

**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**  
**October 13, 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 September 2020 pg. 1-4
5. APPROVAL OF PLANNING COMMISSION MINUTES
  - B. September 8, 2020 pg. 5-6
6. DISCUSSION ITEM:
  - A. Discuss Draft Tree Ordinance pg. 7-13
  - B. Discuss Chapter 11 Section 11.60 Subd. 22 Parking pg. 14-18
7. NOTE COUNCIL MINUTES:
  - A. September 3, 2020 pg. 19-21
  - B. September 17, 2020 pg. 22-25
8. PLANNING COMMISSION INPUT
9. ADJOURNMENT



**City of Lexington**  
**Permits Issued & Fees Report - Detail by Address**  
 Issued Date From: 9/1/2020 To: 9/30/2020  
 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
<b>Permit Type: Building</b>													
<b>Permit Kind: Commercial Addition</b>													
<b>Permit Kind: Commercial Demolition</b>													
<b>Permit Kind: Commercial New Construction</b>													
<b>Permit Kind: Commercial Remodel</b>													
<b>Permit Kind: Commercial Roofing</b>													
0-00108	09/24/2020	9046 N HIGHWAY DR	0		24,000.00	495.36	321.98	12.00					829.34
<b>Permit Kind: Commercial Sign - Permanent</b>													
<b>Permit Kind: Residential Accessory Building</b>													
0-00109	09/29/2020	8913 ARONA AVE	0		9,000.00	439.32	142.78	4.50					586.60
<b>Permit Kind: Residential Addition</b>													
<b>Permit Kind: Residential Deck/Porch</b>													
<b>Permit Kind: Residential Demolition</b>													
0-00104	09/22/2020	3813 LIBERTY LN	0			100.00		1.00					101.00
<b>Permit Kind: Residential MOVING A STRUCTURE</b>													
<b>Permit Kind: Residential OVER WEIGHT PERMIT</b>													
0-00100	09/08/2020	8913 ARONA AVE	0			50.00							50.00
0-00106	09/22/2020	9233 RYAN PL	0			50.00							50.00
<b>Permit Kind: Residential Remodel</b>													
<b>Permit Kind: Residential Repair</b>													
<b>Permit Kind: Residential Roofing</b>													
0-00098	09/10/2020	4135 FLOWERFIELD RD	0		6,800.00	145.00		1.00					146.00
0-00102	09/16/2020	9016 JACKSON AVE	0			145.00		1.00					146.00
0-00107	09/22/2020	4062 LOVELL RD	0		7,500.00	145.00		1.00					146.00

Permit #	Date Issued	Site Address	Permit Type	Building	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Kind: Residential SET MOBILE HOME															
Permit Kind: Residential Siding															
Permit Kind: Residential WINDOW, EGRESS AND/OR SIZE CHANGE															
0-00105	09/22/2020	9164 JACKSON AVE			0	0	1,800.00	83.13	54.03	0.90					138.06
Permit Type: Building - Totals															
	Period			9	0	0	49,100.00	1,652.81	518.79	21.40					2,193.00
	YTD			61	0	0	12,722,239.21	73,208.97	44,251.97	2,103.60		90	223,650.00		526,739.54
Permit Type: Fire															
Permit Kind: Commercial Fire Suppression															
Permit Type: Fire - Totals															
	Period			0											
	YTD			1	0	0		390.00	253.50	32.50					676.00
Permit Type: Mechanical															
Permit Kind: Commercial Remodel															
Permit Kind: Residential HVAC															
Permit Kind: Residential MECHANICAL NEW MOBILE HOME															
Permit Type: Mechanical - Totals															
	Period			0											
	YTD			13	0	0	3,500.00	589.00	45.50	13.75					648.25
Permit Type: Plumbing															
Permit Kind: Commercial NEW UTILITY LINE W&S															
Permit Kind: Commercial Remodel															

