

**HOPKINS CITY COUNCIL
AGENDA
Tuesday, October 18, 2022
6:30 pm**

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

I. CALL TO ORDER

II. ADOPT AGENDA

III. PRESENTATIONS

1. Trunk Highway 7 Road Safety Audit; Stanley

IV. CONSENT AGENDA

1. Minutes of the October 4, 2022 Regular Meeting Proceedings
2. Minutes of the October 11, 2022 Work Session Proceedings
3. Approval of the 2023 City Council Meeting Schedule; Domeier
4. Resolution Amending Legislative Policy Manual Chapter 2; Domeier
5. Resolution Approving an On Sale Wine and 3.2% Malt Liquor License for Triangle of Cam Ranh Bay dba Cam Ranh Bay; Domeier
6. Resolution Approving LG230 Application to Conduct Off-Site Lawful Gambling by Hopkins Youth Hockey Association at the Hopkins Pavilion; Domeier
7. Resolution Approving the Bylaws of the Hopkins Fire Department Relief Association; Specken
8. Second Reading of Ordinance 2022-1184; Howard

V. PUBLIC HEARINGS

1. Resolution for Adoption of Assessment Roll – 2022 Miscellaneous Special Assessments ; Bishop

VI. OLD BUSINESS

VII. NEW BUSINESS

VIII. PUBLIC COMMENT

IX. ANNOUNCEMENTS

- Next City Council Regular Meeting: Tuesday, November 1 at 6:30 p.m.
- Next City Council Work Session: Wednesday, November 9 at 6:30 p.m.

X. ADJOURN



CITY OF HOPKINS

Memorandum

To: Honorable Mayor and Council Members
Mike Mornson, City Manager

From: Nate Stanley, Director of Public Works

Date: October 18, 2022

Subject: Trunk Highway 7 Road Safety Audit

PURPOSE

Minnesota Department of Transportation (MNDOT) completed a road safety audit for Trunk Highway 7 (TH 7) earlier this year and will be presenting the findings to mitigate safety concerns along the roadway.

INFORMATION

MNDOT had programmed a road safety audit for TH 7 in response to public concerns surrounding a fatal accident last year. The study corridor extended from Hollywood Township in Carver County, to St. Louis Park in Hennepin County. The corridor was classified into segments based on characteristics of the surrounding area; Hopkins fell into the easternmost segment classified as primarily an urban setting.

MNDOT worked with local agencies to review safety concerns, obtain public input and conduct field reviews. Traffic volumes and speeds throughout the corridor were evaluated. A review of recent improvement projects and planning and engineering studies was completed. Crash data and trends were analyzed and intersections were assessed. Once the data was collected and analyzed, potential safety projects and solutions were identified and recommendations were made for short-term and long-term timetables.

FUTURE ACTION

This item requires no action by the City, MNDOT has created this study and it will be made available for reference to agencies along the corridor.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
OCTOBER 4, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, October 4, 2022 at 6:40 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Garrido and Hunke attending. Council Member Beck participated via Zoom. Others attending included City Manager Mornson, Assistant City Manager Lenz, City Clerk Domeier, Director of Planning and Development Elverum, Planner Howard, City Engineer Klingbeil, Director of Public Works Stanley, Finance Director Bishop, Housing Manager Mohamed and City Attorney Riggs.

ADOPT AGENDA

Mayor Hanlon stated The Resolution Ordering Public Improvement Hearing for the 2023 Street and Utility Improvements listed under the Consent Agenda should be moved to New Business Item 1.

Motion by Garrido. **Second** by Balan.

Motion to Adopt the Agenda.

Ayes: Balan, Garrido, Hanlon, Hunke

Nays: None. Abstain: Beck. Motion carried.

PRESENTATIONS

III.1. Sustainability Update; Imihy Bean

Management Analyst Imihy Bean provided an update on sustainability initiatives and accomplishments across departments including: the introduction to new GreenCorps Member, Nicole Witt; continued initiatives around sustainability; and potential 2023 Initiatives.

The City Council shared support for pursuing the Partners in Energy and Carbon Free Future MN Xcel Energy Programs along with creating a sustainability committee. The City Council requested that Xcel Energy provide more program information at a future meeting.

Discussion was held regarding the Special Assessment Revolving Loan Fund and Green Cost Share Program. The City Council supported the initiatives but wanted to understand the impact to ARPA funds, figure out the best approach and benefit for Hopkins, and obtain feedback from other cities using these programs. Brief discussion was also held about solar gardens.

CONSENT AGENDA

Motion by Balan. **Second** by Garrido.

Motion to Approve the Consent Agenda.

1. Minutes of the September 20, 2022 Regular Meeting Proceedings

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REGULAR MEETING PROCEEDINGS
OCTOBER 4, 2022**

2. Resolution Appointing Election Judges and Deputy Clerks for the November 8, 2022 General Election; Domeier
3. Resolution Approving Lease with the State of Minnesota Department of Transportation for Overpass Skate Park; Stanley
4. Ratify Checks Issued in September 2022; Bishop

Ayes: Balan, Garrido, Hanlon, Hunke
Nays: None. Abstain: Beck. Motion carried.

NEW BUSINESS

VII.1. Resolution Ordering Public Improvement Hearing for the 2023 Street and Utility Improvements; Klingbeil

City Engineer Klingbeil and Nick Amatuccio with Bolton & Menk summarized Council Report 2022-090. Bolton & Menk, Inc. prepared a feasibility report concerning the 2023 street and utility improvements. Mr. Klingbeil shared more information on reasons for not delaying the project.

Motion by Garrido. **Second** by Balan.

Motion to Adopt Resolution 2022-063, Resolution Ordering Public Improvement Hearing for 2023 Street and Utility Improvements..

Ayes: Balan, Garrido, Hanlon, Hunke
Nays: None. Abstain: Beck. Motion carried.

Resolution 2022-063, Resolution Ordering Public Improvement Hearing for 2023 Street and Utility Improvements.

VII.2. First Reading: Ordinance Amending Chapter 40 of the Hopkins City Code regarding Storm Sewer; Howard

City Engineer Klingbeil and Planner Howard summarized Council Report 2022-088. Hopkins currently has a Municipal Separate Storm Sewer System (MS4) permit through the Minnesota Pollution Control Agency (MPCA). The MPCA requires that all local public entities that own or operate MS4s obtain an MS4 permit to ensure that appropriate storm water pollution prevention programs and best practices are adopted to prevent storm water runoff from harming rivers, streams, and wetlands.

Motion by Balan. **Second** by Hunke.

Motion to Adopt for First Reading, Ordinance 2022-1184, Amending Chapter 40 of the Hopkins City Code Regarding Storm Sewer.

Ayes: Balan, Garrido, Hanlon, Hunke
Nays: None. Abstain: Beck. Motion carried.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
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VII.3. 2023 City Council Meeting Schedule and Events and Policy Review; Mornson City Manager Mornson provided information on the proposed 2023 meeting schedule and events, proposed meeting changes and updated policy related to meeting scheduling.

Council Member Balan questioned the holiday schedule changes. Assistant City Manager Lenz explained the goal of being equitable across the community recognizing cultural and religious events. The City Council supported the policy changes. Council Member Hunke requested that the truth in taxation hearing not be held the same night as the school districts hearing.

Council Member Garrido suggested compiling a list of cultures where proclamations could be adopted. Council Member Hunke and Mayor Hanlon supported the proclamations. Mr. Mornson stated that staff will compile a list for 2023.

ANNOUNCEMENTS

Mayor Hanlon provided the upcoming meeting schedule.

ADJOURNMENT

There being no further business to come before the City Council and upon a motion by Hunke, second by Balan, the meeting was unanimously adjourned at 8:00 p.m.

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL
WORK SESSION PROCEEDINGS
OCTOBER 11, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, October 11, 2022 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Beck, Garrido and Hunke attending. Others attending included City Manager Mornson, Assistant City Manager Lenz, City Clerk Domeier, Director of Planning and Development Elverum, Director of Public Works Stanley, Police Chief Johnson, Management Analyst Imihy Bean, Housing Manager Mohammed, Center for the Arts Director Anderson and Finance Director Bishop.

ADOPT AGENDA

Motion by Balan. **Second** by Hunke.

Motion to Adopt the Agenda.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke

Nays: None. Beck. Motion carried.

Summer 2022 Youth Internship Pilot Program Findings and Future; Hurbanis

Youth Workforce Development Intern Hurbanis provided a report and presentation on the need for the program, program administration, and future recommendations. City Council and staff thanked Ms. Hurbanis for her report.

Special Revenue Fund Budgets and Activity Center Budget Review; Bishop

Finance Director Bishop requested input on the proposed budgets for special revenue funds. Council Member Beck requested that future special revenue fund reports show fund balances.

Enterprise Fund Budgets and Utility Rate Review; Bishop

Finance Director Bishop requested input on the proposed budgets for enterprise funds and utility rates. Director of Public Works Stanley explained the municipal wastewater charges paid to Met Council. Discussion was held about the recycling contract, fees and options for every other week garbage pickup.

American Rescue Plan Act (ARPA) Funds Update; Bishop

Finance Director Bishop provided a progress update on the ARPA Spending Plan and requested to discuss possible uses for the unallocated funds. Discussion was held on the public art initiatives. Director of Planning and Development Elverum talked about the high quality of murals, the use of the public art committee and the mini-grants to small businesses. The City Council supported a \$5,000 limit for the mini-grants but also supported staff in making the match decision based on their conversations with businesses. Further discussion was held on the possible uses of remaining funds. Police Chief Johnson explained previous and current police capital requests. Debate was held about the energy efficiency improvements revolving loan funds and green cost share

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program. There was support to have the revolving loan funds come from a different funding source other than ARPA. There was also support for the police initiatives, planner position and sprinkler system at Dow Towers. Additional ideas included reducing other enterprise fund deficits. Staff will present a resolution at the November 1 meeting listing the cost allotments for the remaining funds.

ADJOURNMENT

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

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk



Approval of the 2023 City Council Meeting Schedule

Proposed Action.

Staff recommends adoption of the following motion: Move to approve the 2023 City Council Meeting Schedule.

Overview:

City Council meetings will be held the first, second and third Tuesday of each month at 6:30 p.m. Occasionally meeting dates are changed to avoid conflicts with holidays or other events. Staff has reviewed the potential conflicts and proposes the following changes:

JANUARY: In addition to the regular meetings – Goal Setting is January 6 and State of the City Event is January 26

JULY: No meeting the first Tuesday due to July 4th holiday

AUGUST: National Night out is Tuesday, August 1 – moved regular meeting to Monday, July 31

SEPTEMBER: Park Board meeting falls on new adopted holiday (Yom Kippur) – moved meeting to September 18

NOVEMBER: Election Day is Tuesday, November 7 moved meeting to Monday, November 6

DECEMBER: Park Board meeting falls on Christmas Day – moved regular meeting to Monday, December 18

The City Council has requested that staff put together a calendar for proclamations in 2023 which can recognize significant cultural months and occasions. Staff has proposed the attached calendar which mirrors adjacent communities, and can be revisited next year for any changes or additions.

Primary Issues to Consider:

- Does the proposed meeting schedule outline all meetings of the City Council?

When creating the calendar staff attempts to foresee all dates and times for meeting, and attempts to address as many potential conflicts as possible; there are times where a special meeting may need to be scheduled during the course of the year.

