normal guidelines for city government operations to handle the Covid-19 virus crisis. Discussion ensued.

The City Council discussed future City Council meetings and how they will be held. Discussion about virtual meetings or meeting in person ensued. The consensus was to have a normal City Council meeting in April, but close it to the public, which is allowed by the emergency declaration.

Petracek stated he would work with NorthMetro T.V. to hold virtual meetings through Zoom for future meetings. Planning Commission and Park Board meetings would be cancelled as per the approved City of Lexington Covid-19 staff policy.

Councilmember Devries made a motion to approve Resolution NO. 20-11 A Resolution of Proclamation and Declaration of Emergency with a correction to Tenant #7 language. Councilmember Hughes seconded the motion. Motion carried 4-0.

D. Recommendation to approve a Purchase Agreement with Norhart for the sale of Tot Park.

Attorney Glaser explained that this purchase agreement for Tot Park has a provision in it that if Norhart does not deed the new park over to the City after completion of Lexington Lofts, they are required to give the land from the old Tot Park back to Lexington. Discussion ensued

Councilmember Hughes made a motion to approve a Purchase Agreement with Norhart for the sale of Tot Park. Councilmember Devries seconded the motion. Motion carried 4-0.

7. MAYOR AND COUNCIL INPUT

No input from Mayor Murphy and City Council

8. ADMINISTRATOR INPUT

Petracek stated public works tentatively would be flushing hydrants May 11th. He added that the Spring clean-up is cancelled due to Covid-19. Discussion ensued.

Petracek also explained that Norhart will begin prepping the site behind Northway Mall for construction in April.

9. CLOSED SESSION

Councilmember Devries made a motion to go into closed session at 8:07 p.m. for the purpose of Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense

strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session. Councilmember Winge seconded the motion. Motion carried 4-0.

10. RECONVENE FROM CLOSED SESSION

City Council reconvened in open session at 10:08 p.m.

11. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 10:09 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.

I hereby certify that the March 19, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on April 2, 2020.

Bill Petracek
City Administrator

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
APRIL 2, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for April 2, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Winge. Excused Absence: Councilmember Harris. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director.

2. CITIZENS FORUM

No citizens were present to address the City Council on items not on the agenda

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Hughes made a motion to approve the agenda as typewritten. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that Airport Commission was rescheduled for April 15th.*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge stated that Cable Commission was cancelled.*
- C. City Administrator (Bill Petracek) – *Petracek provided an update on Covid -19 changes in Lexington.*

5. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports 3-11 through 3-24, 2020
- B. Public Notice – Closed Executive meeting
- C. Council Workshop meeting (cancellation)

No discussion on Letters and Communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – March 19, 2020
- B. Recommendation to Approve Claims and Bills:

Check #'s 13670 through 13670
Check #'s 46069 through 46119
Check #'s 13120 through 13133
Check #'s 13134 through 13138
Check #'s 13139 through 13141

Councilmember Devries made a motion to approve the consent agenda items. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

7. ACTION ITEMS:

A. Discuss Virtual Council Meetings vs. In Person Meetings

Petracek provided update on conducting televised virtual City Council meetings. Petracek stated that Northmetro TV is now set-up to televise virtual meetings that are coordinated through Zoom. Petracek explained Zoom and conducted a practice virtual meeting with Zoom. Discussion ensued.

Petracek stated that they may need to hold a live meeting on May 7th as that is the date that our Local Board of Appeals and Equalization public hearing is to be held. Discussion ensued.

Councilmember Winge made a motion approve virtual City Council meetings using Zoom during the Covid-19 pandemic. Councilmember Devries seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

No input from Mayor Murphy and City Council

9. CLOSED SESSION

Attorney-Client Privileged discussion regarding Parkview Home, LLC.
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 and attorney work product.

Councilmember Winge made a motion at 7:37 p.m. to go into closed session for the purpose of Attorney-Client Privileged discussion regarding Parkview Home, LLC. 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 and attorney work product. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

10. RECONVENE FROM CLOSED SESSION

Councilmember Devries made a motion to reconvene from closed session at 9:19 p.m. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

11. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 9:19 p.m. Councilmember Devries seconded the motion. Roll call vote: Devries – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

I hereby certify that the April 2, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on April 16, 2020.

*Bill Petracek
City Administrator*

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
APRIL 16, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE
THE MEETING WAS HELD ELECTRONICALLY
THROUGH ZOOM**

1. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for April 16, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, Harris, Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Mark Kurth, Lexington Fire Relief Association; Jeff Reinert, Anoka County Commissioner.

2. CITIZENS FORUM

No citizens called in on our city hall phone to discuss 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. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

4. JEFF REINERT, COUNTY COMMISSIONER WILL PRESENT ANOKA COUNTY COVID-19 INFORMATION AND UPDATES.

Jeff Reinert, Anoka County Commissioner, was electronically present to introduce himself to the City Council and provided an update on items that Anoka County was doing to address Covid-19. Discussion ensued.

5. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that all Airport meetings were cancelled until a later date.*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge explained that their recent meeting was by Zoom. They approved amendments to the joint powers agreement, adopted a Resolution and settlement agreement with Century Link. Discussion ensued.*

- C. City Administrator (Bill Petracek) – *Petracek stated that city staff was just trying to stay ahead of Covid-19 and the changes that have had to be made for operations. Discussion ensued.*

6. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports 3-25 through 4-7, 2020
B. North Metro TV – March 2020 Update
C. City Report – March 2020

No discussion was had with Letters and Communications

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – April 2, 2020
B. Recommendation to Approve Claims and Bills:
Check #'s 13671 through 13671
Check #'s 46120 through 46180
Check #'s 13145 through 13151
C. Financial Reports
 - Cash Balances
 - Fund Summary – Budget to Actual

Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

8. ACTION ITEMS:

- A. Recommendation to approve the low quote from Super Siders, Albertville, MN in the Amount not to Exceed \$17,976 for Roofing and Fascia Repair to Memorial Park Concessions Stands

Councilmember Harris questioned Super Siders quote, and the deficient details that were submitted by the other contractors. Discussion ensued.

Councilmember Harris made a motion to table Action Item A to get a more detailed quote from Super Sider, Albertville, MN. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

- B. Recommendation to approve Waiving Late Fees for City Utility Bills for the 1st Quarter.

Councilmember Devries made a motion to approve Waiving Late Fees for City Utility Bills for the 1st Quarter. Councilmember Harris seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

- C. Recommendation to approve a 90-day Extension to the Payment of Fees to the City from the Date the Governor's Executive Order is lifted on Non-Essential Businesses.

Councilmember Harris made a motion to approve a 90-day Extension to the Payment of Fees to the City from the Date the Governor's Executive Order is lifted on Non-Essential Businesses. Councilmember Hughes seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

- D. Recommendation to approve a 90-day Extension to the Payment of Liquor License Fees to the City from the Date the Governor's Executive Order is lifted on Businesses that serve Alcohol.

Councilmember Harris made a motion to approve a 90-day Extension to the Payment of Liquor License Fees to the City from the Date the Governor's Executive Order is lifted on Businesses that serve Alcohol. Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

- E. Recommendation to approve Lexington Fire Relief Association Borrowing Funds up to \$30,000.00 from the Revolving Fund for the Purpose of Paying Charitable Gambling Employees and related expenses during COVID-19.

Mark Kurth, Lexington Fire Relief Association Gambling Manager, explained his request to borrow funds from the Fire Department Revolving Equipment Fund, which is the fund that LFRA contributes gambling proceeds to. Kurth explained that all gambling has been shut down and they are being proactive with having the Council approve the borrowing of funds so that when they run out of money to pay their gambling staff, they can dip into those borrowed funds. He doesn't anticipate running out of money until June. Kurth added that the State Gambling Control Board has approved this borrowing, but he explained that it must come from the City's General Fund and loan paperwork must be approved. Harris questioned what interest rates the City would charge. Petracek explained that city staff will provide recommendations based on market rates to the Council when the loan paperwork is presented and approved by the City Council. Discussion ensued.

Councilmember Harris made a motion to approve Lexington Fire Relief Association Borrowing Funds up to \$30,000.00 from the Revolving Fund for the Purpose of Paying Charitable Gambling Employees and related expenses during COVID-19.

Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Harris-Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

9. MAYOR AND COUNCIL INPUT

Councilmember Devries asked about Tot Park and when it would be torn down. Petracek explained that the City just closed on the Tot Park property on Thursday with Norhart, and that their intention is to have the new park built by July. He added that Covid-19 could delay the overall project but that is Norhart's intention. Discussion ensued.

Devries also asked about the damaged manhole on Restwood Ave. Petracek stated that public work determined that the sanitary sewer main was not damaged when they had it televised, so repairing the manhole will be the item that needs to be repaired on the damaged area. Public works is scheduling the repair project to be completed, but Petracek was unsure of the exact timeframe. Discussion ensued.

Councilmember Winge asked if the next City Council meeting would be in-person or not. Petracek stated that he has worked everything out with the Anoka County Assessor's office to hold the Local Board of Appeals and Equalization hearing through Zoom, so having a virtual City Council meeting on May 7th won't be a problem and recommended continuing the virtual City Council meetings. Discussion ensued.

10. ADJOURNMENT

Councilmember Harris made a motion to adjourn the meeting at 8:05 p.m. Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Harris-Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

I hereby certify that the April 16, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on May 7, 2020.

Bill Petracek
City Administrator

**MINUTES
CITY OF LEXINGTON
BOARD OF REVIEW
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
MAY 7, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE
THIS MEETING WAS HELD VIA ZOOM**

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

Mayor Murphy called to order the Board of Review meeting for May 7, 2020 at 7:00 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Tedman Anderson and Theodore Anderson, Anoka County Assessor's

- 2. INTRODUCTION OF COUNTY ASSESSOR**

Tedman and Theodore Anderson introduced themselves and presented the 2020 Assessor's Report. Petracek stated he did not receive a copy of the 2020 Assessor's Report; therefore, it did not get placed in the Council's meeting packet. Discussion ensued.

- 3. CITIZENS WHO WISH TO ADDRESS ASSESSOR**

No citizens were present by phone or Zoom to address the Board of Review to contest their property values.