mit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
<b>mit Type: Plumbing</b>													
	Permit Kind:	Commercial RPZ Installation											
	Permit Kind:	Residential Alteration/Repair/Extention											
	Permit Kind:	Residential MOBILE HOME NEW CONNECTION											
	Permit Kind:	Residential Remodel											
	Permit Kind:	Residential Water Heater											
<b>mit Type: Plumbing - Totals</b>													
	Period		0										
	YTD		13	0	75,031.66	2,221.23	120.25	39.19					2,697.98
<b>mit Type: Zoning</b>													
	Permit Kind:	Commercial ADDITIONAL OUTDOOR SEATING											
	Permit Kind:	Commercial PATIO - PARKING LOT											
	Permit Kind:	Residential Accessory Building 200 sq ft or <											
	Permit Kind:	Residential Driveway											
-00099	09/08/2020	8913 ARONA AVE		0		60.00							60.00
-00103	09/18/2020	9233 RYAN PL		0		60.00							60.00
	Permit Kind:	Residential Fence/Wall < 6 FT											
-00101	09/10/2020	9521 HAMLINE AVE		0		60.00							60.00
	Permit Kind:	Residential Free Standing Deck											
<b>mit Type: Zoning - Totals</b>													
	Period		3	0		180.00							180.00
	YTD		20	0	500.00	1,015.00	35.75	1.00					1,051.75
<b>Grt Total</b>													
	Period		12	0	\$49,100.00	1,832.81	518.79	21.40					2,373.00
	YTD		108	0	\$12,801,270.87	77,424.20	44,706.97	2,190.04		90	223,650.00		531,813.52

nitf#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
-------	-------------	--------------	--------------	-------------	-----------	---------	------------	-----------------	-----------	-----------	----------	----------	------------

**MINUTES**  
**REGULAR PLANNING COMMISSION MEETING**  
**September 8, 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 September 8, 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.*

---

**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**

*Petracek explained that Attorney Glaser was unable to get the draft tree management ordinance to him until 3:30 today, and is recommending the P & Z review the ordinance for the October meeting discussion.*

*Vanderbloomer made a motion to approve the agenda taking Discussion Item 6(A) off the agenda until October. Bautch seconded the motion. Motion carried 5-0.*

**4. LETTERS AND COMMUNICATION**

- A. Building Permits for August 2020

*Some discussion on August roofing permits.*

**5. APPROVAL OF PLANNING COMMISSION MINUTES**

- A. August 10, 2020

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

**6. DISCUSSION ITEM:**

- A. Draft Tree Management Ordinance

*Item A was removed from the agenda.*

7. NOTE COUNCIL MINUTES:

- A. August 6, 2020
- B. August 20, 2020

*No discussion on City Council Minutes*

8. PLANNING COMMISSION INPUT

*Bautch stated there are two (2) street lights out on North Highway Drive and Albert Ave.*

*Koch asked about parking tickets being given out on Centerwood Street, and if any parking regulations have changed. Petracek stated that the people getting parking tickets would need to contact the police department on why the tickets have been issued, and he added that the City hasn't changed any parking restrictions that would affect those residents.*

---

*Thorson stated that there are a lot of grass clippings being thrown into the street. Petracek stated that the police department would need to be notified about people blowing grass clippings on the street as they are able to enforce the ordinances by issuing tickets. City Hall doesn't have that capability.*

*Bautch asked about Parkview activity. Petracek stated they have pulled a building permit for one home and are making some upgrades to their water system.*

9. ADJOURNMENT

*Vanderbloomer made a motion to adjourn at 7:19 p.m. Bautch seconded the motion. Motion carried 5-0.*



---

---

**MEMORANDUM**

---

---

**TO:** PLANNING & ZONING COMMISSION

**FROM:** KURT GLASER, CITY ATTORNEY

**SUBJECT:** PROPOSED TREE ORDINANCE

**DATE:** OCTOBER 1, 2020

---

**PROPOSED ORDINANCE**

I propose replacing the existing Section 10.30 with the following.

***SECTION 10.30. SHADE TREE DISEASE CONTROL AND PREVENTION***

**Subd. 1. - 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 Section 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.

Subd. 2. - Definitions.

The following words, terms and phrases, as used in this Section, 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 Section 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.

Subd. 3. - 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 Section.

Subd. 4. - 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 include all hazard trees and trees otherwise 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 nuisance trees.*
  - (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 Section 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) *Emergency abatement.* Nothing in this Section 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.

Subd. 5. - Transporting Wood Prohibited.

It is unlawful for any person to transport firewood into or through the City unless it has been subjected to a state-certified process to reduce the risk of it carrying a regulated pest or disease, and the firewood bears proof or a written certification that it has been subjected to that process.

**Subd. 6. - Enforcement.**

The city shall be responsible for the enforcement of this Section. 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.

If the property owner failed to pay the City for services rendered pursuant to this Section, the City shall collect its costs pursuant to assessment against a parcel where services have been rendered pursuant to Minn. Stat. Sec. 429.101.

---

***EXISTING LEXINGTON CODE – TO BE SUPERSEDED BY NEW SECTION 10/30  
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”** – [NEEDED TO ADD MORE DISEASES] - 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. **ADD HAZARDOUS TREES / PUBLIC SAFETY (NEEDED EXPAND SCOPE TO INCLUDE TREES THAT MIGHT FALL DOWN) “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.** [OUTDATED STANDARD] 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. [OUTDATED STANDARD]**

- 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. [OUTDATED STANDARD]** 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.

dedicated public roadway or an existing private roadway approved by the Council.

- C. Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of said vacated area shall not be affected by such proceedings.

**Subd. 22. Parking.**

- A. Any off-street parking space in connection with existing buildings or structures, on the effective date of this Chapter, shall not be removed, enlarged or altered, except in conformance with the requirements of this Chapter. In connection with any building or structure which is to be erected or substantially altered and which requires off street parking spaces, off-street parking space will be provided in accordance with the following regulations. The following requirements are designed to provide adequate off street parking space for passenger automobiles of patrons, occupants or employees.

B. Size.

- a. Off-Street Parking Spaces: A required off-street parking space shall be at least nine (9) feet in width and twenty (20) feet in length, exclusive of access drives, aisles, ramps and columns.
- b. Driveways:
  - i. A required driveway may not exceed 24 feet wide at the intersection with the street nor at any point in a right of way or publically owned property.
  - ii. A driveway can flare no greater than 45 degrees, beginning immediately outside any right of way or publically owned property.
  - iii. A driveway may not exceed the width of a garage and a single, approved off-street parking space, and then only to a point intersecting with the driveway flare.
- c. Lot Coverage: Parking spaces, driveways or other hard and dust-free surfaces are included when calculating lot coverage standards. If permeable materials are used, they shall reduce coverage by the percentage rated by the manufacturer of material.

C. Access.

- 1) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to parking spaces.



- 2) All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or driveways, in a manner which will least interfere with traffic movements.
- 3) A parking area containing four (4) or more parking spaces, shall have vehicular access to it by a street, alley, or driveway, containing all-weather, hard surfaced pavement and the size, location, and route of access to such parking areas shall be approved by Council.

**D. Yards.**

- 1) Off-street parking spaces shall not be permitted within any front yard or side yard setback
  - a. For those off-street spaces existing in the front yard or side yard setback in residential districts at the time this ordinance was modified on May 19, 2016, they may continue to exist as nonconforming but in no instance shall the number of these parking spaces exceed two per dwelling unit.
  - b. Parking spaces required for single or two family dwelling units shall be located on the same lot as the dwelling served.

**E. Computation of Parking Spaces.** When determination of the number of parking spaces required by this Chapter results in a requirement of a fractional space, any fraction shall be counted as one parking space.

**F. Collective Parking Provisions for Non-Residential Uses.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as a required space for more than one use unless otherwise authorized in this Chapter.

**G. Repair.** No major motor vehicle repair work shall be permitted in parking lots.

**H. Design, Maintenance, and Installation.**

- 1) All open off-street parking areas, and access to those areas, shall be improved with a hard and dust-free surface, and vehicles shall only park, stand or operate on that surface.
- 2) All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

- 3) All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential property, by an approved, compatible wall or fence that conforms with this Chapter or a densely planted compact hedge not less than five (5) feet in height and so as not to create a traffic hazard on adjacent streets.
- 4) Illumination of an off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
- 5) The owner of any off-street parking area shall maintain the area in good condition without holes and free of all dust, trash, and other debris.
- 6) Hard and dust-free surfaces.
  - a. Residential Areas.
    - i. Interim Standard. Hard and dust-free surfaces used for parking or access to parking areas for residential districts may only be constructed from materials that include bituminous, cement, gravel (class 2 or class 5), crushed rock, recycled bituminous, pavers, permeable pavers, or other materials specifically approved by the building official.
    - ii. Permanent Standard. All new construction and all properties granted a non-maintenance building permit shall meet the following standard for hard and dust-free surfaces. Hard and dust-free surfaces used for parking or access to parking areas for residential districts may only be constructed from materials that include bituminous, cement, pavers, permeable pavers, or other materials specifically approved by the building official.
  - b. Non-residential Areas. Hard and dust-free surfaces used for parking or access to parking areas for all other areas such as business, commercial or multiuse districts may only be constructed from materials that include bituminous, cement, or other materials specifically approved by the building official.
- 7) Driveways or other access to parking areas required by this section shall be constructed in the same manner as the parking area. Driveways and parking areas must be durable and designed to support the weight of vehicles. Driveways must connect to a street, alley, or roadway by a curb, gutter or apron designed for vehicular travel and as otherwise approved by the building official.

- 8) A zoning permit shall be issued for the installation or replacement of residential driveways and off-street parking unless performed in conjunction with a building permit for construction of a primary or accessory structure. In all other instances, a building permit is necessary for installation or replacement of driveways and off-street parking.
  - 9) Driveways may not encroach easements, rights of way or publically owned property but may exist therein subject to the applicable property rights in a manner as set forth in the applicable permit.
  - 10) Off-street parking spaces are subject to the setbacks of their district. Driveways are subject to the setbacks of their district except where necessary to connect to a street, alley or roadway by a direct route, or such route as approved by the building official for unique lots, return driveways or commercial applications in a manner as set forth in the applicable permit.
- I. Required Parking Spaces. The minimum number of off-street parking spaces for each type of use shall be determined in accordance with the following:
- 1) Residential Use. Two parking spaces for each dwelling unit for single family, two family, or multiple dwelling units. Parking space(s) inside an accessory structure may satisfy this requirement.
  - 2) Automobile Service Stations. At least one parking space for each employee, plus two for each service stall.
  - 3) Banks. At least one parking space for each two hundred square feet of floor area.
  - 4) Group Homes, Boarding and Rooming Houses. At least two parking spaces, plus one parking space for each three persons for which living accommodations are provided.
  - 5) Bowling Alleys. At least seven parking spaces for each alley, plus such additional spaces as may be required for affiliated uses.
  - 6) Business and Professional Offices or Public Administration Buildings. At least one parking space for each two hundred square feet of floor area.
  - 7) Churches and Synagogues. At least one parking space for each four seats in accordance with density capacity of the main auditorium.
  - 8) Establishments Handling the Sale and Consumption of Food and Refreshment on the Premises. At least one parking space for each seventy-five square feet of floor area.

- 9) Furniture and Appliance Stores, Motor Vehicle Sales, Stores for Repair of Household Equipment, or Furniture. At least one parking space for each six hundred square feet of floor area.
  - 10) Hotels. At least one space for each three separate rooms and at least one space for each three suites of more than one room.
  - 11) Libraries and Museums. At least one parking space for each five hundred square feet of floor area.
  - 12) Manufacturing, Fabricating, and Processing Plants Not Engaged in Retail Trade. At least one parking space for each employee or one parking space for every one thousand square feet of floor area, whichever is greater.
  - 13) Medical and Dental Clinics. At least two spaces for each examining or treatment room, plus one for each doctor and employee in the building.
  - 14) Motels. At least one parking space for each dwelling unit, plus one space per employee.
  - 15) Public Utility and Public Service Uses. At least one parking space for each three employees, plus spaces in adequate number as determined by the Council to serve the visiting public.
  - 16) Recreational Buildings or Community Centers. Spaces in adequate number as determined by the Planning Commission.
  - 17) Schools, Elementary. Junior High, Public or Private. At least one parking space for each faculty member and other full-time employees. Senior high schools shall also provide one space for each ten students.
  - 18) Supermarkets, Discount Houses, Mail Order Outlets, Retail Stores and Other Stores with High Customer Volume. At least one parking space for each three hundred square feet of floor area.
  - 19) Theaters. At least one parking space for each four seats in the theater.
  - 20) Warehouse and Storage Establishments and Freight Terminals. At least one off-street parking space for each two thousand square feet of floor area or one parking space for every two employees, whichever is greater.
  - 21) Other Uses. Parking spaces on the same basis as required for the most similar use.
- J. Exception to Required Parking Spaces: The City may modify the minimum parking requirements in any Multiuse or Business District, as part of a planned

**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
SEPTEMBER 3, 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 September 3, 2020 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Winge. Excused Absence: Harris. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney.*

**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. INFORMATIONAL REPORTS:**

- A. Airport (Councilmember Devries) – *Councilmember Devries stated that no meetings were scheduled until October*
- B. Cable Commission (Councilmember Winge) – *Councilmember Winge stated a meeting is scheduled in 2-weeks.*
- C. City Administrator (Bill Petracek) – *Petracek explained an email received from the Anoka Assessor's Office that the City of Lexington's certified members for the Local Board of Appeals and Equalization have expired and they will need to take the on-line training to recertify. He added that this gives each Councilmember that is interested plenty of time to get certified and it is only a 1-hour training session. Discussion ensued.*

*Petracek also explained that there will be a request from North Metro TV for funds from our CARES Act appropriation at the next City Council meeting for their COVID-19 expenses. Discussion ensued.*

**5. LETTERS AND COMMUNICATIONS:**

- A. Centennial Lakes Police Department Media Reports – 8-12 through 8-18, 2020
- B. August 20, 2020 Council Workshop meeting minutes will be provided at meeting

*No discussion on Letters and Communications*

**6. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – August 20, 2020
- B. Recommendation to Approve Claims and Bills:  
Check #'s 13691 through 13701  
Check #'s 46686 through 46728  
Check #'s 13554 through 13367  
Check #'s 13368 through 13375  
VOID # 13343

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

**7. ACTION ITEMS:**

- A. Recommendation to approve Resolution NO. 20-19 A Resolution to approve  
Final Plat for Lexington Lofts

***Attorney Glaser asked the City Council to approve a slightly amended plat explaining that the developer will need to eventually combine some of lots so that the Lexington Lofts structure won't be built over lot lines. He explained that the city engineer is good with the final plat and is recommending the approval.***

***Councilmember Hughes asked if the lots need to be legally combined. Attorney Glaser stated yes, the City is granting temporary permission for Lexington Lofts to be built over lot lines, as this is doing Norhart a favor and saving them money on their financing. Discussion ensued.***

***Councilmember Devries made a motion to approve Resolution NO. 20-19 A Resolution to approve Final Plat for Lexington Lofts. Councilmember Winge seconded the motion. Motion carried 4-0.***

- B. Recommendation to approve Resolution NO. 20-20 A Resolution to  
approve Lexington Lofts Conditional Use Permit

***Attorney Glaser asked the Council to table Action Items B and C because they are not quite ready for approval.***

***Councilmember Winge made a motion to table Action items B and C. Councilmember Hughes seconded the motion. Motion carried 4-0.***

- C. Recommendation to approve O'Reilly's Development Agreement
- D. Recommendation to approve Lexington Fire request to hire David Hults III  
to the position of Firefighter at \$12.65/hour

***Councilmember Devries made a motion to approve Lexington Fire request to hire David Hults III to the position of Firefighter at \$12.65/hour. Councilmember Winge seconded the motion. Motion carried 4-0.***

- E. Recommendation to approve Proclamation declaring the week of  
September 17 – 23, 2020 as Constitution Week

***Councilmember Winge made a motion to approve Proclamation declaring the week of September 17 – 23, 2020 as Constitution Week. Councilmember Hughes seconded the motion. Motion carried 4-0.***

#### **8. MAYOR AND COUNCIL INPUT**

***Councilmember Devries stated he inspected the upgrades to the concession stand and thought they looked good. Discussion ensued.***

#### **9. ADJOURNMENT**

***Councilmember Hughes made motion to adjourn the meeting at 7:09 p.m. Councilmember Devries seconded the motion. Motion carried 4-0.***

***I hereby certify that the September 3, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on September 17, 2020.***

***Bill Petracek  
City Administrator***

/mv

**MINUTES  
CITY OF LEXINGTON  
REGULAR COUNCIL MEETING  
SEPTEMBER 17, 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 September 17, 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.*

**2. CITIZENS FORUM**

*No citizens were present to discuss 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. Motion carried 5-0.*

**4. LETTERS AND COMMUNICATIONS:**

- A. Planning & Zoning meeting minutes – September 8, 2020
- B. City Report – August 2020
- C. North Metro TV – August 2020 Update
- D. Centennial Lakes Police Department Media Report – 8-26 through 9-8, 2020
- E. Purple Lights Campaign – Alexandra House

*Petracek explained the communication from the Alexandra House regarding the Purple Lights Campaign. He asked the City Council if this is something they would like to promote as a City. The Consensus of the Council was to move forward with Alexandra House to promote the Purple Lights Campaign*

**5. CONSENT ITEMS:**

- A. Recommendation to Approve Council Minutes:  
Council Meeting – September 3, 2020
- B. Recommendation to Approve Resolution NO. 20-22 – A Resolution Satisfying  
“Grading” Development and Subdivision Agreement Lexington Lofts



C. Recommendation to Approve Claims and Bills:

Check #'s 46729 through 46788

Check #'s 13379 through 13391

Check #'s 13392 through 13396

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

**6. ACTION ITEMS:**

A. Recommendation to approve Centennial Lakes Police Department 2021 Budget

***Petracek explained that the City of Lexington's portion of the 2021 CLPD budget has gone up approximately \$50,000 due to our call volume going up 600+ calls. He added that the previous police chief said call volume had gone up due to having new police officer's writing more traffic tickets. He added that this has nothing to do with Landings of Lexington, as the building was not open yet, and this is a 2019 report. Discussion ensued.***

***Councilmember Devries made a motion to approve Centennial Lakes Police Department 2021 Budget. Councilmember Harris seconded the motion. Motion carried 5-0.***

B. Recommendation to approve expense allocation in the amount of \$27,992.83 to the CARES Act Fund.

***Petracek explained that there are appropriations in this expense report for requests from North Metro TV and Centennial Lakes Police Department. Councilmember Harris asked about the expenses for unemployment for the NorthMetro TV appropriation and the need to be reimbursed. Petracek stated he didn't have an answer for why that request was made from NorthMetro TV. Discussion ensued.***

***Councilmember Devries made a motion to approve expense allocation in the amount of \$27,992.83 to the CARES Act Fund. Councilmember Winge seconded the motion. Motion carried 4-1.***

C. Recommendation to approve Resolution NO. 20-20 A Resolution to approve Lexington Lofts Conditional Use Permit

***Attorney Glaser explained that Norhart has agreed to the parking restrictions in the conditional use permit for Lexington Lofts. Discussion ensued.***

***Councilmember Devries made a motion to approve Resolution NO. 20-20 A Resolution to approve Lexington Lofts Conditional Use Permit. Councilmember Hughes seconded the motion. Motion carried 5-0.***

D. Recommendation to approve O'Reilly's Development Agreement

***Councilmember Harris made a motion to approve O'Reilly's Development Agreement. Councilmember Hughes seconded the motion. Motion carried 5-0.***

E. Recommendation to approve Resolution NO. 20-21 – A Resolution

Certifying Proposed Tax Levy Requirements for 2021 to Anoka County to  
for Collection

***Petracek explained that this preliminary General Levy would be set at a 5% increase. He explained that he is hoping to propose a final budget that will only have between a 0% and 1% General Levy increase for the 2021 budget. Discussion ensued.***

***Councilmember Devries made a motion to approve Resolution NO. 20-21 – A Resolution Certifying Proposed Tax Levy Requirements for 2021 to Anoka County to for Collection. Councilmember Hughes seconded the motion. Motion carried 5-0.***

F. Recommendation to approve Business License Applications

(pending successful background checks)

***Petracek explained that background checks were good on both business license applications.***

***Councilmember Harris made a motion to approve Business License Applications. Councilmember Hughes seconded the motion. Motion carried 5-0.***

7. MAYOR AND COUNCIL INPUT

***Councilmember Harris asked about the Dunlap Ave curbing and work being done in front of Landings of Lexington. Petracek explained that it is work that the city engineer made the LOL contractor redo because it wasn't done to specifications.***

***Councilmember Harris also asked about Bistro Leroux and why they still have their sign up. Mayor Murphy explained that this is private property and there isn't anything the City can do about it.***

***Councilmember Harris asked about the abandoned house on Lovell Road and why the lawn isn't being mowed. Petracek said he would have the building inspector take a look at it.***

***Councilmember Harris asked why the lights were still not working at the Memorial Park entrance. Petracek stated that the lights are working. Public works finished it this week.***

***Councilmember Harris discussed the lack of curbing in front of 3780 Centerwood on the Hamline Ave. side. Petracek stated he would have public works take a look at it.***

8. ADMINISTRATOR INPUT

*No input from the city administrator*

**9. ADJOURNMENT**

*Councilmember Hughes made a motion to adjourn the meeting at 7:31 p.m.  
Councilmember Devries seconded the motion. Motion carried 5-0.*

*I hereby certify that the September 17, 2020, Regular City Council Minutes as presented, were approved by the Lexington City Council on October 1, 2020.*

*Bill Petracek  
City Administrator*

/mv

**\*\*NO WORKSHOP TONIGHT DUE TO LACK OF  
DISCUSSION ITEMS\*\***

