

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL

REGULAR SESSION

SHAKOPEE, MINNESOTA

AUGUST 02, 2006

Mayor John Schmitt called the meeting to order at 7:00 p.m. with Council members Steve Clay, Terry Joos, Steve Menden, Matt Lehman present. Also present were Mark McNeill, City Administrator; Kris Wilson, Assistant City Administrator, R. Michael Leek, Community Development Director; Bruce Loney, Public Works/Engineering Director; Jim Thomson, City Attorney; and Judith S. Cox, City Clerk; Dan Hughes, Chief of Police; Mark Themig, Parks, Recreation and Facilities Director; and Gregg Voxland, Finance Director.

The Pledge of Allegiance was cited.

Mayor Schmitt asked if there were any additions or deletions to the agenda. Mark McNeill proposed to add 15.F.1., a request from Shakopee Derby Days for a City financial contribution for 2006 events. Mr. McNeill also suggested that the Executive Session be held after the Consent Agenda.

Menden/Joos moved to approve the Agenda as amended. Motion carried 5-0.

In the Mayor's Report, Mayor Schmitt talked about his participation as well as Councilman Joos and Lehman's participation in National Night Out on Tuesday, August 1, 2006.

Mayor Schmitt asked if there were any additions or deletions to the Consent Agenda. Mayor Schmitt asked that item 5.E.1., Approve Job Description and Authorize Advertising to Fill the Communications Coordinator Position, be taken off the Consent Agenda.

Menden/Joos moved to approve the Consent Agenda as amended. Mr. McNeill read the Consent Agenda. Motion carried 5-0.

Menden/Joos moved to approve the plans and specifications and authorize bidding for 17<sup>th</sup> Avenue Sports complex Building, Project No. PR2005-2. (Motion carried under the Consent Agenda.)

Menden/Joos tabled action on the Conditional Use Permit application of I-State Trucking Center for Truck Sales/Service in the Light Industrial (I-1) Zone to August 15, 2006, City Council Meeting. (Motion carried under the Consent Agenda.)

Menden/Joos offered Resolution No. 6465, A Resolution Accepting Work on the 2005 Street Reconstruction, Project No. 2005-1, and moved its adoption. (Motion carried under the Consent Agenda.)

Menden/Joos offered Resolution No. 6463 a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the 2006 (CIPP) Cured in place pipe, Project No. 2006-8, and moved its adoption. (Motion carried under the Consent Agenda.)

Menden/Joos offered Resolution No. 6464, A Resolution of the Shakopee City Council authorizing Execution of an Agreement for the Project Entitled MN Department of Public Safety Alcohol and Gambling Enforcement Alternative Enforcement Grant, and moved its adoption. (Motion carried under the Consent Agenda.)

Menden/Joos moved to approve the satisfactory completion of probation and authorize the retention of John Kolar as Police Officer effective August 15, 2006. (Motion carried under the Consent Agenda.)

Menden/Joos moved to authorize the hiring of Jeremy Stobb as part-time probationary Community Service Officer at Step E of Grade Level 2 in the 2006 City Pay Plan, at an hourly rate of \$14.53, subject to the satisfactory completion of pre-employment medical and psychological examinations. (Motion carried under the Consent Agenda.)

Menden/Joos moved to approve the bills in the amount of \$499,974.95. (Motion carried under the Consent Agenda.)

Menden/Joos moved to approve the City Council minutes of June 27, 2006 and July 05, 2006. (Motion carried under the Consent Agenda.)

Mayor Schmitt asked if there were any interested citizens who wished to discuss a matter not on the agenda. No one responded.

Lehman/Menden moved to adjourn at 7:08 p.m. to Executive Session for discussion of litigation. Motion carried 5-0.

Mayor Schmitt re-convened the City Council Meeting at 7:31 p.m. Mayor Schmitt reported that no action was taken during the Executive Session.

Joos/Clay moved to open the public hearing on revisions to building permit and development fees. Motion carried 5-0.

Michael Leek, Community Development Director, stated that the purpose tonight is to take testimony on the proposal to adjust building permit fees for new construction, heavy and light commercial/industrial, duplexes, institutional and educational, multiple family units, and single family units both on septic systems and on city sewer. He noted that the Cost of Services Study that was conducted by Springsted concludes that there are ninety-three (93) fees that could be either increased or implemented; fifty (50) fees that could be decreased or eliminated; and one (1) fee that could remain unchanged. He suggested that there not be a lot of discussion at this time but that direction be given to Staff on preparing an ordinance for Council consideration on August 15, 2006 and that the hearing be continued to August 15, 2006.

