

**HOPKINS CITY COUNCIL  
AGENDA  
Tuesday, November 16, 2021  
7:00 pm**

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

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. PRESENTATIONS**

**IV. CONSENT AGENDA**

1. Minutes of the November 3, 2021 City Council Regular Meeting Proceedings
2. Minutes of the November 9, 2021 City Council Special Meeting Proceedings
3. Minutes of the November 9, 2021 City Council Work Session Proceedings
4. Approval of Resolution 2021-074 Declaring the Official Intent of the City of Hopkins to Reimburse Certain Expenditures from the Proceeds of Equipment Certificates to be Issued by the City; Bishop
5. Second Reading: Ordinance 2021-1174 amending the City Code regarding conditional uses in the R Districts and authorizing its publication; Lindahl
6. Second Reading: Ordinance 2021-1175 amending the City Code regarding accessory uses in the Mixed Use district and authorizing its publication; Lindahl
7. Approval of Special Assessment of Private Waterline Repairs; Bishop

**V. PUBLIC HEARING**

1. First Reading: Ordinance Amending Fees in Appendix A of the Hopkins City Code; Imihy Bean

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**VIII. PUBLIC COMMENT**

**IX. ANNOUNCEMENTS**

- City Council Budget Meeting: Monday, December 6 at 7 p.m.
- Next City Council Regular Meeting: Tuesday, December 7 at 7 p.m.
- Next City Council Work Session: Tuesday, December 14 at 6:30 p.m.

**X. ADJOURN**

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 3, 2021**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Wednesday, November 3, 2021 at 7:05 p.m. in the Council Chambers at City Hall, 1010 1<sup>st</sup> Street South.

Mayor Gadd called the meeting to order with Council Members Beck, Brausen, Halverson and Hunke attending. Others attending included City Manager Mornson, City Clerk Domeier, Assistant City Manager Lenz, Director of Planning and Development Elverum, Finance Director Bishop, Director of Public Works Stanley and City Planner Lindahl.

**ADOPT AGENDA**

**Motion** by Beck. **Second** by Hunke.

**Motion** to Adopt the Agenda.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: None. Motion carried.**

**CONSENT AGENDA**

**Motion** by Brausen. **Second** by Beck.

**Motion** to Approve the Consent Agenda.

1. Minutes of the October 19, 2021 City Council Regular Meeting Proceedings
2. Ratify Checks Issued in October 2021; Bishop

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: 0. Motion carried.**

**OLD BUSINESS**

**VI.1. Second Reading: Ordinance 2021-1173 Amending the Hopkins City Code Related to Reasonable Accommodations; Riggs**

City Attorney Riggs provided a summary of the prepared memo. At the October 19, 2021, City Council meeting, the ordinance was approved for a first reading subject to the ordinance including a notice of the request for reasonable accommodation being provided to surrounding properties. The revised ordinance for second reading includes the following revisions:

1. Notice of such reasonable accommodation request shall be mailed within fifteen (15) days of receipt of a completed reasonable accommodation request application to each owner of affected property and property situated wholly or partly within 500 feet of the property to which the reasonable accommodation request relates.
2. Any person providing comments regarding the reasonable accommodation request must provide such comments to the Accommodation Specialist within 14 days of the date of the notice.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 3, 2021**

**Motion** by Brausen. **Second** by Hunke.

**Motion** to Approve the Second Reading of Ordinance 2021-1173.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: 0. Motion carried.**

**NEW BUSINESS**

**VII.1. First Reading: Zoning Code Text Amendment Related to Conditional Uses in the Residential Districts; Lindahl**

Planner Lindahl summarized the staff memo. Sue Gonyea, requests a zoning code text amendment to expand the conditional uses allowed in R-4, Medium Density Multiple Family and R-5, High Density Multiple Family residential zones. The applicant owns the former church property at 41 – 12th Avenue North (corner of 12th Avenue North and 1st Street North) which is zoned R-4, Medium Density Multiple Family.

**Motion** by Halverson. **Second** by Hunke.

**Motion** to adopt Resolution 2021-069, approving the first reading of Ordinance 2021-1174 amending the City Code related to conditional uses in the Residential districts.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: 0. Motion carried.**

**VII.2. First Reading: Zoning Code Text Amendment Related to Accessory Uses in the Mixed Use Zoning District; Lindahl; Lindahl**

Planner Lindahl summarized the staff memo. This zoning code text amendment was initiated by staff as a “housekeeping” item to revise the City Code related to accessory uses in the Mixed Use zoning district. It is intended to create an accessory uses category within the Mixed Use district which was inadvertently overlooked when the district was created. The proposed text amendment would create an accessory use section in the Mixed Use regulations and establish hotels as an accessory use in the Urban Neighborhood subsection of this zoning district.