Supporting Information:

- Proposed 2023 City Council Meeting Calendar
- Calendar of Recognition

Amy Domeier, City Clerk

2023 MEETING SCHEDULE

Monday	January	2	New Year's Day Holiday	City Hall Closed
Tuesday	January	3	HRA Meeting	
Tuesday	January	3	City Council Meeting	
Friday	January	6	GOAL SETTING	
Tuesday	January	10	City Council Meeting	
Monday	January	16	Martin Luther King Day	City Hall Closed
Tuesday	January	17	City Council Meeting	
Monday	January	23	Park Board	
Tuesday	January	24	Zoning & Planning Commission	
Thursday	January	26	STATE OF THE CITY	
Tuesday	February	7	HRA Meeting	
Tuesday	February	7	City Council Meeting	
Tuesday	February	14	City Council Meeting	
Monday	February	20	President's Day	City Hall Closed
Tuesday	February	21	City Council Meeting	
Monday	February	27	Park Board	
Tuesday	February	28	Zoning & Planning Commission	
Tuesday	March	7	HRA Meeting	
Tuesday	March	7	City Council Meeting	
Tuesday	March	14	City Council Meeting	
Monday	March	21	City Council Meeting	
Sunday	March	26	NLC Conference (ends March 28)	
Monday	March	27	Park Board	
Tuesday	March	28	Park Board	
Tuesday	April	4	HRA Meeting	
Tuesday	April	4	City Council Meeting	
Tuesday	April	11	City Council Meeting	
Tuesday	April	18	City Council Meeting	
Monday	April	24	Park Board	
Tuesday	April	25	Zoning & Planning Commission	
Tuesday	May	2	HRA Meeting	
Tuesday	May	2	City Council Meeting	
Tuesday	May	9	City Council Meeting	
Tuesday	May	16	City Council Meeting	
Monday	May	22	Park Board	
Tuesday	May	23	Zoning & Planning Commission	
Monday	May	29	Memorial Day	City Hall Closed
Tuesday	June	6	HRA Meeting	
Tuesday	June	6	City Council Meeting	
Tuesday	June	13	City Council Meeting	
Monday	June	19	Juneteenth	
Tuesday	June	20	City Council Meeting	
Wednesday	June	21	LMC Conference (ends June 23)	

Monday	June	26	Park Board	
Tuesday	June	27	Zoning & Planning Commission	
Tuesday	July	4	Independence Day Holiday	City Hall Closed
Tuesday	July	11	City Council Meeting	
Tuesday	July	18	City Council Meeting	
Monday	July	24	Park Board	
Tuesday	July	25	Zoning & Planning Commission	
Monday	July	31	HRA Meeting	
Monday	July	31	City Council Meeting	
Tuesday	August	1	NATIONAL NIGHT OUT	
Tuesday	August	9	State Primary Election	
Tuesday	August	8	City Council Meeting	
Tuesday	August	15	City Council Meeting	
Monday	August	21	Park Board	
Tuesday	August	22	Zoning & Planning Commission	
Monday	September	4	Labor Day	City Hall Closed
Tuesday	September	5	HRA Meeting	
Tuesday	September	5	City Council Meeting	
Tuesday	September	12	City Council Meeting	
Monday	September	18	Park Board	
Tuesday	September	19	City Council Meeting	
Monday	September	24	Yom Kippur	
Tuesday	September	26	Zoning & Planning Commission	
Tuesday	October	3	HRA Meeting	
Tuesday	October	3	City Council Meeting	
Tuesday	October	10	City Council Meeting	
Tuesday	October	17	City Council Meeting	
Monday	October	23	Park Board	
Tuesday	October	24	Zoning & Planning Commission	
Monday	November	6	HRA Meeting	
Monday	November	6	City Council Meeting	
Tuesday	November	7	Election Day General	
Friday	November	10	Veteran's Day Holiday	City Hall Closed
Tuesday	November	14	City Council Meeting	
Wednesday	November	15	NLC City Summit (ends Nov. 18)	
Tuesday	November	21	City Council Meeting	
Thursday	November	23	Thanksgiving Day	City Hall Closed
Friday	November	24	Thanksgiving Friday	City Hall Closed
Monday	November	27	Park Board	
Tuesday	November	28	Zoning & Planning Commission	
Monday	December	4	Truth-in Taxation Meeting	
Tuesday	December	5	HRA Meeting	
Tuesday	December	5	City Council Meeting	
Tuesday	December	12	City Council Meeting	

Monday	December	18	Park Board Meeting	
Tuesday	December	19	City Council Meeting	
Monday	December	25	Christmas Day Holiday	City Hall Closed
Tuesday	December	26	Zoning & Planning Commission	

2023 CALENDAR OF RECOGNITION

<i>Month</i>	<i>Proclamation</i>
February	Black History Month
March	Women's History Month
May	Asian American and Pacific Island Heritage Month
June	LGTBQIA+ Pride Month Juneteenth
July	Americans with Disabilities Month
September	Hispanic Heritage Month (Sept 15 - Oct 15)
November	Native American Heritage Month



Resolution Amending Legislative Policy Manual Chapter 2

Proposed Action

Staff recommends adoption of the following motion: Motion that the Hopkins City Council adopt Resolution 2022-070 Amending Legislative Policy Manuals Chapter 2.

Approval of this motion will amend language in Legislative Policy Manual.

Overview

The Legislative Policy Manual provides uniform guidelines on City policies so that actions that are taken are consistent and fair. Staff has reviewed Chapters 2 and is requesting the City Council to consider a changes to the policy. Policy changes include removing work sessions and also adding language encouraging public engagement during the decision-making processes and provides a framework for avoiding significant days of religious and cultural observance that may preclude participation. A full copy of the Legislative Policy Manual is available at <https://www.hopkinsmn.com/350/City-Document-Archives> .

Primary Issues to Consider:

- Legislative Polices require City Council approval

Supporting Information:

- Resolution 2022-070
- Proposed changes in Chapter 2

Amy Domeier

Amy Domeier, City Clerk

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

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-070

RESOLUTION AMENDING LEGISLATIVE POLICY MANUAL CHAPTER 2

WHEREAS, the City Council of the City of Hopkins has approved a document entitled the Legislative Policy Manual to provide uniform guidelines on City policies so that actions taken are consistent and fair; and

WHEREAS, the City Council of the City of Hopkins has determined the existing policy needs to be amended to include various changes related to City processes and services and align with state statute.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hopkins hereby adopts the revisions to the Legislative Policy Manual Chapter 2.

Adopted by the City Council of the City of Hopkins this 18th day of October, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

POLICY 2-C CITY COUNCIL MEETINGS

1. PURPOSE

- 1.01 The purpose of this policy is to establish guidelines for setting the schedule, agenda management, public comment and staff attendance at City Council meetings.
- 1.02 The policy encourages public engagement during the decision-making processes and provides a framework for avoiding significant days of religious observance that may preclude participation. The City acknowledges that it is not possible to recognize all days of religious observance without significantly impacting the City's ability to conduct business or restricting participation by holding multiple public meetings at the same time.

2. ~~MEETINGS~~SETTING MEETING SCHEDULES

- 2.01 ~~Regular scheduled meetings of the City Council are on the first and third Tuesday of each month.~~City Council regular meetings are scheduled monthly for the first, second and third Tuesday.
- 2.02 ~~City Council Work Sessions are scheduled for the second Tuesday of each month. During Work Sessions items are discussed but not voted on until a future regular meeting.~~
- 2.03 ~~City Council meetings and Work Sessions may be scheduled on other days, by vote of the Council, if the regular meeting conflicts with elections, holidays, or due to lack of quorum. Prior to the start of a new year, the City Clerk will develop a calendar and identify any conflicts with regularly-scheduled meetings. Conflicts may include elections, state recognized holidays, religious and cultural observances, conferences or lack of quorum.~~
- 2.04 In addition to holidays on which the city offices are closed, City Council and board/commission meetings will not be scheduled on the following days of religious and cultural observance that include significant work restrictions:
- Good Friday (Christian)
 - Christmas Eve (Christian)
 - Evening before and day of Yom Kippur (Jewish)
 - Evening before and two days of Rosh Hashanah (Jewish)
 - Evening before and first two days of Passover (Jewish)
 - Eid al Fitr (Muslim)
 - Eid al Adha (Muslim)
 - The third day of Diwali (Hindu)
 - Juneteenth (June 19)
 - Indigenous People's Day
- 2.05 When a scheduling conflict exists, the City Clerk will identify an alternative date. The City Council and Boards/Commissions will review meeting date changes prior to publishing the

calendar.

2.06 Special meetings called for emergency purposes would be exempt from these restrictions. City staff and committee /working group chairs are also encouraged to avoid scheduling public meetings or other forums on these dates.

3. ~~CITY COUNCIL~~ AGENDA MANAGEMENT

3.01 The City Council agenda is assembled by the City Manager's office.

3.02 Council Agendas are distributed to the City Council on the Thursday prior to each Council meeting and posted on the City's website for public review.

4. PUBLIC COMMENT

4.01 The City Council offers members of the public the opportunity to comment on items of public interest. This portion of the agenda is for issues that are not included on an agenda or are not in the application process at City Hall.

4.02 No Council action should be expected during Public Comments, as the Council needs to thoroughly study all proposals or requests not of a routine nature.

4.02 To make public comment before the City Council the request should be made on the form provided in the Council Chambers. The form requires a brief summary of the issue or topic to be addressed.

4.03 Individuals have three minutes to speak and are asked to provide their name and address for the official record.

4.04 Comments that are abusive, vulgar, offensive, racist, threatening or harassing, personal attacks of any kind, or offensive terms that target specific individuals or groups will not be tolerated.

~~4.04 Public Comment is not solicited at Work Session meetings.~~

5. STAFF ATTENDANCE AT CITY COUNCIL MEETINGS

5.01 Generally, it is not necessary for division and department directors to attend City Council meetings unless an item appears on the agenda which may require specific, detailed explanation from a departmental representative or unless requested to attend by the City Manager. When attending a Council meeting, the division or department director should look to the City Manager for guidance as to when to respond to questions or to volunteer information. The City Manager always has the option of "fielding" any question from a member of the City Council.

5.02 No employee shall bring any official business before the City Council without the express permission of their department director. No department director shall grant this permission or discuss a problem themselves with the City Council without the City Manager's approval. Unanticipated items or emergency matters must also be discussed with the City Manager before presentation or discussion with the City Council.



October 18, 2022

Council Report 2022-094

**Resolution Approving an On Sale Wine and 3.2% Malt Liquor License
for Triangle of Cam Ranh Bay dba Cam Ranh Bay**

Proposed Action

Staff recommends adoption of the following motion: Move to grant an On Sale Wine and 3.2% Malt Liquor License to Triangle of Cam Ranh Bay dba Cam Ranh Bay by adopting Resolution 2022-067

Overview

Trang Tru with Triangle of Cam Ranh Bay has applied for an on sale wine and 3.2% malt liquor sales at Cam Ranh Bay located at 712 Mainstreet. The licensed premise includes the leased interior space at 712 Mainstreet and outdoor seating in front of the leased space for up to 8 tables. The outdoor seating must be compact and continuous to the licensed premise.

