

**HOPKINS CITY COUNCIL**  
**AGENDA**  
**Tuesday, November 19, 2024**  
**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. Introduction and Oath of Office for Police Officers; Johnson/Domeier

**IV. CONSENT AGENDA**

1. Minutes of the November 12, 2024, Regular Meeting Proceedings
2. Second Reading: Ordinance Amending Planning & Zoning Fees in Appendix A of the Hopkins City Code; Bishop
3. Approval of Opposition Letter to Federal H.R. 3557 regarding Broadband; Casella
4. Resolution Nominating Eugene Maxwell for Reappointment to the Minnehaha Creek Watershed District Board of Managers; Mornson

**V. PUBLIC HEARINGS**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. Resolution Approving an On Sale Wine and 3.2% Malt Liquor License for The Tee Box, LLC DBA The Tee Box; Domeier
2. Third Quarter Financial Report Update; Bishop

**VIII. PUBLIC COMMENT**

**IX. ANNOUNCEMENTS**

- City Council Special/Budget Meeting: Monday, December 2 at 6:30 p.m.
- Next City Council Regular Meeting: Tuesday, December 10 and 17 at 6:30 p.m.

**X. ADJOURN**



**CITY OF HOPKINS**

**Police Department  
Administration Department**

## **Memorandum**

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

From: Brent Johnson, Police Chief  
Amy Domeier, City Clerk

Date: November 19, 2024

Subject: Introduction and Oath of Office for Police Officers

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### **PURPOSE**

Introduction of new police officers and oath ceremony.

### **INFORMATION**

Police Chief Johnson will introduce Hopkins Police Officers Marianna Klochan and Joseph Martin. Following Mr. Johnson's presentation, City Clerk Domeier will issue the Oath of Office to the officers.

Together we will thank the new officers for maintaining our commitment to excellence to Inspire, Educate, Involve and Communicate.

### **FUTURE ACTION**

N/A

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 12, 2024**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, November 12, 2024, at 6:32 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 Garrido, Goodlund, Hunke and Kuznia attending. Others attending included City Manager Mornson, Assistant City Manager Casella, City Clerk Domeier, Operations Superintendent Pavek, City Engineer Klingbeil, Director of Public Works Autio, Director of Planning and Development Elverum, Finance Director Bishop, Community Development Manager Needham and City Attorney Cristina Cruz-Jennings.

**ADOPT AGENDA**

**Motion** by Hunke. **Second** by Garrido.

**Motion** to Adopt the Agenda.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**

**Nays: None. Motion carried.**

**PRESENTATIONS**

**III.1. Proclamation Recognizing November 30, 2024, as Small Business Saturday and Holiday in Hopkins; Needham**

Danny McDonald, President of HBCA and Owner of Danny McDonald – State Farm, and Amy Brace, Owner of Amy’s Cupcake Shoppe, accepted the proclamation on behalf of the small business owners in Hopkins.

**Motion** by Hunke. **Second** by Garrido.

**MOTION** to adopt a Proclamation Recognizing November 30th, 2024, as Small Business Saturday and Holiday in Hopkins

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**

**Nays: None. Motion carried.**

**III.2. Elevate Hennepin Presentation; Needham**

Brandon Bell, Principal Planning Analyst with Hennepin County, provided more information about Elevate Hennepin.

**III.3. 2024 Hopkins Community Image Awards Presentation; Elverum**

Director of Planning and Development Elverum shared information about the winning property owners.

**CONSENT AGENDA**

**Motion** by Garrido. **Second** by Goodlund.

**Motion** to Approve the Consent Agenda.

1. Minutes of the October 15, 2024, Regular Meeting Proceedings

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
NOVEMBER 12, 2024**

2. Ratify Checks Issued in October, 2024; Bishop
3. Resolution Amending Fees in Appendix A of the Hopkins City Code; Bishop
4. Resolutions Approving Special Assessments for Diseased Tree Removal and Private Water Service; Bishop
5. Authorize the execution of the Memorandum of Understanding (MOU) Agreement for Joint Participation in Shared Mobility Request for Proposals; Elverum
6. Enter into a cooperative agreement between the City of Hopkins and Nine Mile Creek Watershed District for Central Park stormwater and flood-storage improvements; Imihy

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**

**Nays: None. Motion carried.**

**PUBLIC HEARINGS**

**V.1. Resolution Ordering Improvement Central Avenues Improvements and Resolution stating the City's intent to reimburse itself using bonds; Klingbeil**

City Engineer Klingbeil and Nick Amatuccio from Bolton and Menk summarized City Council Report 2024-141. In accordance with state statutes, the City Council must conduct a public hearing and determine authorization of the project.

Mayor Hanlon confirmed that the plans for Lot 800 are being considered in conjunction with the Lot 800 RFP currently out to developers. He also confirmed that any service lines being updated will be done in coordination with homeowners. Council Member Hunke supported the concrete bump outs proposed with the project.

Mayor Hanlon opened the Public Hearing at 7:33 p.m.

City Manager Mornson shared that all written comments received have been given to the City Council.

William Anderson, 102 Wayside Road West, shared his concerns about the street widths.

Christian Sanchez, 213 9<sup>th</sup> Avenue North, shared his concerns about the street widths.

Daron Dolynchuk, 319 10<sup>th</sup> Avenue North, shared her concerns about the street widths.

Kristiane Sanchez, 213 9<sup>th</sup> Avenue North, shared her concerns about the street widths.

Chris Nelson, 200 11<sup>th</sup> Avenue North, shared his support for the proposed street widths.

Andre La Tondresse, resident of Marketplace Lofts and advocate for Church of the Cross, shared his concerns about the street widths and proposed assessment costs asking for the church to be deemed residential instead of commercial.

Mindy Woods, 110 11<sup>th</sup> Avenue North, shared her concerns about the street widths.

Brian Smoliak, 210 9<sup>th</sup> Avenue North, shared his support for the proposed street widths.

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REGULAR MEETING PROCEEDINGS  
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Julie Marie Muskat, 345 10<sup>th</sup> Avenue North, shared her concerns about the street widths and tree retention.

Abbie Seba, 134 9<sup>th</sup> Avenue North, shared her concerns about the street widths.

Josh Montgomery, 202 9<sup>th</sup> Avenue North, shared his concerns about the street widths and requested a concrete bump out in front of his residence and changes to speed limits.

