

**HOPKINS CITY COUNCIL  
AGENDA  
Tuesday, April 17, 2018  
7:00 pm**

**THIS AGENDA IS SUBJECT TO CHANGE  
UNTIL THE START OF THE CITY COUNCIL MEETING**

**Schedule**      Work Session after close of Regular Meeting

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. PRESENTATIONS**

**IV. CONSENT AGENDA**

1. Minutes of the March 20, 2018 Joint City Council and Planning & Zoning Commission Meeting Proceedings
2. Minutes of the April 3, 2018 City Council Regular Meeting Proceedings
3. Minutes of the April 3, 2018 City Council Work Session following Regular Meeting Proceedings
4. Minutes of the April 10, 2018 City Council Work Session Proceedings
5. Approve Temporary Liquor License for Hopkins Elks Lodge #2221; Domeier
6. Approve Nine Mile Creek Watershed District Stormwater Facilities Maintenance Agreement – Pickleball Courts project; Stadler
7. Declare Cost to be Assessed and Order Assessment Hearing – 2018 Street and Utility Improvements, City Project No. 2017-10; Klingbeil
8. Application for the Tax Base Revitalization Account for 325 Blake Road; Youngquist

**V. PUBLIC HEARING**

1. Public Hearing to Identify a Qualified User of the Hopkins Pavilion in the City of Hopkins

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. First Reading: Interim Ordinance Regarding Automobile Repair and Automobile Sales or Lease Uses; Elverum
2. Adopt ADA Transition Plan for Public Right of Way; Klingbeil

**VIII. ANNOUNCEMENTS**

- Hopkins Academy will be held on April 19 and 26
- Step to It Challenge: May 1 through May 28. More information at [steptoit.org](http://steptoit.org)
- May Day Music on Main at the Hopkins Center for the Arts, 1111 Mainstreet: Saturday, May 5, 2018, 3 p.m. to 10 p.m.
- HREI Event – Let's Talk About Race with Hopkins Schools Superintendent at Hopkins High School, 2400 Lindbergh Dr., Minnetonka: Thursday, May 17, 2018 6:30 p.m. to 8 p.m.

**IX. ADJOURN**

**OPEN AGENDA – PUBLIC COMMENTS/CONCERNS**

Public must fill out a Speaker Request Form. During this time, anyone wanting to address a topic **not listed on the agenda** may do so. Three minute time limit per person.

**JOINT CITY COUNCIL AND PLANNING & ZONING COMMISSION MEETING  
TUESDAY, MARCH 20, 2018**

Pursuant to due call and notice thereof a Special Joint Work Session of the Hopkins City Council and Hopkins Planning & Zoning Commission was held on Tuesday, March 20, 2018 at 5:06 p.m. in the Raspberry Room at Hopkins City Hall, 1010 First Street South, Hopkins.

**Hopkins Council Present:** Katie Campbell, Mayor Molly Cummings, Jason Gadd, Kristi Halverson, Aaron Kuznia

**Hopkins Planning & Zoning Commission Present:**  
Laura L. Daly, Libby Goeman, Brian Hunke, Emily Wallace-Jackson, Matthew McNeil, James Warden

**Hopkins Staff:** City Manager Mike Mornson, Planning and Development Director Kersten Elverum, Assistant City Manager Ari Lenz, City Planner Jason Lindahl.

**In addition, representatives present for the item were:**  
Haila Maze, Bolton & Menk, Mike Waltman, Bolton & Menk, a representative from the Cunningham Group, Comprehensive Plan Advisory Committee members and interested residents.

Mayor Cummings welcomed everyone and thanked the committee and staff for all the work that has gone into the draft of the Comprehensive Plan.

City Planner Lindahl gave an overview of the Comprehensive Plan and community engagement process. Mr. Lindahl commented that the required six-month review period would allow time for additional public comments.

**Draft Goals & Policies**

Ms. Haila Maze, Bolton & Menk, gave an overview of the Cultivate Hopkins draft recommendations, the planning process and schedule. The joint meeting purpose is to ensure that the draft goals are consistent with the City and elected officials.

Ms. Maze discussed the community engagement process and commented that there was positive feedback from residents. Ms. Maze discussed the principles of sustainability and resilience that were used as resources when developing the Comprehensive Plan. Ms. Maze discussed the Comprehensive Plan approach and framework that included being responsive to feedback, the brand, logo, changing conditions, major trends and city goals as well as the required elements. Ms. Maze reviewed the subparts of the plan, major issues and focus areas. Ms. Maze commented that the Comprehensive Plan has been developed to allow for changes and adjustments in order to acknowledge progress.

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The Comprehensive Plan Advisory Committee thanked the staff for creating the Advisory Committee to be part of the overall process. There were positive comments about the initial draft.

Council Member Campbell asked about the complete streets concept, autonomous vehicles and sidewalks. Mr. Lindahl commented that Hopkins has a strong pedestrian environment in place already but there are considerations of pedestrian safety and strengthening physical connections. Council has the ability to look at areas individually for infrastructure improvements. There was discussion about the need for clear consistent markings and infrastructure maintenance for autonomous vehicles. Mayor Cummings commented on the importance to balance city policy, being responsive to residents, doing what is best for the City and how to address complete streets. Mr. Waltman discussed the transportation goals, policy, considerations and exceptions of the Complete Streets Policy. Mr. Lindahl commented that the Comprehensive Plan looks at the larger picture, that the policies are in place to help the City Council with decision-making and that is important to educate the public about the plan. Ms. Maze commented that the plan gives parameters and ways to guide discussion.

There was discussion about affordable housing, legalities and strategies to address concerns. Ms. Maze discussed the language in the plan.

There was discussion of parking requirements and ways to support downtown businesses. The City has a good basis of development in place and it is important not to lose the character of Hopkins. There was discussion of a shuttle circulator throughout downtown. Mayor Cummings commented that a shuttle has been part of City Council discussions.

Mayor Cummings asked about alternative funding for road reconstruction projects and balancing water conservation and water rates. Mr. Waltman discussed funding options and water conservation standards.

There was discussion about the age-wave trend and the effect on businesses and housing stock.

Council consensus was that they liked the focus areas in the Comprehensive Plan and thanked the committee for their input. Council discussed the importance of a sustainable plan and how to inform the public.

Ms. Maze discussed the Metropolitan Council Comprehensive Plan process and review. Mayor Cummings commented it is important to take the time to make sure the plan is done right.

Mr. Lindahl discussed the new Arts and Cultural section of the Comprehensive Plan. Staff will be taking a closer look at the best practices and how to create resources to promote public art. Mr. Lindahl discussed the next steps in the process including the implementation stage of the plan and how to measure progress. The Advisory

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Committee will meet again in April and May. The Council should contact staff with any additional feedback about the Comprehensive Plan draft.

On behalf of the Council, Mayor Cummings thanked the staff and committee for their time and commitment to the Comprehensive Plan process.

The Joint Work Session adjourned at 6:42 p.m.

Respectfully Submitted,  
Debbie Vold

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
APRIL 3, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, April 3, 2018 at 7:03 p.m. in the Council Chambers at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Members Kuznia, Halverson, Gadd and Campbell attending. Staff present included City Manager Mornson, City Attorney Anderson, Director of Planning and Development Elverum, Assistant City Manager Lenz, City Planner Lindahl, Public Works Director Stadler and City Engineer Stanley.

**ADOPT AGENDA**

Mayor Cummings commented that the presentation by Commissioner Callison would be rescheduled.

**Motion** by Gadd. **Second** by Campbell.

**Motion** to Adopt Agenda as amended.

**Ayes:** Kuznia, Halverson, Cummings, Gadd, Campbell.

**Nays:** None. **Motion carried.**

**CONSENT AGENDA**

**Motion** by Kuznia. **Second** by Halverson.

**Motion** to Approve the Consent Agenda.

1. Minutes of the March 20, 2018 City Council Regular Meeting Proceedings
2. Minutes of the March 20, 2018 City Council Work Session following Regular Meeting Proceedings
3. Ratify Checks Issued in March 2018

**Ayes:** Kuznia, Halverson, Cummings, Gadd, Campbell.

**Nays:** None. **Motion carried.**

**NEW BUSINESS**

**VII.1. Award of Contract – Blake Road Improvements, City Project 2013-06**

City Engineer Stanley gave an overview of Blake Road Corridor improvement project. Mr. Stanley discussed the proposed roadway improvements, landscaping and aesthetics. Mr. Stanley discussed the project costs, funding, construction issues, project coordination, traffic impacts and detours. Mr. Stanley commented that the low bid came in 11% below engineer's estimate. Mr. Stanley discussed the project schedule and commented that a public informational meeting is scheduled on April 18 at Eisenhower Community Center. In addition to email updates, newsletters and in-person updates, the public can visit [www.blakerdhopkins.com](http://www.blakerdhopkins.com) for project information or email [blakerdhopkins@wsbeng.com](mailto:blakerdhopkins@wsbeng.com).

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Council Member Halverson asked about the road closure details. Mr. Stanley explained that there would be a full road closure through July and single lane thereafter. There would be business access with some temporary interruption of the driveways. Council Member Kuznia commented that he appreciates all the public communications and asked about the railroad tracks and drone footage. Mr. Stanley explained that the project pavement would be up to the train track right-of-way and that the project engineer would be taking drone footage throughout the project. After the project completion, Blake road will belong to City of Hopkins. Council Member Campbell asked about improvements at the trail crossing. Mr. Stanley commented that there is standard trail crossing signage and at this time no changes are proposed at the trail crossing. A flashing beacon pedestrian crossing would be constructed midblock. Mayor Cummings asked about warning signage on the trail. Staff would contact Three Rivers Park District about signage. Mayor Cummings asked about public outreach to the area apartment complexes and multi-language public information materials. Mr. Stanley commented that the Met Council Communication Manager was to make contact with every building in the Blake Corridor. Mr. Stanley will get an update on the communication and outreach efforts. Mayor Cummings suggested postings at Cottageville Park. Public Works Director Stadler commented that staff could make an outreach effort at the Park.

**Motion** by Campbell. **Second** by Kuznia.

**Motion** to adopt Resolution 2018-029 Awarding the Contract, Blake Road Improvements, City Project 2013-06.

**Ayes: Kuznia, Halverson, Cummings, Gadd, Campbell.**

**Nays: None. Motion carried.**

**VII.2. Award of Contract – Pickleball Courts Project**

Public Works Director Stadler gave an overview of the pickleball courts project at Central Park. Mr. Stadler discussed the bids, contractor experience, project costs, budget and construction timetable. Construction is scheduled to start mid-May with completion at the end of July depending on the weather.

There was Council discussion about impacts to other park areas. Mr. Stadler commented that the project should not impact other users or the Pavilion project. Council commented that the project was in response to a request by the community and pickleball players. Mr. Stadler commented that the addition of courts would bring additional visitors to the Hopkins community.

**Motion** by Gadd. **Second** by Campbell.

**Motion** that Council award a contract to Barber Construction, Inc. in the amount of \$208,647.00 for the Pickleball Courts at Central Park, City project #2017-014.

**Ayes: Kuznia, Halverson, Cummings, Gadd, Campbell.  
Nays: None. Motion carried.**

### **VII.3. Sanctuary at Oak Ridge Concept Plan Review**

City Planner Lindahl gave an overview of the staff report regarding the Sanctuary at Oak Ridge concept plan review. Mr. Lindahl discussed the existing conditions and property location and commented that it is a complicated piece of property to develop. Mr. Lindahl discussed the Planning and Zoning Commission public hearing. There were public concerns regarding the number of units, traffic impacts, construction noise and disruption. The developer commented that four units are needed to make the project viable but would address the concerns. The Planning and Zoning Commission was supportive of the project. Mr. Lindahl explained that the project would require a comp plan amendment, rezoning, subdivision and PUD and that the Minnehaha Creek Watershed District must reclassify the wetland status to reduce the buffering space. Mr. Lindahl explained that the concept plan does not require formal action and that the developer would appreciate Council feedback on the design prior to preparing a formal application.

Council Member Halverson asked about location to the wetland and water table. Mr. Lindahl explained the buffer set back requirement and that there is a substantial elevation on the property. Mayor Cummings asked about the building timetable. Mr. Lindahl commented that all four homes are scheduled to be built at the same time.

Brady DeVore, commercial real estate broker for Colliers International, representing the property owner, came forward to address the Council. Mr. DeVore explained that the proposed project is the best possible plan for the parcel and that there are too many complications for a larger structure development. Mr. Troy Campbell representing the applicant, Anderson Engineering, came forward to address the Council. Mr. Campbell discussed the applicant's development experience and explained that the proposed single-family development is the best plan for the property. Mr. Lindahl commented that the units would sit above the wetland due to the elevation change and the wetland buffer would be an average of 25-30 feet.

Council Member Campbell asked about parking. Mr. Campbell commented that each unit would have a garage with driveway parking. Council Member Kuznia liked the single-family housing concept and asked about the wetland reclassification. Mr. Campbell commented that the property would be undevelopable if not reclassified. Council Member Gadd appreciates the developer taking on the challenge to develop the difficult parcel. Mayor Cummings encouraged communication with those impacted by the project.

### **VII.4. First Reading: Auto Related Uses Zoning Code Text Amendment**

City Planner Lindahl gave an overview of the staff report regarding the text amendment changes related to auto uses. Mr. Lindahl summarized the proposed amendments, recommended ordinance changes and supportive issues explaining that it is a long-term

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strategy to encourage investment along Mainstreet. Mr. Lindahl explained that the proposed changes would help eliminate negative impacts to surrounding neighborhoods and properties.

Mr. Lindahl discussed the Planning and Zoning and public information process. Staff has had direct engagement with the Mainstreet businesses impacted. Mr. Lindahl gave an overview of the public hearing comments. Mr. Lindahl explained that the businesses that are non-conforming would be subject to new standards if they choose to expand. The non-conforming standards are addressed in the State Statute and that the current two vacant properties uses would not grandfathered. The Planning and Zoning Commission recommended approval of the proposed ordinance. Mr. Lindahl discussed the proposed language changes, revised standards and concerns. Mr. Lindahl commented that staff and business owners have discussed the changes and staff is addressing concerns of the business owners in order to best address their needs and business practices.