The Police Department and City Clerk reviewed the application for the liquor license request and conducted a background investigation. The Police Department has no reservations in approving the licenses based upon the results of the investigation. As a liquor license holder, Cam Ranh Bay representatives will be required to attend liquor control training and will be subject to alcohol compliance checks.

Upon City Council approval of the liquor license request, the State application will be sent to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, for certification. A representative from the State will inspect the premises before issuing the wine license. The liquor licenses will become effective when the conditions are met in Resolution 2022-067 and will expire on June 30, 2023.

Supporting Information

- Resolution 2022-067
- The complete application is on file in the City Clerk’s office.

Amy Domeier

Amy Domeier, City Clerk

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

Related Documents (CIP, ERP, etc.): _____

Notes:

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-067

**A RESOLUTION APPROVING AN ON SALE WINE AND 3.2% MALT LIQUOR LICENSE
TO TRIANGLE OF CAM RANH BAY DBA CAM RANH BAY**

WHEREAS, the City Council considered the application on June 15, 2021, with respect to the issuance of an On Sale Wine and 3.2% Malt Liquor License to Triangle of Cam Ranh Bay dba Cam Ranh Bay, for its restaurant located at 712 Mainstreet, Hopkins including up to eight outdoor tables in front of premises; and

WHEREAS, the Hopkins Police Department has reviewed the application as it is on file with the City Clerk and has no reservations about the licenses being issued.

NOW, THEREFORE BE IT NOW RESOLVED, by the City Council of the City of Hopkins as follows:

1. To grant and approve an On Sale Wine and 3.2% Malt Liquor Licenses to Triangle of Cam Ranh Bay dba Cam Ranh Bay effective October 18 or soon thereafter for the premise located at 712 Mainstreet including outdoor seating in front of the licensed premise for up to 8 tables.
2. The outdoor seating area must be roped off in some manner to keep the space compact and contiguous to the licensed premise. The area should not affect pedestrian traffic or ADA accessibility on sidewalk in front of licensed premise.
3. The license is conditioned on the applicant's ongoing compliance with its application that is on file with the City Clerk, including its ongoing operation as a restaurant, and are further subject to all terms and conditions of the City Code Chapter 4 Sale, Consumption and Display of Alcoholic Beverages and Minnesota Statute 340A.
4. The Mayor and City Clerk are hereby authorized to execute said license.
5. This license shall expire at 11:59 p.m. on June 30, 2023.

Adopted by the City Council of the City of Hopkins this 18th day of October, 2022.

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



October 18, 2022

Council Report 2022-095

Resolution Approving LG230 Application to Conduct Off-Site Lawful Gambling by Hopkins Youth Hockey Association at the Hopkins Pavilion

Proposed Action

Staff recommends adoption of the following motion: Adopt Resolution 2022-064 Approving LG230 Application to Conduct Off-Site Lawful Gambling by Hopkins Youth Hockey Association at the Hopkins Pavilion.

Overview

Hopkins Youth Hockey Association (HYHA) has submitted an Application to Conduct Off-Site Gambling, Gambling Control Board Form LG230, to conduct a raffle in the City of Hopkins. The raffle will be held during the HYHA Thanksgiving Hockey Tournament at the Hopkins Pavilion. While typically a raffle may be administratively approved, because HYHA has a premise permit elsewhere, their application must be approved by City Council Resolution.

Primary Issues to Consider

- Acknowledgement by City Council is needed for the off-site gambling and approval of the attached resolution meets the requirements.

Supporting Documents

- Resolution No. 2022-064

A handwritten signature in blue ink, which appears to read "Amy Domeier". The signature is written in a cursive, flowing style.

Amy Domeier, City Clerk

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA
RESOLUTION 2022-064**

**RESOLUTION APPROVING LG230 APPLICATION TO CONDUCT
OFF-SITE LAWFUL GAMBLING BY HOPKINS YOUTH HOCKEY ASSOCIATION
AT THE HOPKINS PAVILION.**

WHEREAS, Minnesota Statutes Chapter 349 provides that organizations licensed by the Gambling Control Board must obtain authority from the Board to conduct lawful gambling at a specific location. The statute also stipulates that the application will not be approved unless the organization submits a resolution of approval by the local unit of government; and

WHEREAS, Hopkins Youth Hockey Association has submitted an LG230 Application to Conduct Off-Site Gambling at the Hopkins Pavilion, 11000 Excelsior Boulevard, Hopkins; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hopkins, Minnesota, hereby approves the lawful gambling application to conduct a raffle on November 18-20 and November 25-2, 2022 at the Hopkins Pavilion.

.Adopted by the City Council of the City of Hopkins, Minnesota, this 18th day of October, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



Resolution Approving the Bylaws of the Hopkins Fire Department Relief Association

Proposed Action

Staff recommends that the Council approve the following motion: Adopt Resolution 2022-068 A Resolution Approving the Bylaws of the Hopkins Fire Department Relief Association.

Overview

The Hopkins Fire Department Relief Association updated and approved their bylaws on October 6, 2022. The City Attorney has recommended that the City Council adopt the bylaws. The bylaws regulate and manage the internal affairs of the department and set as the written pension plan for the relief association. The association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting. The bylaws and federal and state laws govern all benefits issued by the relief association.

Supporting Information

- Resolution 2022-068 Approving the Bylaws of the Hopkins Fire Department Relief Association
- Bylaws of the Hopkins Fire Department Relief Association

Dale Specken,
Fire Chief

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-068

**A RESOLUTION APPROVING THE BYLAWS OF THE HOPKINS FIRE
DEPARTMENT RELIEF ASSOCIATION**

WHEREAS, the Hopkins Fire Department Relief Association reviewed the Bylaws of the Hopkins Fire Department Relief Association; and

WHEREAS, the Hopkins Fire Department Relief Association approved amendments to the Bylaws of the Hopkins Fire Department Relief Association on October 6, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the City of Hopkins hereby approves the amendment to the Bylaws of the Hopkins Fire Department Relief Association.

Adopted by the City Council of the City of Hopkins this 18th day of October, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

BYLAWS OF THE Hopkins Fire Department RELIEF ASSOCIATION

ARTICLE I - NAME

Section 1 – **NAME.** The name of this relief association is the Hopkins Fire Department Relief Association (Association). It is a nonprofit organization incorporated under the laws of Minnesota.

Section 2 – **TYPE.** The Association is a defined-benefit lump-sum relief association subject to Minn. Stat. §§ 424A.015; 424A.02; and 424A.091 to 424A.094.¹ All benefits provided by this Association derive from and are governed by Federal and State laws and these bylaws.

Section 3 – **BOOKS AND RECORDS.**² The Association will keep, at a minimum, correct and complete copies of its articles of incorporation and bylaws, accounting records, records documenting Special Fund transactions, records necessary to determine benefits payable and paid to individual members and their beneficiaries, and minutes of each of its meetings that record the votes of actions taken. Unless a Records Retention Schedule is adopted and the Minnesota Historical Society has been notified or authority to destroy records is received from the Records Disposition Panel, relief association records may not be destroyed.

Section 4 – **PURPOSE.** The Association is a governmental entity that receives and manages public money to provide retirement and ancillary benefits for individuals providing the governmental services of firefighting and emergency first response, and for their beneficiaries.³

¹ Minn. Stat. § 424A.002, subd. 2.

² Minn. Stat. §§ 138.17; 317A.461.

³ Minn. Stat. § 424A.001, subd. 4.

Section 5 – **FISCAL YEAR.** The Association’s fiscal year begins on January 1 of each calendar year and ends on December 31 of the same calendar year.⁴

ARTICLE II - MEMBERSHIP

Section 1 – **MEMBERSHIP.** All individuals who are members of the Hopkins Fire Department (Fire Department), are engaged in or qualified to provide fire suppression duties, and who meet any additional standards established by the Fire Department or by the Association are eligible for membership in the Association.

If the city has approved the employment on the Fire Department of volunteer firefighters to perform fire prevention duties and to supervise fire prevention duties, the personnel serving in fire prevention positions are eligible for membership in the Association and qualify for service pensions and other benefit coverage of the Association on the same basis as members who perform fire suppression duties.⁵

No member may be credited with service credit in the Association for the same hours of service for which coverage is already provided in a fund operated by the Public Employees Retirement Association.⁶

Application for membership will be made in writing on a form supplied by the Secretary of the Association. Membership will be approved by the Board of Trustees.

Section 2 – **MEMBERSHIP START DATE.**⁷ Membership in the Association begins on the date a firefighter submits their application for membership in the Hopkins Fire Department Relief. At the discretion of the Board, Membership in the Association may begin on the active hire date of

⁴ Minn. Stat. § 424A.001, subd. 11.

⁵ Minn. Stat. § 424A.01, subd. 5.

⁶ Minn. Stat. § 424A.01, subd. 4a.

⁷ Minn. Stat. § 424A.001, subd. 12.

the member in the Hopkins Fire Department if the application is received within a reasonable time after the active hire date.

Section 3 – **DUES.** Each Active member of the Association will pay dues of \$30, monthly to the Association, withheld through payroll. The dues will be deposited in the General Fund.

Section 4 – **EXCLUSIONS.**⁸ The Association may exclude from membership an applicant who, due to some medically determinable physical or mental impairment or condition, would constitute a predictable and unwarranted risk of imposing liability for an ancillary benefit at any age earlier than the minimum age specified for receipt of a service pension. A minor may not be a member of this Association.

Section 5 – **TERMINATION.** Any member may be terminated from the Association for cause by a two-thirds vote of all members present at a special meeting of the membership. Cause for termination includes, but is not limited to, failure to account for money belonging to the Association, or feigning illness or injury for the purpose of defrauding the Association. A member may not be terminated except by a fair and reasonable process.

Section 6 – **ACTIVE SERVICE.** Active service is the supervision or performance of fire suppression duties. If the city has approved the employment on the Fire Department of fire prevention personnel, active service includes the supervision or performance of fire prevention duties. If the city has approved the employment on the Fire Department of volunteer emergency medical personnel and if their membership in the Association is permitted in Section 1 of this Article, active service also includes the supervision or performance of emergency medical response duties. Active service requires meeting minimum service requirements specified by the Fire Department in the Fire Department's rules, regulations, and policies.

⁸ Minn. Stat. § 424A.01.

Section 7 – **CERTIFICATION OF SERVICE CREDIT.**⁹ Annually, by March 31, the Fire Chief must certify the service credit for the previous calendar year of each member rendering active service with the Fire Department. The certification must be made to an officer of the Association and to the city clerk or clerk-treasurer.

Section 8 – **DEFINITION OF YEAR OF ACTIVE SERVICE.**¹⁰

A year of active service will be defined as 12 months of active service in the Fire Department. A “month” is a completed calendar month of active service measured from the member’s date of entry to the same date in the subsequent month. Service pensions and ancillary benefits will *not* be prorated for fractional years of service (i.e., a member only receives credit for each complete year of service).

Section 9 – **BREAK IN SERVICE.** A break in service means that a member has temporarily ceased supervising and performing fire suppression and fire prevention duties.¹¹ If a member is unable to perform the duties of a firefighter for any reason, including an approved leave of absence or suspension, the member will be considered to have a break in service and will not receive service credit in the Association for that period of time.¹² A firefighter may, without any break in the active service of supervising and performing fire suppression and fire prevention duties, voluntarily separate from the Hopkins Fire Department Relief Association by submitting a letter to the Fire Chief and an officer of the Association. The minimum duration of a voluntary separation from the Association shall be one year. A member who voluntarily separates from the Association

⁹ Minn. Stat. § 424A.003.

