

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL

REGULAR SESSION

SHAKOPEE, MINNESOTA

OCTOBER 4, 2011

Mayor Schmitt called the meeting to order at 7:00 p.m. with Council members, Pat Heitzman, Steve Clay, Matt Lehman and Pamela Punt present. Also present Mark McNeill, City Administrator; Kris Wilson, Assistant City Administrator; Jim Thomson, City Attorney; Judith S. Cox, City Clerk; R. Michael Leek, Community Development Director; Bruce Looney, Public Works Director/City Engineer; Jamie Polley, Parks, Recreation and Natural Resources Director; Julie Linnihan, Finance Director; and Rick Coleman, Fire Chief.

The Pledge of Allegiance was recited.

Mayor Schmitt asked if there were any additions or deletions to the agenda. Mark McNeill advised that there were no changes to the agenda.

Clay/Punt moved to approve the agenda. Motion carried 5-0.

In the Mayor's report Mayor Schmitt said he attended the Highway 101 ribbon cutting ceremony. He also attended the Fire Department open house. The Chamber of Commerce will be holding a Meet the Candidates forum. The Mayoral and School Board forums will be held on Wednesday, October 19th from 6:00 p.m. to 8:45 p.m. and the City Council form will be held on Wednesday, October 26th from 6:00 p.m. to 7:30 p.m.

Mayor Schmitt asked if there were any additions or deletions to the Consent Agenda. Cncl. Lehman asked to add to the consent agenda 13.B.1, Authorize Proceeding with an Update to Alternative Urban Areawide Review (AUAR) for Shenandoah Business Park and Minnesota Valley West on Fourth Avenue.

Lehman/Heitzman moved to approve the Consent Agenda as amended. Mr. McNeill read the Consent agenda. Motion carried 5-0.

Lehman/Heitzman moved to declare the 1995 Dodge Intrepid, VIN: 2B3HD46T8SH616352; and the 1995 Dodge Caravan, VIN: 1B4GH54R6SX590239 as surplus property. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the appropriate city officials to execute the Memorandum of Agreement pertaining to coordination and cooperation of activities and programs related to protection and management of the southwest metropolitan area's ground water and surface water resources. (Motion carried under the Consent Agenda)

Lehman/Heitzman 1. Offered Resolution No. 7126, A Resolution Ordering a Preliminary Engineering Report for the Valley View Road Improvements and moved its adoption. 2. Authorized the appropriate City officials to obtain the necessary professional services in the preparation of the preliminary engineering report. (Motion carried under the Consent Agenda)

Lehman/Heitzman offered Resolution No. 7127, a Resolution Certifying Delinquent Storm Drainage Utility Bills; False Alarm; Mowing Fees; and Fire Board-up Fees for Collection on the Tax Rolls Payable 2012, and moved its adoption. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the purchase of services or materials from S and R Construction, Minnesota Plumbing and Heating, and Link Lumber, according to quotes submitted for the construction of the Westminster Park shelter building. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to approve the bills in the amount of \$384,393.50 and electronic transfers in the amount of \$490,486.10 for a total of \$874,879.60. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to approve the minutes of September 6, 2011 and September 20, 2011. (Motion carried under the Consent Agenda)

Lehman/Heitzman offered Resolution No. 7125, A Resolution Appointing Judges of Election and Establishing Compensation, and moved its adoption. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to approve the applications and grant a wine license and an on sale 3.2 percent malt liquor license to Pho 83 Inc., dba Pho 83 Restaurant, 1141-1143 Canterbury Road, conditioned upon compliance with all licensing requirements. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the appropriate officials to enter into a contract extension with the Minnesota Municipal Utilities Association for the provision of a Safety Management Program at a cost not to exceed \$23,030. Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the appropriate City officials to execute the amended Joint Powers Agreement for Prosecution Services with the Scott Joint Prosecution Association, to allow for the inclusion of the City of New Prague as a member. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the appropriate City Officials to execute the Joint Powers Agreement with Scott County relating to the Sentencing to Service program. (Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the issuance of an amended taxicab license to Timothy Dressen dba TNT Taxi, 1529 West 6th Avenue, Shakopee, Minnesota, for three taxicabs, conditioned upon meeting all requirements of the city code. Motion carried under the Consent Agenda)

Lehman/Heitzman moved to authorize the appropriate city officials to work with WSB and Associates to prepare and complete an update of the AUAR for Shenandoah Business Park and Minnesota Valley West following receipt of executed agreements to reimburse the City for the cost of the update. Motion carried under the Consent Agenda)

Mayor Schmitt asked if there was anyone in the audience who wished to speak on a topic that was not on the agenda. No one responded.