Charles Hendrix, 323 11<sup>th</sup> Avenue North, shared his concerns about considering other modes of transportation in determining the street widths.

Tony Dalbec, 113 9<sup>th</sup> Avenue North, shared his concerns about the street widths.

Kathy Klugman, 101 9<sup>th</sup> Avenue North, shared her concerns about the street widths.

Jay Furnal, 308 10<sup>th</sup> Avenue North, shared his concerns about the street widths.

Zachary Clifton, 345 10<sup>th</sup> Avenue North, shared his concerns about street widths and consideration of bike traffic.

Jean Hammond shared her concerns about street widths.

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

**Motion** to Close the Public Hearing at 8:16 p.m.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**

**Nays: None. Motion carried.**

Council Member Hunke questioned response from public safety related to the street design. Mr. Klingbeil shared the process for meeting with public safety during the design stages of the project. Mr. Klingbeil shared the process for determining the proposed street widths. Council Member Goodlund shared his concerns about parking in the Alice Smith School area, impact to property values, snow removal, environmental impacts and traffic calming measures should be stop signs and/or potential roundabouts and street width aesthetics. He supported the bump outs and offered to have more trees planted in area parks. Mr. Hanlon clarified that the increased boulevard space allows for additional snow storage. He also acknowledged that staff and third parties have made changes to street widths while balancing costs and best uses. Council Member Kuznia agreed that street width discussions are tough and shared concerns about parking, street widths and project costs. Council Member Hunke hoped the plans could offer a meet in the middle type of approach. Discussion was held about the speed limit sign trailers.

Staff will take the comments into the final design process.

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

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**Motion** to adopt Resolution 2024-066, Resolution Ordering Improvement Central Avenues Improvements and companion Resolution 2024-067, stating the City's intent to reimburse itself using bonds.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**  
**Nays: None. Motion carried.**

**V.2. First Reading: Ordinance Amending Fees in Appendix A of the Hopkins City Code; Bishop**

Finance Director Bishop summarized City Council Report 2024-139. The recommended fees are intended to reflect staff time, equipment, technology costs, supplies and space allocation.

Mayor Hanlon opened the Public Hearing.

**Motion** by Hunke. **Second** by Kuznia.

**Motion** to Close the Public Hearing.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**  
**Nays: None. Motion carried.**

**Motion** by Goodlund. **Second** by Kuznia.

**Motion** to approve for first reading Ordinance 2024-1215 Amending Fees in Appendix A of the Hopkins City Code.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**  
**Nays: None. Motion carried.**

**NEW BUSINESS**

**VII.1. Adoption of the 2025 – 2029 Capital Improvement & Equipment Replacement Plans; Bishop**

Finance Director Bishop the CIP and ERP plans for 2025 to 2029.

**Motion** by Hunke. **Second** by Kuznia.

**Motion** to adopt the 2025-2029 Capital Improvement & Equipment Replacement Plans.

**Ayes: Garrido, Goodlund, Hanlon, Hunke, Kuznia**  
**Nays: None. Motion carried.**

**ANNOUNCEMENTS**

Mayor Hanlon shared the City Council meeting schedule.

**HOPKINS CITY COUNCIL  
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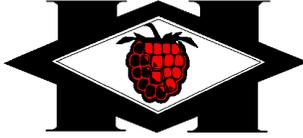
**ADJOURNMENT**

There being no further business to come before the City Council, and upon a motion by Hunke, second by Garrido, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully Submitted,



Amy Domeier, City Clerk



Finance Department

CITY OF HOPKINS

## City Council Report 2024-145

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

From: Nick Bishop, Finance Director

Date: November 19, 2024

Subject: Second Reading of Ordinance 2024-1215 Amending Planning and Zoning Fees in Appendix A of the Hopkins City Code

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### RECOMMENDED ACTION

**MOTION TO** Adopt Ordinance 2024-1215 Amending Fees in Appendix A of the Hopkins City Code

### OVERVIEW

There have been no changes to Ordinance 2024-1215 since the November 12, 2024 First Reading.

