

**HOPKINS CITY COUNCIL  
AGENDA  
Tuesday, August 15, 2023  
6:30 pm**

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

**Schedule**      Special HRA Meeting, 6:30 p.m. – City Council Meeting immediately following meeting

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. PRESENTATIONS**

1. Proclamation Recognizing August 16 as YouLEAD 2023 Day in Hopkins; Hanlon

**IV. CONSENT AGENDA**

1. Minutes of the August 8, 2023, City Council Regular Meeting Proceedings
2. Approval of Temporary Liquor License for Hopkins Education Foundation; Domeier
3. Second Reading: Ordinance Amending Chapter 30 of the Hopkins City Code by Adding a New Section Prohibiting Cannabis and Hemp Use in Public Places and amending Chapter 32 by Adding A New Section to Chapter 32 Prohibiting Smoking in City Parks; Domeier/Lenz
4. Second Reading: PUD Rezoning Ordinance and PUD Agreement for 314 Mainstreet (Walser Chrysler); Krzos
5. Approval of Grant of Easement between Hovander Foods, Inc. and the City of Hopkins; Autio
6. Letter of Commitment for EECBG Application; Imihy Bean

**V. PUBLIC HEARINGS**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. Review 2024 General Fund Budget and Tax Levy; Bishop
2. Franchise Fee Proposal Based on Utility Revenues; Bishop

**VIII. PUBLIC COMMENT**

**IX. ANNOUNCEMENTS**

- Next City Council Regular Meetings: September 5, 12 and 19 at 6:30 p.m.

**X. ADJOURN**



Administration

CITY OF HOPKINS

## City Council Report 2023-084

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

From: Ari Lenz, Assistant City Manager

Date: August 15, 2023

Subject: Proclamation Recognizing August 16 as YouLEAD 2023 Day in Hopkins

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### **RECOMMENDED ACTION**

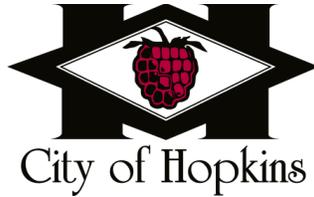
**MOTION TO** Adopt a Proclamation Recognizing August 16 as YouLEAD 2023 Day in Hopkins.

### **OVERVIEW**

In 2011 the Hopkins City Council extended an invitation to the government and people of the City of Boryspil, Ukraine to participate with Hopkins as its Sister City. The purpose was to create a greater mutual understanding between the people of our two great cities and nations. Since that time, the City of Hopkins has shared their support for the students of Ukraine by participating in activities for the YouLEAD program organized by the Global Synergy Group.

### **SUPPORTING INFORMATION**

- Proclamation



## **Proclamation Recognizing August 16 as YouLEAD 2023 Day in Hopkins**

**WHEREAS**, in 2011 the Hopkins City Council extended an invitation to the government and the people of City of Boryspil, Ukraine to participate with Hopkins as its Sister City for the purpose of creating greater mutual understanding between the people of our two great cities and nations;

**WHEREAS**, in 2011 both Boryspil and Hopkins desired to cooperate in the areas of economic and social issues, youth policy, physical education and sport, and the implementation of social and commercial projects;

**WHEREAS**, the City of Hopkins supports the YouLEAD 2023 youth program and activities that will take place in Hopkins on August 16; and

**NOW THEREFORE**, I, Patrick Hanlon, Mayor of the City of Hopkins in the State of Minnesota, along with my fellow Council Members, recognize, adopt, and proclaim August 16 as YouLEAD 2023 Day in the City of Hopkins, and urge all residents to observe this day and welcome Ukraine students to our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Hopkins, Minnesota to be affixed this 15<sup>th</sup> day of August 2023.

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Patrick Hanlon, Mayor

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 8, 2023**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, August 8, 2023 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1<sup>st</sup> Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Beck and Garrido and attending. Council Member Hunke was absent. Others attending included City Manager Mornson, Assistant City Manager Lenz, City Clerk Domeier, Planner Howard, Planner Krzos, Finance Director Bishop, Special Projects and Initiatives Manager Imihy Bean, Fire Chief Specken, Economic Development Director Elverum and Assistant City Attorney Sathe.

**ADOPT AGENDA**

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

**Motion** to Adopt the Agenda.

**Ayes: Balan, Beck, Garrido, Hanlon**

**Nays: None. Absent: Hunke. Motion carried.**

**PRESENTATIONS**

**III.1. 2023 Ace Program Review; Arangure/Imihy Bean**

Youth Programs Coordinator Arangure provided information about the ACE program. Some of the interns and supervisors were present to share more about their experiences.

**CONSENT AGENDA**

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

**Motion** to Approve the Consent Agenda.

1. Minutes of the July 18, 2023 City Council Regular Meeting Proceedings
2. Approval of Temporary Liquor License for Team Tucker; Domeier
3. Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co.; Domeier
4. Ratify Checks Issued in July 2023; Bishop

**Ayes: Balan, Beck, Garrido, Hanlon**

**Nays: None. Absent: Hunke. Motion carried.**

**NEW BUSINESS**

**VII.1. Resolution Approving an On Sale Wine and 3.2% Malt Liquor License for Brasa 4 LLC DBA Brasa Rotisserie; Domeier**

City Clerk Domeier summarized Council Report 2023-076. Brasa 4 LLC submitted an application for wine and beer sales at Brasa Rotisserie, a new restaurant to be located at 1728 Mainstreet. Representatives from Brasa Rotisserie were in attendance to share more about their business plans. The City Council welcomed Brasa to Hopkins.

**Motion** by Beck. **Second** by Balan369.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 8, 2023**

**Motion** to adopt a Resolution Approving an On Sale Wine and 3.2% Malt Liquor License for Brasa 4 LLC DBA Brasa Rotisserie.

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

**VII.2. First Reading: PUD Rezoning Ordinance and Approval of a PUD Site Plan and Conditional Use Permit Amendment for 314 Mainstreet (Walser Chrysler); Krzos**  
City Planner Krzos summarized Council Report 2023-075. Walser Real Estate Inc. requested land use approvals to allow an expansion of the Walser Chrysler vehicle sales lot at 314 Mainstreet onto property acquired from the Hennepin County Railroad Authority located to the south of the facility. Brief discussion was held about the buffering and fencing of the property. Mr. Krzos shared the proposed landscape plan. Mayor Hanlon referred to the public comment received by email. Mr. Krzos explained the trail connection happens with the Artery.

**Motion** by Beck. **Second** by Balan.

**Motion** to Adopt Resolution 2023-024, Approving a first reading of Ordinance 2023-1196 Rezoning 314 Mainstreet (Walser Chrysler) from MX-S to MX-S with a PUD Overlay; and granting PUD Site Plan approval.

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

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

**Motion** to Adopt Resolution 2023-025 Approving a Conditional Use Permit Amendment allowing an expansion to the vehicle sales and service use at 314 Mainstreet (Walser Chrysler).

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

**VII.3. Resolution Approving the Variance Request for the property located at 238 15<sup>th</sup> Avenue North; Howard**

Planner Howard summarized Council Report 2023-079. Dale Moldenhauer requested a variance to the minimum lot width standard to subdivide an existing parcel into two lots. Brief discussion was held regarding the setbacks. Mr. Moldenhauer provided more information about his intent with the property.