Mayor Schmitt asked for the Council liaison reports. Cncl. Punt had no report. Cncl. Heitzman said he attended the Highway 169/69 open house. He also attended the school board meeting in which board member Tony Bonsante resigned because of job transfer; the board approved a 2.9% levy increase; and the board also approved the graduation ceremony to take place at Grace Church in Eden Prairie. Cncl. Clay attended the Shakopee Public Utility Commission meeting. Discussed was the water usage is 1% below what it was last year. The pipe flushing is half complete. The Pike Lake substation should be on line in a few weeks. The project came in about 20% below budget. There has been a seasonal uptick in short term electrical outages due to wild animals. This week is Public Power Week. The Utility office has useful information and free promotional items available. Cncl. Clay also said that the northern shift on the alignment of CR 69 in the upcoming reconstruction will save the County approximately \$700,000 but will cost the Utilities about \$300,000 in additional expenses to relocate underground utilities. Also, at the intersection of CSAH 101 and CSAH 17 the new LED lights are working. Cncl. Lehman had no report.

Jamie Polley, Parks, Recreation & Natural Resources Director presented Council with the City Buffer Plantings.

Ms. Polley said that in 2008 the City completed a prairie restoration project at the 17th Avenue Sports Complex pond. It was served as a test site to see how the vegetation would work around a pond. The area has been managed and is thriving. The City entered into a three year contract with Applied Ecological Services to establish and maintain 5 prairie areas.

The Environmental Advisory Commission (EAC) heard the benefits of planting buffer strips around ponds from the City's Project Engineer, Joe Swentek. Benefits include water filtration, reduction of invasive species and water clarity. The EAC showed interest in planting buffer strips around the Community Center Pond and Greenfield Pond and the private Omega Drive Pond.

Applied Ecological Services quoted a cost of \$4,200 for the ponds at the Community Center and the Greenfield Pond. The quotes for the private pond on Omega Drive was \$5,281 for a prep mow and no burn; \$6,096 for a prep mow and management burn or \$6,629 for a prep burn and management burn. The homeowners said they are willing to donate \$1,000 towards the project. The EAC felt that assisting the homeowners in planting a prairie on the western slope of the pond would decrease the invasive species, assist in maintenance of the area and allow the City to maintain the slope through a conservation easement. The stipulations to the recommendation of implementing the prairie is to include the requirement of a conservation easement over the slope prior to any work being completed, the homeowners pay 30% of the \$6,096 option to conduct a prep mow and management burn of the area and the City allocate a maximum of \$10,000 over three years to the project. The total amount paid by the City to implement the prairie planting pond buffers over three years comes to \$8,469. The City will have an additional cost of \$2,000 to develop the legal descriptions for the western area of 8 of the 9 parcels for the City required conservation easement documents.

Clay/Heitzman moved to approve the EAC's recommendation to: 1. Plant prairie buffer strips around the Community Center pond and the Greenfield Pond. 2. Plant a prairie buffer strip and restoration area on the western slope of the private pond between Omega Drive and Independence Drive; and, requiring the homeowners to place the area in a conservation easement and pay 30% of the cost to complete a prep mow and management burn. Motion carried 5-0.

Ms. Polley then presented Council with the Naming of Greenfield East/Park Meadows Park and Riverside Fields/Riverside Bluffs Park.

Ms. Polley said that during the design process of both parks, neighborhood meetings were held and questionnaires were completed by the attendees and included a question that asked for park name suggestions. Ms. Polley provided all of the names that were received for the Greenfield East/Park Meadow Park. The name the Park and Recreation Advisory Board (PRAB) chose was Tripleberry Park because three street names in the area end in "berry". The name the PRAB chose for Riverside Field/Riverside Bluffs Park was Riverside Fields.

Mayor Schmitt felt Tripleberry Park for the Greenfield East/Park Meadow Park is too specific to three streets in one of the subdivisions. He felt Greenfield Meadows Park was a more appropriate name.

Punt/Lehman moved to approve the recommendation of the PRAB to name Riverside Fields/Riverside Bluffs Park, Riverside Fields Park. Motion carried 5-0.

Lehman/Punt moved to send the naming of Greenfield East/Park Meadows Park back the Park and Recreation Advisory Board with the comments raised by Council. Motion carried 4-1 with Cncl. Clay opposed.

Clay/Lehman moved to remove from the table the ordering of the improvement and the preparation of plans and specifications for the CSAH 69 Utility Improvements. Motion carried 5-0.

Bruce Loney, Public Works Director/City Engineer, said that Council tabled this motion after the September 20th Public Hearing in order that staff could research and present options for assisting three impacted property owners with the cost of the project.

Mr. Loney identified the following options that staff came up with:

1. Perform a benefit appraisal on parcels to determine benefit to the property versus the cost of the assessment. The cost of benefit appraisals range from \$5,000 to \$8,000 per parcel.
2. Perform an inspection to check existing on-site systems and determine their condition and remaining value. This value could be given as a credit against the assessments. Cost of this inspection and evaluation is approximately \$1,000 to \$2,000.
3. Waive the City Sewer Availability Charge (SAC) fee. This fee was established to pay for the Chaska-Shakopee Interceptor and is usually charged to parcels in the developing areas of the City. City SAC is \$475 per unit.
4. Use Metropolitan Council Environmental System SAC credits for these properties. The 2012 Sewer Availability Charge (SAC) will be \$2,365.00. The City received over 1500 SAC units when Rahr Malting came off line. Using these credits to obtain a waiver of an assessment appeal could be considered a good use of MCES SAC credits.

5. Extend the assessment term from 10 years to 15 years to allow for lower annual payments in paying off the assessment.

Mr. Loney asked the councilmembers if they wished to construct the sewer and water improvements at this time. He noted that if they are not done at this time, they won't be done for a long time.

Mayor Schmitt stated he would like to take the SAC credits out of this discussion and give it back to staff and look how the City should use SAC credits whether they are used for projects like the one being discussed and/or using them for economic development. He feels that any decisions made regarding the SAC credits related to this project will impact how they are used in other parts of the City in the future.

Cncl. Punt agreed with Mayor Schmitt because she would like to learn more about what the SAC credits can be used for and what the value of SAC credits really means.

Cncl. Lehman said for this project he would like to see a longer assessment period and the Met SAC credits applied conditioned upon the property owners waiving their appeal rights. He feels the overall costs to the property owners for this project is too much for them to be burdened with at this time.

Mayor Schmitt stated that there can be discussion at the assessment public hearing when all of the costs are known.

Clay/Heitzman offered Resolution No. 7122, A Resolution Ordering an Improvement and Preparation of Plans and Specifications for the CSAH 69 Utility Improvements, Project No. 2011-6, and moved its adoption. Motion carried 4-1 with Cncl. Lehman opposed.

Lehman/Heitzman moved to direct staff to look at utilizing Metropolitan Council SAC credits for all unsewered properties within the current city boundaries. Motion carried 5-0.

Kris Wilson, Assistant City Administrator, presented Council with the 2012 Wages for Part-Time, Temporary & Seasonal Employees and Elected Officials.

Ms. Wilson said that the pay plan for part-time, temporary & seasonal employees has been unchanged for four years. Ms. Wilson said that the current starting wages for these groups is adequate for recruiting new applicants. Resuming step increases for returning seasonal employees is important as there is significant value in having trained and experienced employees return. The current Step of 1.5 after six months of employment is not necessary and these funds would be better used to support the addition of another step at the top end of the pay scale to reward long-term employees who have not had a raise in several years. She said that the proposed increases are not across the board increases. The cost estimate to implement the pay increase to this group is approximately \$25,000 which can be accommodated through the use of unallocated funds currently accounted for within the preliminary 2012 budget.

Ms. Wilson said that the City's last salary increase for elected officials was effective January 1, 2006. She provided a comparison of Shakopee's elected officials salaries with those of 10 other surrounding cities. Shakopee's elected officials salaries have fallen significantly below average.

Staff is recommending that elected officials salaries for 2012 and 2013 be set at \$7,000 per year for City Councilors and \$9,000 per year for the Mayor.

Clay/Punt offered Resolution No. 7128, a Resolution Adopting the 2012 Pay Plan for Part-Time, Temporary and Seasonal Employees of the City of Shakopee, and moved its adoption. Motion carried 4-1 with Cncl. Lehman opposed.

Councilor Clay offered Ordinance No. 849, Fourth Series, An Ordinance of the City of Shakopee, Minnesota, Amending City Code Chapter 2, Section 2.13 Pertaining to the Salaries of Mayor and Councilpersons, and moved its adoption. Motion died for lack of a second.

Mayor Schmitt asked if there was any other business or Council concerns. Cncl. Lehman asked when the meeting to discuss the overlay assessment policy is going to take place. He would also like to know when discussion will take place regarding lowering the levy. Mayor Schmitt said that the discussions will take place at a November meeting.

Heitzman/Punt moved to adjourn to Tuesday, October 18, 2011 at 7:00 p.m. Motion carried 5-0.

The Council meeting ended at 8:12 p.m.

Judith S. Cox
City Clerk

Kim Weckman
Recording Secretary