**Motion** by Hunke. **Second** by Halverson.

**Motion** to adopt Resolution 2021-070, approving the first reading of Ordinance 2021-1175 amending the City Code related to accessory uses in the Mixed Use zoning district.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: 0. Motion carried.**

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 3, 2021**

**VII.3. Approve Water, Sanitary Sewer, Refuse Collection Recycling and Organic Recycling Rates; Bishop**

Finance Director Bishop provided a summary of Council Report 2021-105. The water and sewer fund budgets have been reviewed for 2022. The 2022 budget includes conservative assumptions on the amount of water and sewer that will be used by customers. Both funds have proposed increases based on operational and capital needs. The water fund and sanitary sewer funds are both proposing rate increases of approximately 3.25%. New rates and rate increases are being proposed for operational needs. The current refuse collection and recycling rates have been in place since January 2016. The cost to the City to collect refuse and contracted services to collect recycling have both increased over the past five years. Organic recycling is a new program in 2022. Hennepin County is requiring that all Cities make this service available to household with curbside recycling service.

Mayor Gadd encouraged residents to sign up for organics recycling. More information about the program is available at the City's website. He also requested a more detailed presentation at an upcoming meeting.

**Motion** by Brausen. **Second** by Halverson.

**Motion** to approve Resolution 2021-067 "Increasing Water and Sanitary Sewer Rates Effective January 1, 2022".

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**  
**Nays: 0. Motion carried.**

**Motion** by Hunke. **Second** by Brausen.

**Motion** to approve Resolution 2021-068 "Increasing Refuse Collection, Recycling and Implementing Organic Recycling Rates Effective January 1, 2022.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**  
**Nays: 0. Motion carried.**

**VII.4. Third Quarter Financial Report; Bishop**

Finance Director Bishop provided the Third Quarter Financial Report.

**ANNOUNCEMENTS**

Mayor Gadd provided the upcoming meeting schedule.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 3, 2021**

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Brausen, second by Hunke, the meeting was unanimously adjourned at 7:38 p.m.

Respectfully Submitted,  
Amy Domeier, City Clerk

ATTEST:

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Jason Gadd, Mayor

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Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL  
SPECIAL MEETING PROCEEDINGS  
NOVEMBER 9, 2021**

**CALL TO ORDER**

Pursuant to due call and notice thereof a special meeting of the Hopkins City Council was held on Tuesday, November 9, 2021 at 6:20 p.m. in the Council Chambers at City Hall, 1010 1<sup>st</sup> Street South.

Mayor Gadd called the meeting to order with Council Members Beck, Brausen, Halverson and Hunke attending. Others attending included City Manager Mornson, City Clerk Domeier and Assistant City Manager Lenz.

**NEW BUSINESS**

**II.1. Canvass and Certification of Results from the November 2, 2021 General Election; Domeier**

City Clerk Domeier provided a summary of Council Report 2021-108. The City Council serves as the canvassing board for City elections. An abstract including the return information of the November 2 General Election was provided to use in declaring the official results. The following candidates will be sworn into office at the January 4, 2022 City Council meeting:

- Patrick Hanlon as Mayor – two year term
- Heidi Garrido as Council Member – four year term
- Gerard Balan as Council Member – four year term

Ms. Domeier provided statistics on the voter turnout including absentee voting in comparison to previous elections.

**Motion** by Beck. **Second** by Brausen.

**Motion** to declare the results of the November 2, 2021 General Election Returns.

**Ayes: Beck, Brausen, Halverson, Hunke, Gadd**

**Nays: 0. Motion carried.**

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Brausen, second by Beck, the meeting was unanimously adjourned at 6:24 p.m.

Respectfully Submitted,  
Amy Domeier, City Clerk

ATTEST:

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Jason Gadd, Mayor

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Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
NOVEMBER 9, 2021**

**CALL TO ORDER**

Pursuant to due call and notice thereof a work session of the Hopkins City Council was held on Tuesday, November 9, 2021 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1<sup>st</sup> Street South.