- 4. CLOSE BOARD OF REVIEW**

Councilmember Hughes made a motion to close the Board of Review at 7:07 p.m. Councilmember Devries seconded the motion. Motion carried 5-0.

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

Mayor Murphy called to order the Regular City Council meeting for May 7, 2020 at 7:09 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Steve Winter, City Engineer; Mark Kurth, Lexington Fire Relief Association Gambling Manager; Justin Templin, Attorney from Hoff Barry.

6. CITIZENS FORUM

No citizens were present via phone or zoom to address the council on items not on the agenda

7. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Winge made a motion to approve the agenda as typewritten. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

8. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that he was not able to attend meeting due to the type of virtual online meeting being held.*
- B. Cable Commission (Councilmember Winge)- *Councilmember Winge had nothing to report*
- C. City Administrator (Bill Petracek) – *Petracek stated that hydrant flushing will begin on the following Monday. He also updated the City Council on Landings of Lexington occupancy is at 75% leased, and approximately 30 apartments are full on the west building. Discussion ensued.*

9. LETTERS AND COMMUNICATIONS:

- A. Public Notice – Closed Executive meeting
- B. 35W North MnPASS Project Update – Spring 2020
- C. Council Workshop meeting minutes – April 15, 2020
- D. Centennial Lakes Police Department – Media Reports 4-8 through 4-28-2020

No discussion on Letters and Communications.

10. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – April 16, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13672 through 13673
Check #'s 46181 through 46245
Check #'s 13154 through 13182
Check #'s 13186 through 13195

Councilmember Devries made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

11. ACTION ITEMS:

- A. Recommendation to Approve Resolution NO. 20-13 – A Resolution Accepting Bid for 2020 Street Improvements (Jackson Ave. and Liquor Store Parking Lot Project).

Steve Winter, City Engineer, provided an overview of his recommendation to approve Resolution 20-13. Discussion ensued.

Councilmember Harris made a motion to Approve Resolution NO. 20-13 – A Resolution Accepting Bid for 2020 Street Improvements (Jackson Ave. and Liquor Store Parking Lot Project). Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- B. Recommendation to approve Escrow Agreement for Site Grading- Lexington Lofts.

Attorney Glaser provided an overview of the escrow agreement for site grading for Lexington Lofts. Discussion ensued.

Councilmember Winge made a motion to approve an Escrow Agreement for Site Grading- Lexington Lofts. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- C. Recommendation to approve the low quote from Super Siders, Albertville, MN in the Amount not to Exceed \$17,976 for Roofing and Fascia Repair to Memorial Park Concessions Stands

Councilmember Devries made a motion to approve the low quote from Super Siders, Albertville, MN in the Amount not to Exceed \$17,976 for Roofing and Fascia Repair to Memorial Park Concessions Stands. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- D. Cable Commission Recommendation to Approve Updates to the North Metro Telecommunications Commission Joint Powers Agreement

Councilmember Winge made a motion to Approve Updates to the North Metro Telecommunications Commission Joint Powers Agreement. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- E. Recommendation to Approve Resolution NO. 20-12 – A Resolution In Support of the Protecting Community Television Act

Councilmember Devries made a motion to Approve Resolution NO. 20-12 – A Resolution In Support of the Protecting Community Television Act. Councilmember Hughes seconded the

motion. . Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- F. Second Reading: Ordinance NO. 20-05 – An Ordinance Incorporating Chapter 11.8 – Planned Unit Development

Councilmember Harris made a motion to approve Second Reading: Ordinance NO. 20-05 – An Ordinance Incorporating Chapter 11.8 – Planned Unit Development. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- G. Recommendation to approve Resolution 20-14 Summary Publication of Ordinance NO. 20-05

Councilmember Hughes made a motion to approve Resolution 20-14 Summary Publication of Ordinance NO. 20-05. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- H. Recommendation to Rehire T.J. Schmid as a Seasonal Employee at \$13.50/hour.

Councilmember Harris made a motion to Rehire T.J. Schmid as a Seasonal Employee at \$13.50/hour. Councilmember Devries seconded the motion. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- I. Recommendation to approve Temporary Business License for Renaissance Fireworks, Inc. – June 26 through July 5, 2020

Councilmember Harris made a motion to approve Temporary Business License for Renaissance Fireworks, Inc. – June 26 through July 5, 2020. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- J. Recommendation to approve Minnesota Lawful Gambling LG214 Premises Permit Application for Lexington Fire Relief Association/Lexington Municipal Liquor Store

Mark Kurth, Fire Relief Association Gambling Manager, explained that he was not aware that pull-tabs could be placed in convenience stores and liquor stores until recently. He stated he spoke with the city administrator and liquor store manager and we believe that there is money to be made on pull tabs at the liquor store. He stated that the liquor store would make 20% of the profits and the Lexington Fire Relief Association would get the other 80% of the profits. Discussion ensued.

Councilmember Devries made a motion to approve Minnesota Lawful Gambling LG214 Premises Permit Application for Lexington Fire Relief Association/Lexington Municipal Liquor

Store. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

12. CLOSED SESSION

Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session.

