Introduction

The City of Shakopee, MN, in their continuing efforts to provide an accessible environment for residents, visitors and employees has conducted an evaluation for compliance with applicable laws, codes and design guidelines pertaining to accessibility.

This report for the City of Shakopee was prepared by Julee Quarve-Peterson, Inc. (JQP, Inc.). It is intended to assist the city with the following:

- Understanding their obligations under various regulations and guidelines to provide persons with disabilities access to the programs, services and activities offered by the city
- Determine the current level of site and facility accessibility.
- Develop a plan for removal of architectural barriers to accessibility.

Methodology

Julee Quarve-Peterson and Mara Peterson of Julee Quarve-Peterson, Inc. (JQP, Inc.) conducted site visits of the Shakopee Community Center and Ice Arena in summer 2025. The sites were reviewed for usability by persons with disabilities and for compliance with various state and federal laws, regulations and guidelines for accessibility.

Recommendations are based on knowledge of the current interpretations of multiple regulations, legislation and guidelines, as well as over 40 years of experience working with clients similar to the City of Shakopee.

Basis for review

As a public entity, Shakopee is required to comply with specific federal laws that mandate that barriers to discrimination be removed to provide persons with disabilities equal opportunity to participate. The following laws, codes and design guidelines specifically pertain to the city:

Minnesota State Building Code, Chapter 1341

The Minnesota State Building Code regarding accessibility was implemented in November 1975 and updated in 1996, 1999, 2007, 2015 and most recently in March 2020. Any building remodeled, constructed or having a change of occupancy after that date must comply with Minnesota State Building Code, Chapter 1341 design guidelines. The Minnesota State Building Code, Chapter 1341 is enforced by local or state building officials for projects at the time of construction or alteration.

The MN Building Code includes:

- International Building Code, Chapter 11- 2018
- ICC / ANSI A117.1- 2009
- MN Amendments

Americans with Disabilities Act Title II & Regulations

The Americans with Disabilities Act of 1990 (ADA) is the federal civil rights law that prohibits discrimination on the basis of disability. The ADA has five titles:

Title I	Employment
Title II	**Public Services and Public Transportation**
Title III	Public Accommodations
Title IV	Telecommunications
Title V	Miscellaneous Provisions

The focus of this evaluation is Title II.

Title II of the Americans with Disabilities Act is intended to apply to all programs, activities and services provided or operated by public entities. Where Section 504 of the 1973 Rehabilitation Act protected residents and employees, the Americans with Disabilities Act expands coverage to include any individual who participates in activities sponsored by the City or are located in facilities owned and/or operated by the City.

Per the Americans with Disabilities Act, entities are to assess all buildings and facilities to identify what architectural barriers exist and determine what the appropriate implementation plan should be in order to comply. Similar to Section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act requires that architectural barriers be removed if it is necessary to provide program accessibility.

Enforcement of the Americans with Disabilities Act is primarily through lawsuits filed as a result of a complaint by a person with a disability or an organization representing persons with disabilities.

Section 504 of the 1973 Rehabilitation Act
Section 504 of the 1973 Rehabilitation Act states that any entity receiving Federal financial assistance (either directly or indirectly) must prohibit discrimination against "qualified individuals with disabilities" in their programs, activities or services.

Enforcement of Section 504 of the 1973 Rehabilitation Act is through various Departments of the Federal Government. If an entity is found not making efforts to comply with Section 504 of the 1973 Rehabilitation Act, there is a risk of losing federal funding.

Architectural Barriers Act (ABA) Accessibility Guidelines for Outdoor Developed Areas
Although it does not technically apply to the City of Shakopee, the ABA Accessibility Guidelines for Outdoor Developed Areas were used as a *best practice* for recommendations in this report. Currently the outdoor developed areas accessibility guidelines in the ABA apply to the federal government or projects being constructed on behalf of the federal land management agencies. The guidelines cover features commonly found in parks, including trails and picnic areas.

Organization of Report

The recommendations of this report are presented as a *Transition Plan*. The format of the report provides the necessary documentation of a transition plan, including:

- Identification of the location and issue
- A description of the recommended modifications (with code reference)
- A time frame for completion (a prioritized list)
- The person responsible for implementation (typically job title/position)

It is encouraged that the City of Shakopee use the information provided in this report, with their knowledge of existing budgets and future capital improvement plans to incorporate the recommendations and establish the timeframe for completion. It is recommended that this report be used as a *working document* that is updated to document action, completed projects, and as a place to store ongoing information regarding accessibility issues associated with the city. As each upgrade has been completed as a result of repair, remodeling, replacement or as a proactive approach to removing architectural barriers, those specific items should be dated or "checked off" to identify that the action has been completed.