### SUPPORTING INFORMATION

- Exhibit A (Recommended Planning and Zoning Fees)
- Ordinance 2024-1215

**EXHIBIT A**

<b>Recommended Fees (Existing)</b>	<b>Current</b>	<b>Proposed</b>
<b>Animals</b>		
Dogs, spayed or neutered	\$22.00	\$25.00
Dogs, not spayed or neutered	\$30.00	\$30.00
Impound Fee (1st offense)	\$35.00	\$70.00
Impound Fee (2nd offense)	\$45.00	\$100.00
Impound Fee (Additional Offenses)	\$35.00	\$100.00
<b>Engineering</b>		
Driveway permit (construction, re-construction, or repair of driveway, driveway apron, sidewalk or curb)	\$40.00	\$75.00 - one address
Street excavation-residential	\$35.00	Delete - replaced by ROW Permit
Contractor's refundable deposit	\$750.00	Delete - replaced by ROW Permit
Street excavation - commercial/industrial	\$70.00	Delete - replaced by ROW Permit
Contractor's refundable deposit	\$1,500.00	Delete - replaced by ROW Permit
Utility excavation permit, up to two street or boulevard excavations	\$150.00	Delete - replaced by ROW Permit
Each additional street excavation	\$40.00	Delete - replaced by ROW Permit
Each additional boulevard excavation	\$20.00	Delete - replaced by ROW Permit
Parking lot construction or re-construction		
Small lot - under 20 stalls	\$100.00	\$125.00
Medium lot - 20 to 50 stalls	\$175.00	\$215.00
Large lot - over 50 stalls	\$250.00	\$315.00
Public street access permit for moving of buildings	Actual Costs	Delete
Plans and documents from 11" x 17" to 24" x 36"	\$3.00	Delete - covered by Data Practices
Plans and documents larger than 24" x 36"	\$5.00	Delete - covered by Data Practices
Tophographic map and 1998 aerial information		Delete - covered by Data Practices
Paper copy	\$20.00	Delete - covered by Data Practices
Digital copy (CD or email)	\$80.00	Delete - covered by Data Practices
Standard color CAD plots	\$10.00	Delete - covered by Data Practices
Custom CAD plots	Actual Costs	Delete - covered by Data Practices
<b>Fences</b>		
Residential Fences	\$35.00	\$65.00
<b>Fire Inspection</b>		
First and Second Fire Inspection (per hour)	\$60.00	\$115 for first hour + 60/additional
Third Inspection (per hour)	\$120.00	\$120/ hour
Fourth and additional inspections (per hour)	\$180.00	\$180/hour
<b>Police</b>		
Alarm Registration	\$30.00	\$35.00
<b>Public Works</b>		
Snow Removal - Residential	\$2.00 per foot	\$100.00
Snow Removal - Commercial	\$3.00 per foot	\$250 or actual costs
<b>Rental</b>		
Initial Inspection	\$100 + \$25 Per Dwelling Unit Inspected	\$100 + \$100 Per Dwelling Unit
First Re-Inspection	\$50.00	\$150.00
Second Re-Inspection	\$75.00	\$225.00
Each Additional Re-Inspection	Double Previous Amount	Double Previous Amount
License - Single Family Units	\$100.00	\$100.00
License - Buildings with 3 or More Units	\$100 per building + \$10 per unit	\$200 per building + \$10 per unit
<b>Signage</b>		
Temporary Signs	\$50.00	\$75.00
Permanent Signs	\$100.00	\$100.00
<b>Miscellaneous</b>		
Special Event Permit	\$50.00	\$300.00
<b>Parking Fees</b>		
<b>Daytime Permits</b>		
Daily	\$3.00	\$4.00
Monthly	\$43.00	\$45.00
Quarterly	\$101.00	\$110.00
Annual	\$330.00	\$350.00
Electric car - Quarterly	\$126.00	\$185.00 (\$75 additional)
Electric car - Annual	\$440.00	\$650 (\$300 additional)
Annual Overnight - (Between 8th & 11th Avenues, built pre-2012)	\$45.00	\$50.00
<b>Water and Sanitary Sewer Fees</b>		
<b>Flat Rates Per Meter Per Month</b>		
Residential - 5/8" meter	\$3.87	\$4.16
Residential - 1" meter	\$3.87	\$4.16
Apt/Commercial - 1-1/2" to 2" meter	\$7.76	\$8.35
Apt/Commercial - 3" meter	\$11.65	\$12.54
Apt/Commercial - 4" meter	\$15.49	\$16.67
Apt/Commercial - 6" meter	\$23.25	\$25.02
<b>Consumption Rates, Per 1,000 Gallons</b>		
<b>Residential and Multi-Family</b>		
0 - 3,000 gallons	\$3.97	\$4.27
3,001 - 5,000 gallons	\$4.57	\$4.92
5,001 and over	\$5.24	\$5.64
<b>Commercial</b>		
0 - 10,000 gallons	\$3.79	\$4.08
10,001 - 20,000 gallons	\$4.35	\$4.68
20,001 and over	\$5.01	\$5.39
Irrigation - all usage	\$4.74	\$5.10
Production meter	\$4.00	\$4.30
Sanitary Sewer	\$7.96	\$8.40

**EXHIBIT A**

<b>Recommended Fees (Existing)</b>	<b>Current</b>	<b>Proposed</b>
<b>Refuse, Recycling and Organic Recycling Fees</b>		
<b>Refuse Collection</b>		
35 Gallon - Every Other Week	\$14.55	\$15.21
35 Gallon	\$19.80	\$20.70
65 Gallon	\$24.00	\$25.09
95 Gallon	\$27.60	\$28.85
<b>Recycling</b>	\$5.64	\$5.84
<b>Organic Recycling</b>	\$5.89	\$6.10
<b>Yardwaste Stickers</b>	\$3.00	\$5.00
<b>Bulk Drop Off Event</b>	\$20.00 + tax	\$40.00 + tax
<b>Brush Pick Up</b>		
Minimum	\$12.00	\$25.00
6-17 Cubic Yards	\$30.00	\$50.00
18 + Cubic Yards	\$50.00	\$100.00

<b>Recommended Fees (New)</b>	<b>Current</b>	<b>Proposed</b>
<b>Public Works</b>		
<b>Tree Assessment Fee</b>	N/A	\$325.00
<b>Water Meter Reading Fee (Radio Opt Out)</b>	N/A	\$30 Per Month
<b>Water Shut Off</b>		
Business Hours	N/A	\$65.00
After Hours	N/A	\$150.00
<b>Inspections</b>		
<b>Electric Vehicle Supply Equipment Permit-Residential</b>	N/A	\$80.00
<b>Electric Vehicle Supply Equipment Permit-Commercial</b>	N/A	\$160.00
<b>Engineering</b>		
<b>Right of Way (ROW) Permit (Includes two excavations or 100' of directional boring)</b>	N/A	\$150.00
Contractors refundable deposit (per permit)	N/A	\$1,500.00
Each additional street excavation (per hole)	N/A	\$100.00
Each additional boulevard excavation (per hole)	N/A	\$50.00
Aerial installation (per lineal foot)	N/A	\$0.50
Trenchless installation (per lineal foot)	N/A	\$1.00
<b>Housing Improvement Areas</b>		
<b>Application Fee</b>	N/A	\$1,000.00
<b>Escrow</b>	N/A	\$7,500.00
<b>Parking Fees</b>		
<b>Overnight Permits (open to all, limited availability)</b>		
Monthly	N/A	\$100.00
Quarterly	N/A	\$300.00
Annual	N/A	\$1,200.00
Electric car - Quarterly	N/A	\$450 (\$150 additional)
Electric car - Annual	N/A	\$1,800 (\$600 additional)

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**ORDINANCE 2024-1215**

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

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

1. Appendix A of the Hopkins City Code has been reviewed to establish logical and defensible fees.
2. Certain fees and rates are in need of adjustment and are amended as set forth in Exhibit A.

