

HOPKINS CITY COUNCIL

AGENDA

Monday, June 20, 2022

6:30 pm

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

I. CALL TO ORDER

II. ADOPT AGENDA

III. PRESENTATIONS

1. Raspberry Festival Presentation; Yunker

IV. CONSENT AGENDA

1. Minutes of the June 7, 2022 City Council Meeting Proceedings
2. Minutes of the June 14, 2022 City Council Work Session Proceedings
3. Resolution Appointing Election Judges for the August 8, 2022 Primary Election; Domeier
4. Resolution Amending Legislative Policy Manual Chapters 1 to 4; Domeier
5. Amendment to the 2022 City Council Meeting Schedule; Domeier
6. Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co.; Domeier

V. PUBLIC HEARINGS

1. Continuation of Public Hearing on the Approval of a Housing Program for a Multifamily Housing Development and the Issuance of Multifamily Housing Revenue Bonds for the Benefit of Alatus Hopkins LIHTC I LLC; Bishop
2. 325 Blake Road Planned Unit Development (PUD) Amendment for Building A; Youngquist

VI. OLD BUSINESS

VII. NEW BUSINESS

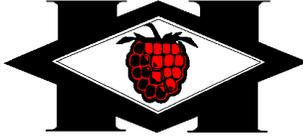
1. First Reading: Ordinance 2022-1180 Adopting the New Development Code of the City of Hopkins; Elverum
2. Theater Site Redevelopment; Elverum
3. Amendment to Spending of American Rescue Plan Act Funds Community Safety Working Group Recommendation; Bishop

VIII. PUBLIC COMMENT

IX. ANNOUNCEMENTS

- Next City Council Work Session: Tuesday, July 12 at 6:30 p.m.
- Next City Council Regular Meeting: Tuesday, July 19 at 6:30 p.m.

X. ADJOURN



CITY OF HOPKINS

City Manager

Memorandum

To: Honorable Mayor and Council Members
From: Mike Mornson, City Manager
Date: June 20, 2022
Subject: Raspberry Festival Presentation

The Raspberry Festival will take place July 13-17, 2021. Charlie Yunker with the festival committee will be attending the meeting to provide an update on the events. Event information is available at www.raspberrycapital.com.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
JUNE 7, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, June 7, 2022 at 6:33 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Pro Tempore Hunke called the meeting to order with Council Members Balan, Beck and Garrido attending. Mayor Hanlon was absent. Others attending included City Manager Mornson, Management Analyst Imihy Bean, City Clerk Domeier, Finance Director Bishop, Director of Planning and Development Elverum, Housing Director Mohamed and City Attorney Riggs.

ADOPT AGENDA

Motion by Beck. **Second** by Garrido.

Motion to Adopt the Agenda.

Ayes: Balan, Beck, Garrido, Hunke

Nays: None. Absent: Hanlon. Motion carried.

PRESENTATIONS

III.1. Approval of Appointments and Reappointments to Boards and Commissions

Mayor Pro Tempore Hunke recognized all past and current Park Board and Planning and Zoning Commission members.

Motion by Beck. **Second** by Garrido.

Motion to Reappoint Whitney Terrill to the Planning & Zoning Commission for a two-year term ending June 30, 2024; Appoint Ben Goodlund, James Green and Abyan Nur to the Planning & Zoning Commission for a two-year term ending June 30, 2024; Reappoint Dre Jefferson and Anna Pohmer to the Park Board for a two-year term ending June 30, 2024; and Appoint Kristin Hanneman to the Park Board for a two-year term ending June 30, 2024.

Ayes: Balan, Beck, Garrido, Hunke

Nays: None. Absent: Hanlon. Motion carried.

City Clerk Domeier issued the oaths to the Commissioners Hanneman, Green, Goodlund, and Nur.

III.2. Proclamation Commemorating Juneteenth; Imihy Bean

Management Analyst Imihy Bean provided background on Juneteenth. Mayor Pro Tempore Hunke read a Proclamation Commemorating Juneteenth.

III.3. Proclamation for Pride Month; Imihy Bean

Management Analyst Imihy Bean provided background on Pride Month. Mayor Pro Tempore read a Proclamation for Pride Month.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
JUNE 7, 2022**

CONSENT AGENDA

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

Motion to Approve the Consent Agenda.

1. Minutes of the May 17, 2022 City Council Special Meeting Proceedings
2. Minutes of the May 17, 2022 City Council Meeting Proceedings
3. Approval of Business License Renewals for the term of July 1, 2022 to June 30, 2023; Domeier
4. Approval of Temporary On-Sale Liquor License for JCI Hopkins; Domeier
5. Ratify Checks Issued in May 2022; Bishop
6. Resolution Approving Pershing Wealth Solutions BNY Mellon as an Official Depository for City Funds; Bishop

Ayes: Balan, Beck, Garrido, Hunke

Nays: None. Absent: Hanlon. Motion carried.

PUBLIC HEARING

V.1. Public Hearing on the Approval of a Housing Program for a Multifamily Housing Development and the Issuance of Multifamily Housing Revenue Bonds for the Benefit of Alatus Hopkins LIHTC I LLC; Bishop

Finance Director Bishop provided a summary of City Council Report 2022-057. Alatus has applied for and received authorization from Minnesota Management and Budget to issue up to \$24,927,542.75 of tax-exempt housing revenue bonds for the purpose of acquiring, constructing and equipping a 116-unit multifamily rental housing facility located at 325 Blake Road for individuals and families of low and moderate income. A public notice for this amount has been published in accordance with the Act. Alatus determined that, due to increased costs, the principal amount of the bonds will need to be increased by approximately \$5,000,000. Any amount over \$24,927,542.75 will be issued on a taxable basis. The new amount is a significant change from the public notice and will require a new notice to be published and public hearing to be held on June 20th.

Mayor Pro Tempore Hunke opened the Public Hearing at 6:53 p.m.

Mike Estomba, 221 6th Avenue N., Hopkins, questioned the definition of public housing. Libby Kantner with Kennedy & Graven talked about the income requirements for issuing the tax-exempt housing revenue bonds.

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

Motion to Continue Public Hearing on the Approval of a Housing Program for a Multifamily Housing Development and the Issuance of Multifamily Housing Revenue Bonds for the Benefit of Alatus Hopkins LIHTC I LLC to Monday, June 20.

Ayes: Balan, Beck, Garrido, Hunke

Nays: None. Absent: Hanlon. Motion carried.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
JUNE 7, 2022**

ANNOUNCEMENTS

Mayor Pro Tempore Hunke provided the upcoming meeting schedule.

ADJOURNMENT

There being no further business to come before the City Council and upon a motion by Balan, second by Garrido, the meeting was unanimously adjourned at 6:57 p.m.

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL
WORK SESSION PROCEEDINGS
JUNE 14, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a work session of the Hopkins City Council was held on Tuesday, June 14, 2022 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Beck, Garrido and Hunke attending. Others attending included City Manager Mornson, Management Analyst Imihy Bean, City Clerk Domeier, Finance Director Bishop, Director of Planning and Development Elverum and Community Development Coordinator Youngquist.

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

Motion to Adopt the Agenda.

Ayes: 5. Nays: 0. Motion carried.

Proposals for Lot 800; Elverum

Director of Planning and Development Elverum stated one proposal was received from William Stoddard of Stoddard Companies. The proposal describes a project consisting of up to ten market rate townhomes sold to individual buyers. The stated purchase price for the land is \$60,000. Mr. Stoddard also outlined an option of increasing the purchase price to \$160,000 if he were to receive tax increment financing.

Discussion was held about the fair market value, developer comments related to construction costs and affordable housing, and the types of uses. The general consensus was to wait for a future project and point the applicant to another site. Future discussion will be held about the vision for the site.

325 Blake Road Update; Youngquist

Community Development Coordinator provided an update on 325 Blake Road in anticipation for the June 20 public hearing.

Hopkins' Zoning Regulations Update; Elverum

Director of Planning and Development Elverum distributed the high level changes to the proposed zoning code. The first reading of the zoning code will be on June 20. Council Member Balan requested that staff email the document.

Tax Increment Financing (TIF) Overview; Bishop

Finance Director Bishop provided a brief overview of the City's TIF district. Hopkins has used TIF to facilitate key redevelopment projects that have had meaningful impacts on the City.

Financial Management Plan; Bishop

Finance Director Bishop provided history on the Financial Management Plan. He also provided an overview of the preliminary financial projects for the 2023-2027 timeframe.

**HOPKINS CITY COUNCIL
WORK SESSION PROCEEDINGS
JUNE 14, 2022**

Discussion was held about the park improvement fees, street projects and pavement study, the levy increase, fee study for services and other ways to reduce the levy. The City Council encouraged staff to keep exploring ways to reduce the levy.

Fund Balance Discussion; Bishop

Finance Director Bishop requested direction regarding the fund balance surplus. The City's fund balance policy states: "At the end of each fiscal year, the City will strive to maintain Spendable – Unassigned portions of the fund balance for Cash Flow equivalent to a minimum of five (5) months or 42% of the prior fiscal year General Fund operating expenditures." The purpose of maintaining this level of fund balance is for cash flow needs, emergencies or contingencies.

Mayor Hanlon requested a list summarizing surplus use options and effects on the levy. The City Council consensus was to use the fund balance towards existing budget requests. The City Council supported the Fire Department staffing study. Council Member Beck requested future discussion on the history center needs. Mayor Hanlon requested that Ehlers evaluate the fund balance in relation to the current inflation.

OTHER

City Manager Mornson suggested a tour of the Trellis project before the July 19 City Council meeting. The ribbon cutting is set for Monday, August 1 before the City Council meeting.

ADJOURNMENT

There being no further business to come before the City Council and upon a motion by Balan, second by Hunke, the meeting was unanimously adjourned at 7:59 p.m.

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk



June 20, 2022

Council Report 2022-058

**Resolution Appointing Election Judges for
the August 8, 2022 Primary Election**

Proposed Action

Staff recommends adoption of the following motion: Adopt Resolution 2022-041 appointing Election Judges for the August 8, 2022 Primary Election.

Overview

Minnesota Election Law 204B.21 requires that the governing body of the municipality appoint election judges to administer the polling places at least 25 days before each election. Staff requests the authority to replace or substitute judges as necessary before Election Day.

In addition, Hennepin County will be acting on behalf of the City of Hopkins as part of our Absentee Ballot Board so they are included in our appointing resolution.

Election expenses for the judges are included in the adopted 2022 budget. Election judge hourly rates are \$10.75 for Election Judges and \$12.25 for Assistant and Head Judges.

Supporting Information

- Resolution 2022-041 Appointing Election Judges for the August 8, 2022 Primary Election

Amy Domeier, City Clerk

Financial Impact: \$ _____ Budgeted: Y/N <u>Y</u> Source: _____ Related Documents (CIP, ERP, etc.): _____ Notes: _____
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**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-041

**RESOLUTION APPOINTING ELECTION JUDGES FOR THE
AUGUST 8, 2022 PRIMARY ELECTION**

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the City Council at least 25 days before the election.

BE IT RESOLVED by the Hopkins City Council that the following election judges are on file in the office of the City Clerk and should be appointed as the Election Judges for the August 8, 2022 Primary Election; and

Heidi	Anderson	Bonita	Kearns
Dana	Anderson-Helstrom	Janine	Keller
Kim	Bachand	Jessica	Klugman
Romaine	Bechir	Axel	Kornfuehrer
Sheldon	Berg	Mark	Krafve
Mary Kay	Brokaw	Terri	Kruger
Glydewell	Burdick, Jr.	Lisa	Lang
Kathleen	Carlson	Peter	Leih
Dawn	Cruze	Rebecca	Luxford
Billie	Davenport	Andrew	Marlow
Katy	de la Torre	Laurie	McNeill
Peter	Demarest	Joan	Meath
Peggy	DeVaun	Theresa	Melles
Ann	Dolina	Rachel	Molepske
Kent	Dolphay	Rosetta	Muhammad
Teresa	Drexler	Suzanne	Mullen
Carol	Dunn	Karen	Murray
Patrick	Gambill-Read	Karen	Norum
Susan	Gauthier	Catherine	O'Neil
Christopher	Gilson	Don	Rademacher
James W	Green	David	Specken
Patrick	Guire	Jane	Specken
Kristi	Halverson	Lisa	Stroessner
Michael	Haynes	Patricia	Sykes
Jane	Heimerl	Clifford	Tallman
Amy	Hendrickson	Whitney	Terrill
Brynn	Hirsch	Vicki	Weber
PeggySue	Imihy Bean	Maximillion	Wexler
William	Johnson	Kody	Williams
Judy	Johnson	Laura	Wolfson
Todd	Kalk		

BE IT FURTHER RESOLVED the Hopkins City Council also appoints other individuals and all members appointed to the Hennepin County Absentee Ballot Board as authorized under Minnesota Statute 204B.21, subd 2 under the direction of the Hennepin County Election Manager to serve as members of the Hopkins Absentee Ballot Board; and

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Adopted by the City Council of the City of Hopkins this 20th day of June, 2022.

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



Resolution Amending Legislative Policy Manual Chapters 1 to 4

Proposed Action

Staff recommends adoption of the following motion: Motion that the Hopkins City Council adopt Resolution 2022-042 Amending Legislative Policy Manuals Chapters 1 to 4.

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

Overview

The Legislative Policy Manual provides uniform guidelines on City policies so that actions that are taken are consistent and fair. Staff has reviewed Chapters 1 to 4 and is requesting the City Council to consider a number of changes to the policies. Most of the policy changes are to align with current procedures due to advances in technology and the way public interacts with local government. Some changes are due to updates in statute or changes in City services. Policies that were not changed within a chapter are not included with the attachments. A full copy of the Legislative Policy Manual is available at <https://www.hopkinsmn.com/350/City-Document-Archives>.

Primary Issues to Consider:

- Legislative Policies require City Council approval

Supporting Information:

- Resolution 2022-042
- Proposed changes in Chapters 1 to 4

Amy Domeier

Amy Domeier, City Clerk

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

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2022-042

AMENDING LEGISLATIVE POLICY MANUAL CHAPTERS 1 TO 4

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

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

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hopkins hereby adopts the revisions to the Legislative Policy Manual Chapters 1 to 4.

Adopted by the City Council of the City of Hopkins this 20th day of June, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

CHAPTER I

INTRODUCTION

1. PURPOSE

- 1.01 The purpose of this document is to provide uniform guidelines on City policies so that actions taken are consistent and fair.

2. CREATION OF POLICIES

- 2.01 Staff or City eCouncil may initiate policies. Preliminary policies or suggestions for policies will be submitted to the City Manager. The City Manager shall assign a staff member to research and write a draft of the policy.
- 2.02 All Legislative policies shall be approved by a resolution of the ~~Hopkins~~ City Council.
- 2.03 Policies may be revised or modified at any time by vote of the City Council.
- 2.04 When a new or revised policy is approved by the City Council, the ~~Assistant City Manager~~City Clerk ~~will see that copies are sent to all persons holding copies of the manual update the electronic version and post to the City's website.~~

3. OBSERVANCE AND ENFORCEMENT

- 3.01 These policies shall apply to all elected and appointed officials and all employees.
- 3.02 Each department ~~head~~director shall be responsible for the implementation and enforcement of those sections of the manual pertaining to that department. Final authority for policy interpretation shall rest with the City Council.

Established 8/18/87
Updated / /2022
City of Hopkins

LEGISLATIVE POLICY MANUAL

CHAPTER II

Policy 2-A Council, Commissions, Committees, Boards

Policy 2-B City Council/ and Staff Relations

Policy 2-C Council Meetings

Policy 2-D Contributions to Agencies

Policy 2-E Distribution of Minutes and Agendas

Policy 2-F Ethics and Gifts Policy

Policy 2-G Delegation of authority in City Manager's absence

Policy 2-H Travel & Expense Reimbursement

~~Policy 2-I Smoking~~

Policy 2-J Guidelines for National Night Out

Revised: August ~~2013~~2022

POLICY 2-A
COMMISSIONS, BOARDS AND COMMITTEES

1. PURPOSE

1.01 This policy shall define the roles of various advisory groups to the ~~Hopkins~~ City Council.

2. COMMISSIONS/BOARDS

2.01 Section 2.02 of the Charter gives the City Council the authority to create advisory commissions and boards. Commissions created by ordinance are the ~~Police Civil Service Commission (Section 320); the Zoning and Planning Commission~~ Planning and Zoning Commission (Section 3252-68); ~~and the Park Board (Section 3352-69); and the Human Rights Commission (Section 340).~~ Rules, regulations and duties for each are contained within those ordinances.

2.02 The Charter Commission is created and regulated by State Statute 410.05.

2.03 Other ~~Commissions/Boards/Committees~~ Commission, Boards and Committees. Section 2.02 of the Charter allows the City Council to appoint special commissions by ordinance or resolution.

2.04 Application for positions on boards or commissions are made to the ~~City Manager's~~ City Clerk's office ~~on forms~~ by application and process prescribed by that office.

2.05 The ~~mayor~~ City Council appoints ~~commission, committee board members~~ board, and committee members ~~subject to confirmation by the Council.~~

2.06 Staff liaisons for ~~commissions/boards/committees~~ commissions, boards and committees are assigned by the City Manager unless identified within the enabling ordinance.

Established 8/18/87
Revised: 2/1/95
Revised / /2022
City of Hopkins

POLICY 2-B
CITY COUNCIL/ AND STAFF RELATIONS

1. PURPOSE

- 1.01 The purpose of this policy is to set forth the basic regulations regarding the various contacts and working relationships of ~~the members of~~ the City Council members and those employees appointed by or under the direction of the City Manager.

2. GENERAL

- 2.01 The City of Hopkins operates under the Council-Manager form of government. Under this form of local government, ~~citizens-residents~~ elect the City Council which is responsible for making basic policy decisions for the community. The City Council employs a City Manager who provides administrative leadership for carrying out the policy formulated by the City Council.
- 2.02 The success enjoyed by the Council-Manager form of local government is in large measure a result of a clear recognition on the part of all officials concerned that the legislative and administrative branches of government must operate within their respective spheres of responsibility to preserve the orderly process of governmental activity.

3. COMMUNICATIONS WITH COUNCIL MEMBERS

- 3.01 The City Manager is responsible for implementing the legislative and policy decisions of the City Council. The City Council issues all orders and directives through the City Manager because ~~he/she they are-is~~ responsible for the day-to-day operation of the City government.
- 3.02 ~~On occasion a~~ A City Council member, ~~in his or her desire to serve the people of Hopkins whose interest he or she is elected to voice,~~ may handle a problem or inquiry less formally, perhaps even making a request or suggestion directly to a ~~division or~~ department headdirector. ~~In such an instance, if~~ If the matter can be handled in conformance with existing administrative policy, it should be resolved as the priority of the problem dictates. However, if the requested or suggested action raises any policy or procedural questions, or if the proposed action is inconsistent with any previously adopted City-Council policies or actions, the staff member should bring the matter to ~~the attention of~~ the City Manager's attention.
- 3.03 Requests from a Council Member for information or to respond to maintenance problems, ordinance enforcement difficulties, etc., shall be courteously responded to as soon as possible. If the information or assistance requested is of a complex nature or involves considerable study or research, the City Manager should be advised so a determination can be made as to whether or not the information would be of interest to all members of the City Council.
- 3.04 The ~~members of the~~ City Council, ~~the~~ City Manager and all City employees have a responsibility to maintain the sometimes-delicate balance of relationships essential to the proper functioning of the Council-Manager form of government. The role of Staff ~~staff~~ in

maintaining this proper relationship is as important as the role of elected officials. Those in administrative positions have a responsibility to make recommendations on policy decisions, but such recommendations should be made only through their immediate superiors. Suggestions and recommendations from those in administrative positions should always be made through the proper channels.

- 3.05 On items before the City Council, a complex or controversial nature the staff should in all instances attempt to formulate a group consensus and ultimately a staff position or recommendation. Once this position or recommendation is established, individual staff members should support the position as is necessary to present a unified approach to the situation.

4. ~~LETTERS WRITTEN~~CORRESPONDENCE ON BEHALF OF COUNCIL MEMBERS

- 4.01 The City Manager's office routinely receives letters-correspondence addressed to the Mayor or to a particular Council Member. ~~Frequently, the writer is requesting from the Mayor or Council Member~~ administrative or technical information that can be provided by a City staff member. Such letters-correspondence will be reviewed by the Assistant ~~to the~~ City Manager or the City Manager and forwarded to the appropriate department head-director for preparation of a response.

- 4.02 Upon receipt of such ~~a letter~~correspondence from the City Manager's office, the department head-director should research any necessary information and prepare a responding letter for the signature-response on behalf of the Mayor or Council Member. ~~The lower left hand margin of the letter should contain the initials of the person preparing the letter as well as those of the typist.~~ The letter-response will then may be sent back to the City Manager's office for review. The City Manager's office will may submit the letter-correspondence of the citizen-requestor and the prepared letter-of response to the Mayor or particular Council Member for their review ~~and signature.~~ ~~The City Manager's office will then make copies for filing before sending the letter to the citizen.~~

Established 8/18/87
Revised / /2022
City of Hopkins

**POLICY 2-C
CITY COUNCIL MEETINGS**

1. PURPOSE

- 1.01 The purpose of this policy is to establish guidelines ~~for arranging for items to be placed on the City Council agenda, and how appearances are arranged~~public comment and staff attendance at City Council meetings.

2. MEETINGS

- 2.01 Regular scheduled meetings of the ~~Hopkins~~ City Council are on the first and third Tuesday of each month.
- 2.02 City Council Work ~~sessions~~ Sessions are scheduled for the second Tuesday of each month. During Work Sessions items are discussed but not voted on until a future regular meeting.
- 2.03 City Council meetings and Work ~~sessions~~ Sessions may be scheduled on other days, by vote of the Council, if the regular meeting conflicts with elections, holidays, or due to lack of quorum.

3. CITY COUNCIL AGENDA

- 3.01 The City Council agenda is assembled by the City Manager's office.
- 3.02 Council Agendas are distributed to the City Council on the ~~Friday~~ Thursday prior to each Council meeting and posted on the City's website for public review.

4. ~~APPEARANCES~~ PUBLIC COMMENT

- 4.01 The City Council offers members of the public the opportunity to comment on items of public interest. This portion of the agenda is for issues that are not included on an agenda or are not in the application process at City Hall.
- ~~4.02~~ No Council action should be expected during Public Comments, as the Council needs to thoroughly study all proposals or requests not of a routine nature.
- ~~4.02~~ To make an ~~official appearance~~ public comment before the ~~Hopkins~~ City Council notification must be received by the City Manager's office by noon on the Thursday before a Council meeting, the request should be made on the form provided in the Council Chambers. The form requires a brief summary of the issue or topic to be addressed.
- ~~4.03~~ Individuals have three minutes to speak and are asked to provide their name and address for the official record.
- ~~4.02~~ Requests for such an appearance should be accompanied by a brief summary of the issue or topic to be addressed.
- ~~4.03~~ 4 Any citizen may address the Council on any topic during the public comments portion of the agenda. Public Comment is not solicited at Work Session meetings.

5. STAFF ATTENDANCE AT CITY COUNCIL MEETINGS

- 5.01 Generally, it is not necessary for division and department directors to attend City Council meetings unless an item appears on the agenda which may require specific, detailed explanation from a departmental representative or unless requested to attend by the City Manager. ~~Exceptions to this include the City Attorney, City Clerk, and Economic Development Director, who will be expected to attend all regular City Council meetings, unless specifically excused by the City Manager.~~ When attending a Council meeting, the division or department head-director should look to the City Manager for guidance as to when to respond to questions or to volunteer information. The City Manager always has the option of "fielding" any question from a member of the City Council.
- 5.02 No employee shall bring any official business before the City Council without the express permission of ~~his or her~~their department ~~head~~director. No department ~~head~~director shall grant this permission or discuss a problem ~~himself or herself~~themselves with the City Council without the City Manager's approval. Unanticipated items or emergency matters must also be discussed with the City manager before presentation or discussion with the City Council.
- 5.03 ~~Any city employee may appear before the Council as a private citizen to voice their concerns.~~

Established 8/18/87
Revised / /2022
City of Hopkins

POLICY 2-D CONTRIBUTIONS TO AGENCIES

1. PURPOSE

- 1.01 The purpose of the Policy is to establish procedures and guidelines regulating the allocation of funds to non-City sponsored organizations.

2. GENERAL

- 2.01 The City presently funds organizations that provide services to Hopkins residents. ~~From time to time~~Ocassionally, requests are made to increase funding or begin a new contribution.
- 2.02 Because public funds are being spent, the City Council expects that these organizations will keep accurate financial and program records so that the benefit from the City's funding can be readily determined.
- 2.03 The City Council will generally consider such requests when it can be clearly demonstrated that there is a significant potential benefit to City-their residents or when failure to provide funding would, in the City Council's opinion, create a serious hardship for a part or all of the community. Philosophically, the City Council believes that its funding of non-City organizations should be limited.

3. PROCEDURES

- 3.01 Requests for funding shall be submitted in writing to the City Manager's Office by ~~July~~ April 1, to be considered for funding for the year beginning the succeeding January 1. The request will specify the amount requested, why City funding is necessary, the reasons for changes, if any, in the requested amount, the specific benefit to Hopkins residents (~~number of clients to be served, etc.~~), previous program statistics related to such benefit, if available, and a proposed budget including expected sources and uses of funds.
- 3.02 The City Council may request representatives of such organizations to appear at budget work sessions ~~held in August and September~~, to further explain or justify requests.
- 3.03 If funded, organizations must agree to keep program statistics, as specified by the City Council, specifically documenting service or benefit to Hopkins residents, and submit such documentation to the City Manager's Office on ~~July~~ April 1 and January 1.
- 3.04 Funded organizations shall submit appropriate financial statements for the most recently completed fiscal year otherwise associated with the organization, which show their financial conditions ~~of the organization~~ and that the City's funds were spent for the intended purpose.

4. PROVISION FOR CITY COUNCIL INPUT

- 4.01 The City Council reserves the right to appoint one of its members or a representative to the Board of Directors of all organizations receiving City funding.

**POLICY 2-E
DISTRIBUTION OF MINUTES AND AGENDAS**

1. PURPOSE

- 1.01 The purpose of this policy is to provide guidance on the ~~reproduction and~~ distribution of agendas and minutes of the City Council and its official boards, committees and commissions.

2. GENERAL

- 2.01 Agendas and minutes of the City Council and its official boards, committees and ~~Commissions-commissions~~ are public documents. Agendas and minutes are available to the public for inspection and review by anyone wishing access to them during normal business hours.

3. COPIES OF AGENDAS AND/OR MINUTES

- ~~3.01 Anyone who comes to City Hall may, upon request, receive a copy of the agenda for any upcoming meeting and/or the minutes of the most recent meeting of the City Council or any board or commission free of charge.~~
- ~~3.02 Anyone who comes to City Hall requesting additional copies of agendas and/or minutes or copies of agendas and/or minutes of other Council, commission, or board meetings will be required to pay the normal cost of copies.~~
- 3.03 Agendas and Minutes are available on the City's website. Copies will be made available at City Hall upon request.

~~**4. MAILED DISTRIBUTION OF MINUTES AND AGENDAS**~~

- ~~4.01 Copies of City Council agendas and minutes will be mailed free of charge to the following:~~

~~City Council members~~

~~Planning Commission members~~

~~Members of the Neighborhood Advisory Board~~

~~Chairpersons of other Hopkins Boards and Commissions~~

~~Chairperson - Hopkins Business and Civic Association (HBCA)~~

~~Manager - City of Minnetonka~~

~~Local Media~~

~~Superintendent - School District 270~~

~~Hopkins Library~~

~~4.02 Copies of Planning Commission agendas and minutes will be mailed free of charge to:~~

~~City Council members~~

~~Planning Commission members~~

~~Members of the Neighborhood Advisory Board~~

~~Chairperson - Hopkins Business and Civic Association (HBCA)~~

~~4.03 Copies of agendas and/or minutes for all other Hopkins boards, commissions and committees will be mailed free of charge to members of the City Council, and the individual members of the respective boards, commissions, and committees.~~

~~4.04 Others requesting to receive mailed copies of agendas and/or minutes will be required to pay a fee to cover the cost of distribution and copying. The fee will be set by resolution of the City Council.~~

54. CERTIFIED COPIES OF MINUTES

5.01 Certified copies of agendas and/or minutes ~~shall~~may require an additional fee. This fee shall be set by resolution of the City Council.

Established: 10/15/91

Revised: 3/21/95

Revised: / /2022

City of Hopkins

POLICY 2-G
POLICY DESIGNATING DUTIES OF CITY MANAGER
DURING ABSENCE OR DISABILITY

1. PURPOSE

1.01 The purpose of this policy is to establish guideline for the delegation of authority during ~~either the absence or disability of~~ the City Manager's absence or disability.

2. DELEGATION OF AUTHORITY

2.01 Section 6.01, Chapter 6 Hopkins City Charter states that during the absence or disability of the City Manager the duties of the office shall be performed by some properly qualified person designated by the Council.

2.02 The following persons are hereby designated, under Chapter 6, Section 6.01 of the Hopkins Charter to perform the duties of the City ~~manager~~ Manager during the absence or disability of the City Manager. The topmost person upon the list, not absent or disabled, shall be responsible for such duties.

1. Assistant City Manager
2. Finance Director
3. Public Works Director

2.03 All actions taken on behalf of the City manager ~~Manager~~ shall be promptly reported to the ~~manager~~ City Manager on return, or to the City Council at the next meeting, whichever shall occur first.

Established 8/18/87
Revised 7/1/97
Revised ___/___/2022
City of Hopkins

POLICY 2-H
TRAVEL REGULATIONS
&
REIMBURSEMENT POLICIES

1. PURPOSE

1.01 The purpose of this policy is to ~~establish guidelines for the reimbursement of money spent on official city business~~ provide guidelines and procedures to be used when employees and elected officials are reimbursed for travel or conference/workshop/training expenses.

2. OUT-OF-STATE TRAVEL FOR ELECTED OFFICIALS

2.01 The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of ~~the cost of the travel~~travel costs. In evaluating the out-of-state travel request, the Council will consider the following:

- Whether the elected official will be receiving training on issues relevant to the city or to ~~his or her~~their role as the Mayor or as a ~~council~~Council member~~Member~~;
- Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
- Whether the elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
- Whether the elected official has been specifically assigned by the City Council to visit another city for the purpose of establishing a goodwill relationship such as a “sister-city” relationship.
- Whether the elected official has been specifically assigned by the City Council to testify on behalf of the city at the United States Congress or to otherwise meet with federal officials on behalf of the city.
- Whether the ~~city~~City has sufficient funding available in the budget to pay the cost of the trip.

2.02 No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

2.03 The ~~city~~City may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.

2.04 The City will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in this policy for out-of-state travel by ~~city~~City employees.

3. APPROVAL AND ADVANCES

- 3.01 Reimbursement for City business related travel, conference, seminar and meeting expenses are intended to refund actual costs incurred by employees and elected officials of the City of Hopkins.
- 3.02 Cash advances ~~intended to defray costs incurred during authorized travel and prior to submission of a TRAVEL EXPENSE REPORT AND REQUEST FOR REIMBURSEMENT form~~ may be obtained by submitting ~~a REQUEST FOR TRAVEL ADVANCE forms required by~~ to the Finance Department. Cash advances will be made through payroll so all forms should be submitted per payroll deadlines, at least seven (7) calendar days prior to a regular Council meeting at which the request for Advance will be considered.

4. ALLOWABLE EXPENSES-LODGING

- 4.01 Accommodations shall be selected at a reasonable cost consistent with the facilities available and convenient to the location of the conference, seminar or meeting attended.
- 4.02 Only the costs of single occupancy will be reimbursed. If a double occupancy occurs (i.e. a spouse/guest accompanies the employee) the employee is responsible for the additional cost of double over single occupancy.
- 4.03 Lodging for the night before the commencement of a conference, seminar or meeting may be claimed.
- 4.04 Reimbursement for ~~meals and~~ lodging shall be limited to the period of time required if commercial air transportation were used. Generally this includes one travel day prior to the conference and one travel day after the conference. If a conference does not start until the late afternoon or evening, that day shall be considered the travel day.
- 4.05 Lodging within the Twin Cities metro area will not be reimbursed.
- 4.06 Exceptions to lodging procedures due to availability, location, or overall cost savings may be authorized by the employee's supervisor or the City Manager.

5. ALLOWABLE EXPENSES-TRANSPORTATION

- 5.01 Allowable transportation costs shall include reimbursement for mileage accumulated on a personal vehicle at the standard IRS rate per mile or the actual round trip coach-class airfare rate, whichever is less. When two or more employees are traveling in one automobile, reimbursement shall be made to one employee.
- 5.02 Air transportation shall be coach-class or economy fares unless such service is unavailable. ~~Reservations are to be made in advance at the earliest date to insure the lowest possible fares. "Super Saver" type rates shall be used if available and appropriate for the particular situation.~~ If the reservation is not going to be used, it must be canceled immediately.
- 5.03 Airline travel credit. Whenever public funds are used to pay for airline travel by an elected official or City employee, any credits or other benefits issued by any airline must accrue to the benefit of the City. In the event the issuing airline will not honor a transfer or assignment of any credit or benefit, the individual passenger shall report receipt of the credit or benefit to the City Council within 90 days of receipt.

5.04 Local transportation such as taxicab, mobility service provider and bus fares to and from the place of lodging and conference, seminar or meeting are reimbursable only if circumstances require such travel. Costs for local transportation not pertaining directly to City business will not be reimbursed.

5.05 Rental cars may be reimbursed if they are necessary for transportation to and from the conference. Employees will not be reimbursed for rental cars used for personal use such as sightseeing. Rental cars must be an economy-sized car. Approval from the employee's supervisor or the City Manager must be obtained prior to renting a vehicle for the expense to be eligible for reimbursement.

6. ALLOWABLE EXPENSES-MEALS

6.01 Reimbursement for meals while on authorized travel shall include only actual expenditures including tax and tip with a maximum gratuity of 20% when applicable. Receipts for meals must clearly indicate whether the requested reimbursement is for BREAKFAST, LUNCH, or DINNER, and the date of the meal. Detailed meal receipts should be obtained indicating the actual items purchased. Reimbursement will not be provided for any meals which are included as part of registration, tuition or fees. Scanned or emailed copies of receipts will be accepted.

6.02 Due to the general difficulty in acquiring receipts for meals and incidentals, any official or employee may claim a per diem reimbursement for actual and necessary expenses.

The per diem for meals and miscellaneous subsistence expenses for employees who travel on City business shall be at the per diem rate established by the U.S. General Services Administration.- \$66.00.

6.03 The per diem allowance includes all charges for meals, all gratuities and taxes, all fees and tips to bellhops and porters, any laundry and/or cleaning expenses and any other similar expenses.

6.04 Reimbursement is not allowed for alcoholic beverages.

6.05 Reimbursement for actual meal costs that exceed the daily allowance will be made only when documented by receipts.

6.06 If meals are included in tuition or registration fees and/or only a fraction of the day is authorized for travel, the per diem or expense allowance will be reduced as follows per the per diem rates established by the U.S. General Services Administration, unless documented otherwise:

Breakfast	\$12.00
Lunch	\$18.00
Dinner	\$36.00

~~6.07 Breakfast allowance shall be authorized for metro Minneapolis departures prior to 8:00am and dinner allowance shall be authorized for metro Minneapolis arrivals after 7:00pm.~~

7. ALLOWABLE EXPENSES – GENERALLY

~~7.01 Whenever possible, receipts must accompany claims for reimbursement. Each such receipt shall clearly depict the type of expense incurred, the date of its incurrence, and the purpose of the expense. When using a credit card write the purpose of the expense on the credit~~

~~slip. If the credit purchase is made over the phone, a record of the amount, purpose, and vendor must be turned into the Finance department.~~

~~7.02 Miscellaneous expenses may be authorized, such as business related telephone and tips for bellhops.~~

~~7.03 The City shall not pay for any expenses, the costs of which are included in registration for conferences, seminars, or other purposes.~~

~~7.0401 Spouse/Guest's conference registration or airline tickets may be advanced by the City but must be reimbursed by the employee. The City shall pay no expenses for a spouse/guest who accompanies the employee/city official to a conference/seminar/meeting including the incremental lodging expenses of double over single occupancy rates. Expenses incurred by a spouse or guest attending a conference with an employee must be paid by the employee.~~

~~7.0502 The city will not reimburse for personal telephone calls, rental of luxury vehicles, or recreational expenses such as golf or tennis except when activity is part of the overall conference fee.~~

