



Shakopee City Council

February 21, 2017

7:00 PM

City Hall 129 Holmes St.

Mayor Bill Mars presiding

1. Roll Call

Present: Mayor Mars, Councilmember Luce, Councilmember Lehman, Councilmember Whiting, Councilmember Mocol

Staff Present: Bill Reynolds, Administrator, Nate Burkett, Assistant City Administrator, Jim Thomson, City Attorney, Bruce Loney, City Engineer, Darin Nelson, Finance Director, Michael Kerski, Planning and Development Director, Ryan Halverson, Engineering, Jennifer Gabbard, Human Resources Director, Sherri Dvorack, Park & Recreation, Jacob Busain, Natural Resources, Lori Hensen, City Clerk

2. Pledge of Allegiance

3. Approval of Agenda

Councilmember Matt Lehman made a Motion to approve the agenda as presented, seconded by Councilmember Jay Whiting and the motion Passed.

5 - 0

4. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Mayor there will be an opportunity for members of the Council to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

Councilmember Whiting removed item 4.C.2. from consent.

Councilmember Lehman removed item 4.E.2. from consent.

Councilmember Luce removed items 4.E.1. and 4.E.3. from consent.

Councilmember Matt Lehman made a Motion to approve the Consent Agenda as modified, seconded by Councilmember Jay Whiting and the motion Passed.

5 - 0

A. Planning Department

A.1. *Set Public Hearing for Vacation of Public Drainage & Utility Easement

Motion to set a Public Hearing for Vacation of Public Drainage & Utility Easement.

Motion carried under the Consent Agenda.

5 - 0

A.2. *Set Public Hearing for Vacation of Public Roadway Easement

Motion to set a Public Hearing for Vacation of Public Roadway Easement.

Motion carried under the Consent Agenda.

5 - 0

B. Police and Fire

B.1. *Surplus Property

Motion to declare Three Forfeited Vehicles as Surplus Property.

Motion carried under the Consent Agenda.

5 - 0

C. Public Works and Engineering

C.1. *Re-purchase Agreement for Tractor

Motion to approve the use of a re-purchase agreement for unit #143 a John Deere 5085 tractor from Ag Power Enterprises, Inc. for the price of \$9,500.00, the funding to be expended from the Capital Equipment Internal Service Fund.

Motion carried under the Consent Agenda.

5 - 0

C.2. *2017 Tree Sale Donations

Cncl. Whiting removed this item from the Consent Agenda to accept donations from the following people:

John Crooks, Shakopee Public Utilities Director, presented a donation.

Jesse Hartman and Linda Loomis, Lower MN Watershed District, presented a donation.

Councilmember Jay Whiting made a Motion to accept donations, seconded by Councilmember Matt Lehman and the motion Passed.

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C.3. *Approve Plans & Order Ad for Bids for Fire Station No 1 Rear Parking lot

Motion to approve Plans and Order Advertisement for Bids on Fire Station No. 1 Rear Parking Lot.

Motion carried under the Consent Agenda.

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C.4. *Approve Plans & Order Ad for Bids 2017-2 Bituminous Overlay

Motion to approve Plans and Order Advertisement for Bids on the 2017 Bituminous Overlay Project No. 2017-2.

Motion carried under the Consent Agenda.

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D. Personnel

D.1. *Leave Donation Policy

Motion to approve Resolution 7839, which would implement the Leave Donation Policy for all eligible city employees.

Motion carried under the Consent Agenda.

5 - 0

E. Parks and Recreation

E.1. *Approve the Final Plans and Specifications and Authorize the bidding of Tahpah West Baseball Field No. PR2017-1 (A,B)

Cncl. Luce removed this item to recognize the donation efforts that have been made to move this project forward.

Councilmember Mike Luce made a Motion to approve Resolution No.7836, A Resolution of the City of Shakopee, MN Approving Plans and Specifications and Ordering Advertisement for Bids for Tahpah West Baseball Field No PR2017-2., seconded by Councilmember Matt Lehman and the motion Passed.

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Discussion:

Cncl. Lehman stated that the new ball fields at the park have been in the works for a long time, and it is nice to see progress being made.

E.2. *Final Plans, Specifications and bidding of the Lions Park Warming House Project No. PR2016-2 (A,B)

Cncl. Lehman stated that he has removed this item from Consent in order to be consistent, and vote against the item.

Councilmember Jay Whiting made a Motion to approve Resolution No. 7835, A Resolution of the City of Shakopee, Minnesota Approving Plans and Specifications and Ordering Advertisement for Bids for the Reconstruction of the Lions Park Warming House/Shelter, Project No. PR2016-2 (A, B), seconded by Councilmember Kathi Mocol and the motion Passed.