Council Member Halverson asked about closed garage doors. Staff has heard this concern from the businesses. Closed garage doors were added to mitigate impacts to neighbors from auto related uses. Mr. Lindahl commented that one option would be to add language limiting closed garage doors to those facing directly at a residential area. There was Council discussion about the definition of business expansion and intensification of the use. Mr. Lindahl commented that a business could rebuild on the existing footprint and that staff would look at expansion on a case-by-case basis. Mayor Cummings discussed the difficulty of enforcement of the current standards and expressed concern about enforcing additional standards and creating nonconformities. Mayor Cummings commented on the importance of supporting small businesses that are important to our community. Mr. Lindahl commented that staff has worked on changes to the ordinance in response to business concerns and that the changes fit in with long-term vision of the City. The ordinance would limit the number of auto uses along Mainstreet and allow for businesses to locate in better areas. The ordinance cleans up the language and gives staff tools to address concerns and work long term with businesses to bring them into compliance.

Director of Planning and Development Elverum explained that the ordinance would be a long-term change for what the City is trying to accomplish along Mainstreet. The intent is to keep businesses operating long term and not be a punitive action.

There was Council discussion about the intent to apply a uniform standard, limit impacts to residential, maintain a healthy mix of Mainstreet businesses and promote the welcoming, pedestrian-friendly, long-term vision of the City. The ordinance changes should not be punitive and should be easier to enforce. The ordinance should provide guidance as the City moves forward. Council commented that they appreciate staff recognizing the business owner concerns. There was discussion about tabling the first reading and scheduling a Work Session in order to discuss and refine the ordinance as

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well as consider Council and business owner comments. Mayor Cummings thanked staff for the large undertaking of amending the ordinance.

City Attorney Anderson advised the Council that it would be appropriate to postpone the first reading to a future date.

**Motion** by Kuznia. **Second** by Gadd.

**Motion** to postpone the First Reading: Auto Related Uses Zoning Code Text Amendment to a future date.

**Ayes: Kuznia, Halverson, Cummings, Gadd, Campbell.**

**Nays: None. Motion carried.**

Walsler Automotive representative Doug Smith commended staff for work on the ordinance.

Mr. Lindahl will notify businesses prior to the scheduled Work Session.

**ANNOUNCEMENTS**

- Hopkins Academy will be held on April 5, 12, 19 and 26.
- Open Book meeting regarding property valuations is Tuesday, May 1, 5 – 7 p.m. at Hopkins City Hall.
- Blake Road will be closed beginning April 9.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Campbell, second by Halverson, the meeting was unanimously adjourned at 8:59 p.m.

**OPEN AGENDA – PUBLIC COMMENTS AND CONCERNS**

The City Council did not receive any comments or concerns.

Respectfully Submitted,  
Debbie Vold

ATTEST:

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Molly Cummings, Mayor

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Amy Domeier, City Clerk

**MINUTES OF THE CITY COUNCIL WORK SESSION PROCEEDINGS  
AT CONCLUSION OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY, APRIL 3, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a work session of the Hopkins City Council was held on Tuesday, April 3, 2018 at 9:09 p.m. in the Council Chambers at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Members Kuznia, Halverson, Gadd and Campbell attending. Staff present included City Manager Mornson and Assistant City Manager Lenz.

**Administration:**

- Assistant City Manager Lenz gave an update on the Hopkins Academy agenda.
- Future discussion of supportive environment for board and commission members.

**City Council:**

- Council Member Campbell and Council Member Kuznia would be attending the Joint Work group meeting for Blake Road Cold Storage project.
- Council Member Gadd would be attending the Blake Road Subcommittee meeting.
- Council Member Gadd gave an update on the SWLRT Corridor Management Committee meeting.
- Council Member Gadd was asked to be on the Met Cities Transportation Committee.
- Mayor Cummings met with the Hopkins Men's Shed group.
- Mayor Cummings attended a meeting with Mayors within the Hopkins School District.
- Mayor Cummings will be attending the Southwest Mayors meeting.
- Mayor Cummings will be a MMA panelist.
- Council Member Kuznia will be attending Bridges for Peace and the ResourceWest Gala.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Gadd, seconded by Campbell the meeting was unanimously adjourned at 9:26 p.m.

Respectfully Submitted,  
Debbie Vold

ATTEST:

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Molly Cummings, Mayor

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Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
APRIL 10, 2018**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular work session of the Hopkins City Council was held on Tuesday, April 10, 2018 at 6:31 p.m. in the Raspberry Room at City Hall, 1010 First Street South, Hopkins.

Mayor Cummings called the meeting to order with Council Member Campbell, Gadd, Halverson and Kuznia attending. Staff present included City Manager Mornson, Finance Director Bishop, City Clerk Domeier and Assistant City Manager Lenz.

**OVERVIEW OF 2018 ASSESSMENTS**

In addition to City staff, present for the item were representatives from Hennepin County Ashlei Munneke, Hennepin County Residential Appraiser and Lisa Olmen, Hennepin County Commercial Appraiser.

Ms. Munneke discussed the residential market values and home sales. Hopkins overall residential value change was a 5% increase with the medium market value at \$262,000. Ms. Munneke discussed the value adjustments for the different types of properties. In 2017 there were 360 home sales and 17 foreclosures. In 2018, Condominiums will be re-evaluated. Ms. Munneke commented that they received 25 phone calls regarding the evaluations. Mayor Cummings asked about property owner concerns. Ms. Munneke commented that seven properties requested further action and that Hopkins home values are close to the pre-recession year of 2006.

Ms. Olmen discussed the breakdown of commercial and industrial valuations. There were five commercial property sales and one industrial property sale. In 2017 apartment properties were re-evaluated and in 2018 retail and restaurant properties are scheduled for re-evaluation. Ms. Olmen discussed the apartment evaluations. There was a 14% change in apartment values but without the new construction projects it would be broken down to a 5.78% change. Ms. Olmen commented that the apartment market continues to grow with vacancy rates down to 1.7% and rents increased by 7.2%. Ms. Olmen gave an overview of the average rents.

Mayor Cummings thanked Ms. Munneke and Ms. Olmen for the update.

**REQUEST TO MODIFY LEGISLATIVE POLICY 4-A LAWFUL GAMBLING POLICY;**

In addition to City staff, representatives present for the item were Hopkins Youth Hockey Association (HYHA) members Angie Quale and Jill Prohofsky, Tom Barrett, MN Gambling Control Board and Bob Byer, Mainstreet Bar & Grill.

City Clerk Domeier discussed the staff report. Ms. Domeier commented that the HYHA and Mr. Byer made the request to modify the gambling policy to allow paper Bingo to be played at additional establishments in Hopkins.

The HYHA representatives discussed the current bingo operation located at JJ's Clubhouse in Golden Valley. The bingo games have increased patronage at restaurant.

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Mr. Barrett discussed bingo operations and trends from the regulatory perspective. Mr. Barrett explained that electronic bingo is relatively new but has seen an increase in sales. Paper bingo is a more social activity. Mr. Barrett discussed the concern about the effect on the civic organizations that currently operate bingo. Mr. Barrett explained that if done correctly businesses and organizations work out the days of the week and cross-promote the bingo events benefitting the local charities.

Council Member Halverson asked about the bar bingo wording. Mr. Barrett discussed who could conduct gambling in Minnesota and the three elements that constitute gambling. Mr. Byer explained that Mainstreet Bar & Grill would continue to play bar "Mingo" one night a week and HYHA would host bingo two nights. Mayor Cummings asked about the timetable, number of locations and if there are any other locations wanting to add bingo. HYHA would be able to get started in two weeks after approval since it is already licensed. The HYHA sites would include JJ's Clubhouse, Tuttle's Eat Bowl Play and Mainstreet Bar & Grill. Ms. Domeier commented that no other Hopkins businesses are pursuing bingo at this time. Council Member Gadd asked about the number of bingo sites. Mr. Barrett commented that there are approximately 2800 sites in Minnesota. Mr. Barrett commented that HYHA is a very cost effective charity. City Clerk Domeier will research the number of bingo sites in the west metro area and update the civic organizations about the potential change to the gambling policy. There was Council discussion about the days and hour's bingo is offered and the age limit. Mr. Byer commented that bingo brings in the entertainment factor and therefore additional business. The local ordinance limits bingo to be played by age 21+. Mayor Cummings commented that bingo could be a cooperatively beneficial activity if it is cross-promoted by other organizations and businesses.

Council consensus was in support of the policy change but want the civic organizations to have an opportunity to provide feedback.

Ms. Domeier would have the policy change for consideration by the Council on the May agenda. Staff will reach out to other businesses and organizations to give them an opportunity to provide feedback.

### **CITY HALL PROJECT UPDATE**

In addition to City staff, representatives present for the item were Melissa Stein, Jonathan Loose and John McNamara, Wold Architects and Engineers. The Wold staff gave an overview of the City Hall schematic design and guiding principles. Wold Architects looked at the needs of city for next 20 years, best organization function, creation of a safe and welcoming facility, a sustainable, fiscally responsible building, a comfortable work environment and a place that would showcase the city's rich history and commitment to the arts.

Ms. Stein discussed the proposed plan. Conversations with the Core Planning Team helped develop a plan for a publically inviting, central service counter and collaborative, secure and lighted work environment. Wold and the Core Planning Team met with staff user groups from City Hall to develop the proposed plan. Ms. Lenz commented that staff

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toured area City Halls. Ms. Stein commented that department support staff would be located near the front counter for the best customer service. There was discussion about potential for growth. Ms. Lenz commented that there would be flex cubicles, collaboration space and as the City converts to electronic, paperless processes there would be space to grow into. Ms. Stein discussed visibility, safety, security and improved aesthetics to the City Council Chambers. The lower level renovation would include better organized meeting space, storage, nursing and wellness space. The new front entry scheme would include a vestibule, better visibility and public art space. Ms. Lenz discussed the landscaping, front plaza and ADA improvements. The proposed entryway schematic would be a more modernized welcoming approach bringing in more daylight. There was discussion about bringing in natural light and air into the employee break room and a possible green roof. There was discussion about green roofs and maintenance concerns. Council commented on the importance of bringing light into workspaces.

Ms. Stein discussed the cost and budget. The base project total costs are approximately \$2.9 million. The potential additional and preservation estimates could add an additional \$1 million in costs. Council commented that they liked the schematic but that there needs to be a deeper understanding how the City Hall project and other future projects would affect the overall Financial Management Plan (FMP). There was discussion about project phasing and disruption for residents and staff. Ms. Lenz discussed the addition of a construction manager for the project. Council commented that a construction manager would be critical to assure the renovation goes smoothly and have a better project in the end. Ms. Lenz discussed the project timeline and displacement of staff. The project would include a four-month lead-time for final design and documents. The total construction of the project would take approximately ten months with six to eight months of construction on the upper level. Staff would utilize the City Hall lower level and rooms at other city buildings to minimize temporary relocation costs. Finance Director Bishop discussed the FMP and financial impact of the project on residents. Franchise fees and the FMP will be on the May Council Work Session agenda. Council would like to review the FMP with different project options. Council asked to include the windows and the construction manager in the base project projection and to have another projection with all the proposed renovations.

Staff will arrange for the Council to tour the upper level of City Hall.

**City Clerk**

City Clerk Domeier gave an update on a request from Royal Comedy to change hours of operation. Council approved an ordinance amendment just last July for Royal Comedy. Ms. Domeier explained the difference between the theatre license and restaurant license. Royal Comedy pays \$5000 per year licensing fee. Ms. Domeier discussed the different licensing schemes between cities and license requirements. Council consensus was not to change the ordinance for expanded hours.

**Pawn America Pay Day America email**

City Manager Mornson discussed an email regarding the Met Council acquisition and relocation of the Pawn America Pay Day business. Due to the zoning code there are a limited number of sites in the City of Hopkins where a pawnshop can locate. Council consensus was that they do not want to change ordinance but would like additional information about the distance compliance of the potential sites.

**Auto Ordinance discussion**

City Manager Mornson discussed the Auto Use Ordinance. There was discussion about issuing a moratorium to allow the Council and staff to study the possible changes to the ordinance and protect the two vacant Mainstreet properties. The City Attorney has advised staff that the City can issue a moratorium. The moratorium would give staff and Council one year for further discussion, take into consideration the issues affecting auto businesses along Mainstreet and take a comprehensive look at the entire city. There was discussion about the timetable, a licensing option, having staff get feedback from the auto businesses and scheduling a Council Work Session.

Council discussed the need for a clear vision for the west end of Mainstreet. The Community Development staff has had a lot of feedback about improvements that are needed to the west end of Mainstreet. Staff could share their vision at the scheduled Council Work Session.

Council Consensus was to issue a moratorium on the Auto Ordinance.

**UPDATES**

- Council Member Kuznia commented that three developers have been selected for the Cold Storage site and interviews have been scheduled.
- Council Member Campbell will be attending the Comp Plan meeting Wednesday.
- Council Member Gadd will be attending the Community Works meeting.
- Mayor Cummings attended the State of the County Address by Jan Callison.
- Mayor Cummings attended the HBCA meeting and gave an update on the Running of the Bulls event on July 7.
- Update on an artist mural on the Hance Hardware outside east wall. Hance Hardware was advised to speak with city staff regarding the sign ordinance.
- Mayor Cummings will be attending the EdCo award presentation and the TwinWest meeting.
- Mayor Cummings has submitted an application to attend an entrepreneurship conference in Kansas City this summer.

City Manager Mornson gave the following updates:

- Update on a scheduled outdoor concert at Mill City Sound and the Elks.
- Hopkins Academy update.

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**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Kuznia, second by Campbell, the meeting was unanimously adjourned at 9:37 p.m.

Respectfully Submitted,  
Debbie Vold

ATTEST:

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Molly Cummings, Mayor

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Amy Domeier, City Clerk



April 17, 2018

Council Report 2018-046

**Approve Temporary Liquor License for Hopkins Elks Lodge #2221**

**Proposed Action**

Staff recommends adoption of the following motion: Approve the Issuance of a Temporary On-Sale Liquor Licenses to Hopkins Elks Lodge #221.