**Motion** by Balan. **Second** by Beck.

**Motion** to Adopt Resolution 2023-027, approving the variance request for the property located at 238 – 15<sup>th</sup> Avenue North.

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

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 8, 2023**

**VII.4. First Reading: Ordinance Amending Chapter 30 of the Hopkins City Code by Adding a New Section Prohibiting Cannabis and Hemp Use in Public Places and amending Chapter 32 by Adding A New Section to Chapter 32 Prohibiting Smoking in City Parks; Domeier/Lenz**

Assistant City Attorney Sathe summarized Council Report 2023-080. The proposed Ordinance Amends Chapter 30 of the Hopkins City Code by adding a new section Prohibiting Cannabis and Hemp Use in Public Places and amends Chapter 32 by adding a new section to Chapter 32 Prohibiting Smoking in City Parks. Council Member Beck questioned use in businesses. Mr. Sathe explained the Clean Indoor Air Act and this would prohibit places such as restaurants and sidewalks. Council Member Balan requested an exemption for medical cannabis. Mr. Sathe requested clarification on the medical cannabis products that are not vaped. Discussion was held about including the medical cannabis exemption.

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

**Motion** to Adopt for First Reading on an Ordinance Amending Chapter 30 of the Hopkins City Code by Adding a New Section Prohibiting Cannabis and Hemp Use in Public Places and amending Chapter 32 by Adding a New Section to Chapter 32 Prohibiting Smoking in City Parks.

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

**VII.5. 2024-2028 Capital Improvement & Equipment Replacement Plans; Bishop**

Finance Director Bishop shared the 2024 through 2028 Capital Improvement (CIP) and Equipment Replacement Plans (ERP) with a focus on the 2024 and 2025 items. Mayor Hanlon questioned the roof replacement projects. Mr. Bishop will bring back a priority level for the roofs included in the plan. Further discussion was also held about future street projects. Mayor Hanlon requested an analysis on future street projects that will only need a mill and overlay project. Mayor Hanlon was interested in more discussions about partnerships for the Police Department records management system. Mayor Hanlon questioned funding options for the street lighting and solar roofing initiatives through the inflation reduction act. Council Member Beck suggested looking at the general fund to find reductions instead of reducing the levy through the CIP and ERP. Further discussion was held on estimated property and market values for 2024. The City Council preferred only a 5% tax levy increase.

**PUBLIC COMMENT**

Lorri Eiswald, 242 8<sup>th</sup> Avenue North, shared her concerns about the Hopkins Pride Festival event.

**ANNOUNCEMENTS**

Council Member Balan shared information about the Team Tucker event. Mayor Hanlon reviewed the upcoming meeting schedule.

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
AUGUST 8, 2023**

**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 8:11 p.m.

Respectfully Submitted,



Amy Domeier, City Clerk



CITY OF HOPKINS

Administration

## City Council Report 2023-082

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

From: Amy Domeier, City Clerk

Date: August 15, 2023

Subject: Approval of Temporary Liquor License for Hopkins Education Foundation

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### RECOMMENDED ACTION

**MOTION TO** Approve the Issuance of a Temporary On-Sale Liquor License to Hopkins Education Foundation for their Rock-n-Royal Block Party event scheduled for September 23, 2023.

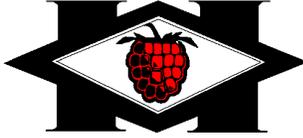
### OVERVIEW

Hopkins Education Foundation has submitted an application for a temporary on-sale liquor license for their Rock-n-Royal Block Party event at Downtown Park and Lot 300. The liquor service will be 6 p.m. to 10 p.m. Temporary on-sale liquor licenses must be approved by the State of Minnesota, Alcohol & Gambling Enforcement Division.

The applicant meets the requirements set for by State Statute to obtain a temporary liquor license. Staff has reviewed the request to ensure that all requirements and issues concerning liquor compliance and public safety have been met.

### SUPPORTING INFORMATION

- The application and certificate of insurance are on file in the City Clerk's office.



CITY OF HOPKINS

Administration

## City Council Report 2023-083

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

From: Ari Lenz, Assistant City Manager  
Amy Domeier, City Clerk

Date: August 15, 2023

Subject: Second Reading: Ordinance Amending Chapter 30 of the Hopkins City Code by Adding a New Section Prohibiting Cannabis and Hemp Use in Public Places and amending Chapter 32 by Adding A New Section to Chapter 32 Prohibiting Smoking in City Parks

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### RECOMMENDED ACTION

**MOTION TO** Adopt for Ordinance Amending Chapter 30 of the Hopkins City Code by Adding a New Section Prohibiting Cannabis and Hemp Use in Public Places and amending Chapter 32 by Adding A New Section to Chapter 32 Prohibiting Smoking in City Parks.

### OVERVIEW

Based on the discussion at the August 8 City Council meeting, a new Sec. 30.27 (c) exempts the use of medical cannabinoid products that are not “delivered” via smoking or vaping, and explicitly provides that smoking and vaping is still subject to the general prohibition on use. The exemption only applies to patients enrolled and registered in the state’s medical cannabis program.

### SUPPORTING INFORMATION

- Draft Ordinance 2023-1195

**CITY OF HOPKINS  
COUNTY OF HENNEPIN  
ORDINANCE NO. 2023-1197**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE HOPKINS CITY CODE  
BY ADDING A NEW SECTION PROHIBITING CANNABIS AND HEMP USE IN  
PUBLIC PLACES AND CHAPTER 32 TO CODIFY THE PROHIBITION OF SMOKING  
IN CITY PARKS**

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

**SECTION 1.** Chapter 30 of the Hopkins, Minnesota, City Code is hereby amended to include a new Article III – Miscellaneous Offenses by adding the double underlined language as follows:

**ARTICLE III. – MISCELLANEOUS OFFENSES**

**Sec. 30-24. - Posting bills.**

It is unlawful to put up any handbills, advertisements, posters, show bills, or other signs on any building, pole, or property not owned by that person without permission from the owner of the property.

**SECTION 2.** Chapter 30 of the Hopkins, Minnesota, City Code is hereby amended to include a new Section 30-27 by adding the double underlined language follows:

**Sec. 30-27. -Use of cannabis and hemp in public places.**

**(a) Definitions.**

- (1) For purposes of this article, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.**
- (2) For purposes of this article, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.**

- (b) Use of cannabis and hemp prohibited in public places. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor notwithstanding any other penalty provision in the city code.**

and the city council may establish a corresponding fine in its fee schedule for violations of this section.

- (c) Medical Cannabinoid Exemption. Use of a medical cannabinoid product, as defined in Minnesota Statutes, section 342.01, by any authorized delivery method other than smoking or vaporizing, that meets all requirements under applicable law, by a patient enrolled and registered in the medical cannabis program, is not subject to the prohibition contained in Sec. 30.27 (b). Smoking or vaporizing of medical cannabinoid products is subject to the prohibition in Sec. 30.27 (b).