4 - 1

Nays: Lehman

E.3. *Donations to Fun For All Playground

This item was removed by Cncl. Luce to recognize all of the donors that contributed to the Shakopee Fun for All Playground.

Councilmember Mike Luce made a Motion to approve Resolution No. 7837, A Resolution of the City of Shakopee, MN Accepting Multiple Donations and a Grant of \$1000 or More for the Shakopee Fun For All Playground., seconded by Councilmember Jay Whiting and the motion Passed.

5 - 0

F. General Administration

F.1. *City Bill List

Motion to approve the bills and electronic funds transfers in the amount \$2,307,354.03, payroll transfers in the amount of \$548,072.55 for a total of \$2,855,426.58.

Motion carried under the Consent Agenda.

5 - 0

F.2. *City Council Minutes

Motion to approve the City Council Minutes from January 2, 2017.

Motion carried under the Consent Agenda.

5 - 0

F.3. *Fee Schedule Update

Motion to adopt Ordinance 957, an ordinance amending the adopted 2017 fee schedule and order its publication.

Motion carried under the Consent Agenda.

5 - 0

5. RECOGNITION OF INVOLVED CITIZENS BY CITY COUNCIL - Provides an opportunity for the public to address the Council on items which are not on the agenda. Comments should not be more than five minutes in length. The Mayor may adjust that time limit based upon the number of persons seeking to comment. This comment period may not be used to make personal attacks, to air personality grievances, to make political endorsements or for political campaign purposes. Council Members will not enter into a dialogue with citizens, and questions from Council will be for clarification only. This period will not be used to problem solve issues or to react to the comments made, but rather for informational purposes only.

Jordan Olson, 249 Mound Street, addressed the Council and asked for their consideration in reappointing him to the Shakopee Public Utilities Commission. Mayor Mars informed Mr. Olson that this time was to be used to discuss items that are not on the Agenda, and since this item is on the Agenda, it should not be discussed at this time. Mr. Olson asked the Council to point out the item on the Agenda. Cncl. Lehman responded that it was item 10.C.3.

6. Business removed from consent will be discussed at this time
Please see items: 4.C.2., 4.E.1., 4.E.2. and 4.E.3.
7. Public Hearings

A. Public Hearing-Order 2017-1 Street Reconstruction Project

Councilmember Matt Lehman made a Motion to open the Public Hearing, seconded by Councilmember Kathi Mocol and the motion Passed.

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Ryan Halverson presented details of the 2017 Street Reconstruction Project to the Councilmembers and responded to questions.

Mayor Mars asked if there were any members of the Public who wished to speak. No one responded.

Councilmember Jay Whiting made a Motion to close the Public Hearing, seconded by Councilmember Matt Lehman and the motion Passed.

5 - 0

Councilmember Matt Lehman made a Motion to approve Resolution 7684, a resolution ordering an improvement and preparation of plans and specifications for the 2017 Street Reconstruction Project, Project No. 2017-1, and move its adoption., seconded by Councilmember Kathi Mocol and the motion Passed.

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8. Recess for Economic Development Authority Meeting

9. Reconvene

10. General Business

A. Planning Department

A.1. Ordinance No. 956 Amending Title XV by adding definition for Massage Establishments and allowing same in B-1 and B-3 Zones

Mr. Kerski presented an action on Ordinance No. 956 that amends Title XV of the City Code by adding definition for Massage Establishments to 151.002 and allowing Massage Establishments in the B-1 and B-3 Zoning Districts under 151.013 Conditional Use permit standards for Business Zones.

Mr. Kerski responded to questions from the Councilmembers.

Police Chief Jeff Tate addressed the Council and explained the challenges that his department is having with enforcing the current Ordinance. Chief Tate responded to questions.

Discussion:

Cncl. Mocol expressed concerns that she has regarding this amendment.

Councilmember Matt Lehman made a Motion to approve an action on Ordinance No. 956 that amends Title XV of the City Code by adding definition for Massage Establishments to 151.002 and allowing Massage Establishments in the B-1 and B-3 Zoning Districts under 151.013 Conditional Use Permit Standards for Business Zones., seconded by Councilmember Mike Luce and the motion Passed.

3 - 2

Nays: Mocol, Whiting

A.2. Approve Grant Agreement for Anchor Glass

Ms. DiMaggio addressed the City Council requesting approval to authorize execution of Minnesota Investment Fund Grant Contract and Conflict of Interest Disclosure Form required by the State of Minnesota for award to Anchor Glass Container Corporation.

Ms. DiMaggio noted that that State has agreed to award Anchor Glass with \$400,000.00.

Ms. DiMaggio responded to question from the Councilmembers

Councilmember Matt Lehman made a Motion to approve a Grant Agreement and Conflict of Interest Disclosure for Anchor Glass Container Corporation to include the decrease in the amount of the forgivable loan from the State of Minnesota from \$1,000,000.00 to \$400,000.00., seconded by Councilmember Mike Luce and the motion Passed.

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A.3. Resolution in support of additional river crossing

Mr. Reynolds addressed Council to discuss supporting an additional vehicular crossing over the Minnesota River to promote public safety and economic development.

The Councilmembers discussed their support of this Resolution.

Motion to approve Resolution 7843, A Resolution Supporting the Creation of an Additional Vehicular Crossing over the Minnesota River.

Councilmember Matt Lehman made a Motion to approve Resolution No. 7843, seconded by Councilmember Jay Whiting and the motion Passed.

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B. Public Works and Engineering

B.1. Presentation from the Lower Minnesota River Watershed District

Linda Loomis, Administrator for the Lower MN River Watershed District gave a presentation to the City Council to explain who they are and what they do.

Jacob Busiahn, Natural Resources Technician, presented information on the City of Shakopee tree sale that will take place on April 28, 2017.

C. General Administration

C.1. Shakopee Derby Days Electrical Upgrades at Huber Park

Mr. Nelson addressed the Council regarding Shakopee Derby Days Outstanding Receivable for Huber Park Electrical Upgrades.

The Councilmembers discussed in detail how to proceed with collection of the outstanding balance.

After much discussion the Council determined that they would require Shakopee Derby Days to pay \$2500.00, which is half of the outstanding balance.

Motion to collect in the amount of \$2,500.00 for the outstanding Shakopee Derby Days Outstanding Receivable for Huber Park Electrical Upgrades.

Councilmember Jay Whiting made a Motion to collect \$2500 fees for Huber Park, seconded by Councilmember Matt Lehman and the motion Passed.

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C.2. 2017 City Work Plan

Mr. Reynolds addressed the City Council regarding approval of the 2017 City Work Plan and long-term (LT) goals for city staff.

The Councilmembers discussed how they would like to proceed with the work plan. A decision was made to discuss the Work Plan in more detail at a Workshop session.

Councilmember Jay Whiting made a Motion to approve the 2017 City Work Plan and long-term goals for City Staff with the understanding that there will be further discussion at a City Council Workshop., seconded by Councilmember Matt Lehman and the motion Passed.

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C.3. Appointment to Boards and Commission

Mr. Reynolds addressed the City Council regarding Resolution 7842, a resolution appointing individuals to various boards and commissions. Mr. Reynolds informed the Council that the interview committee was not able to come to a decision for an appointment to the second vacancy on the Shakopee Public Utilities Commission (SPUC). Mr. Reynolds informed the Councilmembers that per the ballot that they completed, Daniel Hennen was the second person hired to the SPUC Board.

Discussion:

Mayor Mars stated that there was an error on the Resolution. Lori Brandon was not appointed to the Bicycle Advisory Committee. The appointee was Laura Bjorklund. Mayor Mars also noted that item 7 on the Resolution should be corrected to read Daniel Hennen.

Cncl. Whiting and Cncl. Mocol agreed to amend the motion.

Cncl. Lehman stated that he is in opposition. He had the understanding that incumbents were to be reappointed as long as they were present and participating in their meetings. He stated that he would like clarification as to why Jordan Olson was not being reappointed to the Shakopee Public Utilities Commission. Cncl. Lehman stated that he would like to remove support for incumbent Terry Joos if he is not required to vote for an incumbent.

Cncl. Mocol responded that there has been an instance where an incumbent was not rehired in the past. She added that the vote comes before the City Council, and the outcome should be accepted because that is what has been agreed to.

Cncl. Luce stated that Mr. Olson was appointed to the SPUC Board because there was a lack of applicants for the Board at the time. Cncl. Luce added that, in his opinion, Mr. Olson was not trained properly after his appointment.

Cncl. Whiting called to question.

Jordan Olson asked the Mayor if he was taking public comment on this item. Mayor Mars responded that this was not a public hearing and he would not entertain public comment.

Motion to adopt Resolution 7842, a resolution appointing individuals to various boards and commissions.

Councilmember Jay Whiting made a Motion to adoption 7842, seconded by Councilmember Kathi Mocol and the motion Passed.

3 - 2

Nays: Lehman, Luce

11. Liasion and Administration

The Councilmembers presented their Liaison reports.

The City Administrator presented his Administrator's report.

12. Other Business

Mr. Reynolds stated that he will reach out to the Councilmembers with future City Council workshop dates.

13. Adjournment to March 7, 2017 at 7:00 p.m.

Motion to adjourn.

Councilmember Jay Whiting made a motion to adjourn to March 7, 2017, seconded by Councilmember Kathi Mocol and the motion passed.

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