Councilmember Harris made a motion to convene into closed session at 7:48 p.m for the purpose of Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

Councilmember Harris made a motion to reconvene into open session at 8:29 p.m. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0

13. MAYOR AND COUNCIL INPUT

Councilmember Harris stated that she and a friend cleaned the ditch on Hamline Ave by the Blaine Business Park. They approached the Blaine Planning Commission to get help from the City of Blaine to keep the ditch cleaned. They are also going to try to get businesses in the park to help maintain the ditch. Discussion ensued.

14. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 8:36 p.m. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris- yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

I hereby certify that the May 7, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on May 21, 2020.

***Bill Petracek
City Administrator***

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
MAY 21, 2020– 7:00 P.M.
9180 LEXINGTON AVENUE
THIS MEETING WAS HELD ELECTRONICALLY VIA
ZOOM**

1. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for May 21, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, Harris, Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Justin Templin, Attorney, Hoff Barry

2. CITIZENS FORUM

No citizens called in or requested to talk during citizens forum on items not on the agenda

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Harris made a motion to approve the agenda as typewritten. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

4. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department – Media Reports 4-29 through 5-12-2020
- B. Anoka County 2020 Assessor's Report
- C. City Report – April 2020
- D. North Metro TV – April 2020 Update

Councilmember Winge provided an overview of the NorthMetro TV April 2020 Update

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – May 7, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13674 through 13675
Check #'s 46246 through 46308

Check #'s 13196 through 13213

C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

Councilmember Devries made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

6. ACTION ITEMS:

A. Electronic Funds Transfer Policy

Councilmember Harris made a motion to approve Electronic Funds Transfer Policy. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

7. MAYOR AND COUNCIL INPUT

No input from mayor and city council

8. ADMINISTRATOR INPUT

No input from city administrator

9. CLOSED SESSION

Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session.

Councilmember Harris made a motion to convene in closed session at 7:15 p.m. for the purpose of Attorney-Client Privileged discussion of litigation strategy in the matter of Parkview Homes LLC v. City of Lexington. Confidentiality is necessary in order to allow candid and open discussion with the City Council about the litigation, including defense strategies and any possibilities for resolution. Minn. Stat. § 13D.05, subd. 3(b) authorizes this discussion to be held in closed session. Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

10. RECONVENE

Councilmember Devries made a motion to reconvene in open session at 8:39 p.m. Councilmember Hughes seconded the motion. Roll call vote: Devries – Yes; Harris-Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

11. ADJOURNMENT

Councilmember Devries made a motion to adjourn the meeting at 8:40 p.m. Councilmember Hughes seconded the motion. Roll call vote: Devries – Yes; Harris-Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 5-0.

I hereby certify that the May 21, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on June 4, 2020.

***Bill Petracek
City Administrator***

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
JUNE 4, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE
THIS MEETING WAS HELD VIA ZOOM**

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

Mayor Murphy called to order the Regular City Council meeting for June 4, 2020 at 7:04 p.m. Councilmember's present: Devries, Harris, and Winge. Councilmember Hughes joined via telephone at 7:30 p.m. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Gallov, Finance Director; Travis Schmid, Public Works, Andy Berg, Abdo, Eick, and Myer; Mike Kaeding and Marie Dickover, Norhart Development.

2. CITIZENS FORUM

No citizens requested to join the meeting by zoom to address 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 Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

4. ABDO, EICH & MEYERS 2019 ANNUAL FINANCIAL REPORT

Andy Berg, Abdo, Eich & Meyers provided an overview of the 2019 Annual Financial report. Discussion ensued.

Councilmember Winge made a motion to accept the 2019 Annual Financial Report. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-0.

5. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that the next meeting is in October*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge stated the next meeting is in July and has no update.*

City Administrator (Bill Petracek) – Petracek updated the City Council with discussion on the following items:

- 1. The fire auxiliary cancelling the 2020 Farmer's Market.*
- 2. The police chief search process*

3. *Jackson Ave./Liquor Store parking lot asphaltting project*
4. *Centennial Little League beginning practice in Memorial Park*
5. *Explanation of the pallet of bricks for the new sign on Lake Drive.*

6. LETTERS AND COMMUNICATIONS:

- A. Metropolitan Council – 2019 Annual Population Estimate
- B. Council Workshop meeting minutes – May 21, 2020
- C. Centennial Lakes Police Department Media Reports – 5-13 – 26, 2020

No discussion on Letters and Communications.

7. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – May 21, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13676 through 13677
Check #'s 46309 through 46359
Check #'s 13214 through 13226
Check #'s 13230 through 13235
VOID #13108
- C. Recommendation to approve change of date for Minneapolis City Heat
Charity Ride Event Permit from May 31, 2020 to July 26, 2020 (approved
March 7, 2020)
- D. Recommendation to approve Interfund Transfer
- Transfer of the remaining balance of \$141,671.90 from Construction
fund 418 – “Lake Drive Project”, to Debt Service Fund 592 – “15 Street –
Various”, and closing the construction fund.

Councilmember Harris made a motion to approve the consent agenda items. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

8. ACTION ITEMS:

- A. Recommendation to approve Business License Renewals

Councilmember Devries made a motion to approve Business License Renewals. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- B. Recommendation to approve Solicitors/Peddlers License application for Aptive
Environmental (all background checks were successfully completed).

Councilmember Harris questioned the Aptive Environmental request to solicit sales until 10:00 p.m. each day. She felt that 10:00 p.m. was too late to solicit business door-to-door, and only allow them to solicit business until 7:00 p.m.. Discussion ensued.

Councilmember Hughes made a motion to approve a Solicitors/Peddlers License application for Aptive Environmental allowing to solicit sales within a daily timeframe from 10:00 a.m. to 7:00 p.m. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- C. Recommendation to Approve a Development and Subdivision Agreement by and between Lexington Lofts and the City of Lexington.

Attorney Glaser provided an overview to the scope of the development agreement for this phase of the Lexington Lofts construction. He explained that due to Covid-19 pandemic, banks have paused lending to construction projects and Norhart needs to break-up their financing and temporarily split the lot on the eastside of Griggs Ave. so they can build phase 1 and phase 2 on separate lots. He added that the reason is so bank A owns the lien on one lot and bank B owns the lien on the other lot. This temporary lot split will come in the next few weeks before the City Council. The intention is to rejoin the lots after the construction is complete and the financing transitions to permanent financing with one lending institution. Discussion ensued.

Councilmember Hughes asked Glaser if he has done this type of transaction in the past. Glaser stated he has on several occasions to help the developer get temporary financing. He stated that a temporary lot split was done with Ephesians to help them work through some financing issues. Discussion ensued.

Councilmember Devries made a motion to approve a Development and Subdivision Agreement by and between Lexington Lofts and the City of Lexington. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- D. First Reading of Ordinance 20-06 – An Emergency Ordinance to Assist Businesses and Establishments during the COVID-19 Pandemic.

Attorney Glaser explained the emergency ordinance and the need to have this in place during the Governor's State of Emergency and Executive Orders pertaining to COVID-19. Discussion ensued. Attorney Glaser added that since it is an emergency ordinance, he recommends adopting it this evening following the first reading. Glaser proceeded to read the ordinance out loud.

Councilmember Devries made a motion to approve Ordinance 20-06 – An Emergency Ordinance to Assist Businesses and Establishments during the COVID-19 Pandemic. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- E. Recommendation to approve a Bid from Tri-State Bobcat, Inc., Little Canada, MN. for a 2020 Bobcat T76 T4 Compact Track Loader in the amount of \$57,408.35

Petracek provided an overview of the need to purchase the new Bobcat. He explained that this is being purchased from a vendor that sells equipment from the State Bid. Travis Schmid explained the history of the skid load that the City currently owns. He also updated the City Council on the new sign on Lake Drive and when they will begin installing it. Discussion ensued.

Councilmember Hughes asked about the 0% financing that is available through Bobcat. Petracek stated that the City has budgeted enough funds to purchase the new vehicle with cash and did not recommend financing the Bobcat. Discussion ensued.

Councilmember Devries made a motion to approve a Bid from Tri-State Bobcat, Inc., Little Canada, MN. for a 2020 Bobcat T76 T4 Compact Track Loader in the amount of \$57,408.35. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- F. Recommendation to Approve 2020 Management and Non-Union Employee Salary Increases.

Petracek provided an explanation to his recommendations for the 2020 wage adjustments for non-union and management employees. He explained that the union employees will receive a 2.5% increase June 1st on the final year of this CBA contract. Discussion ensued. The Council discussed increasing the finance director's wage to 3%.

Councilmember Harris made a motion to approve 2020 Management and Non-Union Employee Salary Increases retroactive to June 1st, 2020 with Chris Galiov receiving a 3% increase. Councilmember Hughes seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- G. Recommendation to Approve 2020 Hazard Pay for Liquor Store Employees.

Petracek explained why he and the liquor store manager are recommending hazard pay for the liquor store employees during the Covid-19 pandemic. Discussion ensued. Councilmember Harris disagrees with providing hazard pay to the liquor store employees. She stated that if it was so hazardous, the employees should have been wearing mask voluntarily or by direction before mid-May. She also explained that since it is busier is not a reason for hazard pay. Councilmember Winge agreed with providing hazard pay to the liquor store employees. Mayor Murphy stated that he gave his employees a bonus during this period of the Covid-19 pandemic. Discussion ensued.

Councilmember Hughes made a motion to approve 2020 Hazard Pay for Liquor Store Employees from March 13th through June 30th at a \$3/hour amount. Councilmember Winge seconded the

motion. Roll call vote: Devries – yes; Harris – no; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 4-1.

H. Discuss City Administrator Annual Evaluation per contract

Petracek explained that the City Council has the option to do an evaluation of their city administrator each year per contract. He stated that in the past, former Mayor Mark Kurth had conducted only one formal evaluation, but subsequent evaluations were done informally at City Council meetings. Discussion ensued.

Mayor Murphy stated that he would not recommend doing a formal evaluation, but stated the city administrator is doing a good job. Hughes recommended a 3% wage adjustment. The Council discussed a 5% wage adjustment.