Mr. Leek said that there were 705 permits issued in 2005 with a 2005 revenue of \$1,306,310.14. The projected 2006 permits are 398 with revenue of \$856,169.45. Based on the minimum fees to be discussed on August 15<sup>th</sup>, the revenue for 2006 goes down to \$627,582.77.

Mayor Schmitt asked for comments from Council members. There were none at this time.

Mayor Schmitt asked for comments from those in attendance at the meeting. There were none.

Joos/Clay moved to continue public hearing on revisions to building permit and development fees to August 15, 2006. Motion carried 5-0.

Kris Wilson, Assistant City Administrator, discussed the draft job description for the Communications Coordinator position. The 2006 budget includes funding for a half-time Communications Coordinator. This position will be part of the Administration Department and will report to the Assistant City Administrator. The budget includes \$35,195 for the Communications Coordinator salary. The City's pay plan consultant recommended that this position be placed in Grade 6 of the City's 2006 Pay Plan, which is a salary range of \$44,242 - \$55,330. For a half time position the salary would be \$22,121 to \$27,665. She noted some of the responsibilities contained in the job description.

Menden/Joos moved to approve the Communications Coordinator job description and authorize the appropriate staff to begin the hiring process. Motion carried 5-0. (CC Document No. 417)

Mayor Schmitt asked Council members for their liaison reports. Cncl. Clay said that the Scott County Transit Committee met with architects and engineers. The committee looked at potential designs for the building structure of the Park and Ride on County Road 18 and Crossroads.

Cncl. Joos said that he met with the Fire Department visioning group. Cncl. Joos said that he would like to add this item to the end of the agenda to discuss funding of a facilitator for that group. Cncl. Joos also discussed attending National Night Out.

Cncl. Lehman discussed the Fire Department's visioning group. He concurred with Cncl. Joos that he would also like to add to the agenda the possibility of funding a facilitator. Cncl. Lehman also discussed attending National Night Out.

Cncl. Menden had nothing to report.

Joos/Clay moved to recess at 7:50 for an Economic Development Authority meeting. Motion carried 5-0.

Mayor Schmitt re-convened the meeting at 8:00 p.m.

Kris Wilson presented the Council with a recommendation from the Telecommunications Advisory Commission regarding the purchase of new Portable Studio equipment. This equipment can be used by the community for events such as high school sporting events.

The Telecommunications Commission budgeted \$45,000 in their 2006 budget for new equipment. Two quotes were received. The only complete quote and the lowest cost quote was submitted by Alpha Video at a cost of \$32,118.05.

Lehman/Joos moved to approve the purchase of portable studio equipment from Alpha Video at a cost not to exceed \$33,000.00. Motion carried 5-0.

Mark Themig, Parks, Recreation, and Facilities Director, addressed the council with the conveyance of Mn/DOT Parcel 75 to the City. The parcel is within the Southbridge addition. Mr. Themig stated that the City has worked with Mn/DOT and the DNR to put together a vegetation management plan for the parcel.

This parcel is one of the last remaining oak Savannah remnant parcels in the Minnesota Valley area. It also contains some rare plant and animal species that aren't typically found in the area or that have been disturbed as a result of development.

Mr. Themig stated that in his most recent discussions with Cyrus Knutson, Program Jurisdiction Manager for Mn/DOT, Mn/DOT is prepared to move ahead in conveying the property to the City at this time. Mn/DOT would like to see the City's need for conveying the parcel to the city and then they would move quickly on this. Mn/DOT would also like to see some type of protective easement over the parcel that would limit what development the city could do. This would only include paved trails and educational kiosks. It would not allow a fire station or active areas.

Mr. Themig also thinks the City should take stewardship of the site knowing that the City has an obligation to ensure the long-term ecological importance of the property. The long-term range of cost to maintain the property may be \$10,000 to \$15,000 a year, depending upon the amount of volunteerism.

Mr. Themig explained that a section of Southbridge Parkway that crosses through the property has some unpaid assessments on it. Mn/DOT typically does not pay special assessments and so they are still outstanding. Mr. Themig stated that the bonds have been paid off through pre-payments and interest that was generated through that. Even though the assessments show up on the books the bonds have been paid off. The Council does have options to write off the assessments or require the assessments to be paid through the Park Reserve fund or some other city fund.