The building reports are in a database format and have been sorted by priority. Cost estimates are included in the facility reports; the cost estimates do not include soft costs or contingencies. Individual reports are provided for each facility. Captioned photographs are provided and photo numbers are referenced within the reports.

Priority Description

The following report is an overview of those elements that do not currently meet the intent of the new construction guidelines for accessibility. Each barrier has been assigned a priority to assist Shakopee in developing a plan for the removal of barriers.

Priority 1 recommendations are issued for upgrade of the highest priority. An accessibility issue will be assigned a Priority 1 if it is one or more of the following

- a barrier to reach or participate in a program
- an element or location that receives high public use
- an area that needs to be accessible without the luxury of time to prepare to accommodate an individual request
- a safety concern
- a programmatic (non-architectural) fix
- easy to modify
- inexpensive

Priority 2 recommendations continue to provide greater levels of accessibility. An accessibility issue will be assigned a Priority 2 if it is one or more of the following

- a barrier to a significant number of individuals with disabilities
- a unique area or element, not typically duplicated
- an area where there is a short period of time to plan for accommodating the request of an individual
- an element or feature that does not fully comply and is essential to the primary function of the site
- easy or inexpensive to modify

Priority 3 issues are recommendations to provide additional accessibility, such as additional locations of drinking fountains, toilet rooms, entrances, etc. An accessibility issue will be assigned a Priority 3 if it is one or more of the following:

- a duplicated element or program
- a barrier to a fewer number of individuals
- a barrier that does not allow for full/independent participation in a program, activity or service by an individual with a disability
- a substantial deviation from the standard (ex. 21” centerline for a toilet vs. 16”-18”)
- a feature that complied with a previous version of the code/standards

Priority 4 recommendations are design elements which would be required for new construction, but in existing buildings do not critically impact accessibility and are recommended to be improved at such time the space undergoes repair, replacement or remodeling. An accessibility issue will be assigned a Priority 4 if it is one or more of the following:

- a duplicate space
- an area used primarily by employees (ex: circulation corridors, showers, break rooms)
- maintenance or replacement
- not technically feasible to modify at existing facilities
- complied at the time of construction
- minimal deviation from the design standards (such as providing 17” on the pull side of a door instead of 18”; slope of 3% within a parking space vs. 2% maximum)
- program accessibility already provided by relocating or modifying program, activity or service
- complies with ADA, but not MN Building Code (ex: parking signs above 66” AFF)

Over a period of time, full accessibility will be provided through general upgrades. *These issues have not been included on the attached keynoted floor plans.*

In addition to the priorities above, the City should utilize a policy/procedure to respond to a resident, visitor or qualified employee's request for accessibility upgrades (accommodations). Input from individuals with disabilities and groups representing individuals with disabilities should be sought to ensure the recommendations are consistent with their needs.

Regardless of the priority assigned in the report, all new construction and alterations are required to meet the new construction guidelines produced as a result of the Americans with Disabilities Act and Minnesota Building Code. The scope of planned work should be reviewed to determine if it is an alteration to an area containing a primary function, which may require the scope to be expanded to address accessibility. (ADA 202.4.)

Timeframe

JQP, Inc. recommends the following timeframe as a goal for implementing the accessibility recommendations in the City of Shakopee. Addressing an issue may involve completing corrective action, establishing an alternate means of access to the program or activity (such as procedures for relocating meetings to an accessible location) and/or seeking funding for an alteration project.

- *Priority 1* issues will be addressed within 2 years.
- *Priority 2* issues will be addressed in 2-5 years.
- *Priority 3* issues will be addressed in 6-10 years.
- *Priority 4* issues will be addressed at such time other work is taking place as part of maintenance or as a larger project.

The ability to meet this timeframe will be dependent on the support, including allocating necessary funding, from the City Administrator and City Council.

Implementation

While accessibility should be considered by all staff, the ADA Coordinator is ultimately responsible for the execution and implementation of these recommendations (with the support of the City Administrator and City Council).

Program Accessibility

The Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act indicate all *programs* must be accessible, not necessarily all buildings and facilities. The city has the option to architecturally upgrade a facility to comply with the new construction guidelines for accessibility or relocate the programs to another location or site that provides a greater level of accessibility. The success of relocating programs to gain accessibility depends on the availability of other locations, the level of accessibility in other locations or facilities, as well as the location and numbers of current individuals with disabilities. The long-range goal may be to make all facilities accessible by creating special accessibility projects or as part of repair, replacement and remodeling.