Councilmember Winge made a motion to provide a 5% wage adjustment to the city administrator's salary retroactive to June 1st, 2020. Councilmember Devries seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

9. MAYOR AND COUNCIL INPUT

Councilmember Harris questioned and was upset by a response to a text message she sent to the city administrator. Councilmember Harris stated she was upset because of a text message that was sent to the city administrator about questions she had about the proposed protest and how neither questions were answered until she asked again with a picture of the boarded up Mills Fleet Farm that was sent. She added she wasn't challenging anyone or any City she was just seeking answers so she could speak intelligently to residents about how communication happened and why it was done that way in these unprecedented time. Petracek apologized and explained his response. Discussion ensued.

10. ADJOURNMENT

Councilmember Hughes made motion to adjourn the meeting at 8:55 p.m. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris- yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

I hereby certify that the June 4, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on June 18, 2020.

Bill Petracek
City Administrator

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
JUNE 18, 2020– 7:00 P.M.
9180 LEXINGTON AVENUE
THIS MEETING WAS HELD ELECTRONICALLY VIA
ZOOM**

1. CALL TO ORDER: – Mayor Murphy

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

Mayor Murphy called to order the Regular City Council meeting for June 18, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, Winge. Excused Absence: Harris. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director.

2. CITIZENS FORUM

No citizens inquired about attending the Zoom meeting 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 Winge seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

4. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 5-27 thru 6-2-2020

No discussion on Letters and Communications

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – June 4, 2020

- B. Recommendation to Approve Claims and Bills:

Check #'s 13678 through 13680

Check #'s 46360 through 46418

Check #'s 13238 through 13242

- C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

Councilmember Hughes made a motion to approve the consent agenda items. Councilmember Devries seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

6. ACTION ITEMS:

- A. Recommendation to approve reestablishing in person City Council meetings July 2, 2020.

Petracek asked if there were any questions on his memo providing the recommendation to reopen. Councilmember Hughes asked if there was going to be plexi-glass dividers installed between each Councilmember. Discussion ensued.

Councilmember Winge stated he was fine returning without plexi-glass dividers, but he doesn't want to make Councilmember Hughes uncomfortable. Petracek also stated city staff would arrange the City Council chambers so that citizens attending the meetings will be adhering to the 6' social distancing rule. Discussion ensued.

Councilmember Devries made a motion to continue conducting virtual Zoom for the July 2nd Regular meeting, and reconvene to live meetings on July 16th following the installation of plexi-glass dividers at the Council Dias. Councilmember Hughes seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

- B. Recommendation to approve reestablishing in person Planning & Zoning and Park Board meetings in July 2020

Petracek stated with the City Council reconvening to live meetings on July 16th following the installation of plexi-glass partitions at the Council Dias, it would make sense to reopen Park Board and Planning Commission meetings in August to give public works time to install the partitions. He added that there are not any pressing issues either Board will need to address at this time. Discussion ensued.

Councilmember Devries made a motion to reconvene live Planning Commission and Park Board meetings in August. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

- C. Recommendation to approve Liquor License Renewals

- Cowboy's Saloon

Attorney Glaser recommended a condition placed on Cowboy's Saloon liquor license that they must repair their surveillance cameras so that the police department are able to review video footage of issues that occur at the bar. He added that these cameras have been out-of-service for some time. Discussion ensued.

Councilmember Devries made a motion to approve Cowboy's Saloon liquor license with a condition that the camera operations must be maintained to the satisfaction of the police department. Councilmember Winge seconded the motion. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

- Carbone's Pizza
- El Loro
- Boulevard

Councilmember Devries made a motion to approve liquor licenses for Carbone's Pizza, El Loro, and Boulevard Bar and Grille. Councilmember Hughes seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

Councilmember Hughes asked if we are giving any relief to the businesses on their liquor license fees. Petracek explained that the Council approved payment of the liquor license fees 90 days after Governor Walz reopens bars and restaurants to give the liquor license holders time to recuperate.

D. Recommendation to approve Business License Renewals

Councilmember Hughes made a motion to approve Business License Renewals. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

7. MAYOR AND COUNCIL INPUT

Councilmember Devries asked about the broken watermain in front of Boulevard Bar and Grille. Petracek stated that John Barstow, owner, reported the leaking water main. The southwest portion of the city was out of water for approximately 5 hours while crews repaired the main. Discussion ensued.

8. ADMINISTRATOR INPUT

Petracek updated the council on the police chief search. He explained that the governing board has made an offer to a candidate, but it hasn't been made public yet as the headhunter is negotiating an employment contract with the candidate. Discussion ensued.

9. ADJOURNMENT

Councilmember Devries made a motion to adjourn the meeting at 7:32 p.m. Councilmember Winge seconded the motion. Roll call vote: Devries – Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – Yes. Motion carried 4-0.

I hereby certify that the June 18, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on July 2, 2020.

*Bill Petracek
City Administrator*

/mv

No Council Workshop

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
JULY 2, 2020 – 7:00 P.M.
9180 LEXINGTON AVENUE
THIS MEETING WAS HELD ELECTRONICALLY VIA
ZOOM**

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

Mayor Murphy called to order the Regular City Council meeting for July 2, 2020 at 7:01 p.m. Councilmember's present: Devries, Harris, Hughes, and Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Pat Aldrich, Centennial Lakes P.D.