Mayor Gadd called the meeting to order with Council Members Beck, Brausen, Halverson and Hunke attending. Others attending included City Manager Mornson, City Clerk Domeier, Assistant City Manager Lenz, Finance Director Bishop, Public Works Director Stanley and Assistant Public Works Director Autio.

**Special Revenue Fund Budgets and Activity Center Budget; Bishop**

Finance Director Bishop provided information on the special revenue fund budgets and the Activity Center fund budget.

Council Member Brausen asked staff to share the Center for the Arts staffing changes. Assistant City Manager Lenz provided information on the staff changes. City Manager Mornson also provided information about use agreements with Stages and ISD 270.

Mayor Gadd talked about the façade improvement program. City Manager Mornson provided history on the façade improvement program. Council Member Brausen shared the positives of the program.

Mr. Bishop stated that some of American Rescue Plan funds may be used for some of the programs. He anticipated ARP funds discussion in early 2022.

**Recommended 2022 Tax Levy & Budget; Bishop**

Finance Director Bishop provided recommendations for the 2022 Tax Levy and Budget.

Council Member Brausen questioned the Activity Center facility project. Assistant City Manager Lenz provided more information about the proposed project. Council Member Brausen questioned the need to increase the Capital Improvement fund. Mr. Bishop talked about the fund balance and to use funds towards unfunded projects.

Council Member Beck preferred to spend funds on architectural work at the Activity Center instead of an updated sounds system. He shared concerns about increasing fund balances. Council Member Brausen agreed but shared concerns about the historical society use at the Activity Center. Council Member Hunke suggested finding other ways to fund the sound system. Mr. Bishop stated that further discussion with the Hopkins Youth Hockey Association about the sound system has occurred and can be discussed further. Director of Public Works Stanley provided history on the sound system.

Council Member Hunke questioned the lack of funds for Public Works Park and Forestry until 2023. Director of Public Work Stanley stated in 2023 there is a large equipment purchase.

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
NOVEMBER 9, 2021**

Council Member Hunke supported reducing the levy to 2.24% but cautioned too much of a reduction for the effect on future budgets.

Council Member Beck questioned using park dedication funds towards park debt. Mr. Bishop provided more information about the use of the park improvement fund. Ms. Lenz provided information about the limitations in using park dedication fees.

City Manager Mornson stated staff would review options for the budget and tax levy before December 7. Council Member Brausen support the reduced levy amount. Mayor Gadd shared concerns about reducing fund balances. Discussion was held about the park fund balance.

The City Council generally supported the 2.24% levy increase. They also wanted more information on the park funds and the Pavilion sound system purchase.

**Review 2022 – 2026 Capital Improvement & Equipment Replacement Plans;  
Bishop**

Finance Director Bishop provided a summary of the 2022-2026 Capital Improvement (CIP) and Equipment Replacement (ERP) Plans.

Council Member Beck supported the ERP ending balances. Mayor Gadd talked about the Financial Management Plan being factored into decisions.

**OTHER**

Betty Fenton, 426 Hollyhock Lane, shared concerns about a 2.24% tax increase. Ms. Fenton also shared her concerns about the Arts Center and Activity Center. She requested the ROI on economic development

Renee Kessler, 210 Ashley Road, shared concerns about funding the Art Center, having a plan and productivity funds for the Activity Center, productivity measures on the parking funds. She also shared concerns about use of the American Rescue Plan funds. Finance Director Bishop provided information on the use of CARES and ARP funds.

William Anderson, 102 Wayside Avenue, questioned why we are giving the City away to the highest bidder instead of recognizing the businesses that invest on their own. Mr. Anderson shared his concerns about the fees for sprinkling his commercial business.

Assistant City Manager Lenz spoke to the funding for the Activity Center and Arts Center.

**HOPKINS CITY COUNCIL  
WORK SESSION PROCEEDINGS  
NOVEMBER 9, 2021**

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Brausen, second by Halverson, the meeting was unanimously adjourned at 7:58 p.m.