Passage of this motion will result in the ability of the organization to serve alcoholic beverages at their outdoor concert event on April 28, 2018.

**Overview**

Hopkins Elks Lodge #2221 (the “Elks”) has submitted an application for a temporary on-sale liquor license at their outdoor concert event on April 28. The liquor service will be limited to parking lot from 2 p.m. to 10 p.m. Temporary on-sale liquor licenses must be approved by the State of Minnesota, Alcohol & Gambling Enforcement Division.

The Elks personnel will provide security to identify and wrist band or hand stamp those of legal age to consume alcohol and monitor the entrances to ensure that alcohol is not taken out of the designated areas. The Elks are required to follow all other regulations set forth in 5-D Special Events Policy.

The Hopkins Police Department has no objection to the issuance of a temporary liquor license to the Elks, subject to the regulations outlined in 5-D Special Events Policy, Sections 5.22 and 5.23. One uniformed officer will be staffed at the event from 5 p.m. to 11 p.m.

**Primary Issues to Consider**

- What measures will be taken to assure that persons under the age of 21 will not have access to alcohol? (See attached policy)
- The applicant meets the requirements set forth by State Statute to obtain a temporary on-sale liquor license. A liquor liability policy naming the City of Hopkins as an additional insured has been submitted.
- As required by State Statute, the application must be approved by the City before submitting to the State of Minnesota, Alcohol & Gambling Enforcement Division.

**Supporting Documents**

- Copy of Policy 5-D Special Events Policy
- Complete application and certificate of insurance are on file in the City Clerk’s office.

Amy Domeier, City Clerk

Financial Impact: \$ _____ Budgeted: Y/N ____ Source: _____ Related Documents (CIP, ERP, etc.): _____ Notes: _____
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**POLICY 5-D  
SPECIAL EVENTS POLICY**

**1. PURPOSE**

- 1.01 The purpose of this policy is to set forth procedures to be followed by organizers of Special Events who wish to use city property and/or require city services. Any organization wishing to sponsor or hold a Special Event in the City of Hopkins will be required to complete the Special Event Permit Application. The City will conduct a complete review of any Special Event Permit Application and inform the applicant if the event is allowed.

Special Events are defined as any parade, race, procession, carnival, community picnic, celebration, fundraiser, dance, concert, large assembly, or other special event on City property within the corporate limits of the City of Hopkins.

**2. CITY SERVICES PROVIDED FOR SPECIAL EVENTS**

- 2.01 **Pre-Approved Activities:** Pre-Approved Activities are special events for which the City provides some basic services without charge. Pre-Approved Activities include:

- a. St. Patrick's Day Parade
- b. Raspberry Festival Parade and Family Day
- c. Old Fashioned Holiday
- d. Mainstreet Days
- e. Farmer's Market
- f. National Night Out

- 2.02 **Other Events:** Approval of the following events is at the sole discretion of the City of Hopkins. Events must be determined to be in the general interest of the public. Events must also not require excessive staff support from the City. Approval of an event does not require the City to approve similar events or even the repeat of the same event. Each event will be reviewed separately.

- 2.03 **Co-Sponsored Events:** The City may co-sponsor certain events with other organizations, when the City Council determines that the event is in the general interest to the public and advances the City's public image. The City will provide financial support to these events as determined in the annual budget appropriation. These events must meet the other requirements of the Special Event Policy and must reimburse the City for any City costs in excess of the support level authorized by the budget appropriation. Approval of an event does not require the City to approve similar events or even the repeat of the same event. Each event will be reviewed separately.

- 2.04 **Other Non-Profit Events:** The City may provide up to \$300.00 in City labor costs and related fringe benefit costs, and use of City equipment to assist Special Events operated by non-profit organizations. These events must meet the requirements of the Special Event Policy and must reimburse the City for any costs in excess of this support level. Groups filing an application as a Non-Profit Event must be able to submit a current IRS 501C3 Statement. Approval of an event does not require the City to approve similar events or even the repeat of the same event. Each event will be reviewed separately.

- 2.05 **Other For-Profit Events:** The City may allow other Special Events operated by for-profit sponsors that are beneficial to the City and the public. These events are subject to an additional use charge for the use of the public property. In addition, these events must pay 100% of all City costs related to the event. These events must meet the other requirements of the Special Event Policy and must reimburse the City for any City costs in addition to the payment of the established permit rate. The minimum additional use charge shall be \$250.00 per day. Approval of an event does not require the City to approve similar events or even the repeat of the same event. Each event will be reviewed separately.

### **3. FEES FOR SPECIAL EVENTS**

- 3.01 **Hourly Rate** shall be the hourly cost for any employee working on a Special Event as established by City Administration. Please note that these rates are reviewed/adjusted annually. Please refer to Attachment A to confirm rates. The Hourly Rate shall include expenses related to the employee including fringe benefits.
- 3.02 **Purchased or Rental Materials** shall include all direct costs for all materials purchased or rented by the City of Hopkins for use at the event.
- 3.03 **Equipment Charges** shall be the current equipment usage rates as established by the City of Hopkins.
- 3.04 **A Replacement Cost** will be billed for missing and/or damaged equipment and supplies.

### **4. BILLINGS FOR SPECIAL EVENTS**

- 4.01 Special Event billing by the City shall be itemized by the employee time of Public Works, Police and Fire; any purchased or rented materials; equipment charges; and any replacement costs for missing or damaged equipment/supplies.
- 4.02 If approved, event sponsors who have previously hosted the same event in the year prior AND paid their bill in a timely manner will be extended the courtesy of paying all City fees after their event is completed and billed for the current year.
- 4.03 If approved, new events or events that are repeating annually and did NOT pay their bill in a timely manner must submit either a cash deposit, check with payment of 75% of estimated expenses be used as a deposit to be credited against the final payment. Deposit fees must be paid not less than 30 days prior to the newly scheduled event.

### **5. REGULATIONS AND PROCEDURES**

- 5.01 Any person or organization wishing to sponsor a Special Event must obtain a Special Event Permit not less than 45 days before the special event.
- 5.02 Applications for a permit for a Special Event will be available at the City Clerk's office, and if approved, shall become a part of the permit. Incomplete applications will be returned.
- 5.03 The permit fee shall accompany the application.
- 5.04 Special Events which are not sponsored by the City or deemed Pre-Approved may require a deposit of not less than \$200 or as determined by the City Manager.
- 5.05 The cash deposit will be calculated based on the anticipated and potential cost to the City of Hopkins, and shall be submitted no less than thirty (30) days before the special event.
- 5.06 The return of the deposit is conditioned upon the applicant having not requested nor received services which are a cost to the City of Hopkins and the applicant causing no damage to the public or private property in the City of Hopkins, and further conditioned upon the fact that the applicant will remove all dirt, paper, litter, or other debris generated by its operations, from the site of the event and the adjoining premises upon completion of the event.
- 5.07 Issuance of a Special Event Permit does not constitute a waiver of any Federal, State or Local laws. Applicants are responsible for complying with all applicable Federal, State, and Local laws.
- 5.08 Issuance of a Special Event Permit does not, in any way, imply City sponsorship of the Special Event.
- 5.09 Traffic Control Measures: Applicant is required to pay all costs for traffic control measures and traffic control personnel.
- 5.10 Traffic Barricades: The applicant shall through a bona fide contractor provide, install and remove all the equipment as stipulated by the Public Works Department. The installation and removal of barricades by

Hopkins Public Works Department is subject to the Hourly Rates listed in Attachment A.

- 5.11 Notice to Property Owners: The applicant may be required to provide a 30-day notice to all property owners about a Special Event as stipulated by the City Clerk or designee. For events at the 8<sup>th</sup> Avenue Artery, the City Clerk will provide the applicant with a list of property owners to notify.
- 5.12 Insurance: Applicant must provide the City with a Certificate of Insurance showing proof of general liability insurance, automobile liability insurance (if applicable) and liquor liability insurance (if applicable) meeting the following minimum requirements:
- Applicant shall procure and maintain for the duration of the event commercial general liability insurance or equivalent special event coverages protecting it from claims for damages for bodily injury and property damage which may arise from or in connection with the event's operation and use of the City's property in the minimum amount of \$1,000,000 per occurrence.
  - If automobiles will be used during the event, Applicant shall provide automobile liability insurance with a minimum combined single limit of \$1,000,000 per occurrence. Coverage shall include liability for owned, non-owned and hired automobiles.
  - If alcohol will be sold or served, Applicant must have liquor liability (dram shop) insurance in the minimum amount of \$1,000,000 per occurrence.
  - The City shall be endorsed as an additional insured on all liability policies. Applicant's insurance shall be primary.
  - The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.
- 5.13 Claims: Applicant agrees to defend and hold the City harmless from claims, demands, actions or causes of actions, of any nature of character, arising out of, or by reason of conduct of the event authorized by such premise extension, including attorney fees and all expenses.
- 5.14. Damages: Applicant will indemnify the City for all damages that may result to City property as a result of an event.
- 5.15 Supervision: Applicant will maintain adult supervision of the event at all times. Applicant will provide security as stipulated by the Chief of Police or designee. Security will be billed at the Hourly Rate outlined in Attachment A.
- 5.16 Clean-up: Applicant will, at no cost to the City, immediately clean up, remove and dispose of all litter or material of any kind, which is placed or left on the street because of the event. If the Applicant neglects or fails to proceed with clean up within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the Director of Public Works or designee is authorized to cleanup and charge Applicant for clean-up at the Hourly Rate shown in Attachment A.
- 5.17 Trash Disposal: Applicant will provide plans for trash disposal including the company contracted for trash disposal as part of the Special Event Permit Application.
- 5.18 Restrooms. Applicant will provide plans for providing restrooms including the company contracted for supplying restrooms as part of the Special Event Permit Application.
- 5.19 Use of City Utilities: The Applicant will not use City utilities for any event unless permission has been granted by the Director of Public Works or designee. The electrical circuits in the Central Business District have a limited amperage capacity. Applicant will provide plans for events on the 8<sup>th</sup> Avenue Artery where the use of City utilities for events will be permitted.
- 5.20 Food Permits. The Applicant shall obtain a Minnesota Department of Health food license and shall comply at all times with the applicable health codes and regulations. Proof of license shall be provided to the City Clerk at least seven days before the event and kept on site for immediate inspection.
- 5.21 Mobile Food Units. The applicant shall obtain a Mobile Food Unit license from the City Clerk and shall comply with all conditions outlined in Legislative Policy 5-J Mobile Food Units. For units parked at the 8<sup>th</sup> Avenue Artery, all food sales must locate in the defined space.

- 5.22 Alcoholic Beverages on Public Property. The Applicant is required to follow the procedures listed in Legislative Policy 5-K Alcohol/Security/Conduct Policy at City Facilities. All of the below stipulations are inclusive of interior and exterior areas of any special events:
- Fencing surrounding the defined area for the service of alcoholic beverages will be secured to establish the outdoor event area. All liquor sales and containers used for consumption must remain in the defined space.
  - There should be controlled access to the event with event security personnel to identify and wrist band those of legal age to consume. The gate/emergency exit of the fenced area will need to be continuously staffed to prevent patrons from leaving with alcoholic beverages.
  - Events are “21 and over” after 9 p.m. when alcohol is being served.
  - All alcohol service will cease at 10 p.m. All patrons must exit the defined space by 10:30 p.m.
  - Event security will assist the Police Department in clearing the event at closing time. The closing time should be prominently displayed throughout so there is no confusion at the end of the evening when patrons are asked to leave.
  - For events, applicants will be required to hire uniformed police officers to supplement their security staff as required by the Police Department. Monitoring of those consuming alcohol will be done by event coordinators and the Hopkins Police Officers who have been hired to assist with the oversight of the event.
- 5.23 Outdoor Music. No outdoor music or amplified sound is allowed during the hours of 10 p.m. and 7 a.m. The Police Chief or designee has the ability to direct the event manager to control the level of noise and/or terminate the event at any time. Any plans for outdoor music or amplified sound must be described in the Special Event Permit Application.
- 5.24 Outdoor Tents. Applications must be submitted for any tent permits exceeding 200 square feet. Erection of tents, canopies, or similar structures is allowed; however, the applicant cannot drive stakes, nails, screws, posts, or otherwise disturb either paved or unpaved surfaces within the right of way to secure such features.
- 5.25 Variances. The applicant shall provide in writing the condition or conditions that are requested to be modified, the modification that is request, and the factors that the City Manager or designee should consider when determining the modification. Variance requests must be submitted with the Special Event Permit application. Approval of a variance does not require the City to approve similar variances or even the repeat of the same event. Each variance will be reviewed separately.
- 5.26 Termination: The applicant may terminate this agreement at will by giving 14 days written notice to the City. If less than 24 hours’ notice is given to cancel an event that required contracted work, staff will be compensated for a 2-hour minimum charge. City staff has the authority to cancel or stop an event, or place additional restrictions on the event, if it is deemed that the public health, safety or welfare would be better served with additional restrictions.
- 5.27 City staff may place any additional requirements on any event. These requirements may include specific staff levels for Police, Fire, Public Works or other personnel. Expenses will be billed to the sponsoring organization under the terms of this policy.

Established: 5/19/88  
Revised: 11/16/93  
Revised: 01/19/16  
Revised: 03/06/18  
City of Hopkins

**ATTACHMENT A**  
**SPECIAL EVENT FEE SCHEDULE FOR SERVICES**  
*(this fee schedule may be reviewed and updated annually by the City Administration)*

<b>Public Works Personnel</b>	<b>Cost Per Hour (Minimum 3 hours per employee call-in)</b>
• General Laborer	\$36 regular time; \$54 OT
• Supervisor	\$64
<b>Police Department Personnel</b>	<b>Cost Per Hour</b>
• Police Officer	\$74.10
<b>Fire Department Personnel</b>	<b>Cost Per Hour</b>
• Firefighter	\$14.95
<b>Vehicles</b>	<b>Cost Per Hour</b>
• Garbage truck	\$90
• Pick Up truck	\$35
• Dump truck	\$90
• Boom truck	\$90
• Fire truck	\$250



April 12, 2018

Council Report 2018-049

Approve Nine Mile Creek Watershed District Stormwater Facilities Maintenance Agreement– Pickleball Courts project

Proposed Action.

Staff recommends adoption of the following motion: Move that Council authorize the Mayor and City Manager to sign a maintenance agreement between the City of Hopkins and the Nine Mile Creek Watershed District – Pickleball Courts project.

Overview.

The City has received conditional approval of its stormwater management permit covering our Pickleball Courts construction project. The executed maintenance agreement is a condition of our permit with the NMCWD. The agreement requires very minimal effort on the part of the city as it is limited to the maintenance of two turf infiltration areas that provide rate control and infiltration on site, plus periodic inspection and sediment and debris removal.

Supporting Information.

- NMCWD Conditional approval letter
- NMCWD Maintenance Agreement

A handwritten signature in black ink, appearing to read 'S. Stadler'.

Steven J. Stadler  
Public Works Director

Financial Impact: \$ n/a Budgeted: Y/N n/a Source:  
Related Documents (CIP, ERP, etc.): \_\_\_\_\_  
Notes:



Nine Mile Creek Discovery Point  
12800 Gerard Drive  
Eden Prairie, MN 55346  
(952) 835-2078  
[www.ninemilecreek.org](http://www.ninemilecreek.org)

**BOARD OF MANAGERS**

Erin Hunker  
Steve Kloiber  
Jodi Peterson  
Grace Sheely  
Maressia Twele

March 22, 2018

Steve Stadler  
City of Hopkins  
11100 Excelsior Blvd  
Hopkins, MN 55343

**RE: Conditional Approval of NMCWD Permit 2018-19: Central Pickleball Courts – 101 16<sup>th</sup> Avenue South; Grading and land alteration permit: Hopkins**

Dear Mr. Stadler:

The Nine Mile Creek Watershed District has reviewed and conditionally approved the permit application for the above referenced project. The NMCWD permit was approved, but not valid and issued, until compliance with the following conditions.

1. General Conditions
2. A storm water maintenance agreement prepared for approval of the NMCWD administrator, and executed by the parties after approval, in accordance with Rule 4.3.3.
3. Verification that a debris has been not encountered in the test pits excavated at the initial stages of construction. If debris is encountered, the required 1,089 cubic feet of volume retention will be debited from banked credits established by the City of Hopkins 8<sup>th</sup> Avenue ARTery project. Submittal of the Stormwater Volume Retention Bank Bill of Sale/Transfer form will be required.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

- Per Rule 4.5.6, an as-built drawing of the storm water facilities conforming to the design specifications as approved by the District must be submitted.

The Nine Mile Creek Watershed District will hold the permit until items 2 and 3 is received by the District. If you have any questions, please contact me at (952) 835-2078 or Bob Obermeyer, District Engineer at (952) 832-2857.

Sincerely,

Randy Anhorn  
District Administrator

Permit #: 2018-19  
Project Name: Central Pickleball Courts – 101 16<sup>th</sup> Ave South; Grading and land alteration permit: Hopkins  
Approval Date: March 22, 2018

## General Provisions

1. All temporary erosion control measures shown on the erosion and sedimentation control plans must be installed prior to commencement of surface or vegetation alteration and be maintained until completion of construction and vegetation is established as determined by NMCWD.

If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4-foot on center. All posts must be either 2-inch x 2-inch pine, hardwood, or steel fence posts. If hay bales are used, all bales must be staked in place and reinforced on the downstream side with snow fence.

2. All areas altered because of construction must be restored with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within two weeks after completion of land alteration and no later than the end of the permit period.
3. Upon final stabilization, the permit applicant is responsible for the removal of all erosion control measures installed throughout the project site.
4. At the entryway onto the site, a rock filter dike being a minimum of two feet in height and having maximum side slopes of 4:1 must be constructed. This rock filter dike will enable construction traffic to enter the site and also provide an erosion control facility.
5. If dewatering is required and sump pumps are used, all pumped water must be discharged through an erosion control facility prior to leaving the construction site. Proper energy dissipation must be provided at the outlet of the pump system.
6. The NMCWD must be notified a minimum of 48 hours prior to commencement of construction.
7. The NMCWD, its officers, employees and agents review, comment upon, and approve plans and specifications prepared by permit applicants and their consultants for the limited administrative purpose of determining whether there is reasonable assurance that the proposed project will comply with the regulations and criteria of the NMCWD. The determination of the NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
8. The grant of this permit shall not in any way relieve the permittee, its engineer, or other professional consultants of responsibility, nor shall it make the NMCWD responsible for the technical adequacy of the engineer's or consultant's work. The grant of this permit shall not relieve the permittee from complying with all conditions and requirements of the permit which shall be retained by the permittee with the permit.
9. The issue of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
10. This permit is permissive only. No liability shall be imposed upon the NMCWD or any of its officers, agents or employees, officially or personally, on account of the granting of this permit or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors.

11. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly-owned lands or improvements or interests, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all necessary property, rights, and interest.
12. The permit is transferable only with the approval of the NMCWD (see NMCWD Rule 1.0). The permittee shall make no changes, without written permission previously obtained from the NMCWD, in the dimensions, capacity, or location of any items of work authorized by this permit.
13. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the NMCWD for inspection of the work authorized by this permit.
14. This permit may be terminated by the NMCWD at any time deemed necessary in the interest of public health and welfare, or for violation of any of the provisions of this permit.
15. Construction work authorized under this permit shall be completed on or before date specified above. The permittee may, in writing, request that the NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.

**MAINTENANCE AGREEMENT**  
**Between Nine Mile Creek Watershed District and**  
**The City of Hopkins, MN**  
**For the Pickleball Courts at Central Park Project**

This maintenance agreement is made by and between the Nine Mile Creek Watershed District, a watershed district with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (NMCWD), and The City of Hopkins, MN (City).

**Recitals and Statement of Purpose**

WHEREAS pursuant to Minnesota Statutes sections 103D.341 and 103D.345, NMCWD has adopted and implements the Stormwater Management Rule;

WHEREAS under the Stormwater Management Rule, certain land development activity triggers the requirement that the landowner record a declaration establishing the landowner's perpetual obligation to inspect and maintain stormwater-management facilities;

WHEREAS in each case, a public landowner, as an alternative to a recorded instrument, may meet the maintenance requirement by documenting its obligations in an unrecorded written agreement with the NMCWD;

WHEREAS in accordance with the NMCWD rules and as a condition of permit 2018-19, the City's perpetual obligation to maintain stormwater management facilities must be memorialized in a maintenance agreement specifying requirements and restrictions;

WHEREAS City and the NMCWD execute this agreement to fulfill the condition of permit no. 2018-19, and concur that it is binding and rests on mutual valuable consideration;

THEREFORE City and NMCWD agree as follows that City, at its cost, will inspect and maintain the stormwater facilities shown in the site plan attached to and incorporated into this agreement as Exhibit A in perpetuity as follows:

1. **Stormwater Facilities.** The stormwater management facilities shown and labeled in Attachment A must be maintained as follows:
  - A. All stormwater *retention and treatment basins* must be inspected at least once a year to determine that basin retention and treatment characteristics are adequate. A storage treatment basin will be considered inadequate if sediment has decreased the wet storage volume by 50 percent or dry storage volume by 25 percent of its original design volume. Based on this inspection, if a stormwater basin requires

sediment cleanout, the basin will be restored to its original design contours and vegetated state within one year of the inspection date. A log of the dates, conditions and results of the inspections conducted in accordance with the schedule, as well as corrective actions taken to response to inspection results and results of corrective actions taken, must kept onsite and made available to the District and its designated agents with reasonable notice during normal business hours.

- B. *Volume control facilities and contributing drainage areas* must be inspected every three months during the operational period (between spring snowmelt and first substantial snowfall) and monitored after rainfall events of 1 inch or more to ensure that the contributing drainage area is clear of litter and debris, inflow pipes and overflow spillways are clear, inlet areas are clean, undesirable vegetation is removed and there is no erosion impairing or threatening to impair the function of a facility. If sediment has accumulated in a infiltration feature, within 30 days of inspection deposited sediments must be removed, the infiltration capacity of the underlying soils must be restored, and any surface disturbance must be stabilized. Inspection must ensure that sediment traps and forebays are trapping sediment and that more than 50 percent of the storage volume remains, the contributing drainage area is stable (i.e., no erosion is observed), and inlets and outlet/overflow spillways are in good conditions with no erosion. Maintenance techniques used must protect the infiltration capacity of the practice by limiting soil compaction to the greatest extent possible (e.g., by using low-impact earth-moving equipment).
  - i. In addition, *rain gardens* must be kept clean of excess sediment and debris. Healthy plant growth must be maintained in rain gardens by removing dead vegetation in the spring of each year, and the top two to five inches of media must be removed and replaced every three to five years so as not to impede filtration of sediment and oils.
- C. *Swales and pervious areas* must be preserved in perpetuity in a pervious, vegetated state.
- D. *Outlet structure and other stormwater facilities for which maintenance requirements are not otherwise specified herein* must be inspected in the spring, summer and fall of each year. Within 30 days of the inspection date, all accumulated sediment and debris must be removed such that each stormwater facility operates as designed and permitted. Contributing drainage areas must be kept clear of litter and vegetative debris, inflow pipes and overflow spillways kept clear, inlet areas kept clean, and undesirable vegetation removed. Erosion impairing the function or integrity of the facilities, if any, will be corrected, and any structural damage impairing or threatening to impair the function of the facilities must be repaired.

- 2. **Reporting.** City will submit to the NMCWD annually a brief written report that describes stormwater facility maintenance activities performed under this declaration, including dates, locations of inspections and the maintenance activities performed.

3. **Property Transfer.** If City conveys into private ownership a fee interest in the property that is the subject of this agreement, it will require as a condition of sale, and enforce: (a) that the purchaser record a declaration on the property incorporating the maintenance requirements of this agreement; and (b) that recordation occur either before any other encumbrance is recorded on the property or, if after, only as accompanied by a subordination and consent executed by the encumbrance holder ensuring that the declaration will run with the land in perpetuity. If City conveys into public ownership a fee interest in any property that has become subject to this agreement, it will require as a condition of the purchase and sale agreement that the purchaser accept an assignment of all obligations vested under this agreement.
4. This Agreement may be amended only in a writing signed by the parties.
5. The recitals above are incorporated as a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

**NINE MILE CREEK WATERSHED DISTRICT**

By \_\_\_\_\_  
 President, Board of Managers

Date: \_\_\_\_\_

**City of Hopkins**

By: \_\_\_\_\_  
 Its Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Its Administrator

Date: \_\_\_\_\_

**ATTACHMENT A**  
**Scaled Site Plan**

# Exhibit A

## Maintenance Agreement between NMCWD and City of Hopkins, MN

WSB PROJECT NO.: 010919-000

DESIGN BY: WJK

AS SHOWN: WJK

PLANT BY: JMF

CHECK BY: JMF

DATE: JUN



NO.	DATE	DESCRIPTION

DATE: 09/29/18 L.P.C. NO.: 92889

JOSEPH H. ANDERSON, P.E.

HARVEY GERTY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

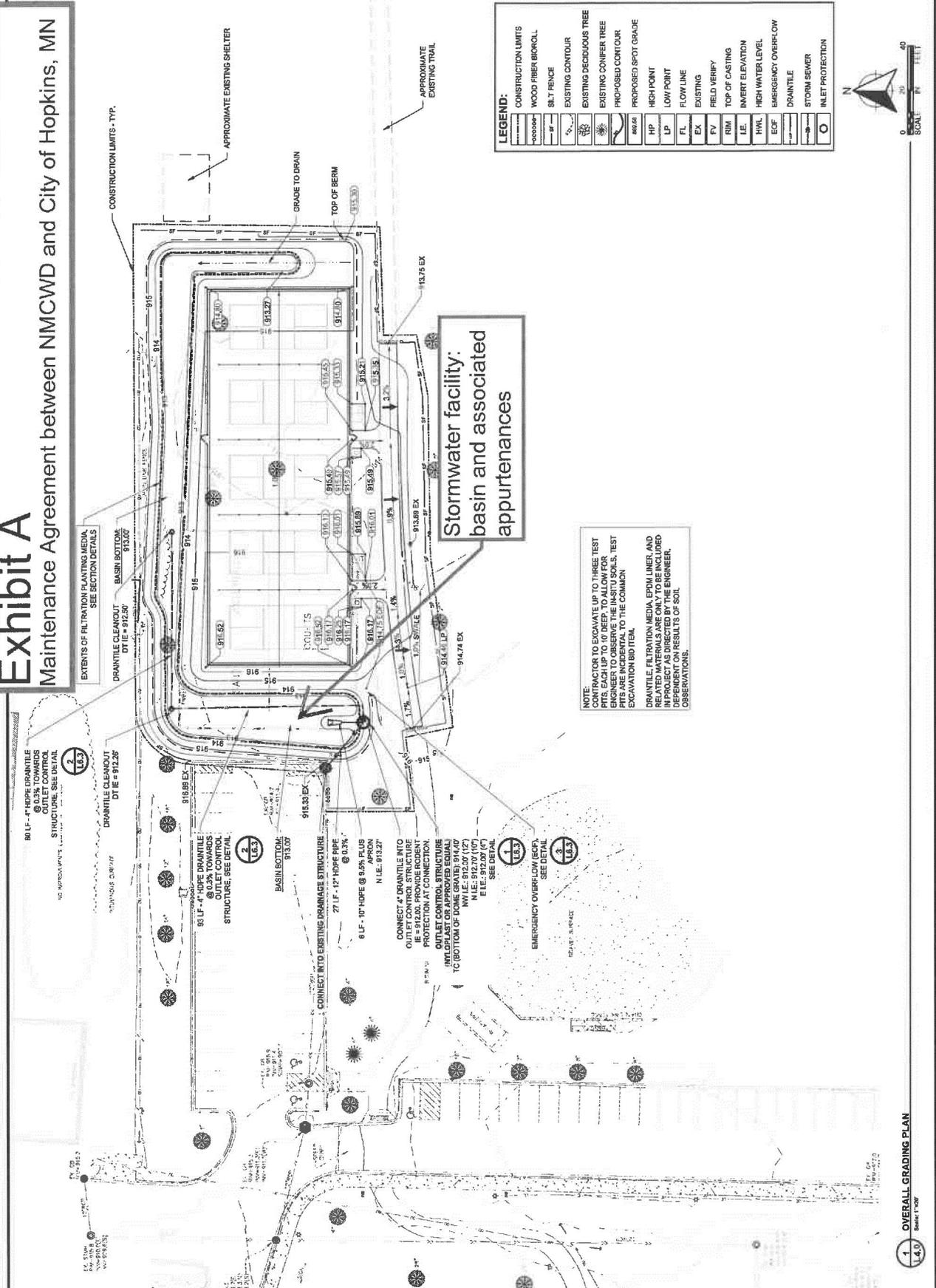
CITY OF HOPKINS

PICKLEBALL COURTS AT CENTRAL PARK

GRADING

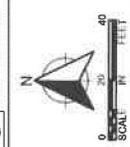
SHEET L4.0

C.P. 2017-009



**LEGEND:**

---	CONSTRUCTION LIMITS
	WOOD FIBER BIKEROLL
---	SILT FENCE
---	EXISTING CONTOUR
---	EXISTING DECIDUOUS TREE
---	EXISTING CONIFER TREE
---	PROPOSED CONTOUR
---	PROPOSED SPOT GRADE
HP	HIGH POINT
LP	LOW POINT
FL	FLOW LINE
EX	EXISTING
FV	FIELD VERIFY
RM	TOP OF CASTING
LE	INVERT ELEVATION
HWL	HIGH WATER LEVEL
ECF	EMERGENCY OVERFLOW
---	DRANTILE
---	STORM SEWER
---	INLET PROTECTION