¹⁰ Minn. Stat. § 424A.02, subd. 1(a).

¹¹ Minn. Stat. § 424A.001, subd. 9a.

¹² Resumption service requirements do not apply to leaves of absence made available by federal statute, such as the Family Medical Leave Act and the Uniformed Services Employment and Reemployment Rights Act, and do not apply to leaves of absence made available by state statute, such as the Parental Leave Act, the Leave for Organ Donation Act, the Leave for Civil Air Patrol Service Act, the Leave for Immediate Family Members of Military Personnel Injured or Killed in Active Service Act, or the Protection of Jurors’ Employment Act. Minn. Stat. § 424A.01, subd. 6.

may return to active status in the Association by submitting a letter to the Fire Chief and an officer of the Association and will be considered to be returning to service under Section 10 - Return to Service.

Section 10 – **RETURN TO SERVICE.**¹³

Any firefighter who has a break in service, including former members who have received payment of a service pension or disability benefit and who have waited at least 60 days following receipt of the pension or benefit, *will be eligible* to resume active membership in the Association should the firefighter resume active firefighting duties with the Fire Department. Active membership in the Association immediately resumes when a member returns to active service with the Fire Department. A member returning from a voluntary separation from the Association will be eligible to return to active membership after submitting a letter to the Fire Chief and an officer of the Association. The Fire Chief and Association will determine the date of return to active membership in the Association based on service credit certification timeframes.

If the firefighter has previously received payment of a service pension or disability benefit, the firefighter may be eligible for a second pension or benefit for the resumption period of service if the firefighter meets the vesting requirements defined in this section based on the resumption years of service. No firefighter may be paid a service pension twice for the same period of service.

A firefighter who previously received payment of a service pension or disability benefit from this Association and who completes at least 3 years of active service with the Fire Department upon a resumption of active service is fully vested and

¹³ Minn. Stat. § 424A.01, subd. 6.

eligible for a second pension.

If the firefighter has not received payment of a service pension or disability benefit, the firefighter must complete at least 3 years of active service with the Fire Department upon a resumption of active service. If the firefighter completes the minimum period of resumption service specified in this Section prior to a subsequent cessation of firefighting duties, the firefighter will receive a service pension (if vested) for all years of active service calculated at the benefit level in effect on the date of the firefighter's final cessation of duties. If the firefighter does not complete the minimum period of resumption service specified in this Section prior to a subsequent cessation of duties, the firefighter will receive a service pension (if vested) for all years of active service (and months, if applicable) calculated at the benefit level in effect at the time of the firefighter's *original cessation of duties*.

A firefighter who has been granted an approved leave of absence not exceeding one year by the Fire Department or by the Association is exempt from the minimum period of resumption service requirement under this Article.

A person who has a break in service not exceeding one year but who has not been granted an approved leave of absence and who has not received a service pension or disability benefit from the Association *is not subject to* the minimum period of resumption service requirement under this Article.

Section 11 – **UNIFORMED SERVICES.**¹⁴ A volunteer firefighter who is absent from firefighting service because of service in the uniformed services may obtain service credit for the period of the uniformed service, not to exceed five years, unless a longer period is required by Federal law, if the volunteer firefighter returns within the time frame required by Federal law to firefighting service with coverage by this same Association or its successor upon discharge from service in the uniformed service.

Service credit will not be given if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

¹⁴ Minn. Stat. § 424A.021. In some instances service other than service with the Armed Forces may qualify. See 38 U.S.C. § 4303(13) (“service in the uniformed services”).

ARTICLE III - OFFICERS AND TRUSTEES

Section 1 – **THE POWERS OF THE BOARD OF TRUSTEES.** The Board of Trustees (Board) is the governing board and has exclusive control of the investment of the Association’s plan assets in conformance with Federal and State law including, but not limited to, Minnesota statutes and these bylaws. The members of the Board will act as Trustees, with a fiduciary obligation to the active, deferred, and retired members of the Association, who are its beneficiaries; the taxpayers of the municipality, who help to finance the plan; and the State of Minnesota, which established the plan.¹⁵

The Board will invest and reinvest the Association’s plan assets, determine benefits, determine eligibility for membership or benefits, determine the amount or duration of benefits, determine the funding requirements or amounts of contributions, oversee the expenditure of plan assets, and select financial institutions and investment products.¹⁶

The Board will submit a written report of the financial condition of the Association to the members at the annual meeting.

The Board will develop and periodically revise a program for continuing education.¹⁷ The Trustees will participate in continuing education to keep themselves abreast of their fiduciary responsibilities.

Section 2 – **MEMBERS OF THE BOARD OF TRUSTEES.** The Board consists of nine members (Trustees): six Trustees elected by the membership and three Trustees drawn from officials of the city served by the Fire Department.¹⁸ Of the three municipal Trustees, one must be an elected official and one must be an elected or appointed municipal official, and both must be

¹⁵ Minn. Stat. § 356A.04, subd. 1.

¹⁶ Minn. Stat. § 356A.02, subd. 2.

¹⁷ Minn. Stat. § 356A.13, subd. 2.

¹⁸ Minn. Stat. § 424A.04, subd. 1.

designated annually by the municipal governing board. The third municipal Trustee must be the fire chief.

A vacancy in the position of a non-municipal Trustee may be filled by the remaining Trustees at a Board meeting. The Trustee selected to fill the vacancy holds office only until the next annual or special meeting of the Association membership when a successor will be elected by the membership.

Section 3 – **OFFICERS.**¹⁹

Section 3 – **OFFICERS.** The President, Secretary, and Treasurer will be elected from among the elected Trustees by the full Board for 2 year terms. The elections of the Trustees will be staggered. In no event will any Trustee hold more than one Officer position at any one time. In no event will any municipal Trustee hold an Officer position.

Section 4 – **PRESIDENT.** The President will attend and preside at all meetings of the Association and the Board. The President will actively manage the business of the Association. The President will enforce the due observance of the law, including Minnesota statutes, the articles of incorporation, and the bylaws of the Association. The President will ensure that the Officers properly perform the duties assigned to them and that the orders and resolutions of the Board are carried into effect. The President will sign all checks issued by the Treasurer and all other papers requiring the President's signature. The President will be a member of all committees and will exercise careful supervision over the affairs of the Association. The President will perform other duties as prescribed by the Board.

Section 5 – **SECRETARY.** The Secretary will keep and post a true and accurate record of the

¹⁹ Minn. Stat. § 424A.04, subd. 1; *see also* Minn. Stat. § 317A.305.

proceedings of all meetings of the Association and of the Board. The Secretary will keep a correct record of all amendments, alterations, and additions to the bylaws in a book separate from the minute books of the Association. The Secretary will keep individual files and a roll of membership, with the date of joining, resignation, discharge, retirement, dues, and service pensions and ancillary benefits paid. The books of the Secretary will be at all times open to the Board. The Secretary will prepare and process all correspondence as needed. The Secretary will, jointly with the Treasurer, prepare and file all reports and statements required by law, including reports to be filed with the Office of the State Auditor (OSA). The Secretary will perform other duties as prescribed by the Board.

Section 6 – **TREASURER.** The Treasurer will, together with the Secretary, keep accurate financial records of the Association. The Treasurer will receive all monies belonging to the Association and deposit them in the name of and to the credit of the Association in the banks and depositories designated by the Board. The Treasurer will keep an account book in which to enter all money transactions of the Association, including the dates and amounts of all receipts and the source from which derived and the dates and the amounts of all expenditures with the payee and the object. The Treasurer will disburse funds and issue checks and drafts in the name of the Association as ordered by the Board. The Treasurer will prepare all paperwork and obtain signatures required for benefits due. The Treasurer will keep separate and distinct accounts of the Special Fund and the General Fund, if applicable, and will prepare and present to the Board a full and detailed statement of the assets and liabilities of each fund separately, prior to the annual meeting of the Association, and upon requests of the Board.

The Treasurer will deliver to the Treasurer's successor in office, or to any committee appointed by the Board to receive the same, all monies, books, papers, etc., pertaining to the Treasurer's term in office immediately upon the expiration of the Treasurer's term in office. The Treasurer will, prior to entering upon the duties of the Treasurer's office, give a bond in an amount equal to at least ten percent of the assets of the Association; however, the amount of the bond need not exceed

\$500,000.²⁰ Jointly with the Secretary, the Treasurer will prepare and file all reports and statements required by law, including reports to be filed with the Office of the State Auditor. The Treasurer will perform other duties as prescribed by the Board.

Section 7 – **COMPENSATION.**

Section 7 – **COMPENSATION.** Trustees of the Association identified in Attachment B may be paid a salary out of the Special Fund. The amount paid in salary is limited to the amount listed in Attachment B. Only after the amounts listed in Attachment B have been approved by The City Manager of The City Of Hopkins (the governing body of the entity responsible for meeting any minimum obligation) may salaries be paid to non-Officer Trustees. For all Trustees, itemized expenses eligible for reimbursement are limited to those expenses incurred as a result of fulfilling responsibilities as administrators of the Special Fund.

²⁰ Minn. Stat. § 424A.014, subd. 4.

ARTICLE IV – MEETINGS OF THE MEMBERS AND OF THE BOARD

Section 1 – **ANNUAL MEETING.**²¹ An annual meeting of the membership of the Association will be held in January of each year, at a time and place specified by the Board.

Section 2 – **SPECIAL MEETINGS.**²² A special meeting of the Association’s members may be called at any time upon the written order of the President, Secretary, and one additional Trustee, or of 30 percent of the members of the Association. The Order will be filed with the Secretary.

Section 3 – **BOARD MEETINGS.**²³ A Trustee may call a Board meeting by giving five days’ notice to all Trustees of the date, time, and place of the meeting.²⁴ The Board will meet at least 4 times during the year to discuss the investments, finances, benefits, and records of the Association. These meetings will be open to any member of the Association and to the public.

Section 4 – **NOTICE OF ANNUAL MEETING.**²⁵ Notice of each annual meeting of the Association’s members will be delivered to each member entitled to vote at the meeting at least five days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date, time, and place of the meeting.

Section 5 – **NOTICE OF SPECIAL MEETINGS.**²⁶ Notice of each special meeting of the Association’s members will be delivered to each member entitled to vote at the meeting at least five days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date, time, and place of the meeting. The Secretary will give due notice of

²¹ Minn. Stat. § 317A.431. Your relief association may hold additional regular meetings during the year. Minn. Stat. § 317A.111, subd. 3(21).

²² Minn. Stat. § 317A.433.

²³ Minn. Stat. §§ 13D.04; 317A.231.

²⁴ See Minn. Stat. § 317A.231.

²⁵ Minn. Stat. § 13D.04; *see also* Minn. Stat. § 317A.435.

²⁶ See Minn. Stat. §§ 317A.433; 317A.435 (additional requirements regarding notice).

each special meeting, specifying the object of said meeting, and no business will be transacted at any special meeting except the business for which the meeting was called.

