

MINUTES
OF THE
SHAKOPEE PUBLIC UTILITIES COMMISSION
(Special Meeting)

President Amundson called the Special Meeting of the Shakopee Public Utilities Commission to order at the Shakopee Public Utilities meeting room at 5:10 P.M., August 13, 2020. There were technical issues that needed to be resolved.

MEMBERS PRESENT: Commissioners Amundson, Meyer, Mocol, Brennan and Fox. Also present, Utilities Manager Crooks. Commissioner Fox attended via WebEx. Also attending were SPU attorney, Kaela Brennan with McGrann Shea and Special Counsel Korine Land with LeVander, Gillen and Miller.

Motion by Meyer, seconded by Fox to approve the agenda as presented. Motion carried 5-0.

More technical issues took place and it was 5:40 P.M. before the meeting started again.

Commission discussion took place as to whether to discuss the investigative report in an open or closed meeting.

Motion by Meyer, seconded by Mocol to close the portion of the meeting for preliminary consideration of allegations against the SPU Utilities Manager, without any determination as to whether discipline may be warranted. Motion carried 5-0. In closed session, the Commission discussed the investigative report by Special Counsel.

The meeting then reconvened in open session, with no official action taken during the closed meeting.

Commissioner Meyer began by reviewing the conclusion into the first allegation that the SPU Utilities Manager exceeded the Governor's Salary Cap for the years 2017-2019. Unless action would be taken, the salary cap will also be exceeded in 2020.

Motion by Meyer, seconded by Mocol to direct SPU legal counsel, Ms. Brennan and her firm to contact the League of Minnesota Cities in seeking any assistance and guidance effectuating the recommendation regarding adjustments to the salary cap. Motion carried 5-0.

Motion by Meyer, seconded by Amundson to direct Ms. Brennan and her firm to search for and select an outside accounting firm to determine the amount of overpayment for the years 2017-2019 and to determine any adjustment to the current salary year to comply with existing Minnesota law, salary cap issues, and to negotiate a repayment plan with Mr. Crooks and his counsel. Motion carried 5-0.

Motion by Meyer, seconded by Mocol to direct the acting SPU Interim Finance Director, Kelley Willemsen, to contact PERA in order to determine what adjustments would be required in light of any adjustment to past salary and current 2020 salary as it relates to the compensation calculations. Motion carried 5-0.

Commissioner Meyer then reviewed the findings of the second allegation against the Utilities Manager. It was found the use of Commissioner Only agenda packets is in violation of the Minnesota Open Meeting Law.

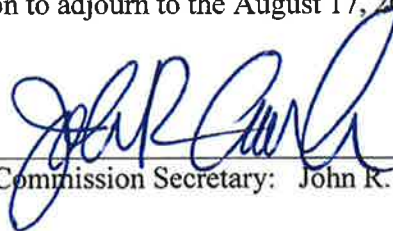
Motion by Meyer, seconded by Brennan to direct staff to prepare a detailed policy and procedure for the use of Commissioner Only agenda packets and when appropriate to consult with SPU legal counsel Ms. Brennan and her firm for compliance of those policies and procedures with the Open Meeting Law and the Data Practices Act. Motion carried 5-0.

Motion by Meyer, seconded by Amundson to direct staff to contact the LMC so as to set up annual training for the SPU Staff and Commission as to the requirements of the Open Meeting Law and Data Practices Act to assure compliance of the Commission and SPU Staff going forward. Motion carried 5-0.

Commissioner Mocol reviewed the findings of the third allegation against the Utilities Manager. There was likely no intentional altering of the 2020 Pay Equity report graph with the 2020 submission document to the OMB or the withholding of certain document reports from the Commission and is not a violation of the law.

Motion by Mocol, seconded by Meyer that all Pay Equity Reports including the Job Data Entry Verification List shall be included in the Commission agenda packets. By including all reports, the Commission and Commission President can confirm the information is accurate before approving and signing the report and it is recommended that every 5 years SPU will conduct a compensation study. Motion carried 5-0.

Motion by Meyer, seconded by Amundson to adjourn to the August 17, 2020 meeting. Motion carried 5-0.



Commission Secretary: John R. Crooks