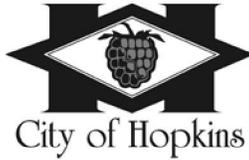
Stormwater facility:  
basin and associated  
appurtenances

NOTE:  
CONTRACTOR TO EXCAVATE UP TO THREE TEST PITS, EACH UP TO 10' DEEP, TO ALLOW FOR ENGINEER TO OBSERVE THE IN-SITU SOILS. TEST RESULTS TO BE REPORTED TO THE COMMON EXCAVATION BOTTOM.

DRANTILE, FILTRATION MEDIA, EPDM LINER, AND INLET PROTECTION SHALL BE INCLUDED IN PROJECT AS DIRECTED BY THE ENGINEER. DEPENDENT ON RESULTS OF SOIL OBSERVATIONS.

1 OVERALL GRADING PLAN

4.0 Sheet 1 of 2



April 17, 2018

Council Report 2018-045

**DECLARE COST TO BE ASSESSED AND  
ORDER ASSESSMENT HEARING  
2018 STREET AND UTILITY IMPROVEMENTS**

**CITY PROJECT NO. 2017-10**

**Proposed Action**

Staff recommends approval of the following motion: adopt Resolution 2018-031, Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment; and Resolution 2018-032, Resolution for Hearing on Proposed Assessments, 2018 Street and Utility Improvements, City Project 2017-10.

This action continues an assessable project.

**Overview**

The bid opening for the 2018 Street and Utility Improvements was held April 10, 2018. The low bid was \$5,197,547.47, submitted by S.M. Hentges. A total of five (5) bids were received. Assessment calculations will be prepared based on the lowest responsible bid and include construction contingency and indirect costs.

**Primary Issues To Consider**

- Project Costs and Assessments
- Public Information
- Schedule
- Recommendation

**Supporting Information**

- Resolutions: 2018-031, 2018-032

Eric Klingbeil, P.E.  
Assistant City Engineer

Financial Impact: <u>N/A</u> Budgeted Y/N <u>  </u> Source: <u>N/A</u>
Related Documents (CIP, ERP, etc.): _____
Notes: _____

- **Project Costs and Assessments**

Based on the low bid the total estimated project cost is \$5,962,500. The current estimated project amount has increased from the estimate at the time of plan approval. The increase is due to addendums issued during the project bid period. A summary of assessment impacts is as follows:

- 94 properties will see a decrease from the estimated assessment.
  - 91 single family properties
    - Single family properties facing a front footage assessment are governed by the assessment cap, those properties will see no increase from the preliminary assessment estimate for street costs.
    - Single family properties facing a utility service assessment will see a decrease for the utility costs from the preliminary assessment estimate.
  - 3 commercial properties
    - All commercial properties were assessed based on the lower of a front footage assessment with no cap or a benefit appraisal. Properties with a benefit appraisal less than the preliminary assessment based on front footage will see a decrease.
- 3 properties will see increases from the estimates.
  - 3 commercial properties whose benefit appraisal was higher than the preliminary assessment amount will be subject to a front footage assessment with no cap. After bids were received, the assessments were calculated to be higher than the preliminary estimate.

The interest rate will be 2 percentage points above the Total Interest Cost (TIC) of the bonds to be sold for the project, it is anticipated that the rate will be between 4.25% and 7% for this project. Staff recommends adopting a 15-year term for the assessment as discussed at previous City Council meetings.

- **Public Information**

Staff will be holding a public information meeting in advance of the public hearing to provide additional information relating to the assessment process and answer questions. The tentative date for this meeting is May 8, 2018, an update will be provided to council once the dates are finalized. Notice of these meetings will be mailed with the public hearing notice.

- **Schedule**

Order Assessment Hearing	April 17, 2018
Assessment Hearing/Adopt Assessment Roll/ Accept Bids/Award Contract	May 15, 2018

- **Recommendation**

Staff recommends that council order preparation of the proposed assessment and schedule a public hearing for the assessment for May 15, 2018.

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2018-031**

**RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING  
PREPARATION OF PROPOSED ASSESSMENT**

**WHEREAS**, costs have been determined for the improvements along Division Street, Cambridge Street, Oxford Street, Lake Street Northeast, Murphy Avenue, Texas Avenue South, and the alley south of Lake Street, including pavement, curbing, sidewalk, signage, drainage, water and sanitary sewer improvements and all necessary appurtenances, and the bid price for such improvement is \$5,197,547.47, and the expenses incurred or to be incurred in the making of such improvement including construction contingencies amount to \$764,952.53 so that the total cost of the improvement will be \$5,962,500.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Hopkins, Minnesota, that:

1. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$3,366,327.01, the portion of the cost to be assessed against benefited property owners is declared to be \$1,021,128.44, the portion of the costs to be paid by the City of St Louis Park is declared to be \$838,614, and the portion of the costs to be paid by the Metropolitan Council is declared to be \$736,430.54.
2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or after the first Monday in January, 2019, and shall bear interest at the rate 2 percentage points above the true interest cost of the bonds sold for this project.
3. The city clerk, with the assistance of the city engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and she shall file a copy of such proposed assessment in her office for public inspection.
4. The clerk shall upon the completion of such proposed assessment, notify the council thereof.

Adopted by the City Council this 17<sup>th</sup> day of April, 2018.

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Molly Cummings, Mayor

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Amy Domeier, City Clerk

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2018-032**

**RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT**

**WHEREAS**, by a resolution passed by the Hopkins City Council on April 17, 2018 the city clerk was directed to prepare a proposed assessment of the cost of improvements along Division Street, Cambridge Street, Oxford Street, Lake Street Northeast, Murphy Avenue, Texas Avenue South, and the alley south of Lake Street, including pavement, curbing, sidewalk, signage, drainage, water and sanitary sewer improvements and all necessary appurtenances,

**AND WHEREAS**, the clerk has been directed to complete the proposed assessment and put it on file in her office for public inspection,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Hopkins, Minnesota, that:

1. A hearing shall be held on the 15<sup>th</sup> day of May, 2018 in the city hall at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the assessment clerk, except that no interest shall be charged if the entire assessment is paid on or before July 31, 2018. Any such owner may at any time thereafter, pay to the assessment clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 29, 2018 or interest will be charged through December 31 of the succeeding year.

Adopted by the council this 17<sup>th</sup> day of April, 2018.

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Molly Cummings, Mayor

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Amy Domeier, City Clerk



April 17, 2018

Council Report 2018-049

**APPLICATION FOR THE TAX BASE REVITALIZATION ACCOUNT  
FOR 325 BLAKE ROAD**

**Proposed Action**

Staff recommends adoption of the following motion: Move to approve Resolution 2018-043 authorizing an application for the Tax Base Revitalization Account for 325 Blake Road.

**Overview**

Minnehaha Creek Watershed District owns the Cold Storage site at 325 Blake Road. The Watershed District needs to demolish the building to make way for the City and County's reconstruction of Blake Road, which would clip a corner of the existing building. The estimated cost of demolition, asbestos abatement, site clearance, and soil remediation is approximately \$2.6 million.

The Watershed District received a \$500,000 Transit Oriented Development program grant from Hennepin County in 2017 to help fund demolition of the building and is requesting authorization to apply for a grant from the Metropolitan Council's Tax Base Revitalization Account (TBRA) program.

As part of the TBRA grant application, a resolution approving the use of the grant funds and authorizing Minnehaha Creek Watershed District to apply for these grants is required. If approved, funds would be used toward environmental costs and asbestos abatement related to the demolition of the building at 325 Blake Road. The funds would be provided to the City of Hopkins and Minnehaha Creek Watershed District would be the sub-recipient of the grant funds.

**Primary Issues to Consider**

Demolition of the building on the former Cold Storage site is necessary for the Blake Road reconstruction project and will allow the City to continue collaborating with Minnehaha Creek Watershed District to prepare the site for redevelopment.

**Supporting Information**

- Resolution 2018-034

Jan Youngquist, Community Development Coordinator

Financial Impact: \$ \_\_\_\_\_ Budgeted: Y/N \_\_\_ Source: \_\_\_\_\_  
Related Documents (CIP, ERP, etc.): \_\_\_\_\_

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2018-034**

**RESOLUTION AUTHORIZING AN APPLICATION FOR THE TAX BASE  
REVITALIZATION ACCOUNT FOR 325 BLAKE ROAD**

**WHEREAS** the City of Hopkins is a participant in the Livable Communities Act's Local Housing Incentives Account Program for 2018 as determined by the Metropolitan Council, and is therefore eligible to make application apply for funds under the Tax Base Revitalization Account; and

**WHEREAS**, the City has identified a contamination cleanup project within the City that meet the Tax Base Revitalization Account's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

**WHEREAS**, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

**WHEREAS**, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

**WHEREAS** the City finds that the required environmental assessment or contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

**WHEREAS** the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for cleanup completion and states that this representation is based on the following reasons and supporting facts:

- Additional sources of funding have been sought and were either not received or unable to fund the extent of the environmental cleanup costs.

**BE IT FURTHER RESOLVED**, that, the City Council of Hopkins authorizes the Minnehaha Creek Watershed District to submit an application for Metropolitan Council Tax Base Revitalization Account grant funds and, if the City is awarded a Tax Base Revitalization Account grant for this project, the City will be the grantee and agrees to act as legal sponsor to administer and be responsible for grant funds expended for the project contained in the Tax Base Revitalization grant application submitted on May 1, 2018.

Adopted by the City Council of the City of Hopkins this 17th day of April, 2018.

By: \_\_\_\_\_  
Molly Cummings, Mayor

ATTEST:

\_\_\_\_\_  
Amy Domeier, City Clerk

MEMORANDUM

Date: April 17<sup>th</sup>, 2018

To: Mayor & City Council

From: Nick Bishop, Finance Director

Subject: Public Hearing to Identify a Qualified User of the Hopkins Pavilion in the City of Hopkins

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At the March 20<sup>th</sup>, 2018 City Council meeting, the Hopkins City Council authorized the sale of \$3,355,000 General Obligation Tax Abatement Bonds, 2018B. The issuance of the 2018B Bonds requires two separate public hearings. The first is a public hearing to identify a qualified user of the Hopkins Pavilion to maintain tax exempt status of the bonds under IRS code. The Hopkins Youth Hockey Association (HYHA), a 501(c)(3) organization, has signed a lease with the City and will be a long term user of the Hopkins Pavilion. The City can enter a lease with HYHA and other qualified 501(c)(3) organization and maintain the tax exempt status of the bonds.

A second hearing will also be held at the May 1<sup>st</sup> City Council Meeting. In order to grant tax abatement for a public improvement, the City is required to hold a public hearing on the amount of the abatement to be granted, identify the properties from which they will abate the City's portion of the taxes and describe the public purpose for granting the abatement. The abatement hearing was rescheduled for May 1<sup>st</sup>, in order to incorporate a \$550,000 loan guaranty from the City for HYHA's contribution of \$1,000,000 to the Hopkins Pavilion project.

No action is required at this meeting. Staff will request a resolution awarding the sale of the 2018B bonds on May 1<sup>st</sup>.



**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION NO. 2018-033**

**A RESOLUTION APPROVING THE FIRST READING OF INTERIM ORDINANCE  
2018-1131, REGARDING THE REGULATION OF AUTOMOBILE REPAIR AND  
AUTOMOBILE SALES OR LEASE USES.**

**WHEREAS**, the City of Hopkins initiated an application to consider an interim ordinance regarding the regulation of Automobile Repair and Automobile Sales or Lease Uses;

**WHEREAS**, the procedural history of the application is as follows:

1. The application to consider an interim ordinance regarding the regulation of Automobile Repair and Automobile Sales or Lease Uses was initiated by the City of Hopkins on April 10, 2018; and,
2. The City Council of the City of Hopkins held a first reading of this ordinance during the April 17, 2018 City Council meeting; and,
3. The written comments and analysis of City staff were considered; and
4. The City Council of the City of Hopkins is scheduled to hold a second reading of this ordinance during the May 1, 2018 City Council meeting; and,

**WHEREAS**, Subdivision 4 of Minnesota Statutes, Section 462.355, allows cities to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens; and,

**WHEREAS**, an interim ordinance may regulate, restrict or prohibit any use, development or subdivision within the City for a period not to exceed one year from the effective date of the interim ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves the first reading of Interim Ordinance 2018-1131 regarding the regulation of Automobile Repair and Automobile Sales or Lease Uses within the City of Hopkins pursuant to Minnesota Statute 462.355, Subdivision 4.