Respectfully Submitted,  
Amy Domeier, City Clerk

ATTEST:

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Jason Gadd, Mayor

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Amy Domeier, City Clerk



**Approve Resolution 2021-074 Declaring the Official Intent of the City of Hopkins to Reimburse Certain Expenditures From the Proceeds of Equipment Certificates to be Issued by the City**

**Proposed Action.**

Staff recommends that the Council approve the following motion: Approve Resolution 2021-074 Declaring the Official Intent of the City of Hopkins to Reimburse Certain Expenditures from the Proceeds of Equipment Certificates to the Issued by the City

**Overview:**

In 2022 the City will purchase two major pieces of equipment to serve the community:

- Quick Attack Pumper Fire Truck with an estimated cost of \$771,000 and ten year useful life
- Single Axle Dump Truck with an estimated cost of \$225,000 and useful life of fifteen years in 2022.

The qualifying equipment must have a useful life of at least ten years. The City intends to issue equipment certificates in 2022. Due to the timing of the purchases the City may incur some costs before equipment certificates are issued. Approving this resolution will allow any capital expenditures that are incurred before the issuance to be reimbursed from the proceeds and comply with I.R.S. regulation.

**Supporting Information:**

- Resolution 2021-074

A handwritten signature in black ink, appearing to read 'Nick Bishop'.

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Nick Bishop  
Finance Director

**CITY OF HOPKINS, MINNESOTA**

**RESOLUTION NO. 2021-074**

**DECLARING THE OFFICIAL INTENT OF THE  
CITY OF HOPKINS TO REIMBURSE  
CERTAIN EXPENDITURES FROM THE PROCEEDS  
OF BONDS TO BE ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Hopkins, Minnesota (the “City”) expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the City has determined to make this declaration of official intent (“Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOPKINS AS FOLLOWS:

1. The City proposes to purchase various items of capital equipment (the “Project”).
2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of \$996,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the City’s budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City’s budget or financial policies to pay such Project expenditures.
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Approved this 16th day of November, 2021, by the City Council of the City of Hopkins, Minnesota.

**CITY OF HOPKINS, MINNESOTA**

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Jason Gadd, Mayor

Attest:

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Amy Domeier, City Clerk



# MEMO

To: Honorable Mayor and City Council

From: Jason Lindahl, City Planner

Date: November 16, 2021

Subject: Second reading of Ordinance 2021-1174 amending the City Code regarding conditional uses in the R Districts and authorizing its publication

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**Proposed Action** – Staff recommends the City Council approve the following motions:

- Move to approve the Second Reading of Ordinance 2021-1174 Amending the Hopkins City Code Part III, Chapter 102 Regarding Conditional Uses in the R Districts.
- Move to adopt Resolution 2021-072 Authorizing Publication of Ordinance 2021-1174 Regarding Conditional Uses in the R Districts.

## **Overview**

The applicant, Sue Gonyea, requests a zoning code text amendment to expand the conditional uses allowed in R-4, Medium Density Multiple Family and R-5, High Density Multiple Family residential zones. In this case, the applicant requests the city amend the zoning regulations to allow community assembly or arts education as conditional uses in R-4 and R-5 districts.

The City Council adopted a motion to approve the first reading of this item on November 3, 2021. Prior to action by the City Council, the Planning & Zoning Commission held a public hearing on October 26, 2021 and recommended the City Council approve this item.

The version of the ordinance before the City Council for the second reading is essentially the same as approved during the first reading except that the final version now further limits community assembly and arts education to conditional uses on properties that are both zoned R-4 or R-5 and also located with the Downtown Overlay district.

## **Attachments**

- Resolution 2021-072
- Ordinance 2021-1174

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

**RESOLUTION 2021-072**

**A RESOLUTION APPROVING THE SECOND READING OF ORDINANCE 2021-1174  
AMENDING THE CITY CODE REGARDING CONDITIONAL USES IN THE R DISTRICTS  
AND AUTHORIZING ITS PUBLICATION**

**WHEREAS**, the applicant, Sue Gonyea, initiated an application to amend the City Code related to conditional uses in the Residential Districts; and

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

1. That an application to amend the City Code related to conditional uses in the Residential Districts was initiated by Sue Gonyea on September 24, 2021; and
2. That the Hopkins Planning & Zoning Commission, pursuant to published notice, held a public hearing to review such application on October 26, 2021 and all persons present were given an opportunity to be heard; and
3. That the Hopkins Planning & Zoning Commission reviewed this application during their October 26, 2021 meeting and recommended approval by the City Council; and
4. That the Hopkins City Council reviewed this application during their November 3, 2021 meeting and agreed with the findings of the Planning & Zoning Commission; and
5. That the Hopkins City Council reviewed this item during their November 3, 2021 meeting and adopted a motion approving the first reading of this ordinance.

