

**HOPKINS CITY COUNCIL  
AGENDA  
Tuesday, December 17, 2024  
6:30 pm**

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

Schedule: HRA Special Meeting at 6:30 p.m.

**I. CALL TO ORDER**

**II. ADOPT AGENDA**

**III. PRESENTATIONS**

1. 2025 Park Board Work Plan; Imihy

**IV. CONSENT AGENDA**

1. Minutes of the December 10, 2024, Closed Meeting Proceedings
2. Minutes of the December 10, 2024, Regular Meeting Proceedings
3. Resolution Establishing Legislative Policy 8-K – Green Infrastructure Special Assessment Policy; Larson
4. Second Reading: Ordinance Amending the Hopkins City Code to regulate cannabis businesses; Krzos
5. Second Reading: Ordinance Amending the Hopkins Development Code regarding accessory structures in NX zones; Krzos
6. Approve Settlement and Purchase Agreement; Riggs

**V. PUBLIC HEARING**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**VIII. ANNOUNCEMENTS**

- Next Regular City Council Meeting: Tuesday, January 7 at 6:30 p.m.

**IX. ADJOURN**



**CITY OF HOPKINS**

**Administration**

## **Memorandum**

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

From: Laila Imihy, AICP – Special Projects and Initiatives Manager

Date: December 17, 2024

Subject: 2025 Park Board Work Plan

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### **PURPOSE**

To provide the City Council an update on the 2025 Park Board Work Plan.

### **INFORMATION**

Annually, the Park Board provides a report to the City Council on the work they have accomplished over the past 12 months, as well as a look ahead at the next year's plan. The Park Board is happy to share a few highlights from 2024:

- Executed their first ever Garlic Mustard clean up event at Shady Oak Pond
- Continued their tradition of a fall Buckthorn Bust, but was able to expand to a new area at Minnehaha Creek Reserve
- Started a master planning process for Central Park.

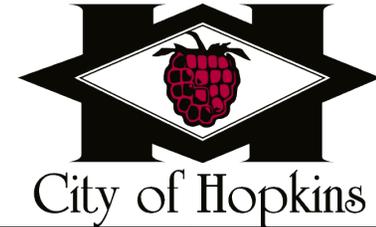
Attached is the proposed Park Board work plan for 2025, and Park Board chair Kristen Hanneman will share more about it at tonight's meeting.

### **FUTURE ACTION**

None.

# Park Board

## 2025 Annual Work Plan

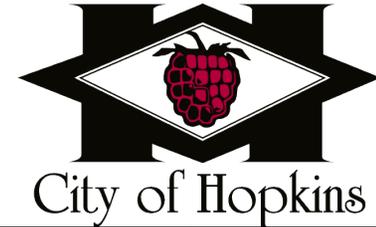


Initiative	<input type="checkbox"/> New Initiative <input checked="" type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Develop a master plan for Central Park which includes a feasibility study for an expansion of the Pavilion		Fall 2025	\$300,000	Staff support from Planning, Public Works + Minnetonka Parks and Recreation would be needed.	Yes
<b>Information/Progress Report:</b> In 2022, the Park Board selected Landscape Architecture firm, Confluence, as the contractor for the Master Park System Plan. This plan was completed in 2024 and in fall 2024 the Park Board and City Council approved consultant Bolton and Menk to carry out this work. Staff expect there to be a significant amount of engagement and review for the park board in 2025.					

Initiative	<input type="checkbox"/> New Initiative <input type="checkbox"/> Continued Initiative <input checked="" type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Continue Tabling at or Creating Events related to the Parks (Arbor Day, Garden Plot Kick Off, Buckthorn Removal, Earth Day)			\$500	Support from Hopkins Public Works	
<b>Information/Progress Report:</b> The Park Board will continue to table at events to promote use of the parks, sustainability within the parks and to promote keeping the parks clean and safe.					

# Park Board

## 2025 Annual Work Plan



Initiative	<input checked="" type="checkbox"/> New Initiative <input type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Create a “how-to” guide to how to reserve spaces in Hopkins		Fall 2025	None	Support from Communications	
<b>Information/Progress Report:</b> The Park Board will help support the creation of a guide for how to navigate the variety of rental options at the City of Hopkins, some which are accessed via the City of Minnetonka.					

### Ongoing Responsibilities

- Review of Park Dedication Funds
- Advise Council on operation and maintenance on parks
- Increase public understanding of park policies, practices, and ongoing projects

### Other Work Plan Ideas Considered for Current Year or Future Years

- Revised Capital Improvement Plan which incorporates recommendations from Master Parks Plan
- System improvements consistent with Master Parks Plan

**Proposed Month for Work Session:** December

**Staff Comments:**

**Council Comments:**

**HOPKINS CITY COUNCIL  
CLOSED MEETING PROCEEDINGS  
DECEMBER 10, 2024**

**CALL TO ORDER**

Pursuant to due call and notice thereof a closed meeting of the Hopkins City Council was held on Tuesday, December 10, 2024, at 5:30 p.m. in the Council Chambers at Hopkins City Hall, 1010 1st St. S., Hopkins.