Adopted by the City Council of the City of Hopkins this 17<sup>th</sup> day of April 2018.

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Molly Cummings, Mayor

ATTEST:

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Amy Domeier, City Clerk

**CITY OF HOPKINS**  
**Hennepin County, Minnesota**

**ORDINANCE NO. 2018-1131**

**AN INTERIM ORDINANCE REGARDING THE REGULATION OF AUTOMOBILE  
REPAIR AND AUTOMOBILE SALES AND/OR LEASE USES WITHIN THE CITY OF  
HOPKINS, ADOPTED PURSUANT TO MINN. STAT. § 462.355, SUBDIVISION 4**

**THE COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS  
FOLLOWS:**

**Section 1. Authority and Findings.**

- A. Minn. Stat. §462.355, subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption or amendment of a comprehensive plan or official control, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens. An interim ordinance may regulate, restrict or prohibit any use, development or subdivision within the City for a period not to exceed one year from its effective date.
- B. In an ongoing effort to eliminate inconsistencies in the City's zoning regulations, implement the City's Comprehensive Plan and 2018 Goals and Strategic Plan, and help mitigate the impact of automobile-related uses on adjacent properties and surrounding neighborhoods, the City has recently undertaken the process of reviewing and amending its zoning controls as they relate to automobile sales and/or lease uses and automobile repair uses. Although a study regarding said uses has been ongoing, that study needs to continue. The City Council believes that regulation of these uses deserves careful consideration in light of information from City staff, residents, and surrounding businesses.
- C. The City Council believes that the study should continue and that additional discussion is necessary in order to evaluate various regulatory options available to the City, including maintaining current regulations, amending current regulations, and/or adopting additional regulations.
- D. The City Council believes that an interim ordinance is necessary and prudent in order to complete the study and give the Council sufficient time to evaluate its options for regulation, and to protect the planning process and the health, safety and welfare of the citizens of Hopkins.

**Section 2. Study.** The City Council hereby authorizes the continuation of the study on the City's regulation of auto-related uses, including, but not limited to, a review of the following:

- A. Public health, safety, and welfare issues relating to auto-related uses with a specific emphasis on the effect of these businesses on surrounding properties and neighborhood vitality.

- B. Whether a continuation of the current regulations regarding auto-related uses within Hopkins is appropriate or, whether it would be appropriate to make changes to the current regulations as to specific zoning districts or geographic areas within the City and, if so, which ones.
- C. The experiences of other cities that regulate these industries in a manner similar to Hopkins, or that have used different regulatory approaches.
- D. The experience and preferences of City planning staff, residents, and local businesses regarding these uses.
- E. Any other potential amendments to the current regulatory scheme that may be appropriate for the City's official controls.

**Section 3. Moratorium.** The following are hereby enacted in accordance with the above findings and authority:

- A. Commercial automobile repair, regardless of the size or type, is no longer a permitted use in any of the City's zoning districts. No application for any permit or approval of any nature concerning automobile repair shall be accepted by the City during the term of this interim ordinance. No additional review or other work on any previously accepted applications concerning automobile repair shall be conducted during the term of this interim ordinance. Previously received applications shall be withdrawn by the applicant or the application shall be acted upon by the City in accordance with this interim ordinance. This provision does not apply to automobile repair uses that are in existence on the date this interim ordinance takes effect.
- B. Commercial automobile sales and/or lease is no longer a permitted use in any of the City's zoning districts. No application for any permit or approval of any nature concerning automobile sales and/or lease shall be accepted by the City during the term of this interim ordinance. No additional review or other work on any previously accepted application concerning automobile sales and/or lease shall be conducted during the term of this interim ordinance. Previously received applications shall be withdrawn by the applicant or the application shall be acted upon by the City in accordance with this interim ordinance. This provision does not apply to automobile sales and/or lease uses that are in existence on the date this interim ordinance takes effect.

**Section 4. Enforcement.** In addition to any criminal penalties authorized by law, the City may enforce this interim ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

**Section 5. Separability.** Every section, subsection, provision or part of this interim ordinance is declared separable from every other section, subsection, provision or part. If any section, subsection, provision or part of this interim ordinance is adjudged to be invalid by a court of

competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision or part.

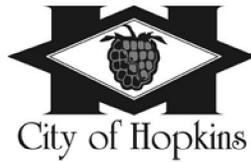
**Section 6. Effective Date; Duration.** This interim ordinance shall take effect immediately after its adoption and publication. It shall be effective for the following duration: (a) one year from the effective date of this interim ordinance, or (b) the date upon which Hopkins reaffirms, amends, or repeals its ordinances and official controls relating to automobile repair and automobile sales and/or lease. Amendments to ordinances or official controls relating to one of these uses but not the other shall not affect this interim ordinance with respect to the use that is unaffected by said amendments.

First Reading:	April 17, 2018
Second Reading:	May 1, 2018
Publication Date:	May 10, 2018
Date Ordinance Takes Effect:	May 10, 2018

By: \_\_\_\_\_  
Molly Cummings, Mayor

ATTEST:

\_\_\_\_\_  
Amy Domeier, City Clerk



April 17, 2018

Council Report 2018-048

## **ADOPT ADA TRANSITION PLAN PUBLIC RIGHT OF WAY**

### **Proposed Action**

Staff recommends approval of the following motion: Adopt Resolution 2018-035, adopting the Hopkins ADA Transition Plan for Public Right of Way.

### **Overview**

The Americans with Disabilities Act (ADA), enacted on July 26, 1990 is a civil right law prohibiting discrimination against individuals on the basis of disability. The law protects qualified individuals with disabilities from discrimination and specifically pertains to the programs, activities and services public entities provide.

As a public entity that employs 50 or more persons, the City of Hopkins is required to comply with the section of the law as it specifically applies to public service agencies. To comply with this law while continuing our current practices staff has completed a Transition Plan for Public Right of Way.

The Transition Plan for Public Right of Way is a document that includes a detailed review of the City's existing pedestrian infrastructure within city right of way and outlines a long-term transition plan for how to achieve full compliance with the ADA regulations. Historically, the city has reviewed these on a project-by-project basis. The county and state are responsible for plans in their respective right of way within the City of Hopkins. Data collection was performed by City staff and a consultant team during the spring of 2017. Findings revealed that 17% of sidewalks met accessibility criteria, 42% of curb ramps met accessibility criteria, and 22% of traffic control signals have ADA compliant features meeting today's standards.

Full compliance with ADA regulations will take several years to complete based on the number of infrastructure changes needed and associated costs. The law does not require a specific schedule or timeframe to be in full compliance; however it does require that the city has a plan in place.

As part of the requirement for the Transition Plan for Public Right of Way, a public outreach/grievance process to resolve comments, concerns and questions from citizens was included. A public informational meeting was also held February 21, 2018. The information and form will remain on the City website and at City Hall.

### **Supporting Documents**

- Resolution 2018-035
- ADA Transition Plan Document



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Eric Klingbeil, P.E.  
Assistant City Engineer

Financial Impact: N/A      Budgeted Y/N         Source: N/A

Related Documents (CIP, ERP, etc.): \_\_\_\_\_

Notes: \_\_\_\_\_

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2018-035**

**RESOLUTION ADOPTING THE CITY OF HOPKINS AMERICANS WITH  
DISABILITY ACT TRANSITION PLAN FOR PUBLIC RIGHT OF WAY**

**WHEREAS**, Title II of the Americans with Disability Act requires all public organizations with more than 50 employees to adopt an ADA transition plan; and

**WHEREAS**, a self-evaluation of facilities within public right of way, policies, and practices has been completed and incorporated into the plan; and

**WHEREAS**, the plan details how the City will ensure pedestrian facilities within public right of way are accessible to all;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Hopkins, Minnesota hereby adopts the City of Hopkins Americans with Disability Act Transition Plan for Public Right of Way.

Adopted by the City Council this 17<sup>th</sup> day of April, 2018.

\_\_\_\_\_  
Molly Cummings, Mayor

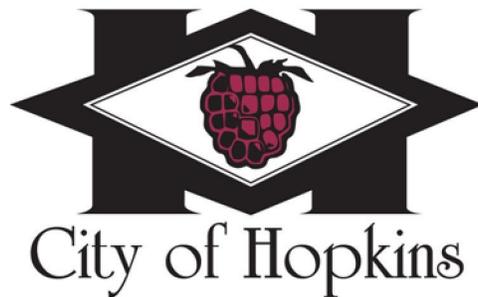
\_\_\_\_\_  
Amy Domeier, City Clerk

**City of Hopkins**

**Americans with Disabilities Act**

**Transition Plan for Public Right of Way**

April 2018



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## Introduction

### Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals based on disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Hopkins must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), the City of Hopkins has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all the facilities are accessible to all individuals.

### ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

## Agency Requirements

Under Title II, City of Hopkins must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) & \(d\)](#)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([29 C.F.R. Sec. 35.160\(a\)](#)).
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

**This document has been created to specifically cover accessibility within the public rights of way and does not include information on the City of Hopkins programs, practices, or building facilities not related to public rights of way.**

## Self-Evaluation of Public Rights-of-Way

Public rights-of-way in the City of Hopkins include roadways and their adjacent facilities that serve a transportation purpose. This includes sidewalks, curb ramps, driveways, and signals. Public rights-of-way do not include buildings, publicly accessible technology, recreational trails and facilities, and private property. These areas are covered in other City of Hopkins Documents.

### Self-Evaluation

Under Title II of the Americans with Disabilities Act (ADA) and in compliance with 28 CFR35.105, the city of Hopkins is required to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs to identify programs which are insufficiently accessible. This self-evaluation specifically examines the accessibility of the City of Hopkins' pedestrian access route and public rights-of-way. The evaluation consisted of the following: sidewalk infrastructure including driveways and trail crossings at city roads; curb ramps; traffic control signals.

An inventory of the current pedestrian ramps, sidewalks, and signalized intersections was conducted during the Fall of 2017 in Hopkins. This evaluation inventory gives the opportunity to evaluate pedestrian facilities on a case by case basis, and create an improvement schedule based upon priority areas. Currently, 17% of curb ramps are fully compliant with ADA standards; non-compliance in ramps is due to the ramp construction, cross markings, signalization of the intersection, or a technically infeasible location. Approximately, 42% of sidewalks are fully compliant with ADA standards; sidewalk deficiencies are typically the result of materials, lack of width, lack of adequate passing space, and/or slope. Currently, 22% of signalized intersections with pedestrian indications are ADA compliant; signals did not meet APS requirements when the landing is missing or inadequate, pushbuttons are not 10 feet apart, a vibrotactile pushbutton with an arrow in the correct direction is not present, and/or an audible indication is missing. The inventory of pedestrian facilities within its public right-of-way consisted of the evaluation of the following facilities:

- 823 sidewalk points totaling 152,743 linear feet of sidewalk
- 980 curb ramps
- 25 pedestrian signals including 166 pushbuttons

A detailed evaluation on how these facilities relate to ADA standards is found in [APPENDIX A](#) and will be updated periodically.

As the City of Hopkins continues to implement its Capital Improvement Program (CIP), other public rights-of-way including sidewalks and other pedestrian linkages will be evaluated and improved for ADA compliance.

## **Policies and Practices**

The City of Hopkins is committed to providing accessible services to all citizens, and addressing the insufficiencies identified in the self-evaluation. The City of Hopkins will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with facility priorities. The City of Hopkins will ensure that all new or updated pedestrian facilities are ADA compliant to the maximum extent feasible. The maintenance and construction of all pedestrian facilities within the public access route will follow the policies established by Title II of the ADA, and the guidelines established by Minnesota Department of Transportation (MnDOT) (see [APPENDIX F](#)).

All accessibility improvement requests can be submitted to the ADA Coordinator, see Appendix for contact information.

### **Existing City Policies**

The City of Hopkins' goal is to continue to provide accessible pedestrian design features as part of the City of Hopkins capital improvement projects. The City of Hopkins has established ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up to date with nationwide and local best management practices.

#### ***Capital Investment Program (CIP)***

Projects in the City of Hopkins CIP are listed and prioritized based on assessment of pavement condition, financial impacts and other technical analyses (ex. Safety, need for signal improvements, development, etc.). The need for ADA updates and input from the public are factors used to incorporate projects in the CIP. The CIP is intended to provide developers with information about future projects, local utility companies with notice of locations where utility work may be required in conjunction with a local street project to improve coordination, guide city staff in the allocation of resources, and support City code requirements.

#### ***Sidewalk and Alley Maintenance***

The safety of City residents is the utmost priority during repairs and replacement of City sidewalks and alley. During this time, warnings, signs, barricades and observation within the construction area will be provided. However, the City asks for residents to remain vigilant. All sidewalks and alleys in Hopkins are inspected and maintained on a 4-year rotation. Specific maintenance and repairs include tripping hazards, drainage issues, hazards, and general maintenance issues.

The City is divided into six zones, which are all inspected in the spring of their designated years. A map may be found at: <https://www.hopkinsmn.com/DocumentCenter/View/611>

City crews will identify alleys scheduled for repairs or replacement by marking the area, first. The removal of the existing pavement and replacement of new concrete pavement will take approximately 1 to 2 days followed by 3 to 4 additional days, which is required for the new concrete to cure.

Private sidewalks within the inspection areas including adjoining carriage walk on your property (the sidewalk between the public sidewalk and the curb) will be inspected. If the sidewalk is determined unsafe for pedestrians, the adequate maintenance and repair is the responsibility of the adjoining property owners.

Please see the following maintenance and repair options under the policy at <https://www.hopkinsmn.com/404/Private-Sidewalk-Repairs>

### *Winter Maintenance*

Clearing sidewalks of snow and ice is the responsibility of adjacent residents and businesses and is delineated in the City's ordinances related to public nuisances. City Code Chapter 8, Section 20.03 requires a property owners and/or occupant must clear snow and ice from adjacent sidewalks within 12 hours following an inclement weather event. This ordinance will be enforced. If a resident or business fails to clear the snow and ice within 24 hours, the City will remove it and bill the property owner and/or occupant accordingly. Additionally, significant snow depth, which require heavy equipment to clear the snow and ice will be charged on a time and equipment basis for costs incurred above the rates stated above. Winter maintenance policies are detailed in **APPENDIX F** and may be found at <https://www.hopkinsmn.com/406/Snow-Sidewalks>

## **Improvement and Prioritization**

### **Types of Improvements**

The following are typical improvements to public rights-of-way that can be made to correct deficiencies in accessibility:

- Intersection corner ADA improvement retrofits
- Intersection corner ADA improvement as part of an adjacent capital projects
- Sidewalk/Trail ADA improvement retrofit
- Sidewalk/Trail ADA improvement as part of an adjacent capital project
- Traffic control signal APS upgrade as part of a stand-alone ADA project
- Traffic control signal APS upgrade as part of full traffic control signal installation

The City of Hopkins has taken inventory of these required improvements and concluded the following intersection improvement costs: approximately \$4000 -\$6000 per curb ramp; sidewalks may be replaced at a rate of \$69 per linear foot; each APS upgrade at \$15,000 per intersection. It is important to note that much of these costs will be incorporated into existing and planned projects. Cost estimates are based on review of peer projects and are in calendar year 2017 dollars.

## **Prioritization**

Prioritizing and scheduling of improvements will be established by the City of Hopkins Engineering staff. Factors that determine this include, but are not limited to: severity of non-compliance, barriers to access a program, feasibility of remedies, safety concerns, and whether a location receives high public use. Priority will also be given to locations that would most likely not be updated by other City programs. Further, priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991 (marking the formalization of ADA requirements), and accessibility features were omitted. Resident requests and location are also considerations for prioritizing improvements. To best use public resources, the priority areas for planned improvements projects were identified in the completion of this plan. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. A list of priority areas within the City of Hopkins and a detailed description of priority area criteria can be found in **APPENDIX B**.

## **External Agency Coordination**

Some other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Hopkins. The City will coordinate with those agencies to track and assist in the facilitation of eliminating accessibility barriers along their routes. Additionally, this Transition Plan supports the goals of other adopted planning documents that affect public right-of-way within the City of Hopkins planning area. Other plans can be found at the following links:

### ***MnDOT ADA Transition Plan, 2010***

<http://www.dot.state.mn.us/ada/transitionplan.html>

### ***Metro Transit Accessibility***

<https://www.metrotransit.org/accessibility>

### ***Three Rivers Park ADA***

<https://www.threeriversparks.org/page/accessibility>

***Hennepin County ADA Plan,***

<http://www.hennepin.us/residents/transportation/ada-transition-plan>

ADA Grievance Form: <http://www.hennepin.us/your-government/open-government/ada-grievance-public-form>

## **Implementation Schedule**

The City of Hopkins has set the following schedule goals for the improvement of accessibility to public right-of-way and pedestrian access routes:

- *Existing Condition Current Baseline: 28%*
- *After 10 years, 35% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.*
- *After 20 years, 65% of accessibility features within the priority areas identified by Hopkins staff would be ADA compliant.*
- *After 30 years, 95% of accessibility features within the jurisdiction of Hopkins would be ADA compliant.*

The 30-year time frame to achieve 95 percent accessibility and the required commitment of funding is framed as a policy goal. The availability of funding and future development trends in the City of Hopkins may affect how these projects are prioritized, and the timing of public right-of-way improvements may affect progress toward the compliance goal. The improvement of current pedestrian facilities will be completed through two methods. As stated earlier in this document, ADA compliance will be achieved in two manners: 1) through scheduled improvements to utilities and public rights-of-way, and 2) through specific ADA retrofit projects. These projects will be determined by the city CIP or on a case by case basis determined by the ADA Coordinator and the City's grievance procedure. A detailed schedule and budget for the CIP and specific projects can be found online at:

***WEBSITE***

## **ADA Coordinator**

In accordance with 28 CFR 35.107(a), the City of Hopkins has identified an ADA Title II Coordinator to oversee the City of Hopkins policies and procedures. Contact information for this individual can be found in Appendix E.

## Public Outreach

The City of Hopkins recognizes that public participation is an important component in the development of this document. Input from the community was gathered and used to help define priority areas for improvements within the jurisdiction of the City of Hopkins.

Public outreach for the creation of this document consisted of the following activities:

The ADA Transition Plan for Public Rights-of-Way was posted on the City of Hopkins website and made available for public comment for approximately three weeks prior to its recommendation for adoption. A link to the Plan and a public notice was also distributed in the City Newsletter in January 2018. Additionally, the draft version of the Plan was distributed to key stakeholders including school administrators, local senior centers, and businesses and service centers that have been identified as high priority areas for right-of-way improvements. The City will make a reasonable effort to incorporate public comments into the final version of the report. A printed hard copy of the draft document is also available for review at City of Hopkins City Hall, 1010 1<sup>st</sup> Street South Hopkins, MN 55343.

Further information on the Public Outreach initiatives and a summary of the comments received can be found within Appendix C.

## Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in **APPENDIX D**. If users of City of Hopkins' facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

To monitor the progress of compliance, the City of Hopkins, in accordance with 28 CFR 35.107(b), has established a grievance procedure for the prompt and equitable resolution of comments, concerns or questions from the citizens of Hopkins. The ADA grievance form is available online and at City Hall, and can be returned to the ADA Coordinator. IT may be used by anyone wishing to file a complaint, comment, or concern regarding discrimination based on disability. A sample of the Grievance Form can be found in **APPENDIX D**.

## Monitor the Progress

This document will continue to be updated as conditions within the City of Hopkins evolve. The appendices in this document will be updated periodically, while the main body of the document will be short term. With each main body update, a public comment period will be established to continue the public outreach.

## **Appendices**

**A. Self-Evaluation Results**

**B. Schedule / Budget Information**

**C. Public Outreach**

**D. Grievance Procedure**

**E. Contact Information**

**F. Agency ADA Design Standards and Procedures**

**G. Glossary of Terms**

**H. Attachments**

A-1: Facility Inventory Report

A-2: Inventory Approach

F-3: PROWAG

## Appendix A – Self-Evaluation Results

Data Collection for the city of Hopkins Self-Evaluation occurred in the Fall of 2017 and was performed by an Americans with Disabilities Act (ADA) consultant. Staff collected data through a GPS application.

At the time of the inventory the City of Hopkins was following general ADA design guidance and procedures, which included a commitment to providing access to all users, but did not have any formal policies or practices regarding ADA accessibility within the public Right-of-Way transportation system.

The following city-owned signalized intersections were evaluated:

- Minnetonka Mills Road and 5<sup>th</sup> Avenue North
- 17<sup>th</sup> Avenue North at Mainstreet
- 14<sup>th</sup> Avenue North at Mainstreet
- 12<sup>th</sup> Avenue North at Mainstreet
- 11<sup>th</sup> Avenue North at Mainstreet
- 10<sup>th</sup> Avenue North at Mainstreet
- 9<sup>th</sup> Avenue North at Mainstreet
- 7<sup>th</sup> Avenue North at Mainstreet
- 5<sup>th</sup> Avenue North at Mainstreet
- 11<sup>th</sup> Avenue South at 5<sup>th</sup> Street South
- Jackson Avenue North at St. Louis Street

The following non-city-owned signalized intersections were evaluated:

- Excelsior Boulevard at St. Louis Street
- Excelsior Boulevard at West of TH 169
- Excelsior Boulevard at East of TH 169
- 5<sup>th</sup> Avenue South at Excelsior Boulevard
- 8<sup>th</sup> Avenue South at Excelsior Boulevard
- 11<sup>th</sup> Avenue at Excelsior Boulevard
- 17<sup>th</sup> Avenue at Excelsior Boulevard
- Minnetonka Boulevard at Hopkins Crossroad
- Shady Oak Road at Excelsior Boulevard
- Cambridge Street at Blake Road North
- 2<sup>nd</sup> Street Northeast at Blake Road North
- Excelsior Boulevard at Blake Road North
- 5<sup>th</sup> Street North at Hopkins Crossroad
- Shady Oak Road at Mainstreet

The table below shows the distinction between the non-compliant pedestrian signal features inventoried in the City of Hopkins. This includes pedestrian signals where only concrete work is required to address non-compliant landings and locations where the installation of a new pushbutton station is required to meet ADA standards.

<b>EW Street</b>	<b>NS Street</b>	<b>Number of Locations Only Requiring Concrete Work</b>	<b>Number of New Pushbutton Stations Required</b>
Mainstreet	17th Ave N	2	2
Mainstreet	14th Ave N	3	0
Mainstreet	12th Ave N	5	0
Mainstreet	11th Ave N	0	0
Mainstreet	10th Ave N	6	0
Mainstreet	9th Ave N	3	0
Mainstreet	7th Ave N	2	0
Mainstreet	5th Av N	4	0
5th St S	11th Ave S	0	6
Minnetonka Mills Rd	5th Ave N	0	8
Jackson Ave N	Saint Louis St	0	4
Excelsior Blvd	Shady Oak Rd	0	2
Excelsior Blvd	17th Ave N	0	6
Excelsior Blvd	11th Ave N	0	8
Excelsior Blvd	8th Ave N	0	8
Excelsior Blvd	5th Ave N	0	8
Excelsior Blvd	West TH 169 Ramp	1	0
Excelsior Blvd	East TH 169 Ramp	0	4
Excelsior Blvd	Saint Louis St	0	6
Excelsior Blvd	Blake Road N	0	8
Minnetonka Blvd	Hopkins Crossroad	0	6
5th St N	Hopkins Crossroad	0	4
Mainstreet	Shady Oak Rd	0	8
Cambridge St	Blake Road N	0	8
2nd St NE	Blake Road N	0	8

This initial self-evaluation of pedestrian facilities yielded the following results:

- 17% of sidewalks met accessibility criteria
- 42% of curb ramps met accessibility criteria
- 22% of traffic control signals have ADA compliant features

A compiled list of both ADA compliant and non-ADA compliant curb ramps, sidewalks, and APS can be found in Attachment A-1 at the conclusion of this document.

Attachment:

1. Facility Inventory Report
2. Facility Inventory Guide

## Appendix B – ADA Improvement Schedule and Cost Estimates

### Cost Estimates

#### Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2017 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Concrete Sidewalk / Trail ADA improvement retrofit: +/- \$69.00 per linear foot

Intersection corner ADA improvement retrofit: +/- \$4000 - \$6000 per curb ramp

Traffic control signal APS upgrade for entire intersection: +/- \$ 15,000

Single Traffic control signal pushbutton station replacement +/- \$1875

Single traffic control signal landing failure +/- \$5000

For the entire jurisdiction's budgeting purpose, the cost to improve a single curb ramp on an intersection corner was estimated to be \$5000.

#### Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$10,388,984. This amount indicates a significant investment that City of Hopkins is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Hopkins budget for improvements to the public right of way.

#### Geographic Prioritization Areas

The City of Hopkins has established the following criteria to establish priority levels. The City will consider all resident requests as received and may affect the prioritization levels when appropriate.

#### Highest priority—Category 1A:

- No curb ramp where sidewalk or pedestrian path exists and location near a medical center, school, transit facility, government building, non-auto dependent households or similar facility.

**Category 1B:**

- Existing curb ramp with a noncompliant running slope and location near a medical center, school, transit facility, government building or similar facility.

**Category 2A:**

- No curb ramp where a sidewalk or pedestrian path exists (not located near a medical center or similar facility).

**Category 2B:**

- An existing curb ramp with a noncompliant running slope (not located near a medical center or similar facility).

**Category 3:**

- No curb ramp where a striped crosswalk exists.

**Category 4:**

- One curb ramp per corner and another is needed to serve the other crossing direction.

**Category 5A:**

- An existing curb ramp with an insufficient landing.

**Category 5B:**

- An existing curb ramp with obstructions in the ramp or the landing.

**Category 5C:**

- An existing curb ramp with any of the following conditions:
  - A cross slope greater than 2%
  - A width less than 48 inches
- No flush transition or median, or island crossings that are inaccessible.

**Category 5D:**

- An existing curb ramp with returned curbs where pedestrian travel across the curb is not permitted.

**Category 5E:**

- An existing diagonal curb ramp without the 48-inch extension in the crosswalk.

**Category 5F:**

- An existing curb ramp without truncated dome texture contrast or without color contrast.

**Lowest Priority – Category 6:**

- The pedestrian pushbutton is not accessible from the sidewalk or from the ramp.

The City of Hopkins has established the following areas as high priority for accessibility improvement projects due to the surrounding services, including government buildings, schools, and urgent care facilities.

**Schools**

Agamim Classical Academy  
1503 Boyce St  
Hopkins

Hopkins, MN 55343

Hopkins Public Works Department  
11100 Excelsior Blvd  
Hopkins, MN 55343

Main Street School of Performing Arts  
1320 Mainstreet  
Hopkins

Hopkins Library  
22 11<sup>th</sup> Avenue North  
Hopkins, MN 55343

The Blake School  
110 Blake Road  
Hopkins

Hopkins Activity Center  
33 14<sup>th</sup> Avenue North  
Hopkins, MN 55343

Hopkins Public Schools  
1001 Highway 7  
Hopkins, MN 55305

**Care Facilities/Specialized Service Centers**

Alice Smith Elementary  
801 Minnetonka Mills Road  
Hopkins, MN 55343

Chapel View Care Center  
615 Minnetonka Mills Road  
Hopkins, MN 55343

Accra Care  
1011 1<sup>st</sup> Street  
Suite 315

Hopkins, MN 55343

**Government Buildings**

Hopkins City Hall  
1010 1<sup>st</sup> Street South

Golden Living Hopkins Care

725 2<sup>nd</sup> Avenue South  
Hopkins, MN 55343

1017 Mainstreet  
Hopkins, MN 55343

Applied Behavioral Health Care  
527 2<sup>nd</sup> Street NE  
Hopkins, MN 55343

Full Motion Chiropractic  
33 10<sup>th</sup> Avenue South  
#260  
Hopkins, MN 55343

**Clinics**

Allina Health Hopkins Clinic  
715 2<sup>nd</sup> Avenue South  
Hopkins, MN 55343

Park Nicollet Clinic  
47 9<sup>th</sup> Avenue South  
Hopkins, MN 55343

Northwest Eye Clinic  
6060 Clearwater Drive Suite 150  
Hopkins, MN

West Suburban Teen Clinic  
15 8<sup>th</sup> Avenue South  
Hopkins, MN 55343

Minnetonka Life Care Center  
1615 Mainstreet  
Hopkins, MN 55343

myHealth  
15 8<sup>th</sup> Avenue South  
Hopkins, MN 55343

Tooth by the Lake  
1401 Mainstreet  
Hopkins, MN 55343  
Twin Cities Dental Center  
1222 Mainstreet  
Hopkins, MN 55343

HealthSource of Hopkins  
724 Mainstreet  
Hopkins, MN 55343

Integrity MediCenter  
1001 Mainstreet  
Hopkins, MN 55343

Hopkins Foot and Ankle Clinic  
29 9<sup>th</sup> Avenue North  
Suite 3C  
Hopkins, MN 55343

Hearing Health Clinic

## Appendix C – Public Outreach

The City of Hopkins recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the City of Hopkins.

As part of the ADA Transition Plan’s development process, the City of Hopkins posted a printed copy of the draft plan at the City of Hopkins City Hall Building.

Information about the plan was also distributed through the City newsletter and on official social media accounts.

*Comments received during this period can be found in the following pages of this Appendix.*

### List of Stakeholder Contacts

Agency	Name	Email	Phone Number
City of Hopkins Public Works Director	Steve Stadler	<a href="mailto:stadler@hopkinsmn.com">stadler@hopkinsmn.com</a>	952-548-6350
City of Hopkins Administration, City Manager	Mike Mornson	<a href="mailto:mmornson@hopkinsmn.com">mmornson@hopkinsmn.com</a>	952-548-6301
City of Hopkins Community Services Department, Assistant City Manager	Ari Lenz	<a href="mailto:alenz@hopkinsmn.com">alenz@hopkinsmn.com</a>	952-548-6303
City of Hopkins City Planner	Jason Lindahl	<a href="mailto:jlindahl@hopkinsmn.com">jlindahl@hopkinsmn.com</a>	952-548-6342
City of Hopkins Recreation		<a href="mailto:recservices@eminnetonka.com">recservices@eminnetonka.com</a>	952-939-8203
Hennepin County ADA Coordinator	James Ramnaraine	<a href="mailto:james.ramnaraine@hennepin.us">james.ramnaraine@hennepin.us</a>	612-348-7741
Hennepin County Transition Plan Engineer	Jason Pieper	<a href="mailto:jason.pieper@hennepin.us">jason.pieper@hennepin.us</a>	612-596-0241
XinXing Academy			952-988-4300
Eisenhower Elementary			952-988-4300
Alice Smith Elementary			952-988-4195

Kaleidoscope Preschool			952-988-4070
The Blake School, Office Manager	Brenda Anderson	BAnderson@BlakeSchool.org	952-988-3500
Hopkins Library			612-543-6400
Augustana Open Circle Senior Day Center			952-935-8143

**Record of Public Outreach Summary**

An open house meeting was held on 02/21/2018 at 5:30p.m. in the City of Hopkins Council Chambers. City of Hopkins staff were present, as well as members of the consultant team. One member of the public attended this open house meeting. The project team gave an overview of the plan’s purpose and what types of data were collected, and invited feedback from community members. To paraphrase the following comments were provided:

- The completion of an ADA Transition Plan was appreciated, however critiques were offered on the City of Hopkins’ general approach to engagement of people with disabilities on infrastructure projects, particularly looking for enhanced efforts on multifamily housing on/near Blake Road. The City will consider this for future projects.
- There was discussion on areas that are difficult to navigate for people with disabilities, and the project team reviewed some locations in the Geographic database.

## Appendix D – Grievance Procedure

Under the ADA, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided I Appendix D. If users of public rights-of-way believe the City of Hopkins has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107 (b), the City has developed the following grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comment, and other grievances.

The City understands that members of the public may desire to contact staff and discuss ADA issues without filing a formal grievance. Members of the public wishing to contact the ADA Coordinator, listed in **APPENDIX E**, are encouraged to do so. Contacting staff to informally discuss ADA issues is welcome and does not limit a person's ability or right to file a formal grievance later.

As per ADA requirements, the City has posted a notice outlining its responsibilities. This notice can be found in this Appendix.

The city appreciates and welcomes your comments. To provide feedback, please complete a comment form located in the following pages (p.24-25), or contact the ADA Coordinator listed in **APPENDIX E**.

Those wishing to file a formal written grievance with the City of Hopkins may do so by one of the following methods:

### Internet

Visit the City of Hopkins <https://www.hopkinsmn.com/300/Engineering> and click the "ADA Transition Plan" link to the ADA Grievance Form. Fill in the form online and click "submit." A copy of The ADA Grievance Form is included in this Appendix.

### Telephone

Contact the ADA Coordinator listed in the Contact Information section of Appendix E to submit an oral grievance. The staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

### Paper Submittal

Contact the pertinent Hopkins staff person listed in the Contact Information section of Appendix E to request a paper copy of the county's grievance form, complete the form, and

submit it to the ADA Coordinator. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

## Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the city of Hopkins will not discriminate against qualified individuals with disabilities on the basis of disability in City's services, programs, or activities.

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City will not place a surcharge on an individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**City of Hopkins ADA Grievance Form**

Complainant

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Person discriminated against (if other than the complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Government, or organization, or institution which you believe has discriminated:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

When did the discrimination occur? Date: \_\_\_\_\_

Have efforts been made to resolve this complaint? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes: what is the status of the grievance?

Has the complaint been filed with the Department of Justice or any other Federal, State, or local civil rights agency or court? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes:

Agency or Court: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Do you intend to file with another agency or court? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes:

Agency or Court: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Additional space for answers/comments:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Return to:

Eric Klingbeil  
ADA Coordinator Assistant City Engineer  
11100 Excelsior Blvd  
Hopkins, MN 55343

## **Appendix E – Contact Information**

### **City of Hopkins ADA Coordinator**

Name: Eric Klingbeil

Address: 1010 Street S #1

Hopkins, MN 55343

Phone:

E-mail: [eklingbeil@hopkinsmn.com](mailto:eklingbeil@hopkinsmn.com)

### **Hennepin County ADA Contact**

Name: James Ramnaraine

Address: 300 South Sixth Street

A040 Government Center Minneapolis, MN 55487

Phone: 612-348-7741

Email: [James.ramnaraine@hennepin.us](mailto:James.ramnaraine@hennepin.us)

### **Minnesota Department of Transportation ADA Contact**

Kristie Billiar

[Kristie.billiar@state.mn.us](mailto:Kristie.billiar@state.mn.us)

651-366-3174

## Appendix F – Agency ADA Design Standards and Procedures

### City of Hopkins- Public Rights-of-Way

#### Design and Maintenance Procedures

The City of Hopkins follows the guidance provided by the United States Department of Transportation (USDOT) and United States Department of Justice (US DOJ) on what constitutes a maintenance project and what constitutes an alteration project.

Maintenance projects include the following work types:

- Crack Filing and Sealing
- Surface Sealing
- Slurry Seals
- Fog Seals
- Scrub Sealing
- Joint Crack Seals
- Joint repairs
- Dowel Bar Retrofit
- Spot High-Friction Treatments
- Diamond Grinding
- Pavement Patching

Alteration Projects include the following work types:

- Open-graded Surface Course
- Cape Seals
- Mill and Fill/Mill and Overlay
- Hot In-Place Recycling
- Microsurfacing/Thin Lift Overlay
- Addition New Layer of Asphalt
- Asphalt and Concrete Rehabilitation and Reconstruction
- New Construction

#### Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless on if full

compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

### **Sidewalks / Trails**

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

### **Accessible Pedestrian Signals**

The purpose of this document is to provide guidance for the City of Hopkins on 1) the installation of Accessible Pedestrian Signals (APS) for new construction and existing traffic signal modifications, and 2) the evaluation of existing traffic signal locations after receipt of a reasonable accommodation request for APS installation.

This guidance is specific to APS and the incorporation of APS equipment and functionality into new, modified, and existing traffic signals.

The department based this guidance on existing practice and the following: 1) Guidelines for Accessible Pedestrian Signals, APS Prioritization Tool - NCHRP 3-62, 2) Guidelines for Accessible Pedestrian Signals, Final Report – NCHRP 117B, and 3) Accessible Pedestrian Signals: A Guide to Best Practices (Workshop Edition 2010) – NCHRP 150.

### **Accessible Pedestrian Signals**

Per the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD), an APS is “a device that communicates information about pedestrian timing in nonvisual format such as audible tones, speech messages, and/or vibrating surfaces.” (Minnesota Manual on Uniform Traffic Control Devices December 2011, Section 1A, page 14).

### **New Construction of Traffic Signals**

At proposed traffic signal locations with any pedestrian elements (countdown timers, marked crosswalks, pedestrian indicators, pedestrian ramps, sidewalk/trail, etc.), whether existing or part of the proposed construction, the department will install an APS traffic signal.

The City will not consider an APS traffic signal for any crossing leg where a pedestrian crossing of that leg is a prohibited movement.

### **Modifications of Existing Traffic Signals**

For traffic signal modifications at locations with any pedestrian elements (countdown timers, marked crosswalks, pedestrian indicators, pedestrian ramps, sidewalk/trail present, etc.), whether existing or part of the proposed modification, when the proposed modification includes below grade work requiring excavation, the traffic signal will be modified as an APS traffic signal.

The City will not consider an APS traffic signal for any crossing leg where a pedestrian crossing of that leg is a prohibited movement. The City will consider any upcoming traffic signal or capital projects that are funded, or in the scoping or design phase, in its decision to modify an existing traffic signal as an APS traffic signal (i.e. if construction of a capital project is anticipated, the City may elect to postpone such modification and include it in the capital project).

### Existing Traffic Signals

The City, after receipt of a reasonable accommodation request for an APS traffic signal at an existing traffic signal location, shall evaluate the intersection and each crosswalk at the location.

As part of the City's evaluation of a reasonable accommodation request, a meeting between department staff and the person requesting the APS traffic signal should take place at the intersection. The purpose of the meeting would be to ensure that the department fully understands the request and its context and determine if there are other viable accommodations available (e.g. increase the pedestrian walk or clearance times, increase pedestrian understanding of the traffic signal operations, etc.). In addition, the pedestrian's routes of travel should be determined at the meeting.

In its evaluation, engineering department staff may refer to evaluation tools (e.g. Hennepin County) to determine whether the signal merits immediate modification. Additionally, the department may, based on a balancing of several factors including engineering judgment and the context of the location, install an APS traffic signal even though the evaluation results of the crosswalk by means of this APS evaluation tool do not meet the threshold.

The City will not consider an APS traffic signal for any crossing leg where a pedestrian crossing of that leg is a prohibited movement. The City will consider any upcoming traffic signal or capital projects that are funded, or in the scoping or design phase, in its response to a request to evaluate and/or modify an existing traffic signal as an APS traffic signal (i.e. if construction of a capital project is anticipated the City may elect to postpone such modification and include it in the capital project).

### Scheduling

Many factors go into the timing and scheduling for installation of APS traffic signals:

- APS equipment items are unique and project ordering and receiving requires an extended lead time.
- Depending on the timing of the request and the extent of the work required, the department may schedule requests during the following construction season.
- APS installations that require the upgrade of the existing traffic signal controller hardware, the installation of electrical conduits, or pedestrian ramp construction will have an increased schedule length.

For the medication and review of existing traffic signals for the installation of APS, the scheduling of the installation will consider an upcoming capital projects (i.e. if construction of a capital project is anticipated within a year, the City may elect to postpone such modification and include it in the capital project that is funded or in the scoping or design phase).

### **Bus Stops**

Bus stops will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each bus stop location shall be made as compliant as possible in accordance with the judgment of City staff.

### **Other Transit Facilities**

Additional transit facilities are present within the limits of City of Hopkins. Those facilities fall under the jurisdiction of Metro Transit. The City of Hopkins will work with Metro Transit to ensure that those facilities meet all appropriate accessibility standards.

### **Other policies, practices and programs**

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

### **Winter Maintenance**

Under City Code Chapter 8, Section 20.03, “the owner or occupants of property adjacent to a public sidewalk, carriage walk, or driveway apron shall maintain such areas in a clean and safe condition for pedestrians at all times and shall not allow snow, ice, dirt or rubbish to remain thereon longer than 12 hours after its deposit.”

Clearing sidewalks of snow and ice is the responsibility of adjacent residents and businesses and is delineated in the City’s ordinances related to public nuisances. City Code Chapter 8, Section 20.03 requires a property owners and/or occupant must clear snow and ice from adjacent sidewalks within 12 hours following an inclement weather event. This ordinance will be enforced. If a resident or business fails to clear the snow and ice within 24 hours, the City will remove it and bill the property owner and/or occupant accordingly. Additionally, significant snow depth, which require heavy equipment to clear the snow and ice will be charged on a time and equipment basis for costs incurred above the rates stated above. Winter maintenance policies are detailed in **ATTACHMENT F-1** and may be found at <https://www.hopkinsmn.com/406/Snow-Sidewalks>.

### **Design Standards**

City of Hopkins has PROWAG, as adopted by MnDOT, as its design standard. A copy of this document is included in **ATTACHMENT F-2**.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** Mn/DOT’s transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the ADA.

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibrotactile formats.

**Alteration:** A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

**APS:** See Accessible Pedestrian Signal.

**Architectural Barriers Act (ABA):** Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

**Capital Improvement Program (CIP):** The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county’s transportation system.

**Detectable Warning:** A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

**DOJ:** See United States Department of Justice

**Federal Highway Administration (FHWA):** A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

**FHWA:** See Federal Highway Administration

**Pedestrian Access Route (PAR):** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Route (PCR):** A prepared exterior or interior way of passage provided for pedestrian travel.

**PROWAG:** An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

**Right of Way:** A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

**Section 504:** The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

**Uniform Accessibility Standards (UFAS):** Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

**United States Access Board:** An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

**United States Department of Justice (DOJ):** The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.