First Reading: November 12, 2024

Second Reading: November 19, 2024

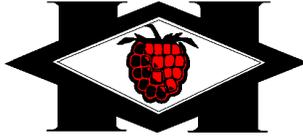
Date of Publication: November 28, 2024

Date Ordinance Takes Effect: January 1, 2025

By: \_\_\_\_\_  
Patrick Hanlon, Mayor

ATTEST:

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



CITY OF HOPKINS

## City Council Report 2024-136

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

From: Casey Casella, Assistant City Manager

Date: November 19, 2024

Subject: Approval of Opposition Letter to Federal H.R. 3557 regarding Broadband

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### **RECOMMENDED ACTION**

**MOTION TO** Approve a Letter of Opposition to Federal H.R. 3557, the American Broadband Deployment Act of 2023.

### **OVERVIEW**

The City of Hopkins is a member of the Southwest Suburban Cable Commission (SWSCC). This group manages and enforces the cable rules for each member city to make sure cable systems are built, operated, maintained, and improved in ways that benefit everyone who uses cable. The cities in the SWSCC include Eden Prairie, Edina, Hopkins, Minnetonka, and Richfield. Each city has two representatives. Currently, the representatives from Hopkins are Assistant City Manager Casella and Council Member Ben Goodlund. The SWSCC works with the law firm Moss & Barnett for assistance with administration and legal matters.

Sometimes, the SWSCC deals with laws and policies related to cable fees, which has become a national issue. Recently, the SWSCC staff brought a concerning federal bill, H.R. 3557 - the American Broadband Deployment Act of 2023, to the Commission's attention. While this isn't a new bill, certain industry groups are pushing for it again at the federal level. At their meeting on October 23, 2024, the SWSCC sent a Letter of Opposition to H.R. 3557. The Commission also encouraged each member city to send their own letters to their federal representatives.

H.R. 3557 is a bill related to broadband deployment and is opposed by many bi-partisan national organizations of local government officials including the National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the National Association of Counties (NACo) and the National Association of Telecommunications Officers and Advisors (NATOA).

Tonight, Staff recommends the City Council approve an opposition letter on behalf of the City of Hopkins. Staff would then send the letter to the appropriate federal officials to oppose the bill.

## **SUPPORTING INFORMATION**

- Sent NACo, NLC, the USCM and NATOA Letter of Opposition to H.R. 3557
- Sent Southwest Suburban Cable Commission Letter of Opposition to H.R. 3557
- Draft City of Hopkins Letter of Opposition to H.R. 3557



THE UNITED STATES  
CONFERENCE OF MAYORS



September 18, 2024

The Honorable Mike Johnson  
Speaker, U.S. House of Representatives  
H-232, The Capitol  
Washington, D.C. 20515

The Honorable Hakeem Jeffries  
Democratic Leader, U.S. House of Representatives  
H-204, The Capitol  
Washington, D.C. 20515

Dear Speaker Johnson and Leader Jeffries:

On behalf of the nation's bipartisan leaders of counties, cities, towns, villages, and the hundreds of millions of our residents, the National League of Cities (NLC), The United States Conference of Mayors (USCM), National Association of Counties (NACo) and the National Association of Telecommunications Officers and Advisors (NATOA) write to express our continued<sup>1</sup> strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023.<sup>2</sup>

H.R. 3557 represents an unprecedented and dangerous usurpation of local governments' authority to manage public rights-of-way and land use. The bill favors a model for local permitting that unfairly constrains local input and threatens to undo significant local coordination efforts that have occurred across the country to prepare and act upon this historic moment in federal broadband infrastructure investment. The bill also waives historic preservation (NHPA) and environmental (NEPA) rules at the favor of cable, wireless and telecommunications providers despite recent progress made at the federal level to significantly reform NEPA and federal permitting processes. In return for these gifts, the bill imposes no obligations on cable, wireless, and telecommunications companies to provide broadband to "unserved" and "underserved" Americans and, further, passes on the real cost of deployment to already overburdened American households.

The proponents of this legislation have suggested that local governments are an impediment to successful broadband deployment, especially with the unprecedented levels of federal investment that are being made right now. This simply isn't true. Local governments are partners with the telecommunications industry, working together to safely, securely, and successfully deploy telecommunications infrastructure in our cities and counties in a timely and efficient manner. We not only partner with our rights-of-way to ensure that disruptions to infrastructure such as roads are minimized, but we are working collaboratively to ensure that together, we deliver on the promise of internet for all Americans as we work with our State Broadband Offices on each of our broadband plans.

In fact, the National Telecommunications and Information Administration has made local coordination a significant component of the Broadband, Equity, Access, and Deployment (BEAD) Program because of this very essential relationship between local governments and internet service providers.

Perhaps most alarming about H.R. 3557 is the promotion of the myth that making these proposed changes to our rights-of-way authority will unlock lower prices and improve the quality of broadband offerings available in the

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<sup>1</sup> This is the third time that we have jointly expressed our opposition to the joint Congressional leaders. See Joint Letter of National Local Government organizations of April 19, 2023 available at <https://www.natoa.org/news/joint-letter-on-breaking-barriers-streamlining-permitting-to-expedite-broadband-deployment> and the Joint Letter of National Local Government organizations of April 19, 2023 available at <https://www.natoa.org/news/action-alert-local-government-strongly-opposes-hr-3557-americanbroadband-deployment-act>. Both are attached hereto as Exhibits A & B.

<sup>2</sup> Additional expressions of opposition can be found at: [https://legacy.usmayors.org/resolutions/92nd\\_Conference/proposedreview-list-full-print-committee-individual.php](https://legacy.usmayors.org/resolutions/92nd_Conference/proposedreview-list-full-print-committee-individual.php), <https://www.nlc.org/article/2023/06/08/house-committee-advancescommunications-infrastructure-preemption-bill/>, and <https://www.naco.org/news/house-committee-advances-local-authoritypreemption-bill-broadband-deployment-projects>

United States. There's no proof that any of these conditions happened in states where local governments were pre-empted. States such as Texas have not demonstrated any benefits from a statewide law compared to other states and there is no evidence that a national pre-emption of local authority would have a positive effect, either.

Local governments have demonstrated historically and continue to support the successful deployment of broadband networks as we seek to ensure that all our residents have access to quality, robust, and affordable broadband services. Congress understood this fact, and the Constitution's protection of property rights, when it preserved local government authority over the use of local rights-of-way (Sec. 253) and the siting of wireless devices (Sec. 332). Network construction and operations need to be carefully managed for the sake of residents and their public safety through the careful coordination of multiple rights-of-way (ROW) users to provide power, water, sewerage, stormwater, and transportation use for our communities. We must also ensure that the competing interests of these ROW occupants are well managed to avoid land grabs that might otherwise defeat the intent of Congress' investment in broadband deployment.