Section 6 – NOTICE OF BOARD MEETINGS. Notice requirements of the Minnesota Open Meeting Law will be followed for all Board meetings.²⁷ A schedule of the Board’s regular meetings will be kept on file at the Board’s primary office.²⁸

For special meetings (including any regular meeting held at a time or place different from the time or place stated in the schedule of regular meetings), the Board will post written notice of the date, time, place, and purpose of the meeting on the Board’s principal bulletin board, or if the Board has no such bulletin board, on the door of its usual meeting room. The notice will also be mailed or delivered to each person who has filed a written request for notice with the Board. The notice will be posted and mailed or delivered at least three days before the date of the meeting.²⁹

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.³⁰

²⁷ Minn. Stat. ch. 13D.

²⁸ Minn. Stat. § 13D.04, subd. 1.

²⁹ Minn. Stat. § 13D.04, subd. 2.

³⁰ Minn. Stat. § 13D.04, subd. 4.

Section 7 – QUORUM FOR ANNUAL AND SPECIAL MEETINGS.³¹

A majority of the members of the Association will constitute a quorum for the transaction of business at the annual or any special meeting of the Association.

Section 8 – QUORUM FOR BOARD MEETINGS.³²

A majority of the Trustees will constitute a quorum for the transaction of business at the meetings of the Board.

Section 9 – VOTING AT ANNUAL AND SPECIAL MEETINGS.³³ Members of the Association are entitled to one vote. Voting by proxy is not permitted. All votes, unless specified prior to the vote, will be conducted by a voice vote. If a majority cannot be determined by voice vote, the Officer in charge of the vote will ask for a vote by roll call or by ballot.

Section 10 – VOTING AT BOARD MEETINGS.³⁴ The Board has a responsibility to vote on the investment and reinvestment of Association assets, the determination of benefits, the determination of eligibility for membership or benefits, the determination of the amount or duration of benefits, the determination of funding requirements or the amounts of contributions, the maintenance of membership and financial records, the expenditure of Association assets, the selection of financial institutions and investment products, and on any other matter related to the business or affairs of the Association. Trustees are entitled to one vote and each has equal rights.

³¹ Minn. Stat. §§ 317A.235; 317A.451.

³² Minn. Stat. § 317A.235.

³³ Minn. Stat. §§ 317A.181, subd. 2; 317A.441; 317A.443.

³⁴ Minn. Stat. §§ 317A.201; 356A.02, subd. 2.

Voting by proxy is not permitted. All votes, unless specified prior to the vote, will be conducted by a voice vote. If a majority cannot be determined by voice vote, the Officer in charge of the vote will ask for a vote by roll call or by ballot.

Section 11 – **ORDER OF BUSINESS.** The annual meeting of the members of the Association will be conducted in the following order:

1. Call to order
2. Roll call
3. Reading and approval of minutes of previous meeting
4. Secretary's report
5. Treasurer's report
6. Committee reports
7. Unfinished business
8. New business
9. Adjournment

ARTICLE V - APPLICATION FOR PENSIONS AND BENEFITS

Section 1 – **NOTICE OF INTENT TO TAKE DISTRIBUTION.** Each member who intends to take distribution of a service pension, including a deferred service pension, from the Association must file a Notice of Intent to Take Distribution. Such Notice of Intent to Take Distribution will be in writing, and will be filed with the Treasurer not less than 90 days prior to the intended date of distribution. Upon receipt of the Notice of Intent to Take Distribution, the Treasurer will provide to the applicant an Application for Distribution and any forms or notices required by Federal or State law. No Notice of Intent to Take Distribution is required for ancillary benefits.

Section 2 – **PROCESS.** Each person who intends to take distribution of a service pension, including a deferred service pension, or an ancillary benefit from the Association must file an Application for Distribution. The Treasurer will provide to the applicant the Application for Distribution and any forms or notices required by Federal or State law. All Applications for Distribution will be submitted to the Board for approval at a Board meeting. Applications for Distribution will state the age of the member, the period of service, the date of separation from active service with the Fire Department, and any other information the Board may require. No service pension, including any deferred service pension, or ancillary benefit will be paid until the Application for Distribution has been approved by a majority vote of the Board.

Section 3 – **GOVERNING BENEFIT PLAN PROVISIONS.**³⁵ All service pensions, deferred service pensions, and ancillary benefits payable by the Association are governed by and must be calculated based on the State law, the Association bylaw provisions, and the Association articles of incorporation that are in effect on the date that the member separates from active service with the Fire Department and active membership in the Association, except that if a member has a break in service at the end of the member's firefighting career and does not resume active service before separating, the member's service pension, deferred service pension, or ancillary benefit must be

³⁵ Minn. Stat. § 424A.015, subd. 6

calculated using the State law, bylaw provisions, and articles of incorporation that are in effect on the date on which the member began the break in service.

ARTICLE VI - SERVICE PENSIONS

Section 1 – **LUMP-SUM SERVICE PENSIONS.** Upon the member’s meeting the requirements in Section 2 of this Article and following the submission and approval of an Application for Distribution, the Association will pay the member out of the Special Fund the benefit level for each year that the member served as an active member of the Fire Department. The benefit level amounts can be found in Attachment A. A reduced service pension may be paid according to the partial vesting schedule contained in this Article.

Section 2 – **ELIGIBILITY.**³⁶ To receive a service pension, a member must meet all of the following requirements:

1. Have separated from active service with the Fire Department;
2. Be at least 50 years of age;
3. Be **partially vested** by having completed at least 5 years of active service with the Fire Department, or be **fully vested** by having completed at least 20 years of active service with the Fire Department; and
4. Be **partially vested** by having completed at least 5 years of active membership with the Association, or be **fully vested** by having completed at least 20 years of active membership with the Association.

Section 3 – **DEFERRED STATUS.** A member who has otherwise met the eligibility requirements defined in Section 2 of this Article but who has not yet reached the age of eligibility specified in Section 2 may not collect a service pension at the time of separation from active service. The member will be placed on deferred status and be entitled to receive the service pension upon reaching the age of eligibility specified in

³⁶ Minn. Stat. § 424A.02, subd. 1.

Section 2 and following submission and approval of an Application for Distribution.

A member who has met the eligibility requirements defined in Section 2 of this Article and who has reached the age of eligibility in Section 2, but who chooses not to immediately submit an Application for Distribution following the member's separation from active service will be placed on deferred status and be entitled to receive the service pension following submission and approval of the Application for Distribution.

Section 4 – **PARTIAL VESTING SCHEDULE:**³⁷

Completed Years of Service: Nonforfeitable percentage of pension
amount:

5	40%
6	44%
7	48%
8	52%
9	56%
10	60%
11	64%
12	68%
13	72%
14	76%
15	80%
16	84%
17	88%
18	92%
19	96%
20 and thereafter	100%

³⁷ Minn. Stat. § 424A.02, subd. 2.

Section 5 – PAYMENT OPTIONS.

Section 5 – PAYMENT OPTIONS. The retiring member may elect, by making a written request, the manner of payment of the service pension. Options include:

- (a) A single lump-sum payment payable to the retiring member (subject to current income tax withholding requirements).
- (b) A direct transfer on an institution-by-institution basis of the retiring member's lump-sum payment to the member's individual retirement account (IRA).³⁸
- (c) A direct transfer on an institution-by-institution basis of the retiring member's lump-sum payment to the member's individual Minnesota deferred compensation plan.³⁹

Section 6 – SUPPLEMENTAL BENEFIT.⁴⁰ A supplemental benefit will be paid out of the Special Fund to individuals who receive a lump-sum distribution of a service pension. The amount of the supplemental benefit to be paid is ten percent of the regular pre-tax lump-sum distribution, excluding any interest that may have been credited during the period of deferral, but not to exceed \$1,000.

³⁸ Minn. Stat. § 424A.015, subd. 4 (Your relief association must be “a qualified pension plan under Section 401(a) of the Internal Revenue Code, as amended...”); IRC § 408(a).

³⁹ Minn. Stat. § 424A.015, subd. 5.

⁴⁰ Minn. Stat. § 424A.10.

ARTICLE VII – DEFERRED INTEREST

Section 1 – **DEFERRED INTEREST TYPE.**⁴¹

Section 1 – **DEFERRED INTEREST TYPE.** Interest will be credited on partially-vested and fully-vested deferred lump-sum service pensions during the period of deferral. *The rate of interest will be equal to the actual rate earned on the Special Fund **up to** the maximum interest credit level in effect during that period. In calendar years where the Special Fund return is negative, the interest credit will be zero. Interest will be credited annually based on the actual performance of the fund for the previous calendar year. The determination of actual performance and the credit of interest to the deferred pension amount will be completed at the onset of the annual audit. The annually compounded interest will be added to any deferred pension payment request made beginning January 1 of the calendar year through completion of the annual audit process. An Application for Payment with a completion date before the onset of the annual audit will not be able to receive interest for the prior year.*

The maximum rate of interest, up to five percent, compounded annually, will be established by the Board and ratified by the City Council. The interest rate established by the Board is listed in Attachment C. Interest is credited beginning on the January 1 next following the date on which the rate was ratified. No interest may be credited until after the interest rate has been ratified by the City Council. The interest rate cap remains in effect until the Board establishes a different rate and the new rate is ratified by the City Council.

⁴¹ Minn. Stat. § 424A.02, subd. 7.

ARTICLE VIII - ANCILLARY BENEFITS

Section 1 – **SURVIVOR BENEFIT.**⁴²

Section 1 – **SURVIVOR BENEFIT.** Upon the death of a member of the Association and following the submission and approval of an Application for Distribution, a survivor benefit will be paid out of the Special Fund to the member's surviving spouse; if there is no surviving spouse, to the member's surviving children; if there is no surviving spouse and there are no surviving children, to the member's designated beneficiary. If no beneficiary has been designated and if the deceased member was active or deferred, the survivor benefit will be paid as a death benefit to the estate of the deceased member.

If there are no surviving children, the member's surviving spouse may waive, in writing, wholly or partially, the spouse's entitlement to a survivor benefit, so that the survivor benefit may be paid directly to the member's designated beneficiary.

A trust created under Chapter 501B may be a designated beneficiary if the survivor benefit will be distributed as a one-time lump-sum payment. If a trust was created and is payable to the surviving children and there is no surviving spouse, the survivor benefit will be paid to the trust.

For *active* members, a survivor benefit equal to the benefit level for each year that the member served as an active firefighter in the Fire Department, without regard to minimum or partial vesting requirements, but in no case less than five times the benefit level in effect on the date of the death, will be paid if, upon death, the member had not yet separated from active service. The benefit level can be found in Attachment A.

If a member had a break in service at the end of the member's firefighting career and did

⁴² Minn. Stat. § 424A.02, subd. 9.

not resume active service before the member's death, the survivor benefit must be calculated using the State law, bylaw provisions, and articles of incorporation that are in effect on the date on which the member began the break in service.

The survivor benefit described above for active members will be paid on behalf of a deceased deferred member in lieu of payment of the deceased member's deferred service pension.

A survivor benefit equal to a deceased deferred member's deferred service pension will be paid on behalf of the deceased deferred member. The survivor benefit amount may not exceed the total earned service pension of the deceased deferred member.

Section 2 – **SUPPLEMENTAL SURVIVOR BENEFIT.**⁴³ A supplemental survivor benefit will be paid out of the Special Fund when a lump-sum survivor benefit is paid. The amount of the supplemental survivor benefit to be paid is 20 percent of the survivor benefit, but not to exceed \$2,000.