2. CITIZENS FORUM

No citizens called into the zoom meeting to address items not on the agenda.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Councilmember Hughes made a motion to approve the agenda as typewritten. Councilmember Devries seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Devries) – *Councilmember Devries reported that there were no meetings scheduled.*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge provided an overview of the Northmetro T.V. budget and cable franchise fees. Discussion ensued.*
- C. City Administrator (Bill Petracek) – *Petracek explained that the City of Lexington was awarded the 3rd step in the Greenstep Program. Discussion ensued.*

Petracek also reported that the City of Lexington will receive an estimated amount of \$158,000 from the CARES Act for Covid -19 expenses. He explained that there is a possibility of having enough funds for a local business grant. He added that there is a lot more information that he and the finance director are obtaining on how the money can be spent. Discussion ensued

5. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Reports – 6-3 through 6-16, 2020

- B. City Report – May 2020
- C. North Metro TV – May 2020 Update

No discussion on Letters and Communications

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – June 18, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13681 through 13683
Check #'s 46419 through 46477
Check #'s 13243 through 13256
Check #'s 13256 through 13266
Check #'s 13267 through 13270

Councilmember Winge made a motion to approve the consent agenda items. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

7. ACTION ITEMS:

- A. Recommendation to approve 2021 North Metro Telecommunications
Commission Budget

Councilmember Hughes made a motion to approve 2021 North Metro Telecommunications Commission Budget. Councilmember Winge seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- B. Recommendation to approve Business License Renewals

Councilmember Devries made a motion to approve Business License Renewals. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- C. Recommendation to approve Resolution 20-15 – A Resolution Approving the
Installation of “NO Parking On This Side of the Street” Signs on North Dunlap Avenue
Between Lake Drive and Edgewood Road in the City of Lexington

Petracek provided an overview of the parking and traffic congestion complaints and issues that have been created by the Landings of Lexington residents since the apartment complex tenants have moved in. He added that there are plenty of parking spots available in Landings of Lexington underground parking, but the fact that they are charging their tenants \$90/month to park there creates a situation where the tenants are parking on city streets for free. He explained the background on the recommendation to approve Resolution 20-15 and city staff working with

Landings of Lexington to solve the problem of their tenants parking on Dunlap Ave. when they should be parking in their parking lot. Attorney Glaser provided an overview of the Planned Unit Development that was approved and the parking requirements of the development. He explained the need to approve parking restrictions for Dunlap Ave. Discussion ensued.

Councilmember Devries asked if Lexington Lofts are charging for their underground parking. Attorney Glaser explained that they are, and he and the city administrator are working through this with Norhart to solve this problem through the next phase of the development agreement. Discussion ensued.

Councilmember Harris stated that if their parking lot isn't 100% full, then Landings of Lexington should not be charging their residents to park in their underground parking and they are not providing the parking that was promised to their tenants. Discussion ensued.

Councilmember Harris stated that she didn't think it was out of the question to have no parking on Dunlap Ave., but if I was a resident of Dunlap Ave., and wanted to have family members I wouldn't like those restrictions. The City Council discussed potential two-hour parking, no parking, and no-overnight parking restrictions for Dunlap Ave. Discussion ensued.

Mayor Murphy stated he was a big fan of making the whole city "no overnight parking." He added that when he worked for Anoka Police Department, that was what they did, and it really lowered the crime rate. Discussion ensued.

The City Council discussed imposing citywide "no overnight parking" on city streets. Councilmember Harris questioned whether we would make the whole city suffer because of what is going on at Landings of Lexington. Councilmember Winge agreed and stated he didn't like imposing no overnight parking restrictions at this meeting and maybe reevaluate it in the future. Discussion ensued.

Councilmember Harris asked if we can get a report on the parking situation. Petracek stated that we could make that happen with the police department.

City Council discussed the speeding complaints on Dunlap Ave. Lieutenant Pat Aldrich explained that the police department receives speeding complaints every day and lowering the speed limit to 25 mph will not work. He said most of the time the speeding is a perception of the people on the street, and most of the time the drivers are within the speeding limits. Discussion ensued.

Councilmember Devries made a motion to approve Resolution No. 20-15 – A Resolution Approving the Installation of "NO Parking On This Side of the Street" Signs on North Dunlap Avenue Between Lake Drive and Edgewood Road in the City of Lexington with the addition of "No Overnight Parking from Midnight to 6:00 a.m." on the west side of the street. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

- D. Recommendation to approve Resolution 20-16 A Resolution Approving the Installation of “No Parking From Here to the Corner” Signs on Dunlap Ave. at the Intersection of Lovell Road and Dunlap Ave. within the City of Lexington.

Councilmember Winge made a motion to approve Resolution 20-16 A Resolution Approving the Installation of “No Parking From Here to the Corner” Signs on Dunlap Ave. at the Intersection of Lovell Road and Dunlap Ave. within the City of Lexington. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris – yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

8. MAYOR AND COUNCIL INPUT

Councilmember Devries asked about the Jackson Ave. project. Petracek stated that the asphaltting company is trying to schedule the milling machine, which is holding up the project. Once that has been scheduled, they will have a date when the project can begin. Petracek added that once the project begins, it won’t take more than a day or two to complete.

