



Shakopee City Council Minutes

April 18, 2017

7:00 PM

City Hall 129 Holmes St.

Mayor Bill Mars presiding

1. Roll Call

Present: Mayor William Mars, Councilmember Mike Luce, Councilmember Matt Lehman, Councilmember Jay Whiting, Councilmember Kathi Mocol

Staff Present: City Administrator Bill Reynolds, Assistant City Administrator Nate Burkett, Finance Director Darin Nelson, Park and Recreation Director Jamie Polley, Human Resources Director Jennifer Gabbard, Planning and Development Director Michael Kerski, Economic Development Coordinator Sam DiMaggio, Senior Planner Mark Noble, City Clerk Lori Hensen

2. Pledge of Allegiance

3. Approval of Agenda

Cncl. Whiting asked to add an item to the Agenda under Other Business titled 13. Council Concerns

Councilmember Jay Whiting made a Motion to approve the Agenda as amended, seconded by Councilmember Kathi Mocol 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.)

Item 4.A.2., Award of contract for construction manager as agent for downtown improvements, was removed by Cncl. Lehman for further discussion

Item 4.E.1., Award of contract for Lions Park Warming house/Shelter construction, Project No. PR2016-2, Resolution No. 7859, was removed by Cncl. Lehman for further discussion

Item 4.E.3., Community Room use guidelines, was removed by Cncl. Whiting for further

discussion

Item 4.F.5., Volunteer flower garden policy, was removed by Cncl. Lehman for further discussion

Councilmember Matt Lehman made a Motion to approve the Consent Agenda as amended, seconded by Councilmember Mike Luce and the motion Passed.

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A. *Planning and Development

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

Motion to approve Resolution No. 7865, a resolution setting the public hearing date of May 14, 2017 for the vacation of a drainage and utility easement located within the proposed Ridge Creek subdivision.

Motion carried under the Consent Agenda.

A.2. *Award of Contract for Construction Manager as Agent for Downtown Improvements

Cncl. Lehman pulled this item to get more information. Mr. Kerski responded to Cncl. Lehman's questions, and also responded to questions and concerns from other Councilmembers.

Councilmember Jay Whiting made a Motion to approve Resolution 7869, which awards a contract to RJM Construction for not to exceed \$98,000, seconded by Councilmember Kathi Mocol and the motion Passed.

4 - 1

Nays: Lehman

B. Police and Fire

B.1. *Surplus Property

Motion to declare six forfeited vehicles as surplus property and authorize their disposal.

Motion carried under the Consent Agenda.

C. Public Works and Engineering

C.1. *Award a Contract for the 2017-1 Street Reconstruction Project

Motion to Approve Resolution 7860, which accepts the bids and awards a contract for the 2017 Street Reconstruction, Project 2017-1 to Kuechle Underground Inc. and approve a 5% contingency amount on this project for use by the City Engineer in authorizing change orders or quantity adjustments on this project.

Motion carried under the Consent Agenda.

C.2. *Receive a Feasibility Report and Set a Public Hearing Date for the 2017 Alley Reconstruction, Project 2017-6

Motion to Adopt Resolution 7861, a resolution receiving a Preliminary Engineering Report and calling for a public hearing on the 2017 Alley Reconstruction project 2017-6.

Motion carried under the Consent Agenda.

D. Personnel

D.1. *Ratification of the LELS Sergeants Contract for 2017-2019, Res. No. 7867

Motion to To authorize the appropriate officials to enter into the attached labor agreement with Law Enforcement Labor Services (LELS), representing the City's eight Police Sergeants.

Motion carried under the Consent Agenda.

D.2. *Ratification of the LELS Patrol Union Contract for 2017-2019, Res. No. 7868

Motion to authorize the appropriate officials to enter into the attached labor agreement with Law Enforcement Labor Services (LELS), representing the City's Police Officers.

Motion carried under the Consent Agenda.

E. Parks and Recreation

E.1. *Award of Contract for Lions Park Warming House/Shelter Construction, Project No. PR2016-2, Resolution No. 7859

Cncl. Lehman removed this item so that he was able to vote against it. He stated that he is not comfortable with the cost of this project.

The Councilmembers discussed the project in detail including possible alternatives to reduce the cost.

Councilmember Jay Whiting made a Motion to approve Resolution No. 7859, A Resolution of the City of Shakopee MN Accepting Bids for the Construction of Lions Park Warming House/Shelter, Project No. PR2016-2, award a contract to K.A. Witt Construction for the amount of \$460,200 including the base bid and alternates 1-3 and set aside a 10% contingency., seconded by Councilmember Kathi Mocol and the motion Failed.

2 - 3

Nays: Lehman, Luce, Mars

E.2. *Award of Contract for Tahpah Baseball Field Construction, Project No. PR2017-2, Resolution No. 7858

E.3. *Community Room Use Guidelines

Cncl. Whiting removed this item to request that a contingency be added to allow local non profits to utilize the community room free of charge one time per year at a non peak time.

The Councilmembers discussed the item and stated their concerns. Ms. Polley responded to questions and concerns by the Councilmembers.

Councilmember Jay Whiting made a Motion to approve the Community Room use guidelines, seconded by Councilmember Kathi Mocol and the motion Passed.

4 - 1

Nays: Luce

E.4. *Donations to Archery Range

Motion to approve Resolution No. 7866, A Resolution of the City of Shakopee, MN Accepting Equipment for the Shakopee Archery Range.

Motion carried under the Consent Agenda.

E.5. *Aquatic Park Diving Well Painting

Motion to Authorize the appropriate staff to enter into a contact with Horizon Commercial Pool Supply to prepare and paint the diving well at SandVenture Aquatic Park.

Motion carried under the Consent Agenda.

F. General Administration

F.1. *City Bill List

Motion to approve the bills and electronic funds transfers in the amount \$1,760,589.18, payroll transfers in the amount of \$496,207.79 for a total of \$2,256,796.97.

Motion carried under the Consent Agenda.

F.2. *City Council Minutes

Motion to approve the City Council Minutes from April 4 and April 11, 2017.

Motion carried under the Consent Agenda.

F.3. *Temporary Liquor License - Minnesota Farm Winery Association

Motion to approve the temporary liquor license for Minnesota Farm Winery Association for a wine tasting being held on April 29 located at 1100 Canterbury Road in the exhibition hall.

Motion carried under the Consent Agenda.

F.4. *O'Brien's Public House Request to Allow Alcohol to be Consumed in Parking Lot

Motion to approve the suspension of city code 114.11 Consumption and possession of alcoholic beverages on street, public property, private parking lots to which the public has access, and other private property, allowing O'Brien's Public House to host a live band.

Motion carried under the Consent Agenda.

F.5. *Volunteer Flower Garden Policy

Cncl. Lehman removed this item to discuss adding a \$100.00 refundable deposit as a requirement for each flower garden.

Councilmember Lehman made a motion to approve the City Volunteer Flower Garden Policy with the addition of a \$100.00 refundable deposit, Councilmember Luce

seconded the motion.

The Councilmembers discussed the item in detail, and stated their concerns. My. Reynolds responded to the concerns raised by the Councilmembers.

Cncl. Lehman stated that, after much discussion, he was comfortable with the policy as it is written and withdrew his previous motion.

Councilmember Matt Lehman made a Motion to approve the City Volunteer Flower Garden Policy, seconded by Councilmember Mike Luce and the motion Passed.

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6. **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.

There were no citizens who wished to present

7. Business removed from consent will be discussed at this time

Please see items: 4.A.2., 4.E.1., 4.E.3., 4.F.5.

8. Public Hearings

A. SMSC Vacation of Roadway Easement

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

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Mr. Noble gave a brief description of the vacation request and addressed the Councilmembers questions.

Councilmember Mike Luce made a Motion to continue the Public Hearing to May 2, 2017, seconded by Councilmember Matt Lehman and the motion Passed.

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9. Recess for Economic Development Authority Meeting

10. Reconvene

11. General Business

A. Planning and Development

A.1. Rezone property to R-1B, R-2, R-4 & B-1; Reguide property to Single Family, Medium Density & High Density Residential and Commercial; Establish a PUD Overlay District for a proposed mixed use development and approve a Preliminary Plat for Windermere--REVISED RES. NO. 7863 4/18/17

Mr. Noble presented a request to rezone property to R-1B, R-2, R-4 & B-1; Reguide property to Single Family, Medium Density & High Density Residential, and Commercial; Establish a PUD Overlay District for a proposed mixed use development, and approve the Preliminary Plat of Windermere. Mr. Noble gave a description of the project to the City Council.

Mike Suel, D.R. Horton, addressed the Council to respond to questions and give more information on the project.

Bruce Loney, Public Works and Engineering Director, addressed the Council to respond to questions and concerns.

Councilmember Matt Lehman made a Motion to approve a comprehensive plan amendment, PUD and preliminary plat of Windermere with land use classifications being Single family residential, Medium density residential and commercial with an amendment requiring the developer and the homeowners association documents to be reviewed by City staff as well as the City Council, seconded by Councilmember Jay Whiting and the motion Passed.

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The Councilmembers reviewed each condition, and discussed them in detail.

Councilmember Jay Whiting made a Motion to approve Ordinance 960, an Ordinance of the City of Shakopee, Minnesota amending the zoning map adopted in City code section 151.003 by rezoning property located South of US Hwy. 169, West of CSAH 15/ Marystown Road and West/Northwest of 17th Avenue to Urban Residenatial (R-1B), Medium Density residential (R-2), and Highway Commercial (B-1) zone, seconded by Councilmember Kathi Mocol and the motion Passed.

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A.2. Final Plat of West Vierling Acres Second Addition

Mr. Kerski presented a final plat for West Vierling Acres second edition to the City

Council.

Mr. Kerski responded to questions by the Councilmembers.

Councilmember Jay Whiting made a Motion to approve Resolution No. 7864, a resolution approving the Final Plat of West Vierling Acres Second Addition, and move its adoption., seconded by Councilmember Kathi Mocol and the motion Passed.

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B. General Administration

F.1. 2017 City Council Mayoral Liaison Appointments

Mayor Mars presented the 2017 Liaison appointments. The Councilmembers discussed the item and stated their concerns.

Councilmember Lehman made a motion to approve the 2017 Liaison appointments, Councilmember Luce seconded the motion. Councilmember Whiting made an amendment to the motion to appoint Councilmember Luce as liaison to the SPUC Board and Councilmember Lehman as liaison to the School Board.

Mayor Mars stated that he is in favor of the liaison appointments as they were presented and he is not in favor of the amendment.

Councilmember Jay Whiting made a Motion to adopt the 2017 Liaison appointments with an amendment that Councilmember Luce will act as a liaison for the SPUC Board and Councilmember Lehman will act as a liaison for the School Board, seconded by Councilmember Mike Luce and the motion Passed.

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12. Workshop

A. Community Center Membership Fees

Jamie Polley, Park and Recreation Director, presented the Community Center membership fees to the Council for discussion.

The Councilmembers discussed the item in detail and Ms. Polley responded to questions and concerns.

After much discussion, the Council determined that there will be an increase in fees to illustrate the amenities that will now be offered and the benefits of the Community Center to the Community. Over time the city will evaluate the operating costs for the facility and increase memberships to assist with operating costs.

B. Enterprise Funds Analysis

Darin Nelson, Finance Director presented an Enterprise Funds Analysis to the Councilmembers.

Mr. Nelson responded to questions and concerns by the Councilmembers.

C. Purchasing Policy & Automated Accounts Payable Review

Darin Nelson, Finance Director addressed the Council regarding an automated accounts payable review system, and a purchasing policy.

Mr. Nelson responded to questions and concerns from the Councilmembers.

The Council directed Mr. Nelson to put together a purchasing policy and bring it back to a future meeting for discussion.

13 Liaison and Administration

The Councilmembers presented their Liaison reports.

The City Administrator presented his Administrators report.

14. Other Business

Cncl. Whiting stated that he would like to discuss the actions of Cncl. Luce in recent months. Cncl. Whiting described to the Councilmembers the actions he was concerned with.

Discussion:

The Mayor and Councilmembers discussed the item and directed staff to work with the city attorney and bring recommendations for disciplinary action to Council.

Councilmember Jay Whiting made a Motion to censure Councilmember Luce for inappropriate behavior in representing the City of Shakopee residents., seconded by Councilmember Kathi Mocol and the motion Passed.

3 - 1

Nays: Lehman

Abstain: Luce

15. Adjournment to May 2, 2017 at 7:00 p.m.

Councilmember Whiting made a motion to adjourn to May 2, 2017, Councilmember Mocol seconded the motion, and the motion passed.

3-0