Section 3 – **NO ADDITIONAL FINANCIAL RELIEF.** Except for the relief expressly identified for survivors in these bylaws, a member or former member's surviving spouse, child or children, designated beneficiary, and/or estate are not entitled to any other or further relief or benefits from the Association.

⁴³ Minn. Stat. § 424A.10.

Section 4 – **DISABILITY BENEFIT.**⁴⁴

Section 4 – **DISABILITY BENEFIT.** Permanent disability benefits may be paid to permanently disabled members of the Association out of the Special Fund following the submission and approval of an Application for Distribution.

If a member had a break in service at the end of the member's firefighting career and did not resume active service before the member's separation from active service, the disability benefit must be calculated using the State law, bylaw provisions, and articles of incorporation that are in effect on the date on which the member began the break in service.

For *active* members, a permanent disability benefit equal to the benefit level for each year that the member served as an active firefighter in the Fire Department, without regard to minimum or partial vesting requirements, will be paid if, upon the date of permanent disability, the member has not yet separated from active service. The benefit level can be found in Attachment A. The years of service must be determined as of the date of disability. The member is eligible to receive the disability benefit immediately upon approval by the Board.

Payment of a permanent disability benefit to a deferred member is not authorized.

Temporary disability benefits are not provided by this Association.

⁴⁴ Minn. Stat. §§ 424A.02, subd. 9; 424A.05, subd. 3. Your relief association should consult an attorney for assistance in defining what it means to be temporarily or permanently disabled.

Section 5 – **DISABILITY BENEFIT QUALIFICATION.**

A member who is permanently disabled from being an active member in the Fire Department may be eligible for a disability benefit in lieu of retirement. Upon approval of the Board of Trustees pursuant to this section the disability benefits will apply. A member who is permanently disabled while performing duties as a member of the Fire Department shall be eligible to collect a disability benefit in the amount equal to the members full years of active service on the Fire Department multiplied by the yearly lump sum service pension rate as specified in Article VI. The member shall be eligible to receive the disability benefit thirty (30) days after the approval of the Board of Trustees.

(a) Any such disability benefit paid in accordance with this election shall be in lieu of all rights to further service pension and survivor's benefits.

(b) Disability Defined: Disability is defined as the inability to engage in the performance of the members duties as a firefighter by reason of physiological or psychological impairment that is certified by a physician or chiropractor acceptable to the Board of Trustees. This disability can be expected to permanently prevent the member from performing the member's duties on the Fire Department or can be expected to result in the death of the member.

(c) Reports required. No member shall be paid disability benefits except upon the written report of a physician or chiropractor of the member's choice. This report shall set disability, disease or injury of the member. Each report shall be filed with the Association.

(d) Procedure. All applications for disability benefits shall be made within six (6) months after such applicant has ceased to be an active member of the Fire Department. Written application shall be made out to the Board of Trustees setting out the nature and cause of the disability. This application shall be under oath by the member or the member's immediate family. The application shall be tabled until the next meeting so that a physician or chiropractor of the member's choice may examine the applicant. The physician or chiropractor shall submit a written opinion concerning the diagnosis and prognosis of the applicant's

disability and its probable duration of permanence. The Board of Trustees has discretion to request that another doctor, selected by the Board of Trustees, examine the applicant. Final determination of disability will be based on the reports of at least one doctor and by a two-third (2/3)-majority vote of a quorum of the Board of trustees present at a subsequent trustees meeting.

(e) An applicant shall not be considered under a disability unless the member furnishes adequate proof thereof. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of a disability as defined in this section.

(f) Grievance Procedure. If the applicant for disability benefits feels that the member has been aggrieved by action of the Board of Trustees, the member shall, within sixty (60) days from notice of such action of the Board of Trustees, file written objections and reasons allowed to appeal the determination pursuant.

(g) A member who is injured or disabled while engaging in activity that is outside of the members duties performed as a firefighter for benefit equal to the members full years of pension in Article 14.

Section 6 – PAYMENT OPTIONS.

Section 6 – **PAYMENT OPTIONS.** The recipient of an ancillary benefit may elect, by making a written request, the manner of payment of the ancillary benefit. Options include:

- (a) A single lump-sum payment payable to the intended recipient (subject to current income tax withholding requirements).
- (b) A direct transfer on an institution-by-institution basis of the lump-sum survivor benefit to the *active* member's surviving spouse's individual retirement account (IRA).⁴⁵ (This option is available to certain recipients of a survivor benefit.)

⁴⁵ Minn. Stat. § 424A.015, subd. 4 (Your relief association must be “a qualified pension plan under Section 401(a) of the Internal Revenue Code, as amended...”); IRC § 408(a).

ARTICLE IX - FUNDS

Section 1 – **FUNDS.**⁴⁶

Section 1 – **FUNDS.** The Association will establish and maintain a Special Fund and a General Fund.⁴⁷

Section 2 – **SPECIAL FUND.**⁴⁸ All public funds, such as fire state aid, supplemental state aid, municipal contributions, and supplemental benefit reimbursements, received by the Association will be deposited in the Special Fund. Disbursements from the Special Fund will not be made for any purpose except as authorized by Minn. Stat. § 424A.05.

The Treasurer is the custodian of the assets of the Special Fund and the recipient on behalf of the Special Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting all transactions involving the financial activities of the Special Fund.

Checks or authorizations for electronic fund transfers for disbursement of Special Fund assets must be signed by the Association Treasurer and at least one other elected Association Trustee who has been designated by the Board to sign the checks or authorizations. The Association may only make disbursements by electronic fund transfers if the specific method of payment and internal control policies and procedures regarding the method are approved by the Board.⁴⁹

⁴⁶ Charitable Gambling funds are outside the scope of this sample bylaw guide.

⁴⁷ Minn. Stat. § 424A.06.

⁴⁸ Minn. Stat. § 424A.05.

⁴⁹ Minn. Stat. § 424A.05, subd. 3.

Section 3 – **GENERAL FUND.**⁵⁰ Money received from any nonpublic source, such as fundraising activities and donations, will be deposited into the General Fund. Funds may be disbursed by the Board for any purpose authorized by the articles of incorporation or by these bylaws. Such purposes include donations, Annual Party expenses, flowers, activities or purchases benefiting the membership. All Association expenses not specifically authorized by State statute to be paid out of the Special Fund must be paid out of the General Fund.

The Treasurer is the custodian of the assets of the General Fund and the recipient on behalf of the General Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting any transactions involving the financial activities of the General Fund.

Section 4 – **NONASSIGNABILITY OF BENEFITS.**⁵¹ Benefits paid or payable from the Special Fund are not subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§ 518.58; 518.581; or 518A.53. Benefits paid or payable may not be assigned for any purpose.

⁵⁰ Minn. Stat. § 424A.06.

⁵¹ Minn. Stat. § 424A.015, subd. 2.

ARTICLE X - INVESTMENTS

Section 1 – **STANDARD OF FIDUCIARY CONDUCT.**⁵² Trustees owe a fiduciary duty to the active, deferred, and retired members of the Association, who are plan beneficiaries; to the taxpayers of the municipality, who help finance the plan; and to the State of Minnesota, which established the plan. The Trustees will act in good faith and exercise that degree of judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, considering the probable safety of plan capital as well as the probable investment return to be derived from the assets.

Section 2 – **INVESTMENT POLICY.** The Board will approve an investment policy, and will investigate and prepare for the safe and profitable investment of Association funds in conformance with State statutes and the Association’s investment policy. The Board may hire investment professionals to act for or on its behalf. The Special Fund assets will be invested only in securities that are authorized by Minn. Stat. §§ 356A.06, subd. 6; 356A.06, subd. 7 (if the Association qualifies to use the expanded list); and 424A.095.⁵³ The Board will have on file a copy of the investment policy of the Association. The Board will file a copy of the Association’s investment policy, and all changes to the policy, with the Office of the State Auditor.⁵⁴

Section 3 – **BROKER CERTIFICATION.**⁵⁵ The Association will provide annually to its broker a written statement of investment restrictions from the applicable State laws and from the Association’s investment policy. Annually, before the Association enters into or continues business with the broker, the broker must submit to the Association a signed Broker Certification, using the form prepared by the Office of the State Auditor.

⁵² Minn. Stat. § 356A.04.

⁵³ Minn. Stat. § 424A.05, subd. 4.

⁵⁴ Minn. Stat. § 356.219, subd. 3(a).

⁵⁵ Minn. Stat. § 356A.06, subd. 8b.

ARTICLE XI – UNCLAIMED BENEFITS

Section 1 – **UNCLAIMED BENEFITS.**⁵⁶ In the event that the Association is unable with reasonable effort to locate a member or a survivor of a member entitled to payment or distribution under these bylaws or by State law, the benefit distributable to such member or survivor of such member will be forfeited and will be credited to the Special Fund. Efforts to locate a member or survivor must be documented. Forfeiture will occur no earlier than thirty-six (36) months after the Board concludes the Association was unable to locate such member or survivor despite reasonable efforts to locate them.

⁵⁶ If an Association's bylaws do not address the disposition of unclaimed benefits, unclaimed benefits must be handled as set forth in Minn. Stat. § 356.65.

**ARTICLE XII – AMENDMENTS, CONSOLIDATION, AND
DISSOLUTION**

Section 1 – **AMENDMENTS.**⁵⁷ These bylaws may be amended when necessary by a majority of the members of the Board. Proposed amendments will be submitted to the Secretary to be posted with regular Board announcements.

Amendments to these bylaws which affect the amount of, the manner of payment of, or the conditions for qualification for service pensions, deferred service pensions, or ancillary benefits are not effective until they have been ratified by the City Council.⁵⁸

The Association will file a revised copy of these bylaws with the Office of the State Auditor upon the adoption of any amendments.⁵⁹

Section 2 – **CONSOLIDATION.** A consolidation of the Association with one or more volunteer fire relief associations will be initiated pursuant to Minn. Stat. § 424B.02, subds. 1 and 2, and will comply with the process set forth in and the requirements of Chapter 424B.

Section 3 – **DISSOLUTION.** Prior to dissolution of the Association, all legal obligations of the Association other than service pensions and benefits must be settled under Minn. Stat. § 424B.2, subd. 3, a benefit trust must be established under subdivision 4, and the affairs of the Association must be concluded under subdivision 5.⁶⁰

⁵⁷ Minn. Stat. § 317A.181.

⁵⁸ In certain circumstances, bylaw amendments which affect service pensions, deferred service pensions, or ancillary benefits do not require City ratification to become effective. *See* Minn. Stat. § 424A.02, subd. 10.

⁵⁹ Minn. Stat. § 424A.02, subd. 10.

⁶⁰ Minn. Stat. § 424B.20, subd. 2.