**SECTION 3.** The City Council of the City of Hopkins hereby amends City Code, Appendix A, which contains the City's fee schedule, by adding the double underlined language as shown in the excerpt below:

<u>Cannabis/Hemp Use In A Public Place</u>	<u>\$100</u>
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**SECTION 4.** Chapter 32, Article II of the Hopkins, Minnesota, City Code is hereby amended to include a new section as follows:

Sec. 32-45 Smoking in Parks Prohibited

Smoking is prohibited in all City parks, in all public parking lots adjacent to City parks, and inside all motor vehicles located in any City park or adjacent public parking lot. Smoking shall include inhalation of smoke, aerosol, or vapor of any substance, including, but not limited to tobacco products as defined in Section 10-459 and cannabis products or hemp products as defined in Minnesota Statutes, section 342.01.

**SECTION 5.** Chapter 32, Article 1, Section 32 of the Hopkins, Minnesota, City Code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Sec. 32-2. - Violations constitute petty misdemeanors.

Violation of a regulatory provision of this ~~section~~ chapter is a petty misdemeanor.

**SECTION 6.** In accordance with Section 3.03 of the City Charter and Minn. Stat. § 412.191, subd. 4, due to the significant length of this Ordinance, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On August 15, 2023, the Hopkins City Council adopted Ordinance 2020-1156 that amends Chapter 30 of the Hopkins City Code. The purpose of amending the City Code was to prohibit the use of cannabis and hemp in public places and to prohibit smoking of any substance in City parks. The Ordinance also made minor technical updates to the structure and wording of parts of Chapters 30 and 32. A printed copy of the ordinance is available for inspection during regular business hours at Hopkins City Hall and is available online at the City's web site located at [www.hopkinsmn.com](http://www.hopkinsmn.com).

**SECTION 7.** The effective date of this ordinance shall be August 24, 2023.

**First Reading: August 8, 2023**  
**Second Reading: August 15, 2023**  
**Date of Publication: August 24, 2023**  
**Date Ordinance Takes Effect: August 24, 2023**

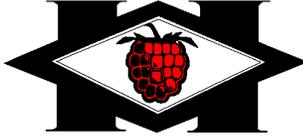
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Patrick Hanlon, Mayor

ATTEST:

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Amy Domeier, City Clerk



CITY OF HOPKINS

## Council Report 2023-086

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

From: Ryan Krzos, City Planner

Date: August 15, 2023

Subject: Second Reading of a PUD Rezoning Ordinance and PUD Agreement for 314 Mainstreet (Walser Chrysler)

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### RECOMMENDED

### ACTION

**MOTION TO:** Adopt Resolution 2023-028, Approving a second reading of Ordinance 2023-1196 Rezoning 314 Mainstreet (Walser Chrysler) from MX-S to MX-S with a PUD Overlay; and authorizing the Mayor and City Manager to Enter into a Planned Unit Development Agreement.

### OVERVIEW

Walser Real Estate Inc. requests approval to allow an expansion of the Walser Chrysler vehicle sales lot at 314 Mainstreet onto property acquired from the Hennepin County Railroad Authority located to the south of the facility. The project consists of an expansion to the paved area for the storage of inventory vehicles and employee parking. No new buildings or building additions are proposed with this application. The plans for the proposed expansion conflict with multiple provisions of the development code in part due to the existing legal nonconforming nature of the facility and operational needs. As such, the applicant is seeking the Planned Unit Development (PUD) form of approval to facilitate the expansion. Expansion of the use onto the newly acquired property also requires an amendment to an existing conditional use permit for the facility.

The City Council approved the first reading of the PUD rezoning ordinance, the associated PUD site plan, and the Conditional Use Permit amendment during the August 8, 2023 meeting. Prior to that action, the Planning & Zoning Commission held a public hearing to review these items and recommended approval by the City Council on July 25, 2023. Should the City Council approve the second reading of this ordinance, the City Attorney will prepare a Planned Unit Development Agreement to be executed by the Mayor and City Manager. The PUD Agreement, together with the PUD rezoning ordinance, PUD site plan, and amended Conditional Use Permit finalize the land use approvals for the project.

### SUPPORTING INFORMATION

- Ordinance 2023-1196 and Resolution 2023-028
- Proposed Site Plan

**CITY OF HOPKINS  
Hennepin County, Minnesota**

**ORDINANCE NO. 2023-1196**

**AN ORDINANCE REZONING THE PROPERTY AT 314 MAINSTREET FROM MX-S,  
MIXED USE SUBURBAN CENTER TO MX-S, MIXED USE SUBURAN CENTER WITH  
A PLANNED UNIT DEVELOPMENT**

THE COUNCIL OF THE CITY OF HOPKINS DOES HEREBY ORDAIN AS  
FOLLOWS:

1. That the zoning classification of MX-S, Mixed-Use Suburban Center, upon the following described premises is hereby repealed, and in lieu thereof, said premises is hereby zoned MX-S, Mixed-Use Suburban Center with a Planned Unit Development (PUD).
2. The property to be rezoned is legally described in Exhibit A

First Reading:	August 8, 2023
Second Reading:	August 15, 2023
Date of Publication:	August 24, 2023
Date Ordinance Takes Effect:	August 24, 2023

ATTEST:

\_\_\_\_\_  
Patrick Hanlon, Mayor

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

EXHIBIT A  
Legal Description of subject property

The North 19 feet of the East 50 feet of Tract B, Registered Land Survey No. 823, Hennepin County, Minnesota.

AND

The North 122 feet of Lot 9, Auditor's Subdivision Number 242, Hennepin County, Minnesota, lying Easterly of the West 33 feet thereof.

AND

The North 122 feet of the West 34 feet of Lot 10, Auditor's Subdivision Number 242, Hennepin County, Minnesota.

AND

Lot 12 and Lot 13, Auditor's Subdivision Number 242, Hennepin County, Minnesota.

AND

That part of Lot 14, Auditor's Subdivision Number 242, Hennepin County, Minnesota, lying North of a line parallel with and distant 145 feet Southerly from the Southerly line of Excelsior Avenue.

AND

Those parts of Lots 14, 20, and 23 Auditor's Subdivision Number 242, Hennepin County, Minnesota, described as follows:  
Commencing at the Southeast Corner of Section 24, Township 117, Range 22; thence North, along the East line of said Section 24, a distance of 953.32 feet; thence Westerly, deflecting to the left 112 degrees 38 minutes 17 seconds, a distance of 538.92 feet; thence Northerly, at a right angle, a distance of 275.83 feet; thence Westerly, at a right angle, a distance of 33.00 feet to the actual point of beginning; thence Southerly at a right angle, along a line hereinafter referred to as "Line A", a distance of 8.27 feet; thence Southerly a distance of 126.88 feet along a tangential curve to the right having a radius of 167.00 feet to the intersection with the Northwesterly right-of-way line of Hennepin County State Aid Highway No. 3, Plat 16, as recorded in Book 4 of Highway Plats, Page 4, in the office of the County Recorder, County of Hennepin; thence Southwesterly along said right-of-way line to the Northeasterly right-of-way line of the Chicago and North Western Railway Company (formerly The Minneapolis & St. Louis Railway Company); thence Northwesterly along the last described right-of-way line to the West line of said Lot 14; thence North along said West line to a point 240.00 feet South from the Northwest Corner of said Lot 14; thence East, parallel with the North line of said Lot 14 and its extension, a distance of 275.00 feet; thence North parallel with the

West line of said Lot 14, a distance of 94.53 feet to the South line of Lot 17 in said Auditor's Subdivision; thence East, along said South line, a distance of 3.50 feet to the intersection with a curve concave to the East which has a radius of 473.00 feet and is tangential with the aforementioned "Line A"; thence Southerly along the last described curve to the actual point of beginning.