Our organizations have worked diligently and proactively with the wireline and wireless providers to address mutual ROW concerns in anticipation of the billions of dollars in BEAD fiber deployment made available by the bipartisan Infrastructure Investment and Jobs Act. In fact, just this year, during a summit hosted by Georgetown Law Institute for Technology Law & Policy, stakeholders from the federal, state, and local levels of government met with industry stakeholders, including ISPs, both large and small, coming together to identify areas of consensus and collaboration. The findings from our discussions were reduced to a report: [Permitting Success: Closing the Digital Divide Through Local Broadband Permitting](#) that was published last week.<sup>3</sup>

H.R. 3557 runs counter to the recommendations that came out of that multi-stakeholder discussion. That group recognized the main issue is lack of staff and resources, particularly in jurisdictions that will get most of the BEAD funding. The Report reflects the acknowledgement by industry and other stakeholders that local permitting is important to protect public safety and the diverse values of communities.

Similarly, the Federal Communications Commission's Communications Equity and Diversity Council's model rules for states and local governments recognized similar values and the need for local involvement to be sure deployment is equitable.<sup>4</sup> This bill is also at odds with those recommendations.

H.R. 3557 deprives citizens and their local governments of the ability to preserve property rights and, most importantly, maintain public safety. Worse, the proposals included in the legislation have been adopted in Texas and other states that were identified recently in the national broadband map as having the most unserved households in America. H.R. 3557, if enacted, would not deliver the benefits that its proponents promise.

That such flawed legislation has moved as far as it has may be attributed to the fact the American Broadband Deployment Act of 2023 was hurried through committee without the benefit of local government testimony nor insights and consequences of the proposed fundamental changes to our nation's telecommunications policy and rights-of-way authorities. H.R. 3557, unlike many other broadband legislative priorities and investments passed by Congress during the last several years, was voted out of committee on partisan lines. Because we are and have always been, bipartisan, we are troubled by party-line legislation addressing issues that are bipartisan in nature.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Congress has historically recognized these rights in Sections 224, 253, and 332 of the Telecommunications Act. These authorities are critical to conduct responsible stewardship of

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<sup>3</sup> See <https://www.benton.org/publications/permitting-success. Participants included> Lumen, NCTA - The Internet & Television Association, Dycem Industries, Fiber Broadband Association, Brightspeed, NTCA -The Rural Broadband Association, Google Fiber, WTA - Advocates for Rural Broadband, Ting Internet, National Rural Electric Cooperative Association and US Telecom.

<sup>4</sup> Recommendations and Best Practices to Prevent Digital Discrimination and Promote Digital Equity Submitted to the Federal Communications Commission by the Working Groups of the Communications Equity and Diversity Council November 7, 2022, <https://www.fcc.gov/sites/default/files/cedc-digital-discrimination-report-110722.pdf>

public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible.

We welcome the opportunity to discuss and work collaboratively with Congress and our telecommunications partners to find successful solutions to improve broadband deployment in our country. We thank you for considering our viewpoints and look forward to continuing our work together on this important issue of ensuring quality and affordable internet access for all Americans.

Sincerely,



Clarence Anthony  
CEO and Executive Director  
National League of Cities



Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors



Matthew D. Chase  
CEO/Executive Director  
The National Association of Counties



Tonya Rideout  
Executive Director  
The National Association of Telecommunications Officers and Advisors

CC: Members of the U.S. House of Representatives

*If you have any questions, please contact:*

The **National League of Cities (NLC)** is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions. Contact: Angelina Panettieri, Legislative Director for Information Technology and Communications, at 202-626-3196 or [panettieri@nlc.org](mailto:panettieri@nlc.org).

The **United States Conference of Mayors (USCM)** is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,400 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. Contact: David W. Burns, Assistant Executive Director, at 202-861-6765 or [dburns@usmayors.org](mailto:dburns@usmayors.org).

The **National Association of Counties (NACo)** provides essential services to the nation's 3,069 counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Since 1935, NACo unites county officials to advocate county priorities in federal policymaking and optimize county and taxpayer resources and cost savings while promoting exemplary county policies and practices. Contact: Seamus Dowdall, Assoc. Legislative Director, Telecommunications & Technology at 202-942-4212 or [sdowdall@naco.org](mailto:sdowdall@naco.org).

The **National Association of Telecommunications Officers and Advisors' (NATOA)** is the local government association supporting our members by advocating for broadband deployment, digital equity, cable services, Public, Educational and Governmental Access (PEG) Television, public safety communications and the preservation of local authority in our public rights of way (PROW). Members are local government staff and their advisors offering a wealth of experience and expertise on public rights-of-way management, telecom work and communications issues related to broadband, wireless, cable television, public, educational, and government (PEG) access, public safety communications, consumer protection and PROW management. Contact: Mike Lynch, Leg/Reg Affairs Director, 703-519-8035, x202 or [MLynch@NATOA.org](mailto:MLynch@NATOA.org).

**SOUTHWEST SUBURBAN CABLE COMMISSION**  
**8080 Mitchell Road | Eden Prairie, MN 55344**

October 23, 2024

Amy Klobuchar, U.S. Senator  
1200 Washington Avenue South, Room 250  
Minneapolis, MN 55415

Tina Smith, U.S. Senator  
60 Plato Blvd. East, Suite 220  
Saint Paul, MN 55107

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Dean Phillips, U.S. Representative  
13911 Ridgedale Drive, Suite 200  
Minnetonka, MN 55305

Ilhan Omar, U.S. Representative  
310 E 38th Street, Suite 222  
Minneapolis, MN 55409

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Dear Representatives:

The Southwest Suburban Cable Commission ("SWSCC") is a Minnesota municipal joint powers cooperative formed by its member cities (Eden Prairie, Edina, Hopkins, Minnetonka, and Richfield, Minnesota) consisting of a combined total of 85.73 square miles, 96,134 households and 227,546 residents. Since 1982, the SWSCC has administered and enforced cable franchise ordinances for its member cities.

**SWSCC opposes H.R. 3557.**

On behalf of the SWSCC, I write to express our deep concerns and strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023. H.R. 3557 deprives citizens and their local governments of the ability to preserve property rights and maintain public safety. Moreover, the proposals included in the legislation have been adopted by several states, which were recently identified in the Federal Communications Commission's Broadband Maps as having the most *unserved* households in America, thus failing to deliver the benefits proponents of H.R. 3557 claim the legislation would provide.

That such flawed legislation has moved as far as it has may be attributed to the fact that H.R. 3557 was hurried through committee without the benefit of any local government testimony nor insights and consequences of the proposed fundamental changes to our nation's telecommunications policy and rights-of-way authorities. H.R. 3557, unlike many other broadband legislative priorities and investments passed by Congress during the last several years, was voted out of committee on partisan lines. Local governments are always troubled when any legislation is moved on party lines as local governments are bipartisan in nature.

**Local governments are *NOT* an impediment to broadband deployment.**

The proponents of this legislation have suggested that local governments are an impediment to successful broadband deployment, especially with the unprecedented levels of federal investment that are being made right now. This simply isn't true. Local governments are partners with the

telecommunications industry working together to safely, securely, and successfully deploy telecommunications infrastructure in our cities and counties in a timely and efficient manner.

Local governments are working daily with internet service providers to ensure that the promise of internet for everyone is fulfilled consistent with the Minnesota Office of Broadband Development. In fact, the National Telecommunications and Information Administration has made local coordination between local government and internet service providers a significant component of the Broadband, Equity, Access, and Deployment (BEAD) Program because of this very essential relationship between local governments and internet service providers.

**H.R. 3557 would preempt local government authority to manage public rights-of-way.**

H.R. 3557 represents an unprecedented and dangerous usurpation of local government authority to manage public rights-of-way and land use matters within their jurisdiction. The bill strips local governments of property rights, and grants rights in public property to cable, wireless and telecommunications providers. The bill also waives historic preservation (NHPA) and environmental (NEPA) rules. In return for the bill's unprecedented authorization for industry providers to do as they please with local community property and regulations, the bill imposes no obligations on these companies to provide broadband to "unserved" and "underserved" Americans.

**H.R. 3557 would allow for the *unilateral* modification of cable franchises.**

With respect to cable television, the bill would eliminate cable franchise renewals, thereby removing the ability of local communities to enforce franchise obligations such as build-out, customer service, and provision of local public, educational and government access channels. It would grant a cable operator the "unilateral right" to terminate or modify a franchise, and in the event of abandonment, create no obligation to remove a cable system from rights-of-way, thereby clogging public property with abandoned utility infrastructure. It would also allow operators to unilaterally eliminate provisions of contracts they deem commercially unfeasible. The result would be that cable operators retain all the benefits of a franchise with none of the obligations to the local community.

**H.R. 3557 would impose unreasonable mandates on local government wireless approvals.**

With respect to wireless facilities, the bill mandates that all wireless siting decisions be "deemed granted" if not acted upon by local governments within much shorter time periods than the federal government. For similar projects the federal government gives itself 270 days to act, and if it fails to do so, there is no "deemed granted" remedy. Yet the bill imposes a federal mandate that local governments must act in as few as 60 days, and a failure to act would result in the application being deemed granted.

Further, the bill provides no public safety protections for construction of "deemed granted" facilities. Sites will be constructed without any further action by the local government, without notice to the local government or obligation to comply with safety laws or traffic control.

**H.R. 3557 would *preempt* local zoning.**

The bill would grant special privileges that empower providers to install facilities where they choose regardless of local zoning, thus eliminating the ability of local government to balance providers' and neighbors' interests and jeopardizing the ability of local governments to impose stealth or concealment factors on installations. It would limit all local fees to a locality's objectively reasonable costs. Unlike current FCC rules and safe harbor pricing, localities would have to justify their fees using a complex, burdensome rate-making formula.

**Local government would have to seek remedies at the FCC, not local federal district courts.**

In addition to the cable and wireless-specific issues, there are other reasons we urge you to oppose this bill. The bill would impose new and similarly flawed timelines and "deemed granted" remedies on applications for wireline-based telecommunications facilities, and our concerns here mirror the concerns noted above with respect to wireless facilities. Importantly, the bill would also substitute the FCC for local federal district courts as the reviewing body for challenges to decisions, thus breaking promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local land use and permitting decisions.

**Minnesota local governments have a strong track record of working with providers.**

Minnesota local governments have an impressive track record of facilitating broadband deployment throughout our communities in a reasonable, timely manner. And we have additionally taken a leadership role in proactively developing broadband infrastructure to create and improve connectivity in those parts of the state that have traditionally been unserved and underserved, opening up opportunities for public-private partnerships to collaboratively address connectivity issues. While there may always be bad actors on all sides of the equation, and periodic horror stories that one side or another can drag into the debate, the fact remains that local governments are successfully managing broadband deployment, and dramatic, overreaching federal preemption is the last thing needed to address these important challenges.

Local governments have demonstrated historically and continue to support the successful deployment of broadband networks as we seek to ensure that all our residents have access to quality, robust, and affordable broadband services. Network construction needs to be carefully managed for the sake of residents and their public safety through the careful coordination of multiple rights-of-way (ROW) users to provide power, water, sewerage, stormwater, and transportation use for our communities.

**H.R. 3557 will *not* lower prices or improve the quality of broadband offerings.**

Perhaps most alarming about H.R. 3557 is the promotion of the myth that making these proposed changes to our rights-of-way authority will unlock lower prices and improve the quality of broadband offerings available in Minnesota and around the United States. There's no proof that any of these conditions happened in states where local governments were pre-empted. States such as Texas have not demonstrated any benefits from a statewide law compared to other states and there is no evidence that a national pre-emption of local authority would have a positive effect.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Congress has historically

recognized these rights in Sections 224, 253, and 332 of the Telecommunications Act. These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible.

**Please support Minnesota local governments and oppose H.R. 3557**

We would appreciate your opposition to H.R. 3557, and we would be happy to discuss these issues with you in more detail at any time. Thank you for your consideration. Please contact the undersigned with any questions or comments.

Respectfully submitted,



Rick Getschow  
Vice Chair, Southwest Suburban Cable Commission  
City Manager, Eden Prairie, Minnesota

cc via email:

- Mark Freiberg, Council Member - City of Eden Prairie
- Scott Neal, City Manager - City of Edina
- Kate Agnew, Council Member - City of Edina
- Casey Casella, Assistant City Manager - City of Hopkins
- Patty Latham, IT Manager - City of Minnetonka
- Deb Calvert, Council Member - City of Minnetonka
- Katie Rodriguez, City Manager - City of Richfield
- Mary Supple, Mayor - City of Richfield

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# City of Hopkins

1010 First Street South • Hopkins, MN 55343-3435 • Phone: 952-548-6331 • Fax: 952-935-1834 • Web address: [www.hopkinsmn.com](http://www.hopkinsmn.com)

**November 19, 2024**

Amy Klobuchar, U.S. Senator  
1200 Washington Avenue South, Room  
250  
Minneapolis, MN 55415

Tina Smith, U.S. Senator  
60 Plato Blvd. East, Suite 220  
Saint Paul, MN 55107

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Dean Phillips, U.S. Representative  
13911 Ridgedale Drive, Suite 200  
Minnetonka, MN 55305

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Dear Representatives:

On behalf of the City of Hopkins, Minnesota, I write to express our deep concerns and strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023. H.R. 3557 deprives residents and their local governments of the ability to preserve property rights and maintain public safety. Moreover, the proposals included in the legislation have been adopted by several states, which were recently identified in the Federal Communications Commission's ("FCC") Broadband Maps as having the most *unserved* households in America, thus failing to deliver the benefits proponents of H.R. 3557 claim the legislation would provide.

That such flawed legislation has moved as far as it has may be attributed to the fact that H.R. 3557 was hurried through committee without the benefit of any local government testimony nor insights and consequences of the proposed fundamental changes to our nation's telecommunications policy and rights-of-way authorities. H.R. 3557, unlike many other broadband legislative priorities and investments passed by Congress during the last several years, was voted out of committee on partisan lines. Local governments are always troubled when any legislation is moved on party lines as local governments are bipartisan in nature.

The City of Hopkins has a vision to create a spirit of community where:

- All people feel safe and respected, and diversity is celebrated
- Business growth is supported, and a vibrant downtown is maintained
- People enjoy exceptional government services, neighborhoods and outstanding schools

We have pride in our ability to work with our community and partners to ensure the best solution for our residents and businesses. We are confident H.R. 3557 is not right for our community.

**Local governments are *NOT* an impediment to broadband deployment.**

The proponents of this legislation have suggested that local governments are an impediment to successful broadband deployment, especially with the unprecedented levels of federal investment that are being made right now. This simply is not true. Local governments are partners with the telecommunications industry working together to safely, securely, and successfully deploy telecommunications infrastructure in our cities and counties in a timely and efficient manner.

Local governments are working daily with internet service providers to ensure that the promise of internet for everyone is fulfilled consistent with the Minnesota Office of Broadband Development. In fact, the National Telecommunications and Information Administration has made local coordination between local government and internet service providers a significant component of the Broadband, Equity, Access, and Deployment (BEAD) Program because of this very essential relationship between local governments and internet service providers.

**H.R. 3557 would preempt local government authority to manage public rights-of-way.**

H.R. 3557 represents an unprecedented and dangerous usurpation of local government authority to manage public rights-of-way and land use matters within their jurisdiction. The bill strips local governments of property rights, and grants rights in public property to cable, wireless and telecommunications providers. The bill also waives historic preservation (NHPA) and environmental (NEPA) rules. In return for the bill's unprecedented authorization for industry providers to do as they please with local community property and regulations, the bill imposes no obligations on these companies to provide broadband to "unserved" and "underserved" Americans.

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With respect to wireless facilities, the bill mandates that all wireless siting decisions be "deemed granted" if not acted upon by local governments within much shorter time periods than the federal government. For similar projects the federal government gives itself 270 days to act, and if it fails to do so, there is no "deemed granted" remedy. Yet the bill imposes a federal mandate that local governments must act in as few as 60 days, and a failure to act would result in the application being deemed granted.

Further, the bill provides no public safety protections for construction of "deemed granted" facilities. Sites will be constructed without any further action by the local government, without notice to the local government or obligation to comply with safety laws or traffic control.

**H.R. 3557 would *preempt* local zoning.**

The bill would grant special privileges that empower providers to install facilities where they choose regardless of local zoning, thus eliminating the ability of local government to balance providers' and neighbors' interests and jeopardizing the ability of local governments to impose stealth or concealment factors on installations. It would limit all local fees to a locality's objectively reasonable costs. Unlike current FCC rules and safe harbor pricing, localities would have to justify their fees using a complex, burdensome rate-making formula.

## **Local government would have to seek remedies at the FCC, not local federal district courts.**

In addition to the cable and wireless-specific issues, there are other reasons we urge you to oppose this bill. The bill would impose new and similarly flawed timelines and “deemed granted” remedies on applications for wireline-based telecommunications facilities, and our concerns here mirror the concerns noted above with respect to wireless facilities. Importantly, the bill would also substitute the FCC for local federal district courts as the reviewing body for challenges to decisions, thus breaking promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local land use and permitting decisions.

## **Minnesota local governments have a strong track record of working with providers.**

Minnesota local governments have an impressive track record of facilitating broadband deployment throughout our communities in a reasonable, timely manner. And we have additionally taken a leadership role in proactively developing broadband infrastructure to create and improve connectivity in those parts of the state that have traditionally been unserved and underserved, opening up opportunities for public-private partnerships to collaboratively address connectivity issues. While there may always be bad actors on all sides of the equation, and periodic horror stories that one side or another can drag into the debate, the fact remains that local governments are successfully managing broadband deployment, and dramatic, overreaching federal preemption is the last thing needed to address these important challenges.

Local governments have demonstrated historically and continue to support the successful deployment of broadband networks as we seek to ensure that all our residents have access to quality, robust, and affordable broadband services. Network construction needs to be carefully managed for the sake of residents and their public safety through the careful coordination of multiple rights-of-way (ROW) users to provide power, water, sewerage, stormwater, and transportation use for our communities.

## **H.R. 3557 will *not* lower prices or improve the quality of broadband offerings.**

Perhaps most alarming about H.R. 3557 is the promotion of the myth that making these proposed changes to our rights-of-way authority will unlock lower prices and improve the quality of broadband offerings available in Minnesota and around the United States. There is no proof that any of these conditions happened in states where local governments were pre-empted. States such as Texas have not demonstrated any benefits from a statewide law compared to other states and there is no evidence that a national pre-emption of local authority would have a positive effect.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Congress has historically recognized these rights in Sections 224, 253, and 332 of the Telecommunications Act. These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible.

**Please support Minnesota local governments and oppose H.R. 3557**

We would appreciate your opposition to H.R. 3557, and we would be happy to discuss these issues with you in more detail at any time. Thank you for your consideration. Please contact the undersigned with any questions or comments.

Sincerely,

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Patrick Hanlon  
Mayor, City of Hopkins  
[PHanlon@hopkinsmn.com](mailto:PHanlon@hopkinsmn.com)  
612-440-9689

---

Michael Mornson  
City Manager, City of Hopkins  
[MMornson@hopkinsmn.com](mailto:MMornson@hopkinsmn.com)  
952-548-6301



Administration

CITY OF HOPKINS

## City Council Report 2024-143

To: Honorable Mayor and Council Members  
From: Mike Mornson, City Manager  
Date: November 19, 2024  
Subject: Resolution Nominating Eugene Maxwell for Reappointment to the Minnehaha Creek Watershed District Board of Managers

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### **RECOMMENDED ACTION**

**MOTION TO** adopt Resolution 2024-67 Nominating Eugene Maxwell for Reappointment to the Minnehaha Creek Watershed District Board of Managers.

### **OVERVIEW**

Eugene (Gene) Maxwell currently serves as a MCWD Liaison to the City of Hopkins on the 325 Blake Road Restoration and Redevelopment Project. Minnesota Statutes Section 103D.311, Subdivision 3 provides that watershed managers in the metropolitan area may be nominated jointly or severally by towns and municipalities in the watershed district.

### **SUPPORTING INFORMATION**

- Resolution 2024-067

**CITY OF HOPKINS, MINNESOTA**

**RESOLUTION NO. 2024-067**

**RESOLUTION NOMINATING EUGENE MAXWELL FOR REAPPOINTMENT TO THE  
MINNEHAHA CREEK WATERSHED DISTRICT BOARD OF MANAGERS**

**WHEREAS**, Eugene (Gene) Maxwell has served on the Minnehaha Creek Watershed District (MCWD) Board of Managers for six years, where he has promoted collaboration and strong working relationships with community partners; and

**WHEREAS**, Gene serves as a MCWD Liaison to the City of Hopkins on the 325 Blake Road Restoration and Redevelopment Project, where he has consistently facilitated open communications, strategic thinking, and creative problem solving for a vital piece in the Minnehaha Creek Greenway that will treat significant regional stormwater and create a new vibrant place in the city along SWLRT; and

**WHEREAS**, Minnesota Statutes Section 103D.311, Subdivision 3 provides that watershed managers in the metropolitan area may be nominated jointly or severally by towns and municipalities in the watershed district; and

**WHEREAS**, the Hopkins City Council believes that it is in the best interests of the city and the watershed for Eugene Maxwell to be reappointed to another term of service.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Hopkins hereby nominates Eugene Maxwell for reappointment to the Board of Managers of the Minnehaha Creek Watershed District.

Adopted by the City Council of the City of Hopkins, Minnesota on the 19th day of November 2024.

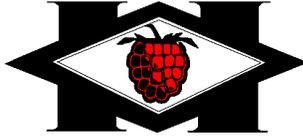
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Patrick Hanlon, Mayor

ATTEST:

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Amy Domeier, City Clerk



Administration

CITY OF HOPKINS

## City Council Report 2024-143

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

From: Amy Domeier, City Clerk

Date: November 19, 2024

Subject: Resolution Approving an On Sale Wine and 3.2% Malt Liquor License for The Tee Box, LLC DBA The Tee Box

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### RECOMMENDED ACTION

**MOTION TO** adopt a Resolution 2024-068 Approving an On Sale Wine and 3.2% Malt Liquor License for The Tee Box, LLC DBA The Tee Box.

### OVERVIEW

The Tee Box, LLC applied for an on-sale wine and 3.2% malt liquor license at The Tee Box, a new golf simulator business to be located at 4 Shady Oak Road, Unit #16 (formerly Tonka Cycle). The licensed premise includes the interior space only at 4 Shady Oak Road, Unit #16. The owners plan to open Decembers.

The Police Department and City Clerk reviewed the application for the liquor licenses requested and conducted a background investigation as required by state and local law. Staff has no reservations in approving the licenses based upon the results of the investigation.

Upon City Council approval of the liquor licenses requested, the State applications will be submitted to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, for certification. A representative from the State may inspect the premises before issuing the wine license. The liquor licenses will become effective upon all conditions being met in Resolution 2024-068 and will expire on June 30, 2025, subject to any subsequent renewals.

### SUPPORTING INFORMATION

- Resolution 2024-068
- The complete application is on file in the City Clerk's office.

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2024-068**

**RESOLUTION APPROVING AN ON-SALE WINE AND 3.2% MALT LIQUOR  
LICENSE FOR THE TEE BOX, LLC DBA THE TEE BOX, WITH CONDITIONS**

**WHEREAS**, The Tee Box, LLC DBA The Tee Box, submitted an application for an on-sale wine and 3.2% malt liquor licenses to be located at 4 Shady Oak Road, Unit #16, Hopkins; 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 license being issued.

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

1. The City Council approves an on-sale wine and 3.2% malt liquor licenses for The Tee Box, LLC DBA The Tee Box, for the premise located at 4 Shady Oak Road, Unit #16. The licensed premise includes the interior space only at 4 Shady Oak Road, Unit #16.
2. The licenses are conditioned on the applicant's ongoing compliance with its application that is on file with the City Clerk, and is further subject to the following:
  - A. All terms and conditions of the City Code Chapter 4, Alcoholic Beverages, and Minnesota Statutes, Chapter 340A.
  - B. Final inspection by the City Building Official.
  - C. Final inspection by the Hennepin County Health Inspector.
3. The on-sale intoxicating license issued herein is further conditioned on the existence and operation of a restaurant, as that term is defined in Hopkins City Code, section 4-1(b), within the licensed premises.
4. Upon adherence with the contingencies set forth herein, the Mayor and City Clerk are hereby authorized to execute said licenses.
5. The licenses shall expire at 11:59 p.m. on June 30, 2025, subject to subsequent renewals.

Adopted by the City Council of the City of Hopkins this 19th day of November 2024.

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

ATTEST:

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



**Finance Department**

**CITY OF HOPKINS**

## **Memorandum**

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

From: Nick Bishop, Finance Director

Date: November 19th, 2024

Subject: Third Quarter Financial Report Update

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A full presentation of the third quarter operating results will be given at the City Council meeting.