BYLAWS

These bylaws are hereby adopted and approved by the members of the Hopkins Fire Relief Association on this _____ day of _____, 20____.

date: _____

President

date: _____

Secretary

date:

Treasurer

AMENDMENTS

These amendments to the bylaws are hereby adopted and approved by the members of the _____ Fire Relief Association on this _____ day of _____, 20_____.

date: _____
President

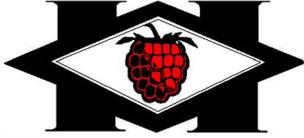
date: _____
Secretary

Treasurer

date:

ATTACHMENT B – COMPENSATION

TRUSTEE	SALARY
President (Officer) _____	_____ \$1,000 _____
Vice President (Officer) _____	_____ \$1,000 _____
Secretary (Officer) _____	_____ \$1,000 _____
Treasurer (Officer) _____	_____ \$2,000 _____
Trustee #5 _____	_____ \$1,000 _____
Trustee #6 _____	_____ \$1,000 _____



CITY OF HOPKINS

Memorandum

To: Honorable Mayor and Council Members
From: Kurt Howard, Planner
Copy: Mike Mornson, City Manager
Date: October 18, 2022
Subject: Second Reading of Ordinance 2022-1184

Staff recommends that the Council approve the following motion: Move to adopt for Second Reading, Ordinance 2022-1184 Amending Chapter 40 of the Hopkins City Code Regarding Storm Sewer.

No changes have been made to the Ordinance since the October 4 first reading.

Attachment:
Ordinance 2022-1184

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2022-1184

**ORDINANCE AMENDING CHAPTER 40 OF THE
HOPKINS CITY CODE REGARDING STORMWATER**

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

SECTION 1. Divisions 3 and 4 of Part II, Chapter 40, Article V of the Hopkins City Code are hereby created to add the double-underlined language as follows:

DIVISION 3. - Animal Waste

Sec. 40-320. - Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) Animal means a dog, cat or other animal kept for amusement or companionship.
- (b) Owner/Custodian means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.
- (c) Immediately means at once, without delay.
- (d) Soil/defile means to make unclean from excrement.
- (e) Waste means solid matter expelled from the bowels of the pet; excrement.

Sec. 40-321. - Public Property. No owner or custodian of any animal shall fail to remove said animal's waste from any public property or street, sidewalk, or public right-of-way. Pet waste must be deposited in a sanitary manner.

Sec. 40-322. - Removal. It is unlawful for any person owning, keeping or harboring an animal to permit said animal to be on any public property without having in his/her immediate possession a device for the removal of pet waste.

Sec. 40-323. - Disposal. It is unlawful for any person owning, keeping or harboring an animal to fail to remove said animal's waste without proper disposal. Proper disposal of animal waste includes: 1) bagging for disposal in the owner or keeper's waste receptacle or 2) bagging for disposal in a waste receptacle in a public park or park area.

Sec. 40-324. - Disposal in the Municipal Separate Storm Sewer System. Disposal of animal waste in the municipal separate storm sewer system is prohibited.

Sec. 40-325. - Disposal in Public Compost. Disposal of animal waste in public compost is prohibited.

Sec. 40-326. - Exemptions. The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

Sec. 40-327. – Violations. Any person violating any provision of this ordinance may be subject to a forfeiture of not less than \$200 nor more than \$500.

Secs. 40-328 – 40-349. – Reserved.

DIVISION 4. – Salt Storage at Commercial, Industrial, and Institutional Facilities

Sec. 40-350. - Covered or Indoor operations for the storage of deicing materials must be provided whenever possible in order to prevent such material from being affected by rain, snow, or melt water.

Sec. 40-351. – All salt and other deicing materials stored outdoors must be covered at all times. When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.

Sec. 40-352. – Facility siting.

- (a) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
- (b) Each facility must be located outside of floodplains and 200 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands, and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
- (c) A facility must be located on impermeable surfaces.
- (d) The property's slope must be away from the facility's salt, deicer, and sand storage area.
- (e) Salt vulnerable natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable areas include, but are not limited to:
 - (1) Areas with salt sensitive vegetation
 - (2) Areas serving as a source of drinking water (surface water and groundwater)
 - (3) Areas with bodies of water with low dilution, low volume, or salt sensitive species
 - (4) Areas associated with groundwater recharge zones or shallow water table, with medium to high permeable soils.

Sec. 40-353. - Snow Piles. Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

Sec. 40-354. – Transfer of materials. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

Secs. 40-355 – 40-379 – Reserved.

SECTION 2. Hopkins City Code, Part II, Chapter 40, Article V, Division 2 is hereby amended by adding the double-underlined language after Sec. 40-294 as follows:

Secs. 40-295 – 40-319 – Reserved.

SECTION 3. The effective date of this ordinance shall be the date of publication.

First Reading:	October 4, 2022
Second Reading:	October 18, 2022
Date of Publication:	October 27, 2022
Date Ordinance Takes Effect:	October 27, 2022

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



**Public Hearing
Adopt Assessment Roll
2022 Miscellaneous Special Assessments**

Proposed Action.

Staff recommends that the Council approve the following motion: Move that Council adopt Resolution 2022-069, Resolution for Adoption of Assessment Roll, 2022 Miscellaneous Special Assessments.

Overview:

The proposed special assessments as described in Exhibit A are for delinquent utility bills, citations, and invoices. Notices of this hearing have been published, and both notices and assessment statements have been mailed to all affected property owners.

Primary Issues to Consider:

Timeline Schedule:

- Assessment items
- Appeal process
- Owner appeals/staff recommendations

Supporting Information:

- Multi-year comparison of assessments
- Information on Special Assessments
- Notice of assessment hearing
- Exhibit A (Assessment Roll)
- Sample Notice
- Written Appeal
- Resolution 2022-067

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

Nick Bishop, CPA
Finance Director

Primary Issues to Consider:

- Assessment items
Refer to attached Exhibit A. Assessments that have been paid by certified checks, money orders, cash or credit cards since publication and mailing of the assessment statements have been notated on Exhibit A.
- Appeal process
If residents have not waived their rights to appeal, they are given the opportunity to approach Council during the public hearing. Standard appeal forms have been available at City Hall and are available at the public hearing. All owners wishing to appeal their assessment must complete an appeal form and present it to the Council prior to the close of the hearing. All appeal forms must be completed and signed by the property owner.
- Owner appeals/staff recommendations (One appeal has been received)

Supporting Information:

The following chart is a ten year comparison of total amounts to be assessed, utility amounts to be assessed and the percentage of utility bills.

<u>YEAR</u>	<u>TOTAL ASSESSMENT</u>	<u>UTILITY BILLS</u>
2022	\$80,337.12	\$64,427.98 (80%)
2021	\$75,882.54	\$57,426.04 (76%)
2020	\$78,278.08	\$64,016.95 (82%)
2019	\$90,999.83	\$84,378.27 (93%)
2018	\$98,361.77	\$78,979.51 (80%)
2017	\$92,240.58	\$86,465.44 (94%)
2016	\$ 99,275.72	\$92,077.27 (93%)
2015	\$116,796.43	\$89,616.82 (77%)
2014	\$127,348.75	\$91,995.60 (72%)
2013	\$100,849.73	\$94,559.25 (93%)

2022 INFORMATION ON SPECIAL ASSESSMENTS

HOW ARE SPECIAL ASSESSMENTS PAID?

1. Assessments not paid prior to December 1, 2022, will be automatically included with real estate taxes payable beginning in 2023. The actual terms of financing are set by the City Council at the Public Hearing. The interest rate is proposed to be 5%.
2. The assessment can be paid off in full or in any amount but not less than the lesser of 100.00 or 25% of the assessment. The procedure and deadline for payments will be as follows:
 - October 19, 2022 to November 18, 2022 - 30 day interest free period.
 - During this period, the owner may pay all or part of the total, interest free.
 - Partial payments are allowed in any amount not less than the lesser of \$100.00 or 25% of the assessment.

November 19, 2022 to November 30, 2022 -interest accrues from date of adoption on any payment made during this time.

- After the 30-day period, the total may be paid with interest prorated from the date of adoption, October 18, 2022, to the date of payment, until November 30, 2022.
- Partial payments of not less than the lesser of \$100.00 or 25% are still accepted, although interest charges will apply to the payment.

December 1, 2022 – assessments are certified to Hennepin County.

- Payments can no longer be accepted by the City of Hopkins.
- On December 1, 2022 the assessments are certified to Hennepin County for collection with the property taxes payable beginning in 2023 for a term of one year.
- 14 months of interest is added to the assessments certified to the property taxes payable in 2023.

NOTE: Pursuant to State Statutes, the City is required to follow the procedure and deadlines listed above.

SPECIAL ASSESSMENT DEFERMENTS

The City Council may in its discretion, defer payment of special assessments upon request. The assessment must be for a permanent improvement. The property must be homesteaded by the property owner. Also the property owner must be 65 years of age or older or retired by virtue of a permanent and total disability. The income is not to exceed \$39,931 as of January 1, 2021. Income verification is required. An appeal is not required to take advantage of this program.

WHERE CAN ADDITIONAL INFORMATION CONCERNING SPECIAL ASSESSMENT BE OBTAINED?

Resident may call or email the Finance Department

Phone: 952-548-6330

Email: nbishop@hopkinsmn.com



CITY OF HOPKINS
Hennepin County, Minnesota
NOTICE OF ASSESSMENT HEARING
2022 MISCELLANEOUS ASSESSMENTS

NOTICE IS HEREBY GIVEN that the City Council of Hopkins, Minnesota, will meet in the Council Chambers of the Hopkins City Hall, 1010 1st Street South, Hopkins, Minnesota on Tuesday, October 18th, 2022 at 6:30 p.m., to pass upon the proposed special assessments for the costs of delinquent utility bills, for delinquent invoices, and for delinquent citations, all more particularly described in Exhibit A hereto attached and hereby made a part hereof. The total amount of the proposed assessments is \$86,212.79 as of September 22, 2022. The area to be assessed includes properties throughout the entire City of Hopkins.

Questions or comments related to the public hearing may be emailed to nbishop@hopkinsmn.com, made by phone at (952)548-6330 or mailed to 1010 First Street South, Hopkins, MN 55343. Comments submitted through these methods must be received by 12:00 p.m. on Tuesday, October 18, 2022 at noon in order to be considered during the hearing. Please note that any emails, letters and attachments you send to the City are likely considered public information and the City staff may use them in staff reports that go to the City Council.

The proposed assessment roll is on file with the City Clerk and is available for review. Property Owners may present their objections to proposed special assessments at this hearing either orally or in writing. The Council will consider those objections. No appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. Appeal forms are available by contacting the Finance Department at (952)548-6330 or nbishop@hopkinsmn.com.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk of the City of Hopkins within thirty (30) days after the adoption of the assessment and by filing such notice with the district court within ten (10) days after service upon the Mayor and City Clerk.

Under provisions of Minnesota Statutes Section 435.193 to 435.195 and Hopkins Ordinances Sections 2-117 to 2-120 the City may, in its discretion, defer the payment of this special assessment for any homestead property owner by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments. When a deferment of the special assessment has been granted and is terminated for any reason provided in that law and Ordinance, all amounts accumulated plus applicable interest become due. The procedures to apply for such deferment are available from the Finance Department.

The following information shall also apply:

1. The property owner shall have the right to prepay the entire assessment. Your assessment may be paid without interest from October 18, 2022 to November 18, 2022, to the Finance Department at City Hall, 1010 1st Street South, Hopkins, Minnesota. You may at any time thereafter and **prior to November 30, 2022**, pay to the Finance Department the entire amount of the assessment remaining unpaid, with interest accrued from November 19, 2022 to the date in which such payment is made. Such payment must be made **prior to November 30, 2022** or interest will be charged through December 31 of the succeeding year.