AND

That part of Lots 14 and 20, Auditor's Subdivision Number 242, Hennepin County, Minnesota, described as follows:

Beginning at a point on the West line of said Lot 14, distant 145 feet South of the Southerly line of Excelsior Avenue; thence South along said West line of distance of 95 feet; thence East a distance of 275 feet along a line run parallel with the Southerly line of Excelsior Avenue; thence North along a line run parallel with the West line of said Lot 14 to the South line of Lot 17, said addition; thence West, along the Southerly line of Lot 17, 16, and 15, said addition and along said Southerly line extended to the point of beginning.

AND

All of Lots 15 and 16 and that part of Lot 17, Auditor's Subdivision Number 242, Hennepin County, Minnesota which lies West of a line drawn parallel with and distance 30 feet West of the following described line:

Beginning at the East Quarter corner of Section 24, Township 117, Range 22; thence South along the East line of said Section a distance of 364.37 feet; thence deflect at an angle of 25 degrees 59 minutes 28 seconds for a distance of 462.86 feet; thence deflect right at an angle of 19 degrees 50 minutes 43 seconds for a distance of 209.19 feet; thence deflect left at an angle of 84 degrees 27 minutes 29 seconds for a distance of 76.15 feet; thence deflect 90 degrees right for a distance of 216.88 feet to the actual point of beginning of the line being described; thence deflect left along a tangential curve having a radius of 440.0 feet (delta angle 83 degrees 47 minutes 14 seconds) for a distance of 649.29 feet and there terminating.

AND

Lot 1 and Lot 2, Block 1 LUTHER WALSER HOPKINS ADDITION, Hennepin County, Minnesota.

AND

Outlet O, HCRRA DOWNTOWN HOPKINS, Hennepin County, Minnesota.

**CITY OF HOPKINS**  
Hennepin County, Minnesota

**RESOLUTION 2023-028**

**A RESOLUTION APPROVING THE SECOND READING OF ORDINANCE 2023-1196  
REZONING THE PROPERTY AT 314 MAINSTREET FROM MX-S MIXED-USE SUBURBAN  
CENTER TO MX-S MIXED-USE SUBURBAN CENTER WITH A PLANNED UNIT  
DEVELOPMENT, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER  
INTO A PLANNED UNIT DEVELOPMENT AGREEMENT**

**WHEREAS**, Walser Real Estate Inc. (the “applicant”), initiated an application requesting to rezone the property at 314 Mainstreet (PIDs 24-117-22-44-0003, 24-117-22-44-0056, 24-117-22-44-0057, 24-117-22-44-0029, 24-117-22-44-0006, 24-117-22-44-0008, 24-117-22-44-0007, 24-117-22-44-0009, 24-117-22-44-0043, 24-117-22-44-0072) from MX-S, Mixed-Use Suburban Center to MX-S, Mixed-Use Suburban Center with a Planned Unit Development (PUD) and requesting approval of a PUD site plan, and

**WHEREAS**, this property is legally described in Exhibit A; and

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

1. That the above stated application was initiated by the applicant on June 23, 2023; and,
2. That the Hopkins Planning & Zoning Commission, pursuant to published and mailed notice, held a public hearing on the application and reviewed such application on July 25, 2023; all persons present were given an opportunity to be heard; and,
3. That the Hopkins Planning & Zoning Commission reviewed this application during their July 25, 2023 meeting and recommended approval by the City Council; and
4. That the Hopkins City Council conducted reviewed this item during the August 8, 2023 meeting, agreed with the findings of the Planning & Zoning Commission and approved Resolution 2023-025 approving the first reading of Ordinance 2023-1196, and granting PUD Site plan approval; and
5. That the Hopkins City Council conducted a second reading of Ordinance 2023-1196 during the August 15, 2023 meeting.

**WHEREAS**, staff recommended approval of the above stated application based on the findings outlined in Council Report 2023-075 and Council Report 2023-086.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hopkins hereby approves the second reading of Ordinance 2023-1196 rezoning the property at 314 Mainstreet from MX-S, Mixed-Use Suburban Center to MX-S, Mixed-Use Suburban Center with a Planned Unit Development (PUD) and hereby authorizes the Mayor and City Manager to Enter into a Planned Unit Development Agreement, subject to the conditions listed below.

1. Execution of a Planned Unit Development Agreement.

2. Approval of the associated conditional use permit amendment to allow an expansion to the vehicle sales and service use in the MX-S, Mixed-Use Suburban Center zone and conformance with all related conditions.
3. Submission of an administrative subdivision to combine all the parcels described in Exhibit A into one lot.
4. Modifications to the landscaping plan at the southeast corner of the site near Excelsior Boulevard.
5. Addition of the shrub hedge element required by the frontage buffer section of the development code for the new frontage along 5<sup>th</sup> Avenue South.
6. Addition of notes to the landscaping plan to follow the specified landscape installation regulations of Section 102-820 of the development code is to be added to the drawings.
7. Installation of bicycle parking facilities to accommodate four bicycle parking spaces.
8. Approval of the development by the Nine Mile Creek Watershed District and conformance with all related conditions.

Adopted this 15th day of August, 2023.

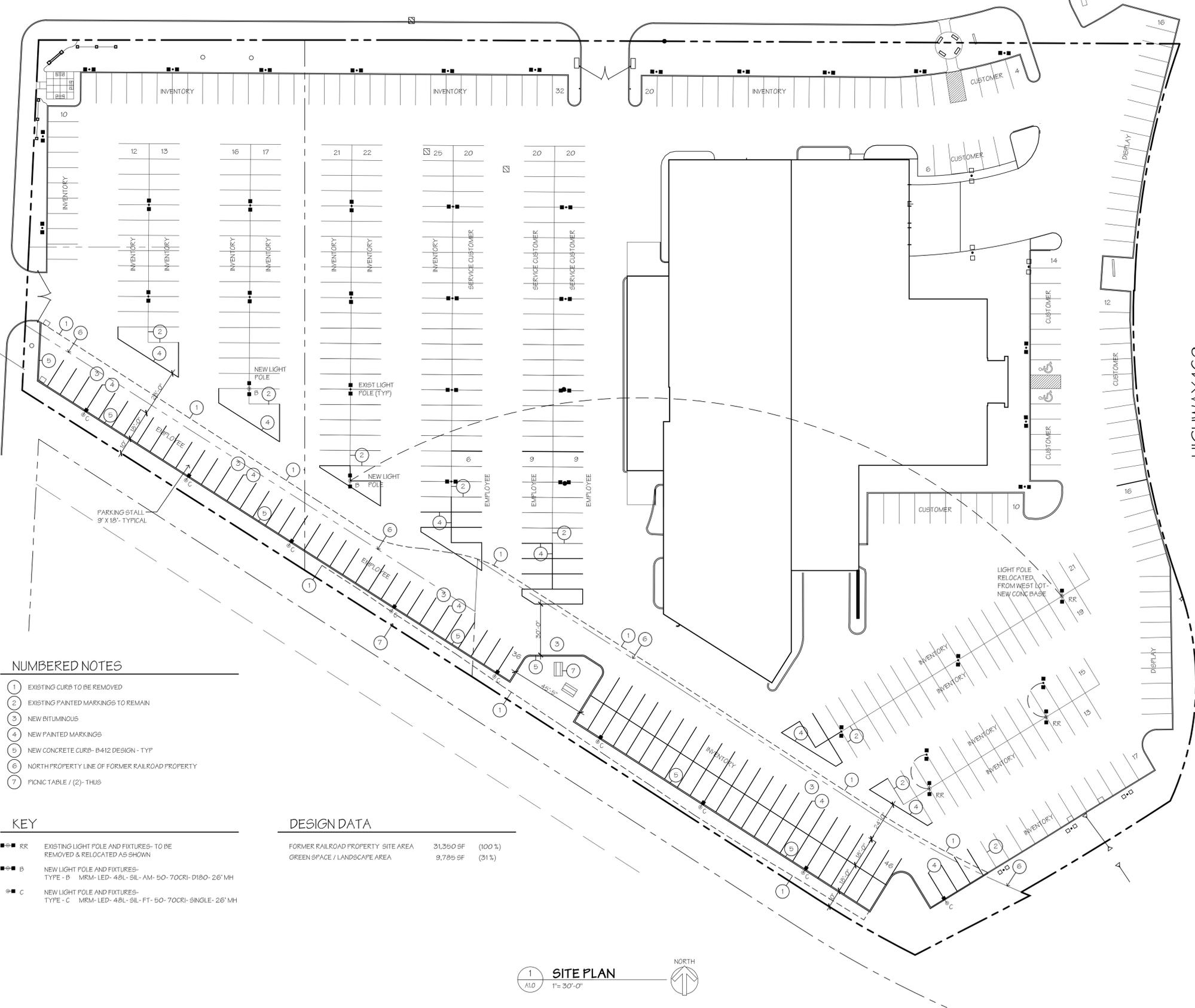
ATTEST:

\_\_\_\_\_  
Patrick Hanlon, Mayor

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

WASHINGTON AVENUE NORTH (MAIN STREET)

HIGHWAY 169



NUMBERED NOTES

- 1 EXISTING CURB TO BE REMOVED
- 2 EXISTING PAINTED MARKINGS TO REMAIN
- 3 NEW BITUMINOUS
- 4 NEW PAINTED MARKINGS
- 5 NEW CONCRETE CURB- B412 DESIGN - TYP
- 6 NORTH PROPERTY LINE OF FORMER RAILROAD PROPERTY
- 7 PICNIC TABLE / (2)- THIS

KEY

- RR EXISTING LIGHT POLE AND FIXTURES- TO BE REMOVED & RELOCATED AS SHOWN
- B NEW LIGHT POLE AND FIXTURES- TYPE - B MRM- LED- 48L- SIL- AM- 50- 70CRI- D180- 26' MH
- C NEW LIGHT POLE AND FIXTURES- TYPE - C MRM- LED- 48L- SIL- FT- 50- 70CRI- SINGLE- 26' MH

DESIGN DATA

FORMER RAILROAD PROPERTY SITE AREA	31,350 SF	(100%)
GREEN SPACE / LANDSCAPE AREA	9,785 SF	(31%)

1 SITE PLAN  
1" = 30'-0"



2023 SITE ALTERATIONS FOR:

WALSER CHRYSLER - Hopkins

314 MAIN STREET  
HOPKINS, MINNESOTA

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PHILLIPS ARCHITECTS & CONTRACTORS, LTD.

401 North Third Street,  
Suite 450  
Minneapolis, MN 55401  
Ph: (612) 868-1261  
www.phillipsarchitects.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

David A. Phillips

DATE: 5/24/2023 LICENSE # 17387

ISSUE/REVISION:  
5/24/2023 BIDS & PERMIT

DRAWN BY:  
CHECKED BY: DAF  
PROJECT NO.:

SITE PLAN

A1.0



CITY OF HOPKINS

Public Works Department

## City Council Report 2023-060

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

From: Chuck Autio, Public Works Director

Date: August 15, 2023

Subject: Approval of Grant of Easement between Hovander Foods, Inc. and the City of Hopkins

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### RECOMMENDED ACTION

**MOTION TO** Approve a Grant of Easement with Hovander Foods, Inc. to maintain a public parking and drive access area and authorize the Mayor and City Manager to execute said easement.

### OVERVIEW

In order to provide public parking and a circulation drive between 9th Avenue North and 10th Avenue North the City has maintained an easement with the property owner. The proposed no-cost easement requires that the City maintain the asphalt paved area in accordance with its standard practice for parking lots, including snow and ice control. Other than the expiration date, the proposed agreement is the same as previous easement terms. The property owner has agreed to the 10-year term.

### SUPPORTING INFORMATION

- Proposed Easement
- Location map

## **Grant of Easement**

Hovander Foods Inc., a Minnesota Corporation (“Grantor”), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and quit claim to the City of Hopkins, a municipal corporation under the laws of the State of Minnesota (“Grantee”) a non-exclusive Easement for public parking, driveway and access purposes over, under and across the easement area legally described in Exhibit A attached hereto and incorporated herein by reference (the “Easement”). The Easement affects and burdens real property owned by Grantor, which is legally described in Exhibit B attached hereto and incorporated herein by reference (“Burdened Property”). The Easement is granted upon and subject to the conditions and limitations stated below.

1. Maintenance, Repair and Restoration. Grantee shall seal coat, maintain and repair the parking and driveway surfaces within the Easement in accordance with the maintenance and repair intervals and procedures customarily observed by Grantee for maintenance and repair of parking lots. Grantee shall also be solely responsible for snow and ice removal and the sweeping of the parking and driveway areas within the Easement, which work will be performed in accordance with the Grantee’s practices and procedures for public parking lots.
2. Reconfiguration of Parking Stalls. Grantee agrees it shall not modify or reconfigure the parking stalls located in the Easement on the date hereof without Grantor’s prior written consent. Grantee shall request such consent by written notice to Grantor specifying the proposed reconfiguration of the parking stalls located in the Easement.
3. Duration. The Easement and this Grant of Easement shall terminate and be of no further force or effect on July 30, 2032. Grantee shall thereafter be released from all of its obligations under this Grant of Easement.
4. Notices. All notices required or permitted to be given under this Easement shall be in writing and shall be deemed to be delivered, given or made when personally delivered to the individuals identified below, or, if mailed, two (2) business days

after such notice is deposited in the United States mail in a sealed envelope with first class mail postage prepaid thereon and addressed to the parties as follows:

a. If to Grantors:

Hovander Foods Inc.  
c/o Brenda Hovander  
P.O. Box 207  
Carver, MN 55315

b. If to Grantee:

City of Hopkins  
Attention: Public Works Director  
1010 First Street South  
Hopkins, MN 55343

Grantor and Grantee may each change their address for notice purposes by notice to the other party given in the manner specified in this paragraph.

5. **Indemnification and Insurance.** Grantee will indemnify, defend and hold Grantor harmless from and against any and all claims, actions, demands and liabilities, including claims of personal injury and property damage, arising out of or resulting from the use of the Easement by Grantee, Grantee's agents and employees, and by the public for parking and driveway purposes, including Grantor's reasonable attorney's fees and court costs incurred in defending against any such claims, actions, demands and liabilities. Grantee shall not be required to indemnify, defend or hold Grantor harmless from and against any claims, actions, demands and liabilities, including reasonable attorney's fees and court costs, arising out of or resulting from the negligence or misconduct of Grantor or those actions through or under Grantor. Grantee's agreement to indemnify, defend and hold Grantor harmless shall be subject to the limitations of Grantee's liability, as a Minnesota municipality, provided in Minn. Stat. Chapter 466, shall be limited as provided therein, and Grantee does not waive any limitations of Grantee's liability provided in Minn. Stat. Chapter 466. In the event Grantee maintains liability insurance covering liabilities arising from the use of the Easement, Grantee shall name Grantor as an additional insured of such liability insurance. The maintenance of such liability insurance shall be at Grantee's sole discretion. In the event any mechanic's lien is filed against the Burdened Property as a result of labor performed or materials furnished on behalf of Grantee, Grantee shall cause such mechanic's lien to be discharged of record within 30 days or Grantee shall provide a bond or other security as required by law to release the Burdened Property from such mechanic's lien as soon as reasonably possible.

6. Miscellaneous. This Grant of Easement shall be interpreted and governed by Minnesota law, shall run with the title to the Burdened Property and be binding upon Grantor and Grantee and their respective successors, assigns and mortgagees.





**EXHIBIT A**  
**LEGAL DESCRIPTION OF EASEMENT**

An easement for public parking, driveway, and access purposes over and across the following described property:

Lot 5 and the north 5 feet of Lot 6 and that part of the East half of the adjoining vacated alley in Block 68 lying between the extensions across it of the north line of said Lot 5 and the south line of the north 5 feet of said Lot 6, Block 68, West Minneapolis Second Division, Hennepin County, Minnesota.

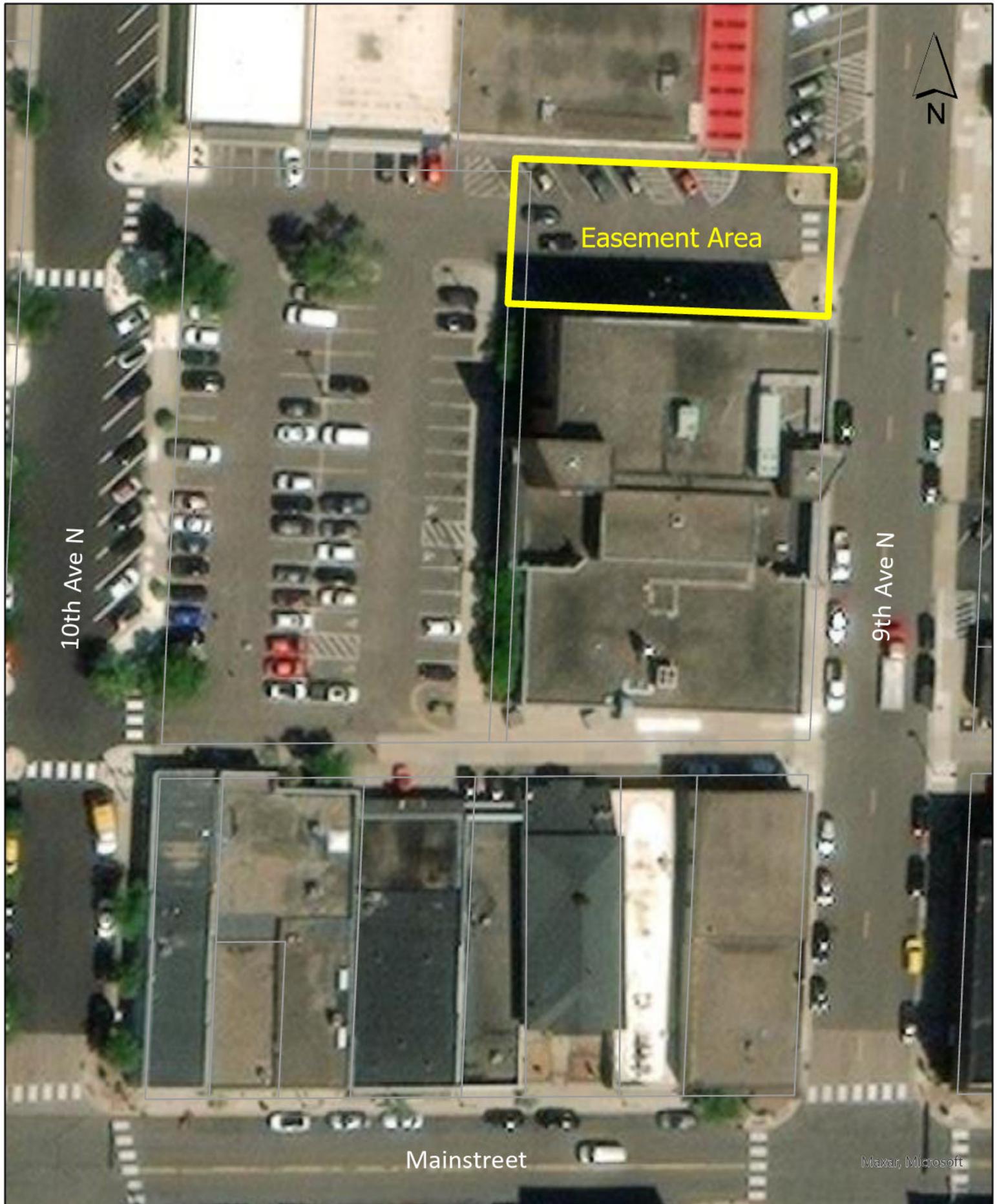
## **EXHIBIT B**

### **LEGAL DESCRIPTION OF BURDENED PROPERTY**

Parcel 1: Tracts A and B, Registered Land Survey No. 953, Hennepin County Minnesota

Parcel 2: Lots 1 to 5 inclusive and the North 5 feet of Lot 6 and that part of the East half of the adjoining vacated alley in Block 68 lying between the extensions across it of the North line of said Lot 1 and the South line of North 5 feet of said Lot 6, Block 68, "West Minneapolis Second Division."

Tract B is subject to a reservation by the State of Minnesota of mineral and mineral rights.



Easement Area

10th Ave N

9th Ave N

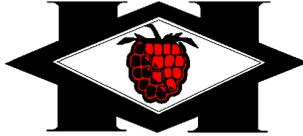
Mainstreet

Maxar, Microsoft

# Hovander Foods - Grant of Easement

5/31/2023





Administration

CITY OF HOPKINS

## City Council Report 2023-085

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

From: PeggySue Imihy Bean, Special Projects and Initiatives Manager

Date: August 15, 2023

Subject: Letter of Commitment for EECBG Application

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### RECOMMENDED ACTION

**MOTION TO** provide a letter of commitment for the City's application to the Department of Energy Efficiency and Conservation Block Grant Program.

### OVERVIEW

In 2023, the Department of Energy (DOE) issued a funding opportunity announcement for both formula and competitive funding to local governments, states and tribes seeking fund programs which cut carbon emissions, improve energy efficiency or reduce energy uses.