Mr. Themig stated that the Park and Recreations Advisory Board is advising the Council that the City move forward in purchasing this site.

Cncl. Joos asked how the citizen's of Shakopee, not in Southbridge, are going to be able to access this property. Cncl. Joos also asked if there is a way to connect this property with the Quarry Lake site even though there is a major highway that divides the two of them.

Mr. Themig stated that the City has submitted a grant request for applications for a crossing over 169 that would connect to Dean Lakes to this parcel. Mr. Themig sited several different ways access will be gained to the site via bike trail systems, sidewalks, etc.

Cncl. Menden asked if the City were not to acquire the property and it was sold on the open market would the new property owners be required to pay the outstanding special assessments.

Mr. Thomson, the City Attorney, stated that the new owners would be required to pay the special assessments.

Finance Director, Gregg Voxland, said that due to Mn/DOT's position on paying the assessments, the County has taken them off their records last year. Mn/DOT is still on the City's records but not the County's records.

Cncl. Clay asked Mr. Voxland how he would like to see the unpaid assessments handled if the City acquires the property. Mr. Voxland advised that the assessments should be paid out of the Park Fund and the money transferred into the Capital Improvement Fund.

Steve Soltau of Shakopee Crossings stated that he remembers during the development of Southbridge there was a cost sharing of the assessments to the Southbridge Parkway segment. It was his understanding that the assessments were divided three ways and is surprised that there are any assessments to be paid on the property. Mr. Loney responded that there was a lot of discussion and that the City did assess this parcel.

Mr. Soltau also noted that originally there was to be another access through this parcel to Southbridge Parkway. He suggested that the City may want to ask if there could be an emergency access through the parcel.

Joos/Clay moved to direct staff to write a letter to the DNR and Mn/DOT requesting conveyance of Mn/DOT Parcel 75 and include in the letter the City's commitment to long term stewardship as well as an emergency road access through the parcel. Also moved to take up the outstanding assessments at a later date. Motion carried 5-0.

Bruce Loney, Public Works Director/City Engineer, presented the Council with a consideration of Ordinance No. 766, An Ordinance Pertaining to the Installation of Grease Interceptors, and Amending Section 3.10 of the City Code.

Mr. Loney discussed the changes to the ordinance that were recommended;

1. Change Subd. 5.B. to read "Water or waste which contains more than 500 milligrams/liter of fat, oil or grease."
2. Change the time allowed for compliance from three years to eighteen months.
3. Add a provision to allow exemptions with the onus on the food establishment to provide documentation to the city that they are discharging less than 500 milligrams/liter.

Cncl. Joos questioned the change in time allowed for compliance from three years to eighteen months. He's concerned about businesses not being able to comply with this ordinance within eighteen months because of budget cycles and recommends keeping the compliance time to three years.

Joos/Clay offered Ordinance No. 766, Fourth Series, An Ordinance of the City of Shakopee, Minnesota Amending City Code Chapter 3, Section 3.10, Requiring Grease Interceptors, and moved its adoption, amending the time allowed to install the grease interceptors from eighteen months to three years. Discussion followed.

Cncl. Menden stated he would like to see the requirement for the installation to stay at eighteen months. Mr. Menden stated that the presentation that the Council received from Public Works in June demonstrated the need for grease interceptors. Cncl. Menden pointed out the pictures that were shown during that presentation of what a sewer line looked like three months after being cleaned and the blockage that had occurred in that time.

Menden/Clay moved to amend the ordinance back to eighteen months to install the grease interceptors. Motion carried 4-1 with Cncl. Joos voting against the amendment.

Mayor Schmitt asked for a vote on the main motion of adopting Ordinance No. 766. Motion carried 5-0.

Bruce Loney presented the Council with a proposal from WSB & Associates to implement a Geographic Information System (GIS) and Asset Management System (AMS) for the Shakopee Public Works Department.

Mr. Loney stated that the 2006 budget for the Engineering Department has approximately \$48,000 set aside for a GIS specialist position for 2006. It was decided that for the remainder of 2006 it would be beneficial to the City to hire WSB & Associates to set up the GIS/AMS, and then hire a GIS specialist in 2007 to maintain the system.