Mayor Hanlon called the meeting to order with Council Members Kuznia, Goodlund, Garrido and Hunke attending. Others attending included City Manager Mornson, City Attorneys Riggs and Jessica Schwie.

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

**Motion** to go into go into closed session pursuant to Minnesota Statutes, section 13D.05, subd. 3(b) regarding the following: to conduct a closed session pursuant to the attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to a pending litigation matter entitled: ninety n ninety, LLC v. City of Hopkins, Minnesota; a Minnesota corporation, United States District Court, District of Minnesota: Case No. 0:23-cv-03224.

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

**Nays: None. Motion carried.**

The city's attorneys were present to discuss the status of this dispute and options for the city council moving forward. The need for confidentiality outweighs the purposes of the open meeting law because our attorneys intend to candidly discuss the City's position, its options, and potential strategies related to this active litigation dispute.

**ADJOURNMENT**

There being no further business to come before the City Council, and upon a motion by Kuznia, second by Goodlund the meeting was unanimously adjourned at 6:14 p.m.

Respectfully Submitted,



Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
DECEMBER 10, 2024**

**CALL TO ORDER**

Pursuant to due call and notice thereof a special meeting of the Hopkins City Council was held on Tuesday, December 10, 2024, 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 Garrido, Goodlund, Hunke and Kuznia attending. Others attending included City Manager Mornson, Assistant City Manager Casella, City Clerk Domeier, Special Projects and Initiatives Manager Imihy, Director of Planning and Development Elverum, City Planner Krzos, Finance Director Bishop and City Attorney Riggs.

**ADOPT AGENDA**

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

**Motion** to Adopt the Agenda.

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

**Nays: None. Motion carried.**

**PRESENTATIONS**

**III.1. 2025 Legislative Agenda Review; Imihy**

Alex Hassel with Lockridge, Grindel, Nauen provided an overview of what the city should expect this legislative session. Brief discussion was held about the upcoming legislative session and proposed bonding bill options.

**CONSENT AGENDA**

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

**Motion** to Approve the Consent Agenda.

1. Minutes of the December 2, 2024, Regular Meeting Proceedings
2. Renewal of General Liability and Property Insurance and Authorize Not Waiving of the Statutory Tort Liability on the LMCIT Trust Policy; Bishop

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

**Nays: None. Motion carried.**

**NEW BUSINESS**

**VII.1. First Reading: Ordinance Amending City Code to establish for cannabis business regulations; Krzos**

City Planner Krzos summarized City Council Report 2024-148. The City Code amendment (Ordinance 2024-1216) creates regulations for the soon-to-be allowed cannabis industry within Hopkins.

Discussion was held on the number of registrations the city would allow by ordinance. The City Council supported moving forward with three registrations knowing there are options to change in the future.

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

**HOPKINS CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
DECEMBER 10, 2024**

**Motion** to adopt Resolution 2024-070 approving a first reading of Ordinance 2024-1216 amending to City Code to establish for cannabis business regulations.

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

**Nays: None. Motion carried.**

**VII.2. First Reading: Ordinance Amending Development Code for Accessory Structures in NX zones; Krzos**

City Planner Krzos summarized City Council Report 2024-149. The amendment to the Development Code regulations to allow single unit dwellings to have larger accessory structures in NX zones.

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

**Motion** to adopt Resolution 2024-071 approving a first reading of a Development Code Amendment for Accessory Structures in NX zones.

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

**Nays: None. Motion carried.**

**PUBLIC COMMENT**

William Anderson, 102 Wayside Road West, provided comments about the December 2 City Council meeting conduct.

Jessie Whitaker, 145 19<sup>th</sup> Avenue North, provided comments about the December 2 City Council meeting conduct.

**ANNOUNCEMENTS**

Mayor Hanlon shared the City Council meeting schedule.

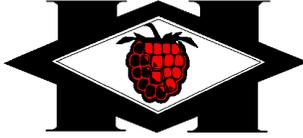
**ADJOURNMENT**

There being no further business to come before the City Council, and upon a motion by Kuznia, second by Hunke, the meeting was unanimously adjourned at 7:10 p.m.

Respectfully Submitted,



Amy Domeier, City Clerk



Engineering

CITY OF HOPKINS

## City Council Report 2024-151

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

From: Mikala Larson, Sustainability Specialist

Date: December 17, 2024

Subject: Establishing Legislative Policy 8-K – Green Infrastructure Special Assessment Policy

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### RECOMMENDED ACTION

**MOTION TO** adopt Resolution 2024-072 establishing Legislative Policy 8-K – Green Infrastructure Special Assessment Policy.

### OVERVIEW

The City of Hopkins 2024 Strategic Plan identifies the priority of developing a green infrastructure special assessment policy. City Council reviewed the topic at the October 15, 2024 meeting.

Minnesota State Statute 429.021 allows the City to establish a policy for assessing the cost of energy-related improvements to private property. This creates a new financing option for property owners to complete voluntary energy improvements at existing commercial and multifamily buildings in Hopkins.

Per Minnesota State Statute, eligible projects include improvements to heating, ventilation, and air conditioning equipment, building envelope, and for the installation of renewable energy systems. Staff anticipates special assessments will address energy improvement projects between \$10,000 and \$60,000; above that amount, funding mechanisms like Property Assessed Clean Energy (PACE) financing are often available, and below that amount, funding mechanisms including Center for Energy and Environment loans and Hopkins Climate Solutions Fund rebates are often available. The new program would fill a gap in financing options for these types of projects.

Initial funding for the green infrastructure special assessment policy is anticipated to come from unencumbered 2024 Hopkins Climate Solutions Fund budget, approximately \$50,000. For projects that are specially assessed, staff proposes a 4% interest rate and payback term options of 5 years, 10 years, or 15 years.

### SUPPORTING INFORMATION

- Resolution 2024-072
- Legislative Policy 8-K – Green Infrastructure Special Assessment Policy

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION 2024-072**

**ESTABLISHING LEGISLATIVE POLICY 8-K – GREEN INFRASTRUCTURE SPECIAL  
ASSESSMENT POLICY**

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

**WHEREAS**, the City Council has created Legislative Policy 8-K in order to allow the City to specially assess the cost of energy improvement projects; and

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Hopkins hereby adopts the establishment to Legislative Policy 8-K Green Infrastructure Special Assessment Policy as proposed in Council Report 2024-151.

Adopted by the City Council of the City of Hopkins this 17<sup>th</sup> day of December, 2024.

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

ATTEST:

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

# LEGISLATIVE POLICY MANUAL

## CHAPTER VIII

- Policy 8-A     Requests for Traffic Controls**
- Policy 8-B     Roadway Improvements**
- Policy 8-C     Other Local Improvements**
- Policy 8-D     Solid Waste Collection**
- Policy 8-E     Storm Water Utility Credits and/or Adjustments**
- Policy 8-F     Snow and Ice Control**
- Policy 8-G     Sidewalk Repair and Maintenance**
- Policy 8-H     Street Restoration Reimbursement for Private Utility Repairs**
- Policy 8-I     Complete Street Policy**
- Policy 8-J     Small Wireless Facility Design and Aesthetic Requirements**
- Policy 8-K     Green Infrastructure Special Assessment Policy**

Revised: April 2019

**POLICY 8-K**  
**GREEN INFRASTRUCTURE SPECIAL ASSESSMENT POLICY**

**1. PURPOSE**

- 1.01 This policy allows property owners to petition the City to assess the costs to install energy improvements in existing buildings. Petitions for a green infrastructure special assessment shall be reviewed in accordance with state law and this policy.
- 1.02 The City shall have the option of amending or waiving sections of this policy when determined necessary or appropriate.

**2. AUTHORITY**

- 2.01 The City of Hopkins has the authority to assess for voluntary energy improvement projects under Minnesota Statutes, Section 429.021.

**3. ELIGIBILITY REQUIREMENTS**

- 3.01 The City may authorize the assessment of the energy improvement if the City determines it is in the best interest of the community and if the following conditions are met:
  - a) For energy improvement projects on residential property, only residential property having five or more units may obtain financing for projects under this clause.
  - b) Assessment is for the construction, reconstruction, alteration, extension, operation, maintenance, and promotion of energy improvement projects in existing buildings.
  - c) Eligible energy systems are heating, ventilation, and air conditioning equipment, building envelope and renewable energy systems.

**4. PETITION**

- 4.01 The petition must meet the requirements of Minnesota Statutes, Section 429.021 as they apply to energy improvements. The petition shall be submitted to the City of Hopkins in writing and the petition submission shall include the following items:
  - a) Description of project and estimated costs,
  - b) Cost estimate from three (3) qualified companies (licensed by the State of Minnesota), and
  - c) Written statement that the owner(s) shall be responsible for contracting for the actual installation and proper operation of the improvement, and
  - d) Written statement that all appropriate permits will be obtained, and
  - e) Petitioner(s) must waive all rights to the public hearing and any appeal of the special assessment adopted by the City Council, and
  - f) Signatures of all property owners.

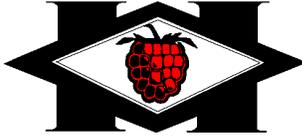
- 4.02 Each property owner petitioning for the improvement must receive notice that free or low-cost energy improvements may be available under federal, state, or utility programs.
- 4.03 All petitions for the special assessment of the project must be received and acted upon by the City Council prior to the start of any improvement. The City shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition.
- 4.04 Consideration of any petition made under this policy is subject to a determination by the City Council, in its sole discretion, that sufficient City funds are available for the project. City staff will periodically advise the Council with regard to the availability of appropriate funds.

## **5. COSTS TO BE ASSESSED**

- 5.01 The amount to be specially assessed shall not exceed the amount of the construction estimate, plus any City administrative or interest charges. The petitioner shall be responsible for any construction costs exceeding the amount of the construction estimate.
- 5.02 The administrative fee for processing the energy improvement assessment application shall be set in the City's fee schedule.
- 5.03 If the petitioner requests the abandonment of the special assessment project, all City costs incurred shall be reimbursed by the petitioner.

## **6. PAYMENT OF ASSESSMENTS**

- 6.01 No payment shall be made by the City for any installation until the work is completed and finally approved by the City and the assessment has been adopted.
- 6.02 If the petitioner requests the abandonment of the special assessment project, all City costs incurred shall be reimbursed by the petitioner.



CITY OF HOPKINS

## City Council Report 2024-151

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

From: Ryan Krzos, City Planner

Date: December 17, 2024

Subject: Second Reading of a City Code Amendment to Regulate Cannabis  
Businesses

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### **RECOMMENDATION**

The City Council is asked to, by motion adopt for second reading, Ordinance 2024-1216, amending the Hopkins City Code to regulate cannabis businesses.

### **REQUEST**

The Ordinance will establish:

1. Zoning definitions for the various state-licensed business types.
2. Locations where cannabis uses will be allowed;
3. Standards associated with cannabis uses;
4. Registration procedures for retail sales; and compliance and enforcement provisions.

The Ordinance is unchanged from the first reading conducted at the December 10, 2024 City Council meeting. Approval of a second reading of the proposed Ordinance is the next step in the process to officially adopt the regulations.

### **NEXT STEPS**

If approved for a second reading, the ordinance will be published in the City's official paper, as is required to make it effective. The timeline allows the new code to be in place prior to the City's Moratorium ending on January 1, 2025. Licensing of cannabis businesses is expected mid-2025 at the earliest.

**CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA**

**ORDINANCE NO. 2024-1216**

**AN ORDINANCE AMENDING THE HOPKINS CITY CODE ESTABLISHING  
REGULATIONS RELATED TO CANNABIS AND HEMP BUSINESSES**

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

**SECTION 1.** Amending Chapter 10 of the Hopkins City Code to add a new Article XVIII titled Cannabis and Hemp Businesses, as follows:

**ARTICLE XVIII. – CANNABIS AND HEMP BUSINESSES**

**Sec. 10-650. - Findings and Purpose**

The City of Hopkins makes the following legislative findings: The purpose of this ordinance is to protect the public health, safety, welfare in the City by implementing regulations pursuant to Minnesota Statutes, chapter 342 related to cannabis and hemp businesses within the City. The City finds and concludes that these regulations are appropriate and lawful, that the proposed amendments will promote the community's interest in reasonable stability in the development and redevelopment of the City for now and in the future, and that the regulations are in the public interest and for the public good.

**Sec. 10-651. - Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. Additionally, the words and phrases used in this article which are defined in Minnesota Statutes, Section 342.01 and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the meanings ascribe to them in those statutes and rules.

*Applicant* means an entity with a license or endorsement issued by the OCM that is applying for an initial registration or for registration renewal.

*The Act* means Minnesota Statutes, Chapter 342, as it may be amended from time to time.

*Cannabis Business* has the same meaning as defined in Minnesota Statutes, section 342.01.

*Cannabis Retailer* means a business with a cannabis retailer license or cannabis retail endorsement from OCM.

OCM means the Minnesota Office of Cannabis Management.

*Park Feature* means an attraction within a public park that is regularly used by minors, including a playground or athletic field.

*Potential Licensee* means an entity that has not received a license from the OCM and is seeking a pre-license zoning certification.

*Retailer* means every business that is licensed under the Act and required to register with the city under Minnesota Statutes, section 342.22. Including cannabis businesses and lower-potency hemp edible retailers.

*School* means a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, or church or religious organization in which a child is provided instruction in compliance with this section and section 120A.24, but does not include a home school.

**Sec. 10-652. - Pre-License Zoning Certification of Cannabis Businesses**

- (a) The City Manager, or designee, is authorized to certify whether a proposed cannabis business complies with the city’s zoning ordinances, this article, and if applicable, with state fire code and building code pursuant to Minnesota Statutes, section 342.13.
- (b) Potential licensees are responsible for obtaining all necessary zoning approvals prior to the city receiving the request for certification from the OCM. If a potential licensee fails to obtain necessary zoning approvals prior to the city receiving a request for certification, the city will inform the OCM that the potential licensee does not meet zoning and land use laws. If, at the time the city receives a request for zoning certification, there are no further intended alterations to the building where the business is to be conducted, the city will also certify compliance with building and fire code regulations, provided that the potential licensee has obtained inspections prior the city’s receipt of a request for certification from the OCM. Building and fire code inspections will be valid for 1 year from completion.

**Sec. 10-653 Distance Requirements**

- (a) The city prohibits the establishment and operation of a cannabis retailer within the following buffer zones:
  - 350 from a school
  - 350 feet from an attraction with a park feature
  - 500 feet from another cannabis retailer
- (b) The buffers in this section will be measured from the potential licensee’s proposed business location based on the location of schools, park features, and cannabis retailers on the date the city receives the request from the OCM for certification

pursuant to section 10-652. Buffer distances will be measured from the property line of the proposed cannabis retailer to the property line of a school or cannabis retailer, and the border line of a park feature.

- (c) Nothing in this section shall prohibit a cannabis retailer from continuing to operate at the same location if a school or park feature establishes within the buffer zone.

### **Sec. 10-654. - Retailer Registration**

- (a) *Retail Registration Required.* Before making retail sales to customers or patients, a retailer must register with the city. Making retail sales to customers or patients without an active registration is prohibited. Subject to Minn. Stat. 342.22, subd. 5(e) the city may impose a civil penalty, as specified in the city's fee schedule, for making a sale to a customer or patient without a valid registration from the city and a valid license from the OCM.

- (b) *Cannabis Retail Registration Limits.*

- (1) The city will issue three (3) registrations to cannabis retailers.
- (2) Registrations issued to businesses with a license preapproval will count toward the city's registration limit.

- (c) *Processing Registrations.*

- (1) Applications will be processed on a first-come, first-served basis based on the city receiving a complete application. Applications will be considered complete when all materials in Section 10-654 (d) are received by the city and include all required information and the require registration or renewal fee is received
- (2) The date a certification under Section 10-652 is issued will have no impact on the applicant's registration processing.

- (d) *Application.* The applicant must submit a registration application or renewal form provided by the city. The form may be amended from time to time by the City Clerk, but must include or be accompanied by:

- (1) Name of the property owner.
- (2) Name of the applicant.
- (3) Address and parcel ID for the property for which the registration is sought.
- (4) Certification that the applicant complies with the requirements of this article.
- (5) *Fee Required.* At the time of initial application, and prior to the city's consideration of any renewal application, each Retailer must pay fees or initial

registration and renewal as established in the city's fee schedule. Initial registration fees and renewal registration fees are nonrefundable.

- (6) Proof of taxes, assessments, utility charges or other financial claims of the city or the state are current for both the applicant and the proposed location.
  - (7) A copy of a valid state license or written notice of OCM license preapproval.
- (e) *Preliminary Compliance Check.* Prior to issuing any retail registration, the city shall conduct a preliminary compliance check to ensure compliance with this article and any other regulations established pursuant to Minnesota Statutes, section 342.13.
- (f) *Reasons for Denial.* The city shall not issue a registration or renewal if any of the following conditions are true:
- (1) The applicant has not submitted a complete application.
  - (2) The applicant does not comply with the requirements of this article.
  - (3) The applicant does not comply with applicable zoning and land use regulations.
  - (4) The applicant is found to not comply with the requirements of the Act or this article at the preliminary compliance check.
  - (5) The applicant is not current on all property taxes and assessments at the location where the retailer is located.
  - (6) The maximum number of registrations, pursuant to Section 10-654 (b), have been issued by the city.
  - (7) The applicant does not have a valid license from the OCM.
- (g) *Issuing the Registration or Renewal.* The city shall issue the registration or renewal if the Retailer meets the requirements of this article, including that none of the reasons for denial in Section 10-654 (f) are true.
- (h) *Nontransferable.* A registration is not transferable to another person, entity, or location.
- (i) *Registration Enforcement.*
- (1) *Generally.* The city council may impose a fine or suspend a registration under this article on a finding that the registered business has failed to comply with the requirements of this article or any applicable statute or regulation.
  - (2) *Notice and Right to Hearing.* Prior to imposing a fine or suspending any

registration under this article, the city shall provide the registered business with written notice of the alleged violations and inform the registered business of his or her right to a hearing on the alleged violation.

- a. Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a response must be submitted within ten (10) business days of receipt of the notice, or the right to a hearing will be waived.
  - b. The registered business will be given an opportunity for a hearing before the city's hearing officer before final action to fine or suspend a registration. Provided, the registered business has submitted a written application for appeal within 10 business days after the notice was served. The hearing officer shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings. Within ten (10) business days of the hearing officers order, the decision may be appealed to the city council.
  - c. If no request for a hearing is received within ten (10) business days following the service of the notice, the matter shall be submitted to the city council for imposition of the fine or suspension of the registration.
- (3) *Emergency.* If, in the discretion of the City Manager, a registered business poses an imminent threat to the health or safety of the public, the City Manager may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in part (2) of this section.
- (4) *Reinstatement.* The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if the OCM determines the violations have been resolved.

### **Sec. 10-655. - Compliance Checks**

The city shall complete at minimum one compliance check per calendar year of every registered business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22, subd. 4(b), and any applicable cannabis or hemp regulations adopted by the city.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use

cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the city.

Any failures under this section are a basis for enforcement action and must be reported to the OCM.

**Sec. 10-656. - Hours of Operation.** Cannabis Retailers may only make retail sales of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00am-10:00pm Monday-Saturday; and 10:00am-10:00pm on Sunday.

**Sec. 10-657. - Cannabis Business Complaints**

The City Manager is authorized to make complaints to the OCM related to any cannabis business the city believes is in violation of the act or the administrative rules adopted pursuant thereto. The City Manager is also authorized to file a complaint against a cannabis business that poses an immediate threat to the health or safety of the public and request immediate action by the OCM.

**Sec. 10-658. - Penalties Administration and Enforcement**

Any violation of the provisions of this article or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Each day each violation continues or exists, constitutes a separate offense. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance. Violations of this article may also be addressed under City Code, Chapter 2, Article VII – Administrative Penalties.

Violation of this article shall be grounds for enforcement against any business license issued by the City of Hopkins.

**Sec. 10-659. - Severability**

If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this art shall not be affected thereby.

**SECTION 2.** Article 5, Section 102-510 (a), Table 5-1 is hereby amended by adding the double-underlined language, as follows:

ZONES																Reference		
MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	FTOD	IX-S	I1	N1, N2	N3-A	N3-B	NX1	NX2		P1	P2

Table 5-1. Principal Use Table

RESIDENTIAL																	102-530	
Household Living, 1 unit	☉	☉	☉	☉	●	●	●	-	-	-	-	●	●	●	●	-	-	
Household Living, 2 units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	●	●	●	●	-	-
Household Living, 3-4 units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	●	●	-	-
Household Living, 5+ units	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	-	●	-	-
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	○	○	○	○	-	-
Group Living (except as below)	☉	☉	☉	☉	●	●	●	-	-	-	-	-	-	-	○	○	-	-
Residential Facility, Small	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
Residential Facility, Large	○	○	○	○	○	○	○	-	-	-	-	-	-	-	○	○	-	-
COMMERCIAL																	102-540	
Adult-Oriented Business	-	-	-	●	-	-	-	-	-	●	●	-	-	-	-	-	-	-
Animal Boarding	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
Consumer Service	●	●	●	●	◐	◐	◐	◐	●	●	●	-	-	-	-	-	-	◐
Day Care, Adult	●	☉	●	●	◐	◐	◐	◐	●	●	-	-	-	-	○	○	-	●
Day Care, Small	●	☉	●	●	◐	◐	◐	◐	-	-	-	●	●	●	●	●	-	-
Day Care, Large	●	☉	●	●	◐	◐	◐	◐	-	-	-	-	-	-	○	○	-	-
Entertainment Venue, Large	-	-	-	●	-	●	-	●	-	●	-	-	-	-	-	-	○	●
Funeral & Mortuary Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging (except as below)	●	☉	☉	●	●	●	●	-	-	●	-	-	-	-	-	-	-	-
Short-Term Rental	☉	☉	☉	☉	●	●	●	-	-	-	-	○	○	○	○	○	-	-
Office	◐	◐	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Personal Credit Establishment	○	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail & Entertainment (except as below)	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	◐
Brewpub	-	●	●	●	-	◐	◐	-	-	-	-	-	-	-	-	-	-	-
Firearms Sales Establishment	-	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Off-Sale	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	-
Tobacco Sales Establishment	●	●	●	●	◐	◐	◐	◐	-	-	-	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	○	-	-	○	-	-	-	-	-	-	-
Vehicle Sales & Service (except as below)	-	-	-	○	-	-	-	-	○	○	○	-	-	-	-	-	-	-
Major Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	○	○	-	-	-	-	-	-	-	-
MANUFACTURING & INDUSTRY																	102-550	
Manufacturing, Artisan	●	●	●	●	◐	◐	◐	●	●	●	●	-	-	-	-	-	-	-
Manufacturing, Limited	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-
Urban Farm	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	●	-

Warehousing & Distribution	-	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-
CIVIC & INSTITUTIONAL																			102-560
College	⊖	⊖	⊖	⊖	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Community Assembly	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	-	○
Cultural Facility	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●
Community Garden	●	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Detention or Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○
Hospital	-	-	-	-	○	○	-	-	-	-	-	-	-	-	-	-	-	-	●
Parks and Open Space	-	-	●	●	●	●	●	●	●	●	●	○	-	-	-	-	-	-	●
School	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	-	○
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
OTHER																			102-570
Wireless Communication Facility																			102-580.(o)
Tower	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-
<b><u>Cannabis Businesses</u></b>																			
<b><u>Cannabis &amp; Hemp Retail</u></b>	●	●	●	●	⓪	⓪	⓪	⓪	=	=	=	=	=	=	=	=	=	=	102-580.(p)
<b><u>Cannabis Cultivation, Small-scale</u></b>	●	●	●	●	⓪	⓪	⓪	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<b><u>Cannabis Cultivation, Large-scale</u></b>	=	=	=	=	=	=	=	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<b><u>Cannabis &amp; Hemp Product Manufacturing, Small-scale</u></b>	●	●	●	●	⓪	⓪	⓪	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<b><u>Cannabis &amp; Hemp Product Manufacturing, Large-scale</u></b>	=	=	=	=	=	=	=	●	●	●	●	=	=	=	=	=	=	=	102-580.(p)
<b><u>Cannabis Wholesale &amp; Transportation</u></b>	=	=	=	=	=	=	=	=	●	●	●	=	=	=	=	=	=	=	
<b>KEY:</b> ●= Permitted ⊖= Permitted in Upper Stories Only ⓪= Limited to No More than 25% of Building Area ⓪= Limited on first floor to buildings on the interior of a block see 102-580.(d) ○= Requires Conditional Use Approval -= Prohibited																			

**SECTION 3.** Article 5, section 102-540 (h) of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-540 (h) OFFICE

- f. Research Service. Establishments engaged in scientific research and testing services leading to the development of new products and processes. **Licensed cannabis testing facilities that comply with all provisions in Minnesota Statute section 342.38 are classified as research service uses.** Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property are classified in the limited manufacturing use category (see 102-550).

**SECTION 4.** Article 5, section 102-570 of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-570 Other Uses

102-570 **(b) Cannabis Businesses**

(1) **Description. The cannabis business use group includes cannabis and hemp businesses, as defined in Minnesota State Section 342.01, involving the cultivation, propagation, transportation, manufacture, processing, extraction, creation, testing, packaging, labeling, wholesaling, and retail sale of products as authorized under Minnesota Statutes Chapter 342. Such cannabis and hemp establishments are subject to the requirements of State Law and regulations as established by the State of Minnesota Office of Cannabis Management.**

- a. **Cannabis and Hemp Retail. A cannabis retailer and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, or lower-potency hemp edible retailers, as defined under Minn. Stat. 342.01. Such uses are subject to the supplemental use regulations of 102-580 (p).**
- b. **Cannabis Production and Manufacturing. A licensed cannabis business involved in the cultivation, manufacture, transportation, and wholesaling of cannabis. The production and manufacturing use category includes the following subcategories:**
  1. **Cannabis Cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Minnesota Office of Cannabis Management. Such uses are subject to the supplemental use regulations of 102-580 (p). Cannabis cultivation includes the following:**
    - i. **Large-Scale Cultivation. A facility with greater than 5,000 sq. ft. of cannabis cultivation.**
    - ii. **Small-Scale Cultivation. A facility with up to 5,000 sq. ft. of cannabis cultivation.**
  2. **Cannabis and Hemp Manufacturing. A cannabis business or hemp business that is licensed to manufacture products exclusive to such license type. Cannabis and Hemp manufacture are subject to the supplemental use regulations of 102-580 (p), and include the following:**
    - i. **Small-Scale Cannabis and Hemp Manufacturing. A facility, with up to 5,000 sq. ft. of cannabis manufacturing floor area, except for facilities that include extraction and concentration.**
    - ii. **Large-Scale Cannabis and Hemp Manufacturing. A facility, with over 5,000 sq. ft. of cannabis manufacturing floor area. Also includes any facility licensed or authorized to**

manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or artificially derived cannabinoids.

3. Cannabis Wholesale and Transportation. A cannabis business licensed to transport, deliver, or wholesale cannabis and cannabis products.

**SECTION 5.** Article 5, section 102-580 of the City of Hopkins Development Code is amended by the following double-underlined language, as follows:

102-580 Supplemental Use Regulations

**102-580 (p) Cannabis Business Uses**

- (1) Cannabis & Hemp Retail. Cannabis and Hemp Retail uses are subject to the following supplemental use regulations:

- a. Setbacks as established in City Code, section 10-653.
- b. Retailers are permitted to erect up to two fixed signs on the exterior of the building or property of the business, in compliance with the regulations of Article 10.
- c. Accessory Delivery of cannabis and cannabis products is allowed provided the business is licensed for such activity.
- d. An Accessory Lounge is allowed for a cannabis microbusiness business with an on-site consumption endorsement. An Accessory lounge means a portion of the premise for consumption of edible cannabis products and lower-potency hemp edibles.
- e. Requirements established in City Code, Chapter 11, Article XVIII.

- (2) Cannabis Cultivation. Cannabis cultivation uses are subject to the following supplemental use regulations:

- a. Submittal of a required cultivation plan and operation plan prior to commencement of activities.
- b. Artificial lighting utilized as part of the cultivation process shall not be illuminated in a manner that is visible from neighboring properties between sunset and sunrise.
- c. The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.
- d. Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.

- (3) Cannabis and Hemp Manufacturing. Large-Scale and small-scale Cannabis and Hemp Manufacturing uses are subject to the following supplemental use regulations:

- a. Submittal of a required manufacturing plan prior to commencement of activities.
- b. All operations of the business shall take place within an enclosed building. No exterior storage is allowed.

- c. **The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.**
- d. **Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.**

**SECTION 6.** Article 6, section 102-650 of the City of Hopkins Development Code is amended by the following **double-underlined** language, as follows:

102-650 Home Occupations  
 102-650 (f) PROHIBITED USES

The following uses are expressly prohibited as home occupations:

- (1) Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3) Equipment or supply rental businesses;
- (4) Firearms and ammunition sales;
- (5) Adult-oriented businesses (as defined in Sec. 10-495(b) of the Hopkins City Code);
- (6) Taxi, limo, van or bus services;
- (7) Tow-truck services;
- (8) Restaurants;
- (9) Funeral or interment services;
- (10) Animal care, shelter or boarding establishments;
- (11) Commercial food preparation;
- (12) Massage therapy;
- (13) Cannabis and Hemp Businesses**
- (14) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
- (15) Any home-based work activity that does not comply with regulations of this section.

**SECTION 7. INTERIM ORDINANCE TERMINATION.** Upon the Effective Date of this Ordinance, \_\_\_\_\_ Interim Ordinance shall automatically terminate.

**SECTION 8. EFFECTIVE DATE.** The effective date of this ordinance shall be the date of publication.

First Reading:	December 10, 2024
Second Reading:	December 17, 2024
Date of Publication:	December 26, 2024
Date Ordinance Takes Effect:	December 26, 2024

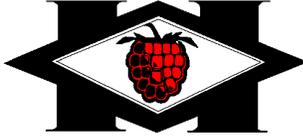
By:

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

ATTEST:

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Amy Domeier, City Clerk



CITY OF HOPKINS

## City Council Report 2024-152

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

From: Ryan Krzos, City Planner

Date: December 17, 2024

Subject: Second Reading of a City Code Amendment to Regulate Cannabis  
Businesses

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### **RECOMMENDATION**

The City Council is asked to, by motion adopt for second reading, Ordinance 2024-1217, amending the Hopkins Development Code regarding accessory structures in NX zones.

### **REQUEST**

The proposed Ordinance amendment to the Development Code regulations to allow single unit dwellings to have larger accessory structures in NX zones. The Ordinance is unchanged from the first reading conducted at the December 10, 2024 City Council meeting. Approval of a second reading of the proposed Ordinance is the next step in the process to officially adopt the regulations.

### **NEXT STEPS**

If approved for a second reading, the ordinance will be published in the City's official paper, as is required to make it effective.

CITY OF HOPKINS  
HENNEPIN COUNTY, MINNESOTA

ORIDNANCE 2024-1217

AN ORDINANCE AMENDING CHAPTER 102 OF THE HOPKINS CITY CODE  
RELATED TO ACCESSORY STRCUTRES IN NX ZONES

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

**SECTION 1.** Hopkins City Code, Part III, Chapter 102, Article 6, Subsubsection 102-610(b)(3)c., is hereby amended by adding the double-underlined language as follows:

- c. **NX Zones.** In NX zones, the total aggregate ground coverage (footprint) of all accessory buildings may not exceed 528 square feet per dwelling unit, except lots with one (principal) house occupied by one household are subject to b above.

**SECTION 2.** The effective date of this ordinance shall be December 26, 2024.

First Reading:	December 10, 2024
Second Reading:	December 17, 2024
Date of Publication:	December 26, 2024
Date Ordinance Takes Effect:	December 26, 2024

By: \_\_\_\_\_

Patrick Hanlon, Mayor

ATTEST:

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



City Attorney

CITY OF HOPKINS

## City Council Report 2024-153

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

From: Scott J. Riggs, City Attorney

Date: December 17, 2024

Subject: Approve Settlement Agreement and Purchase Agreement

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### RECOMMENDED ACTION

**MOTION TO** Adopt Resolution 2024-073 Approving Settlement Agreement and Purchase Agreement.

### OVERVIEW

A plaintiff filed suit against the City challenging the denial of plaintiff's application for a reasonable accommodation for a sober home as more fully summarized in *ninety n ninety, LLC v. City of Hopkins, Minnesota; a Minnesota corporation, United States District Court, District of Minnesota: Case No. 0:23-cv-03224*. The City defended against plaintiff's lawsuit via appointed legal counsel through the City's insurer, the League of Minnesota Cities Insurance Trust.

The City was court ordered to a federal settlement conference and reached a settlement in principal contingent upon final approval by a vote of the City Council. The Settlement Agreement and Release provides for the full settlement and discharge of all claims that have been made or might be made against the City. Among other terms and conditions, the Settlement Agreement requires the purchase of the property located at 101 Oakwood Road, Hopkins, Minnesota for \$618,500.

The City council discussed proposed settlement terms and conditions on December 10, 2024. The final Settlement Agreement and Purchase Agreement will be finalized and distributed prior to the meeting.

### SUPPORTING INFORMATION

- Settlement Agreement and Purchase Agreement (to be distribute prior to meeting)
- Resolution 2024-073 (to be distribute prior to meeting)