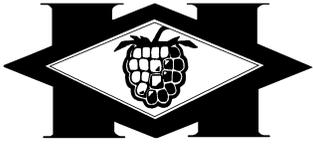
The City of Hopkins was not eligible for formula funding and instead pursued an application for competitive funds which could be used to support the Hopkins Climate Solutions Fund for the next 24 months, starting in 2024. In June, the City submitted a concept paper to the DOE and was encouraged to submit a full application.

With the assistance of Local Climate Solutions, the city's sustainability consultant, the City is pursuing a full application in the amount of \$450,000 to support grant funding to residents and businesses, as well as offset some administrative and consultant costs to administer the program. The City is also proposing collaborating with adjacent cities who also offer green cost share program, as well as the State Department of Commerce to create a working group which will work collaboratively to ensure these program operate effectively and in alignment with federal programs like the Inflation Reduction Act. At this time, Xcel Energy, Local Climate Solutions and the Cities of Edina, Eagan and St. Louis Park have offered letters of support for our funding request.

Tonight, we ask the Council to sign a letter of support for this grant request.

### SUPPORTING INFORMATION

- Letter of Commitment for EECBG



## City of Hopkins

1010 First Street South • Hopkins, MN 55343-3435 • Phone: 952-935-8474 • Fax: 952-935-1834

Web address: [www.hopkinsmn.com](http://www.hopkinsmn.com)

August 15, 2023

Dear Secretary Granholm,

I am writing on behalf of my community and the City Council of the City of Hopkins to express our commitment to the Hopkins Climate Solutions Fund cost-share program. This program is an important mechanism for our community to help its residents and businesses transition to clean energy through an incentives-based approach which combines grants with utility rebates and Federal Inflation Reduction Act dollars. We acknowledge that the time is now to invest in making an impact on our community's greenhouse gas emission reduction, assist residents with energy savings all while investing in renewable and clean energy technologies. Funding from the Department of Energy will help further catalyze our initial investment in our Hopkins Climate Solutions Fund, making a more substantial and sustained impact over the next several years.

As a very racially diverse community, with nearly 40% of our population identifying as non-white, we recognize the impending effects of climate change on these populations. We are committed to leveraging this program to effectively engage with, and support our BIPOC and low-income communities to be resilient to the effects of climate change.

In addition to the direct improvements that can be made in our community, we also have confidence that this investment from the Department of Energy will help support the growing clean energy workforce in our region, as projects funded by this program will have upstream impacts in creating demand for clean energy technologies as well as the labor needed to install and maintain them. We believe that this investment will not only benefit our residents through cost savings, but help stimulate additional dollars spend on clean technology that may not have otherwise been invested.

Additionally, we are committed to utilizing this opportunity to convene with other Minnesota cities and the state department of commerce to find ways that all communities can improve the delivery of our program. Our community is excited to be a part of a small, but growing network of cities offering incentives to businesses and residents to improve efficiency and electrify energy-using technologies.

In conclusion, we are grateful for the opportunity to work with the Department of Energy on making our community resilient and prepared in the face of a changing climate.

Sincerely,

Mayor Patrick Hanlon  
City of Hopkins



CITY OF HOPKINS

## Memorandum

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

From: Nick Bishop, Finance Director

Date: August 15, 2023

Subject: Review 2024 General Fund Budget and Tax Levy

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### PURPOSE

To provide input and guidance for the 2024 General Fund Budget and Tax levy.

### INFORMATION

The City Council reviewed a draft of the 2024 General Fund Budget and Tax Levy on July 18<sup>th</sup>. The total levy presented was \$20,930,315 or a 11.53% increase from 2023. Council directed staff to review the levy and put together proposals with a 9%, 7% and 5% increases.

#### 9% Increase

- Use \$360,000 of surplus to reduce the General Fund Levy
- Use Public Safety Funding for Fire Command Position in 2024, a \$118,000 levy reduction in 2024
- Reduce the Capital Improvement levy by \$48,000
  - Delay Activity Center countertops and door replacement
  - Cancel Activity Center Raspberry Room Sound System
- Reduce the Pavilion levy by \$138,000
  - Delay roof, window blinds, floor scrubber and scissor lift purchases

#### 7% Increase

- Everything above
- Use \$400,000 (\$40,000 additional) of surplus to reduce the General Fund Levy
- Reduce Equipment Replacement levy by \$122,300 and rely on reserves to fund purchases
- Eliminate the Permanent Improvement Levy of \$210,000
  - Delay street lighting upgrades, Mainstreet installation and wooden fencing on Excelsior Blvd.

### 5% Increase

- Everything above
- Eliminate newly requested forestry position
- Reduce Arts Center Levy by \$30,000
  - Fund has made significant progress on fund balance deficit with ARPA
- Eliminate the Capital Improvement Levy
  - Delay Activity Center tuckpointing, brick repair, flashing and roof replacement
- Use \$50,000 of franchise fees to pay Burnes Park debt

### Public Safety Funding

During 2023 Legislative Session, \$210 million of on-time public safety aid was authorized for Cities. The aid can be spent on fire, police, emergency medical or other public safety needs. Hopkins will receive a one-time payment of \$828,185.

Staff has reviewed public safety needs and offers the following recommendations. The total cost of all recommendations is approximately \$915,000 or \$85,000 more than will be received. A decision on the police requests and fire equipment does not need to be made at this time. The Fire Staffing request is being proposed as a reduction to the tax levy is included with all levy scenarios being proposed in this memo.

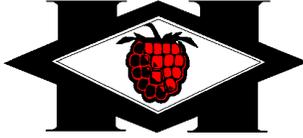
- Police Staffing: The Police Department recommends adding two additional police officer positions for 2024 & 2025. There are currently 31 sworn police positions included in the 2024 budget (30 in the general fund and one from ARPA). This would increase the number of sworn positions to 33. The cost to add two positions for two years is approximately \$473,000.
- Police Canine Program: The Police Department recommends reinstating a canine program in the department. A canine program would increase our public safety capabilities and give numerous other benefits to the department and community. The program has estimated start up costs of approximately \$80,000 to \$100,000.
- Police Records Management System: The current records management system was purchased in 2012 and is nearing the end of its useful life. The replacement was scheduled in 2023 at an estimated cost of \$200,000. Due to the costs increases happening for all information technology and the difficulty finding a partner agency, the cost estimate for implementing a system has been increased to \$500,000. In the 2024-2028 Equipment Replacement Plan presented on 8/8/2023 the increased cost is being paid for with fund balance reserves.
- Fire Staffing: The Fire Department recommends funding a Fire Captain with the Public Safety Funding. This position is included in the adopted 2023 budget and the draft 2024 budget. The position is being kept open while the Fire Staffing study is being completed. Use of Public Safety Funding for this position would reduce the tax levy and is included in all above proposals.
- Fire Equipment: The Fire Department recommends purchasing needed equipment and technology that have been delayed due to budget constraints. Purchases requested are additional fire hose, mobile data computers and implementing a new records management system. The total cost is estimated at \$65,000.

## **FUTURE ACTION**

A budget engagement session will be held on August 14 from 6-7 PM at City Hall. Details will be posted on the City's website: <https://www.hopkinsmn.com/466/City-Budget-Process>.

A preliminary levy must be adopted by September 30<sup>th</sup> of each year. The preliminary levy will be the maximum allowable amount for 2024 and can only be reduced.