**WHEREAS**, Minnesota Statutes, Section 412.191, Subd. 4, allows publication by title and summary in the case of lengthy ordinances; and

**WHEREAS**, the City Council finds that the following summary would clearly inform the public of the intent and effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves Resolution 2021-072 approving the second reading of Ordinance 2021-1174 amending the City Code regarding conditional uses in Residential districts.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Clerk shall cause the following summary of Ordinance 2021-1174 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

In summary, Ordinance 2021-1174 amends the City Code related to conditional uses in the Residential districts as follows:

- Amend the Residential zones to allow community assembly and arts education as conditional uses in R-4, Medium Density Multiple Family and R-5, High Density Multiple Family districts provided

those properties are also located with the Downtown Overlay district.

Adopted this 16<sup>th</sup> day of November 2021.

ATTEST:

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Jason Gadd, Mayor

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Amy Domeier, City Clerk

**CITY OF HOPKINS  
COUNTY OF HENNEPIN**

**ORDINANCE NO. 2021-1174**

**ORDINANCE AMENDING PART III, CHAPTER 102 OF THE HOPKINS CITY CODE  
REGARDING CONDITIONAL USES IN THE R DISTRICTS**

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

**SECTION 1.** Hopkins City Code, Part II, Chapter 102, Article V, Section 102-163 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

**Sec. 102-163. - Conditional uses within R Districts.**

- (12) R-4 or R-5 District also within the Downtown Overlay District, public or quasi-public ~~buildings or community assembly uses~~ such as libraries, ~~YMCA~~, museums, arts education facility or the like. ~~institutes and within R-1, R-2 or R-3 of located in a public park.~~

**SECTION 2.** The effective date of this ordinance shall be the date of publication.

|                              |                   |
|------------------------------|-------------------|
| First Reading:               | November 3, 2021  |
| Second Reading:              | November 16, 2021 |
| Date of Publication:         | November 25, 2021 |
| Date Ordinance Takes Effect: | November 25, 2021 |

By: \_\_\_\_\_  
Jason Gadd, Mayor

ATTEST:

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



# MEMO

To: Honorable Mayor and City Council

From: Jason Lindahl, City Planner

Date: November 16, 2021

Subject: Second reading of Ordinance 2021-1175 amending the City Code regarding accessory uses in the Mixed Use district and authorizing its publication

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**Proposed Action** – Staff recommends the City Council approve the following motions:

- Move to approve the Second Reading of Ordinance 2021-1175 Amending Part III, Chapter 102 of the Hopkins City Code Regarding Accessory Uses in the Mixed Use District.
- Move to adopt Resolution 2021-073 Approving the Second Reading of Ordinance 2021-1175 Amending the Hopkins City Code Regarding Accessory Uses in the Mixed Use District and Authorizing Publication.

## **Overview**

This zoning code text amendment was initiated by staff as a “housekeeping” item to revise the City Code related to accessory uses in the Mixed Use zoning district. It is intended to create an accessory uses category within the Mixed Use district which was inadvertently overlooked when the district was created. The proposed text amendment would create an accessory use section in the Mixed Use regulations and establish hotels as an accessory use in the Urban Neighborhood subsection of this zoning district. Should the City approve the amendment, hotels would be allowed as an accessory use that could not exceed 15 percent of a multiple unit residential building.

The City Council adopted a motion to approve the first reading of this item on November 3, 2021. Prior to action by the City Council, the Planning & Zoning Commission held a public hearing on October 26, 2021 and recommended the City Council approve this item.

The version of the ordinance before the City Council for the second reading is the same as approved during the first reading.

## **Attachments**

- Resolution 2021-073
- Ordinance 2021-1175

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

**RESOLUTION 2021-073**

**A RESOLUTION APPROVING THE SECOND READING OF ORDINANCE 2021-1175  
AMENDING THE HOPKINS CITY CODE REGARDING ACCESSORY USES IN THE MIXED  
USE DISTRICT AND AUTHORIZING ITS PUBLICATION**

**WHEREAS**, the City of Hopkins initiated an application to amend the City Code related to accessory uses in the Mixed Use District; and

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

1. That an application to amend the City Code related to accessory uses in the Mixed Use District was initiated by the City of Hopkins on September 24, 2021; and
2. That the Hopkins Planning & Zoning Commission, pursuant to published notice, held a public hearing to review such application on October 26, 2021 and all persons present were given an opportunity to be heard; and
3. That the Hopkins Planning & Zoning Commission reviewed this application during their October 26, 2021 meeting and recommended approval by the City Council; and
4. That the Hopkins City Council reviewed this application during their November 3, 2021 meeting and agreed with the findings of the Planning & Zoning Commission; and
5. That the Hopkins City Council reviewed this item during their November 3, 2021 meeting and adopted a motion approving the first reading of this ordinance.