Councilmember asked about what public works was doing on Hamline & Edgewood Ave. this week. Petracek stated they had a sewer back-up, and they were using the Jetter to do some cleaning. He added that the backup was not caused by our sewer main.

9. ADJOURNMENT

Councilmember Harris made motion to adjourn the meeting at 8:28 p.m. Councilmember Harris seconded the motion. Roll call vote: Devries – yes; Harris- yes; Hughes – yes; Winge – yes; Mayor Murphy – yes. Motion carried 5-0.

I hereby certify that the July 2, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on July 16, 2020.

Bill Petracek
City Administrator

/mv

**MINUTES
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
JULY 16, 2020– 7:00 P.M.
9180 LEXINGTON AVENUE**

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

Mayor Murphy called to order the Regular City Council meeting for July 16, 2020 at 7:00 p.m. Councilmember's present: DeVries, Harris, Hughes, Winge. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Justin Templin, Attorney, Hoff Barry.

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 Harris seconded the motion. Motion carried 5-0.

4. LETTERS AND COMMUNICATIONS:

- A. Public Notice – Closed Executive Session
- B. Police Chief Jim Coan Retirement Announcement
- C. 2020 Estimated Market Value Summary – Anoka County
- D. TOPS 1722 – COVID 19 Guidelines
- E. Centennial Lakes Police Department Media Reports 6-17 through 6-30-2020
- F. Notice of Public Accuracy Test

Mayor Murphy thanked Police Chief Jim Coan for serving the City of Lexington and wished him well in his retirement. Murphy also announced the hiring of new Police Chief Jim Mork.

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – July 2, 2020
- B. Recommendation to Approve Claims and Bills:
Check #'s 13684 through 13686
Check #'s 46478 through 46478
Check #'s 46479 through 46544

Check #'s 13274 through 13281
VOID # 46470

C. Financial Reports

- Cash Balances
- Fund Summary – Budget to Actual

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

6. ACTION ITEMS:

- A. Recommendation to approve Resolution NO. 20-17 A Resolution
Approving Appointment of Election Judges

Councilmember Hughes made a motion to approve Resolution NO. 20-17 A Resolution Approving Appointment of Election Judges. Councilmember Harris seconded the motion. Motion carried 5-0.

- B. Recommendation to approve Business License Renewals

Councilmember Devries made motion to approve Business License Renewals. Councilmember Hughes seconded the motion. Motion carried 5-0.

7. MAYOR AND COUNCIL INPUT

Councilmember Devries asked about the asphalt replacement needed due to the broken water main in front of Boulevard Bar and Grille. Petracek responded by saying public works has been extremely busy, and probabaly hasn't had time to complete it. Devries also asked about the Lexington Lofts running water into the storm drain without a filter. Petracek said he would look into it.

Councilmember Hughes asked about the progress of the tree maintenance and removal ordinance. Petracek said it is on the next Planning Commission agenda for discussion.

Councilmember Harris stated that the lights at the Memorial Park sign are not lit. Petracek stated he would look into it.

Mayor Murphy explained the City Council would be discussing the parking issues on Dunlap Ave. at the workshop, which will not be televised.

8. ADMINISTRATOR INPUT

Petracek updated the Council on the progress of Jackson Ave. and liquor store mill and overlay project, as well as the concession stand upgrades. Discussion ensued.

9. CLOSED SESSION

Discussion of litigation strategy and legal implications of a draft settlement agreement in the matter of Parkview Homes LLC v. City of Lexington et al., Anoka County Court File No. 02-CV-17-2816. Absolute confidentiality is required for a full and candid discussion with legal counsel, and such discussion could not occur in a public without jeopardizing the City's legal position. The closed session is authorized by Minn. Stat. § 13D.05, subd. 3(b).

Councilmember Hughes made a motion to adjourn the City Council meeting and go into closed session at 7:12 p.m. to discuss litigation strategy and legal implications of a draft settlement agreement in the matter of Parkview Homes LLC v. City of Lexington et al., Anoka County Court File No. 02-CV-17-2816. Absolute confidentiality is required for a full and candid discussion with legal counsel, and such discussion could not occur in a public without jeopardizing the City's legal position. The closed session is authorized by Minn. Stat. § 13D.05, subd. 3(b). Councilmember Devries seconded the motion. Motion carried 5-0.

10. RECONVENE FROM CLOSED SESSION

Councilmember Hughes made motion to reconvene from closed session into open session at 8:02 p.m. Councilmember Harris seconded the motion. Motion carried 5-0.

11. Consideration of settlement agreement in Parkview Homes LLC v. City of Lexington et al.

Councilmember Devries made a motion to approve a settlement agreement in Parkview Homes LLC v. City of Lexington et al. Councilmember Harris seconded the motion. Roll call vote: Devries – Yes; Harris- Yes; Hughes – Yes; Winge – Yes; Mayor Murphy – No. Motion carried 4-1.

12. ADJOURNMENT

Councilmember Devries made a motion to adjourn the meeting at 8:24 p.m. Councilmember Hughes seconded the motion. Motion carried 5-0.

/mv