A final levy must be adopted by December 31<sup>st</sup> of each year at or below the preliminary levy amount. A Truth and Taxation hearing is planned for Monday, December 4<sup>th</sup>. The final levy is planned to be approved at the December 5<sup>th</sup> City Council Meeting.



**CITY OF HOPKINS**

# Memorandum

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

From: Nick Bishop, Finance Director

Date: August 15, 2023

Subject: Franchise Fee Proposal Based on Utility Revenues

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**PURPOSE**

To seek feedback and guidance on a franchise fee proposal based on utility revenues.

**INFORMATION**

City Council has had three meetings to discuss gas and electric franchise fee ordinances that expire on December 31, 2023. City Council directed staff to increase fees for five-year term and to continue subsidizing the general fund and supporting the parks and capital improvement funds. City Council was in support of increasing the fees for parks and sustainability. City Council has directed staff to pursue a franchise fee model based on utility revenues.

*Recommended Proposal*

Hopkins first implemented franchise fees in 2004. Fee updates have been based on across the board increases for each account type and by making comparisons to other communities. Staff has reviewed utility revenue by account type compared to franchise revenue. The current breakdown of fees between residential and commercial properties is 57% to 43%, respectively. This is compared to the utility revenue break down between residential and commercial of 36% to 64% respectively. Residential properties are paying a greater percentage when compared to the total utility costs.

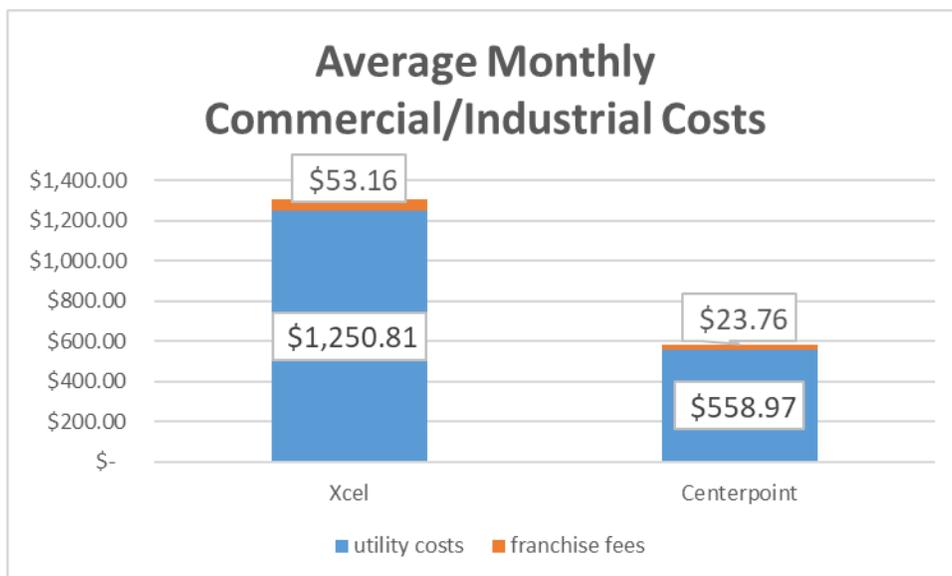
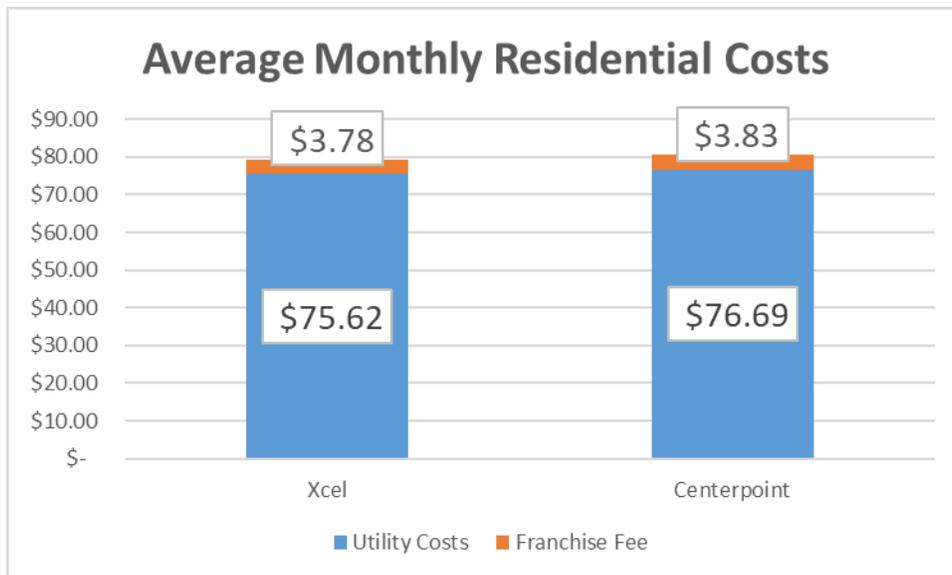
A new fee methodology based on percentages will reduce the disparity. The following charts show the recommended rates based on a percent of utility revenues and a projected average fee for each account type. Customers would pay more or less than the averages based on usage.

<b>Xcel Energy</b>				
	<b>Residential</b>	<b>Small C&amp;I Non</b>	<b>Small C&amp;I Demand</b>	<b>Large C&amp;I</b>
Current	\$ 3.50	\$ 6.15	\$ 24.70	\$ 170.50
Proposed	5.00%	4.25%	4.25%	4.25%
Average Fee	\$ 3.78	\$ 5.16	\$ 36.72	\$ 619.86

Centerpoint Energy							
	Residential	Commercial A	Commercial B	Commercial/Industrial C	Small Dual Fuel A	Small Dual Fuel B	Large Volume Dual Fuel
Current	\$ 3.50	\$ 3.50	\$ 8.75	\$ 24.70	\$ 48.55	\$ 170.50	\$ 170.50
Proposed	5.00%	4.25%	4.25%	4.25%	4.25%	4.25%	4.25%
Average Fee	\$ 3.83	\$ 3.23	\$ 9.44	\$ 51.91	\$ 74.84	\$ 120.42	\$ 1,097.35

The proposed fees are broken out between residential and commercial customers at 40% to 60%, respectively. The utility revenue breakdown is the same residential and commercial customers at 36% to 64%, respectively.

Franchise fees continue to be a small part of both residential and commercial utility bills. The following charts show the projected average monthly costs based on the proposed rates:



This proposal would generate approximately \$1.54 million of revenue. This is \$127,811 higher than previous proposals. The additional amount can be used for any governmental purpose. City Council can allocate the funds during the ongoing budget process.

<b>Proposed Uses of Franchise Fees</b>	
Current Uses (No Change)	
General Fund	311,695
Parks Fund	308,000
Capital Fund	360,000
	<hr/>
	979,695
2024 Increase	
Climate Solution Fund - Grants	200,000
Sustainability - Staffing, Consulting Etc.	185,000
Parks Fund	50,000
Unallocated	127,811
	<hr/>
	562,811
<b>Total Proposed Uses</b>	<b><u><u>1,542,506</u></u></b>

## **FUTURE ACTION**

The first and second reading of the fee ordinances need to occur on September 5<sup>th</sup> and 19<sup>th</sup>.