WSB & Associates would involve a high level GIS programmer and system development person to review the Public Works Department's needs in various areas of asset management. Essentially, this proposal would "kick start" the program and develop the GIS/AMS for the Public Works Department and get the system to a point where a GIS specialist could then manage the day to day operation of the system. The proposal, as submitted, is \$40,585.

Cncl. Menden asked Mr. Loney if the City will be asking developers for information that is compatible with the system and at what point would a GIS technician be hired. Mr. Loney stated that developers are now required to provide all the information on the plans when they are submitted. Mr. Loney also stated that the set up process would take about six to seven months. He would like to see a GIS technician hired at the beginning of 2007. That would allow the technician time to work with WSB personnel.

Cncl. Lehman asked what AMS stood for. Mr. Loney stated that it stood for Asset Management System and it's the key component to the program. All assets would be documented and recorded.

Mayor Schmitt asked who would be entering all the data that's being collected. Mr. Loney said that it would take approximately three years before the system is up and running at full capacity because of all the data collection and the input that would have to be done.

John Mackiewicz of WSB & Associates addressed the Mayor's concerns. He stated that as part of the project process he would develop time lines on the length of time it would take to enter items.

Lehman/Menden moved to execute an extension agreement with WSB & Associates, Inc. for consultant services on implementing a GIS/AMS for the City of Shakopee Public Works Department, as per the May 18, 2006 proposal and for \$40,585. Motion carried 5-0.

Mark McNeill presented Council with a follow up on the EDA recommendation to the City Council to adopt a job description for authorization to advertise for the EDA Specialist position.

Mr. Leek stated that he drafted some language for the job description. Mr. Leek added number 10 to the job description which states, "Effectively markets the City as a place to establish, maintain, and grow businesses that provide living wage jobs and enhance the City's tax base." And then under Knowledge, Skills, and Abilities amend per the recommendation from EDA to include "knowledge of and ability to use effective marketing techniques."

Joos/Clay moved to approve the Economic Development Specialist job description at Grade 7 of the City's 2006 Pay Plan with amendment recommendations from Michael Leek. Motion carried 4-1 with Cncl. Lehman opposed. (CC Document No. 418)

Mark McNeill presented the Council with information that was received from Derby Days, Inc. Derby Days Inc. has requested some funding participation from the City in an effort to offset higher than what had been anticipated costs for liability insurance.

Jack McGovern from the Derby Days Committee addressed the Council. Mr. McGovern stated that unforeseen costs in insurance premiums have depleted the reserve fund of the Derby Days Committee. Mr. McGovern is asking for a City contribution to offset the cost of the hire insurance rates.

Menden/Lehman moved to provide Derby Days Inc. with \$4,000 out of contingency to be used toward offsetting the cost of insurance costs. Motion carried 5-0.

Cncl. Joos discussed with Council the need for a facilitator for the Fire Department visioning process meetings involving the Council Liaisons and the Fire Department. Preferably someone from outside city staff to facilitate the meetings to keep the group focused and moving forward.

Cncl. Lehman also agreed that there is a need for a facilitator. Cncl. Lehman would also like to see a moderator who does not have any ties or involvement in city government or fire departments.

Mark McNeill suggested someone from the community who would want to volunteer their time for this process. He also suggested looking outside the community but a cost may be incurred if that was the option taken.

Cncl. Clay suggested someone from the School District. Mayor Schmitt suggested Bob Mitchell who was on the City's vision committee. He also possesses a lot of experience dealing with a variety of groups through his non-profit connections. Mr. McNeill will take the Council's suggestions and look into options for a facilitator.

Cncl. Menden said that there are open positions on the Park Board and the EAC (Environmental Advisory Committee) and encouraged Council that if they know anyone who is interested to encourage them to apply.

Cncl. Lehman would like the Council to reconsider the "right-in only" access in the Southbridge Fields addition. Cncl. Menden asked how to procedurally open up that discussion again or reconsider it.

Cncl. Clay stated that a motion would need to be made by the prevailing side and seconded to reconsider the motion.

Menden/Lehman moved to have staff put the "right-in only" access in the Southbridge Fields addition on the agenda for the next City Council meeting on August 15, 2006. Motion carried 5-0.

Lehman/Joos moved to adjourn to Tuesday, August 08, 2006, at 7:00 p.m. Motion carried 5-0.

Meeting adjourned at 9:50 p.m.

Judith S. Cox  
City Clerk

Kim Weckman  
Recording Secretary