2. Partial prepayments of the total assessment have been authorized by Ordinance. An owner may pre-pay any amount of the assessment but not less than the lesser of \$100.00 or 25% of the assessment, with interest accrued to the payment date, except that no interest shall be charged if such partial payment is made by November 18, 2022. Partial prepayments can only be made **prior to November 30, 2022**. Such partial payment should be made to the Finance Department at City Hall, 1010 1st Street S, Hopkins, Minnesota 55343.

3. In the case where accrued interest applies, the rate of interest to be accrued, if the assessment is not prepaid within the required time period, is proposed to be 5 percent commencing on the date of adoption by the City Council. Assessments shall be payable in one annual installment unless otherwise specified in Exhibit A.

4. The amount to be specially assessed against your property is shown on the statement of assessment sent to you by mail.

This is an important hearing because this is your opportunity to object to the proposed special assessment that affects your property. The Council may adopt the proposed special assessment at the hearing. If you have any questions regarding this assessment, please call the Finance Department at (952)548-6330.

EXHIBIT A

PID NUMBER	SERVICE ADDRESS	ASSESSMENT
DELINQUENT UTILITY BILLS - Payable in 1 year @ 5% interest		
1311722230034	19 LORING RD	371.36
1311722330014	705-707 ROBINWOOD LN	1,876.27
1311722420041	707 S DRILLANE RD	1,160.37
1911721110029	1430 CAMBRIDGE ST	578.85
1911721130059	808 CAMERON CT	2,161.06
1911721130059	525 15TH AVE S	3,483.73
1911721230048	221 ALTHEA LN	705.83
1911721240007	509 SHADYSIDE CIR	1,005.04
1911721240069	305 JACKSON AVE N	427.03
1911721240069	307 N JACKSON AVE	576.03
1911721240094	401-403 MONROE PL	2,675.70
1911721240207	318 N TYLER AVE	193.66
1911721310060	8820 EXCELSIOR BLVD	247.68
1911721340021	30 S HARRISON AVE	1,452.42
1911721340026	50 S HARRISON AVE	905.93
1911721340058	37 S JACKSON AVE	486.76 PAID 9/22/22
1911721340100	146 S VAN BUREN AVE	576.12 PAID 9/22/22
1911721340137	125 VAN BUREN AVE S	861.31
1911721440038	100 OAKWOOD RD	447.72
1911721440063	200 INTERLACHEN RD	1,726.96
2011721320026	1 HAWTHORNE RD	953.49
2011721320030	19 HAWTHORNE RD	306.35
2011721330049	150 MEADOWBROOK RD	237.73
2311722140005	304 N 17TH AVE	350.47
2311722140014	350 N 18TH AVE	1,901.65
2311722140020	300 18TH AVE N	713.86
2311722140025	317 N 19TH AVE	1,333.81
2311722140029	329 N 19TH AVE	472.78
2311722140034	330 N 19TH AVE	993.99
2311722140100	210 18TH AVE N	779.69
2311722140112	257 19TH AVE N	590.31
2311722410056	152 N 19TH AVE	426.66
2311722410174	2011 MAINSTREET	357.49
2311722440007	122 S 19TH AVE	1,275.20
2311722440034	1728 MAINSTREET	1,201.00
2311722440043	35 S 18TH AVE	1,006.64
2311722440047	11 18TH AVE S	856.26
2311722440059	113 S 18TH AVE	826.56
2311722440108	2048 MAINSTREET	329.20
2411722110022	424 ALTHEA LN	788.85
2411722130040	607 N 2ND ST	442.89 PAID 9/28/22
2411722130109	301 N 9TH AVE	160.79
2411722140093	202 WASHINGTON AVE N	162.32
2411722210026	405 13TH AVE N	199.29

2411722220028	414 N 15TH AVE	2,207.97	
2411722230029	301 N 17TH AVE	1,442.47	
2411722230071	225 N 16TH AVE	792.50	
2411722230073	233 N 16TH AVE	897.83	
2411722230110	306 14TH AVE N	519.33	
2411722230152	246 N 14TH AVE	2,038.03	
2411722240045	245 N 11TH AVE	1,312.04	
2411722240066	237 12TH AVE N	619.83	
2411722240075	210 N 12TH AVE	1,026.61	
2411722320029	114 16TH AVE N	180.28	
2411722320107	29 N 15TH AVE	744.02	
2411722340109	121 S 12TH AVE	382.93	
2411722410109	109 N 1ST ST	1,457.76	
2411722420062	30 8TH AVE N	1,519.26	
2411722420066	801 MAINSTREET	890.38	
2411722420142	113 N 7TH AVE	157.35	
2411722430100	802 MAINSTREET	566.38	
2511722130005	516 S 5TH AVE	1,332.12	
2511722130051	529 S 7TH AVE	887.03	
2511722130082	606 6TH AVE S	1,450.33	
2511722130095	633 7TH AVE S	1,616.48	
2511722130106	601 S 7TH AVE	260.86	
2511722140049	625 E PARK VALLEY DR	1,158.18	
2511722240021	606 S 12TH AVE	350.14	PAID 9/27/22
2511722420005	733 S 7TH AVE	442.16	
2511722420010	709 S 7TH AVE	545.43	
2511722420037	721 S 6TH AVE	187.08	
2511722420037	723 6TH AVE S	256.94	
2511722420080	731 S 6TH AVE	824.22	
2511722420081	735 S 6TH AVE	763.92	
2511722420081	737 S 6TH AVE	866.92	
2511722420089	729 S 9TH AVE	1,261.03	PAID 9/23/22
2511722420096	731 9TH AVE S	243.01	PAID 9/23/22
2511722420096	735 S 9TH AVE	468.28	PAID 9/23/22
2511722420097	741 S 9TH AVE	1,124.41	PAID 9/23/22
2511722420102	701 7TH AVE S	723.03	PAID 7/23/22

DELINQUENT INVOICES - Payable in 1 year @ 5% interest

1911721110002	1410 DIVISION ST	9,302.52	
1911721120021	540 BLAKE RD N	160.00	
1911721340143	116 HARRISON AVE S	318.16	
2311722140100	210 18TH AVE N	405.75	
2311722410174	2011 MAINSTREET	163.72	
2411722220073	1511 STATE HWY 7	160.00	
2411722420066	801 MAINSTREET	227.38	
2511722420102	701 7TH AVE S	2,791.61	

DELINQUENT CITATIONS - Payable in 1 year @ 5% interest

1911721240094	401-403 MONROE PL	2,380.00	
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**CITY OF HOPKINS
STATEMENT OF ASSESSMENT
MISCELLAENOUS CHARGES**

DELINQUENT ACCT #XXXXXX-XXX

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
HOPKINS, MN 55343

RE: PID #XXXXXXXX - ADDRESS

THIS IS THE ONLY STATEMENT YOU WILL RECEIVE

The Hennepin County Treasurer’s records show you as an owner and/or taxpayer of certain land(s) with respect to which the City of Hopkins now proposes to order a levy for miscellaneous charges as shown below. It is important that you read and fully understand your rights and obligations concerning this assessment as stated on the attached Notice of Assessment Hearing. **Your total assessment for Parcel Identification Number XXXXXXXX is as follows:**

Invoice Amount:	\$0.00
Service Charge:	<u>\$0.00</u>
TOTAL ASSESSMENT:	\$0.00 @ 5% interest payable in 1 year

When requesting information or corresponding about this statement, please refer to Parcel Identification Number #XXXXXXXX. Questions can be directed to the Finance Department at 952-548-6330.

NOTE -- Objections to this assessment will be accepted until the close of the Assessment Hearing. Assessment hearing appeal forms are available by contacting the Finance Department at (952)548-6330 or nbishop@hopkinsmn.com. **Absolutely** no objections (oral or in writing) to any part of this assessment statement will be accepted by the Finance Department or the Hopkins City Council after the close of the Assessment Hearing. Even though appeals are due by October 18, 2022, the Finance Department strongly recommends appeals be submitted by October 12, 2022.

**DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT TO:
CITY OF HOPKINS, ATTN: FINANCE DEPARTMENT
1010 1ST STREET SOUTH, HOPKINS, MN 55343**

Assessment Payment for: **DELINQUENT UTILITY BILL** ACCT # XXXXX-XXX

PID # XXXXXXXX TOTAL ASSESSMENT: \$576.12

TOTAL PAYMENT ENCLOSED - \$ _____

INTEREST CHARGES WILL APPLY ON ANY PAYMENTS MADE AFTER NOVEMBER 18, 2022. PAYMENTS MUST BE MADE TO THE CITY OF HOPKINS PRIOR TO NOVEMBER 30, 2022. ANY BALANCE REMAINING ON NOVEMBER 30, 2022 WILL BE CERTIFIED TO HENNEPIN COUNTY FOR COLLECTION WITH THE 2022 PROPERTY TAXES.

PLEASE NOTE: THE DEADLINE FOR REMAINING BALANCES IS NOVEMBER 30, 2022. CITY HALL WILL BE CLOSED FOR THANKSGIVING HOLIDAY NOVEMBER 23-24, 2022.

ASSESSMENT HEARING APPEAL FORM

Address of Assessed Parcel 802 MAIN STREET HOPKINS

What assessment does this concern _____

Property Identification Number: _____

Do you wish to address the City Council at the hearing?

Yes No

Please complete this form if you intend to appeal to the council to revise or cancel your assessment. This form must be completed and filed with the City Clerk no later than the close of the City Council assessment hearing. Your request will become part of the public assessment hearing record.

I request that the City Council consider (check one):

a. Cancellation of assessment

b. Revision of assessment

Reason for the request: To Remove Service

Charge of 100 Dollars. During Pandemic
we lost all business and now we are
getting back- we are behind our water bill
requesting to waive 100 Dollars service charge
we can use every dollar to pay our utilities
Thank you.

[Handwritten Name]
(Print Name)

[Handwritten Signature]
(Signature)

10/3/22
(Date)

802 Main Street
(Address of Property Owner)

(602) 636-7504
(Telephone)

Zip 155343

**** Note that the City may defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older, or retired by virtue of a permanent and total disability, for whom it would be a hardship to make the payments. The procedures to apply for such deferment are available from the Assessment Clerk, 952-548-6310. You do not need to file an appeal to take advantage of this program.**

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-069

**RESOLUTION FOR HEARING ON PROPOSED ASSESSMENTS
2022 MISCELLANEOUS SPECIAL ASSESSMENTS**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for delinquent utility bills, citations, and delinquent invoices, all as more fully set forth and described in Exhibit A as attached to this resolution, and has amended such proposed assessment as it deems just,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hopkins hereby:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessments shall be payable in equal, annual installments extending over the periods of years set forth in Exhibit A, the first of the installments to be payable on or after the first Monday in January of 2023. Any deferred installments shall bear interest at the rate set forth in said Exhibit A from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from October 18, 2022, until December 31, 2023. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
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 or a partial payment of any amount of the assessment but not less than the lesser of \$100.00 or 25% of the assessment on such property, with interest accrued to the date of payment, to the city treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may, at any time thereafter, pay to the city treasurer 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 prior to November 30 or interest will be charged through December 31 of the next succeeding year.
4. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement, when changed conditions relating to such properties make such assessment feasible.

5. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any such later extension or improvements.
6. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Hopkins this 18th day of October, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk