

**AMENDED**  
**CITY OF LEXINGTON**  
**WORKSHOP AGENDA**  
**Thursday, May 21, 2020**  
**Immediately following Council meeting**  
**City Hall**

**1. Call to Order:** Mayor Murphy

**2. Roll Call:** DeVries – Harris – Hughes - Winge

**3. Discussion Items:**

A. Discuss adopting Business Friendly Resolution – Councilmember Harris / Mayor Murphy  
pp. 1-3

B. Discuss

- continuing virtual meetings or not
- Resuming Planning & Zoning and Park Board meetings
- COVID 19 Staff Policy

pp. 4-5

C. Discuss vacating DuWayne Avenue for the purpose of Ephesians Phase 2 pp. 6-7

**4. Staff Input**

**5. Council Input**

**6. Adjourn**



**City of Lexington  
County of Anoka  
State of Minnesota**

**Resolution No. 20-**

**WHEREAS**, the Fourteenth Amendment of the United States Constitution reads, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws", and

**WHEREAS**, the City Council of Lexington, Minnesota wishes to express opposition to any Executive Order that would restrict the constitutional rights of the residents of Lexington to life, liberty, or property, without due process of law, and

**WHEREAS**, Governor Walz Emergency Executive Order 20-33 Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation states, "Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights",

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Lexington, Minnesota

That the City Council of Lexington hereby expresses its intent to uphold and protect the Constitutional rights of the citizens of Lexington, and

That the City Council of Lexington hereby declares Lexington as a "Constitutional and Business Friendly Community", and

That the City Council of Lexington hereby declares its opposition to any infringement by Executive Order or any other directive on the rights of law-abiding citizens to keep their businesses open, and

That the City Council of Lexington hereby requests relief from Governor Walz's Executive Orders and urges that emergency orders and implementation of a response to the COVID-19 pandemic be balanced between the Governor, state legislature, and individual municipalities and local government agencies, and

That the City Council of Lexington opposes directing City of Lexington resources to enforce any Executive Order, or any other directive which infringes on the right of law-abiding citizens to keep their businesses open, as per the Constitution, and

That the City Council of Lexington will use any legal means that is prudent to protect the Constitutional rights of the citizens of Lexington.

**NOW, THEREFORE, BE IT ALSO RESOLVED** by the City Council of Lexington, MN,

That the Lexington City Council supports the choice of all residents to continue to stay at home, or to move about freely within the city and to support the economy of Lexington, while conducting themselves in a way that preserves the health and safety of all residents, and

That the City Council of Lexington encourages all residents to follow Minnesota Department of Health and CDC guidelines for social distancing and general conduct while out in public, and

That the City Council of Lexington advises that long-term care facilities restrict visitors, and limit activities within the facility to keep residents safe.

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**Mike Murphy, Mayor**

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**Bill Petracek, City Administrator**

**Bill Petracek**

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**From:** Diane Harris <livetocreate@comcast.net>  
**Sent:** Wednesday, May 13, 2020 6:54 AM  
**To:** Bill Petracek  
**Subject:** I like their thinking!

Caution: This email originated outside our organization; please use caution.

I would like to add this discussion to the next workshop. Thank you

City of Oak Grove,

The resolution was brought forward by Council member Lawrence to declare The City of Oak Grove "A Constitutional and Business Friendly Community" passed last night 5-0, and had overwhelming support from residents. Thank you! It sounds like surrounding communities are already contemplating doing the same.

Resolution 20-047  
Constitutional and Business Friendly  
Community Resolution

WHEREAS, the Fourteenth Amendment of the United States Constitution reads, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws", and

WHEREAS, the City Council of Oak Grove, Minnesota wishes to express opposition to any Executive Order that would restrict the constitutional rights of the residents of Oak Grove to life, liberty, or property, without due process of law, and

WHEREAS, Governor Walz's Emergency Executive Order 20-33 Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation states, "Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights",

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Grove, Minnesota

That the City Council of Oak Grove hereby expresses its intent to uphold and protect the Constitutional rights of the citizens of Oak Grove, and

That the City Council of Oak Grove hereby declares Oak Grove as a "Constitutional and Business Friendly Community", and

That the City Council of Oak Grove hereby declares its intent to oppose any infringement by Executive Order or any other directive on the rights of law-abiding citizens to keep their businesses open, and

That the City Council of Oak Grove hereby requests relief from Governor Walz's Executive Orders and urges that emergency orders and implementation of a response to the COVID -19 pandemic be balanced between the Governor, state legislature, and individual municipalities and local government agencies, and

That the City Council of Oak Grove will not direct any City of Oak Grove resources to enforce any Executive Order, or any other directive which infringes on the right of law-abiding citizens to keep their businesses open, as per the Constitution, and

That the City Council of Oak Grove will use any legal means that is prudent to protect the Constitutional rights of the citizens of Oak Grove.

NOW, THEREFORE, BE IT ALSO RESOLVED by the City Council of Oak Grove, MN,

That the Oak Grove City Council supports the choice of all residents to continue to stay at home, or to move about freely within the city and to support the economy of Oak Grove, while conducting themselves in a way that preserves the health and safety of all residents, and

That the City Council of Oak Grove advises that long-term care facilities restrict visitors, and limit activities within the facility to keep residents safe.

Sent from my iPhone

## City of Lexington Covid-19 Staff Policy

1. In the event city staff is exposed or infected by Covid-19, employees in contact with the virus shall self-quarantine themselves to their respective homes – **City Hall may be closed. The city administrator will make the decision to close city hall and will inform the City Council of his/her decision.**
2. No members of the public will be allowed beyond the city hall security door during business hours (8:00 a.m. to 4:30 p.m.). Only city staff will be allowed beyond that point.
3. If city staff is self-quarantined to their homes, we will try to continue to work to provide the essential city functions and services (**unless an employee or employees have been stricken with Covid-19, and unable to perform their duties**):
  - a. If a city hall staff member needs to conduct essential city functions during normal business hours (8:00 a.m. to 4:30 p.m.) a text message shall be sent to all city staff members informing each staff member that an employee must go to city hall to perform essential work. During this time, no other employees will be allowed in city hall while this employee conducts their work.
  - b. We may consider staggered shifts if necessary depending on how this virus manifests itself through city staff.
  - c. All city hall calls will be forwarded to the employee's personal phones while they are self-quarantined at their homes during normal business hours (8:00 a.m. to 4:30 p.m).
  - d. City hall staff will have remote access to their computers during the period of self-quarantine.
4. If the public works department is exposed and/or stricken with the Covid 19 virus, all emergencies may be handled from their homes via phone, email, computer access.
  - a. Snow and utility emergencies will be coordinated with the City of Circle Pines, City of Centerville, and the City of Hugo public works department if public works department are stricken with the Covid-19 illness and unable to perform their on-call functions.
5. Issuance of building permits and building inspections may be suspended during an infestation of Covid-19.

6. The liquor store may be closed during this infestation period, as well.
7. City staff will continue to be paid during this period of self-quarantine without the use of Paid-Time off (PTO) as long as they are able to continue to perform the essential functions of their jobs. If they are not able to perform their essential job functions, they must use their accrued PTO.
8. Planning and Zoning and Park Board meetings will be cancelled until further notice. Meetings will be held only if they are absolutely necessary. City staff will determine if a Planning and Zoning or Park Board meetings are absolutely necessary until further notice.
9. All City employees must maintain social distancing of 6 feet or more from the public and/or other staff members. Masks have been provided to each staff member for their use, if necessary.
10. We will continue to sanitize by washing hands, wiping down surfaces with sanitizing solutions, etc.

**\*\*This policy may be changed by the city administrator to handle any possible scenario resulting from Covid-19 that may affect the City's ability to provide essential services to the citizens of Lexington.**



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**MEMORADNUM**

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**TO:** MAYOR AND CITY COUNCIL

**FROM:** CITY ADMINISTRATOR, ENGINEER AND ATTORNEY

**SUBJECT:** VACATING DUWAYNE INTO RESTEWOOD

**DATE:** 3/2/2020

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**SUMMARY:**

City Staff recommends vacating the Duwayne Avenue Right-Of-Way (ROW) up to the Restwood ROW in order to redevelop this area. When vacating the ROW, Staff recommends several conditions as set forth below.

**DISCUSSION:**

Technically speaking, the land underneath the ROW is still part of the adjacent parcels. This fact is not shown on GIS photos or plats. After vacating the ROW, the existing public utilities underneath Duwayne will become privately owned utilities. These utilities will then be owned by each owner of the parcel where they lie. The City Engineer reviewed the public utilities serving the properties along Duwayne, include two parcels on the corner of Duwayne and Restwood.





“Restwood” Properties:

1. 3940 Restwood (35-31-23-13-0031) ACCAP building
2. 8951 Duwayne (35-31-23-13-0059) Harmson building

Each of these parcels are served with water and sanitary sewer from Restwood. These parcels are not impacted by the vacation of the Duwayne ROW.

“Duwayne” Properties:

1. 8953 Duwayne (35-31-23-13-0058) Harmson building
2. 8955 Duwayne (35-31-23-13-0056) Harmson building
3. “No address” Duwayne (35-31-23-13-0031) ACCAP parking lot
4. 8941 Syndicate (35-31-23-13-0079) Two Harmson buildings

Each of these parcels are served by, or in the future, may need to be served with utilities currently running underneath the pavement of Duwayne. These utilities are as follows:

- 8-inch sanitary sewer pipe runs down the center of the street. Only a survey can determine the exact location of this pipe, but it is likely that this pipe is physically located on those parcels on the east side of Duwayne.
- 12-inch storm sewer pipe runs underneath the pavement 5-feet inside the eastern curb. These parcels are owned by the Harmsons. This pipe leads to three catch basins located at the north end of where Duwayne meeting Restwood. Two catch basins are located on land owned by the Harmsons and one catch basins is located on land owned by ACCAP.
- 6-inch watermain runs underneath the pavement 10-feet inside of the western curb. This land is owned by ACCAP. Lateral pipes extend from this main into adjoining parcels on both sides of the watermain. The known laterals are:
  - Toward the west, a lateral serving a fire hydrant branches out from the watermain into the “parking lot” parcel owned by ACCAP.
  - Toward the east, two laterals serve properties along Duwayne owned by the Harmsons.
  - Toward the south, one lateral and the main directly serve two buildings facing Syndicate on property owned by the Harmsons.

City Staff recommends the Council resolve to vacate the Duwayne ROW and transfer ownership of all of these public utilities to the existing parcel owners. The Council should base its approval on the following conditions:

- Vacate the ROW on the condition that the three parcels owned by the Harmsons on the east side of Duwayne will be redeveloped.
- The City needs to maintain three storm water catch basins on the north end of Duwayne were it meets Restwood. This can be accomplished by the grant of a utility easement extending 10-feet south of the southernmost catch basin. This easement would be the width of Duwayne and extend roughly 25 feet south of Restwood.
- The City needs fire and ambulance vehicles to access these buildings. This can be accomplished by the grant of a 26-foot wide public safety easement (a.k.a. fire lane) down Duwayne.
- Overall, all of these parcels need a private easement from every other parcel allowing the three landlocked parcels to be served by the existing utilities for water, sanitary sewer, and storm sewer.