**WHEREAS**, Minnesota Statutes, Section 412.191, Subd. 4, allows publication by title and summary in the case of lengthy ordinances; and

**WHEREAS**, the City Council finds that the following summary would clearly inform the public of the intent and effect of the Ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves Resolution 2021-073 approving the second reading of Ordinance 2021-1175 amending the City Code regarding accessory uses in the Mixed Use district.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Clerk shall cause the following summary of Ordinance 2021-1175 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

In summary, Ordinance 2021-1175 amends the City Code related to accessory use in the Mixed Use district as follows:

- Amend the Mixed Use zoning district to create an accessory uses section.
- Establish Hotels as an accessory use in the Urban Neighborhood subsection of the Mixed Use

district.

- Hotels may be an accessory in a multiple unit residential building, provided the hotel portion does not exceed 15 percent of a multiple unit residential building.

Adopted this 16<sup>th</sup> day of November 2021.

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Jason Gadd, Mayor

ATTEST:

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Amy Domeier, City Clerk

**CITY OF HOPKINS  
COUNTY OF HENNEPIN**

**ORDINANCE NO. 2021-1175**

**ORDINANCE AMENDING PART III, CHAPTERS 102 OF THE HOPKINS CITY CODE  
REGARDING ACCESSORY USES IN THE MIXED USE DISTRICT**

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

**SECTION 1.** Hopkins City Code, Part III, Chapter 102, Article XI, Section 102-339 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Secs. 102-339—~~102-364.~~ ~~Reserved~~ The following are permitted accessory uses in the specific subcategories of the Mixed Use District.

(1) Urban Neighborhood

- a. Hotels. Limited to no more than 15 percent of a multiple unit residential principal use. Hotel accessory uses are subject to all applicable zoning and licensing requirements.

**SECTION 2.** The effective date of this ordinance shall be the date of publication.

|                              |                   |
|------------------------------|-------------------|
| First Reading:               | November 3, 2021  |
| Second Reading:              | November 16, 2021 |
| Date of Publication:         | November 25, 2021 |
| Date Ordinance Takes Effect: | November 25, 2021 |

By: \_\_\_\_\_  
Jason Gadd, Mayor

ATTEST:

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



**APPROVE SPECIAL ASSESSMENT OF PRIVATE WATERLINE REPAIRS**

**Proposed Action.**

Staff recommends that the Council approve the following motion: Move that the Hopkins City Council adopt Resolution 2021-071 Approving Special Assessment for Waterline Repairs on Private Property.

**Overview:**

As part of an effort to save a boulevard tree, the homeowner elected to replace their water service using installation methods that are above the normal special assessment of the street project. Following receipt of estimated repair costs, the homeowner signed an agreement on May 15, 2020 petitioning the City to do the repairs and waiving their right to object to the assessment. The project was completed at a total cost of \$4,292.23. As part of the agreement a 10 year assessment at 4% was proposed and agreed to.

Hennepin County requires the City to take specific action placing the assessment on the taxes. This resolution accomplishes that requirement.

**Supporting Information:**

- Resolution 2021-071

Melanie Ortiz  
Accounting Technician

|   |
|---|
| Financial Impact: \$ <u>4,292.23</u> Budgeted: Y/N ___ N <u>X</u> |
| Source: <u>property owner</u>                                     |
| Related Documents (CIP, ERP, etc.): _____ Notes: _____            |

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2021-071**

**Approving Special Assessment for  
Waterline Repairs on Private Property**

**WHEREAS,** On May 15, 2020 the owner of property at 215 Hawthorne Rd, Hopkins, MN, and identified as 20-117-21-33-0056, signed an agreement petitioning for repairs to be done to their private waterline; and

**WHEREAS,** the owner has insufficient funds to repair the waterline; and

**WHEREAS,** the City has a program whereby the owner has the ability to petition the City to do the repairs and have the cost assessed to their taxes; and

**WHEREAS,** as part of the agreement the owner waives their right to object to the assessment,

**NOW THEREFORE BE IT RESOLVED,** that the City Council of the City of Hopkins hereby orders the assessment of \$4,292.23 to be placed on the taxes of the property listed above for a 10 year period with an interest rate of 4%.

Adopted by the City Council of the City of Hopkins this 16<sup>th</sup> day of November, 2021.

By: \_\_\_\_\_  
Jason Gadd, Mayor

ATTEST:

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



November 16, 2021

Council Report 2021-110

### **Ordinance Amending Fees in Appendix A of the Hopkins City Code**

Staff recommends approval of the following motion: Move to approve the first reading of Ordinance 2021-1076 Amending Fees in Appendix A of the Hopkins City Code.

#### **Overview**

The common fees for all City departments are adopted by resolution and included in the City Code. Staff presented at the August 10 2021, Work Session that they have been working to establish baseline charges that included calculated amounts of staff time and overhead costs involved for each fee. It is anticipated this review will happen every October going forward, and fee changes recommended tonight are proposed to take effect January 1, 2022.

#### *Planning and Zoning Application Fees*

Since the August work session, staff has begun reviewing the amount of combined time spent on all types of applications between the Community Development Director, City Planner, Community Development Coordinator, and the department's Administrative Assistant. Staff also consulted with the City Attorney for best practice advice on establishing new fees.

As proposed in Appendix A, Staff recommends an increase in base application fees as well as a base application fee + an escrow fee for several applications, to cover any legal and administrative fees associated with the application. At the closure of a planning application, any escrow amount not used is returned to the applicant or additional costs incurred by the City will be billed to the applicant. This escrow account is addition to any escrows collected for traffic studies, environmental assessments, or similar circumstances.

Staff has also included a number of new fees related to review of traffic studies, environmental studies, and applications for city financial assistance. These are all currently items which significant staff time from various departments spend time reviewing and incur legal and consultant fees.

Staff also recommends creating a fee of \$100 for Zoning Verification Letters. These are letters requested by title companies during the sale or refinancing of property which clear the property of any zoning or building permit issues. It is standard in most communities to charge a flat fee in this amount to offset the cost of research associated with issuing these letters.

#### *Solar Fees*

As part of the City's ongoing sustainability efforts, the City is pursuing a SolSmart certification which establishes a points-based participation process awarded on a variety of metrics, such as cost of fees. To follow the best practices of SolSmart, staff is recommending that permits not

exceed the cost of \$400 for residential solar and continuing to charge commercial and industrial solar permits based on cost recovery.

*Park Dedication Fees*

Also discussed at the August meeting, Staff recommends raising the Park Dedication Fee as allowed by MN Statute 456.358. Staff finds that commercial and industrial fees are commensurate with adjacent cities but recommends raising fees associated with residential development to \$5000 per unit, regardless of if the unit is a single family or multiple family development. This is change from our current fee structure as there is not evidence to indicate that single-dwelling units use parks and trails less frequently than those living in multi-family units and is consistent with comparison cities fee structures.

**Primary Issues to Consider**

- The proposed fee changes more accurately reflect the City’s staff time and costs associated for services.

**Staff Recommendation**

Staff recommends adjusting fees as outlined in Ordinance 2021-1076.

**Supporting Documentation**

- Ordinance 2021-1076

*PeggySue Imihy Bean, AICP*

PeggySue Imihy Bean, Management Analyst

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|--|
| Financial Impact: \$__N/A____ Budgeted: Y/N ____ Source: _____ |
| Related Documents (CIP, ERP, etc.): _____                      |
| Notes: _____   |

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**ORDINANCE 2021-1076**

**RESOLUTION AMENDING FEES IN APPENDIX A OF THE HOPKINS CITY CODE**

**WHEREAS**, the City of Hopkins has reviewed Appendix A of the Hopkins City Code in order to establish logical and defensible fees; and

**WHEREAS**, The City of Hopkins has found certain fees and rates in need of adjustments and is hereby amended to add the double-underlined language and delete the ~~stricken~~ language as follows:

| <b>Zoning and Planning – Planning &amp; Zoning</b>                   |   |                  |                             |
|--|---|------------------|-----------------------------|
|  | Base Fee                                | Escrow*          |                             |
| Concept review   | <del>\$250.00</del><br><u>\$350.00</u>  |                  | As per ordinance            |
| <u>Site plan review</u>  | <u>\$500.00</u>                         |                  | <u>As per ordinance</u>     |
| (with C.U.P. application)  |   |                  |                             |
| Conditional use permit:  |   |                  |                             |
| <u>Conditional Use Permit</u>  | <u>\$800.00</u>                         | <u>\$1000.00</u> | <u>As per ordinance</u>     |
| Conditional Use Permit for fences, signs, and other uses:            | \$150.00                                |                  | As per ordinance            |
| <del>Construction projects valued up to \$1,000,000.00</del>         | <del>\$400.00</del>                     |                  | <del>As per ordinance</del> |
| <del>Construction projects valued over \$1,000,000.00</del>          | <del>\$800.00</del>                     |                  | <del>As per ordinance</del> |
| Variance   | <del>\$150.00</del><br><u>\$500.00</u>  |                  | As per ordinance            |
| Vacate street or alley   | <del>\$250.00</del><br><u>\$500.00</u>  |                  | As per ordinance            |
| Rezoning or text amendment   | <del>\$350.00</del><br><u>\$1000.00</u> | <u>\$3000.00</u> | As per ordinance            |
| Zoning amendment   | \$300.00                                |                  | <del>As per ordinance</del> |
| Waiver of platting requirements<br><u>Administrative Subdivision</u> | \$200.00<br><u>\$300.00</u>             |                  | As per ordinance            |
| Subdivision approval, preliminary                                    | <del>\$150.00</del><br><u>\$1000.00</u> | <u>\$1500.00</u> | As per ordinance            |

|  |                                       |                                       |                         |
|--|---------------------------------------|---------------------------------------|-------------------------|
| Subdivision approval, final                      | <u>\$100.00</u><br><u>\$1000.00</u>   | <u>\$1500.00</u>                      | As per ordinance        |
| <u>Subdivision, Combined Application</u>         | <u>\$1800.00</u>                      | <u>\$3000.00</u>                      | <u>As per ordinance</u> |
| Planned unit development                         | <u>\$300.00</u><br><u>\$2500.00</u>   | <u>\$5000.00</u>                      | As per ordinance        |
| Comprehensive plan amendment                     | <u>\$200.00</u><br><u>\$2000.00</u>   | <u>\$3000.00</u>                      | As per ordinance        |
| Park dedication fee <u>per residential unit</u>  | <u>\$1,000.00</u><br><u>\$5000.00</u> |                                       | Per unit                |
| Multiple units (three or more)                   | <u>\$3,000.00</u>                     |                                       | Per unit                |
| <u>Environmental Review</u>                      | <u>\$1000.00</u>                      | <u>\$10,000 or based on estimate</u>  | <u>As per ordinance</u> |
| <u>Traffic / Travel Demand Management Study</u>  | <u>\$500.00</u>                       | <u>\$5000.00 or based on estimate</u> | <u>As per ordinance</u> |
| <u>Zoning Verification Letter</u>                | <u>\$100.00 per parcel</u>            |                                       | <u>As per ordinance</u> |
| <u>Extension of Approvals</u>                    | <u>\$250.00</u>                       |                                       | <u>As per ordinance</u> |
| <u>Application for City Financial Assistance</u> | <u>\$2000.00</u>                      | <u>\$25,000 or based on estimate</u>  | <u>As per ordinance</u> |
| <u>Zoning Appeal</u>                             | <u>\$350.00</u>                       |                                       | <u>As per ordinance</u> |
| <u>Interim Use Permit</u>                        | <u>\$800.00</u>                       |                                       | <u>As per ordinance</u> |

\*Escrow may be adjusted as needed dependent on project size and scope at staff discretion

**Solar Permit Fees**

|                                 |   |  |                         |
|---------------------------------|---|--|-------------------------|
| <u>Residential Units</u>        | <u>Based on valuation, not to exceed \$400.00</u> |  | <u>As per ordinance</u> |
| <u>Commercial or Industrial</u> | <u>Based on valuation</u>                         |  | <u>As per ordinance</u> |

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Hopkins hereby adopts the fee adjustments as outlined above.

Adopted by the City Council of the City of Hopkins this 7th day of December 2021.

By: \_\_\_\_\_  
Jason Gadd, Mayor

ATTEST:

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Amy Domeier, City Clerk