~~7.03 Premiums for travel insurance or air insurance are not reimbursable.~~

~~7.04 Any questions of interpretation of this policy will be decided by the City Manager.~~

8. EXPENSE REPORTS

~~8.01 A TRAVEL EXPENSE REPORT AND REQUEST FOR REIMBURSEMENT-Required expense forms shall be submitted to the Finance Department within thirty (30) days of the date of the conclusion of the conference, seminar, or other purpose for reimbursement by person claiming reimbursement including any receipts required. Receipts for expense items, including meals, shall accompany each TRAVEL EXPENSE REPORT AND REQUEST FOR REIMBURSEMENT form. If a paid receipt for a particular item is unobtainable, the TRAVEL EXPENSE REPORT AND REQUEST FOR REIMBURSEMENT-The forms must contain a statement certifying that the claim(s) for that particular item(s) is accurate and require a copy of the conference registration/brochure.~~

8.02 Any unused portion of a travel advance must be promptly returned to the City. Attendees shall be billed for nonreimbursable expenses paid by the City.

~~8.03 A copy of the conference registration/brochure shall be submitted with the expense report.~~

Established 8/18/87
Revised 3/28/90
Revised 12/2005
Revised 10/2012
Revised 8/2013
Revised ___ / 2022

~~POLICY 2-I~~
~~SMOKE-FREE POLICY~~

~~1. PURPOSE~~

~~1.01 The purpose of the smoke free policy is to protect the health of all employees by prescribing rules and regulations pertaining to smoking in city buildings and around city buildings.~~

~~2. BACKGROUND~~

~~2.01 The Surgeon General has confirmed that second hand smoke causes death and disease in healthy non-smokers.~~

~~2.02 The EPA has classified second hand smoke as a "class A" carcinogen. That places it in the same category as asbestos and confirms that second hand smoke can cause cancer.~~

~~2.03 People are not protected by simple separation from tobacco smoke.~~

~~2.04 The City of Hopkins observes and supports the Minnesota Clean Indoor Air Act.~~

~~3. POLICY~~

~~3.01 Effective March 2, 1993, all City of Hopkins building will be smoke free. Smoking is strictly prohibited in all City buildings, and in City vehicles and other motorized equipment. This policy applies to cigars, cigarettes, pipes and other types of tobacco smoking products.~~

~~3.02 This policy applies to all employees, Council members, volunteers, clients and visitors. Copies of this policy will be distributed to all employees.~~

~~3.03 Smoke Free signs will be posted at the main entrance and within all buildings~~

~~3.04 Employee smoking areas outside of City buildings will be designated by the City Manager. Employees who choose to smoke will be allowed to use the designated areas for smoking while the employee is on break or during lunch/rest periods.~~

~~4. PENALTIES~~

~~4.01 Any problems should be brought to the attention of your supervisor. Employees who violate this policy will be subject to disciplinary action up to and including discharge as stipulated in Section 8, Policy # 8 - A of the Administrative Policy manual.~~

~~4.02 An employee who has a grievance or concern shall follow the Grievance Policy outlined in Section 8.06 of the Hopkins Administrative Policy Manual, Policy # 8 - A or the grievance procedure outlined in their respective collective bargaining agreements.~~

~~5. GENERAL~~

~~5.01 All employees share in the responsibility for the success of this policy. The City of Hopkins encourages all non-users to be supportive of the people who carry the burden of this policy.~~

~~Established: 8/18/87~~

~~Revised: 3/1/93~~

~~Deleted: / /2022~~

POLICY 2-J
GUIDELINES FOR NATIONAL NIGHT OUT

1. PURPOSE

- 1.01 This policy shall define the guidelines for administration of the Hopkins National Night Out Activity.

2. GENERAL

- 2.01 The Police Department Crime Prevention Specialist will conduct a registration drive for neighborhoods in Hopkins at least 30 days in advance of National Night out.
- 2.02 All registration forms shall include a Tennessee warning asking the registering party if they wish the collecting agency to supply name, address and telephone information to news media, political leaders or candidates for political office who may wish to attend.
- 2.03 Copies of the participant listing containing a signed Tennessee ~~waiver~~-warning shall be supplied free of charge to any news media, political leader or candidate for political office who shall request the listing.
- 2.04 Copies of non-address specific listings for those neighborhoods who choose not to sign the Tennessee ~~waiver~~-warning may be supplied to any member of the news media, any political leader or candidate for political office who shall request the listing.
- 2.05 Copies of a non-address specific listing for all neighborhoods shall be provided to any member of the news media, political leader or candidate for political office who shall request it.
- 2.06 The Chief of Police prior to release shall approve copies of the address specific listing with Tennessee ~~waiver~~-warning and non- specific listing without ~~waiver~~warning.

3. TRANSPORTATION

- 3.01 Political leaders and candidates for political office shall not be transported to or escorted to, locations of National Night Out gatherings by any member of the Police or Fire Department.

Established: 11/8/2000

LEGISLATIVE POLICY MANUAL

CHAPTER III

Policy 3-A Public Relations

Policy 3-B News Releases

Policy 3-C Cable Television

Policy 3-D Records Retention

Policy 3-E Data Practices

Policy 3-F Web Link Policy

Policy 3-G Social Media Policy

Policy 3-H Electronic Signature Policy

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Revised: March 20092022

**POLICY 3-A
PUBLIC RELATIONS**

1. PURPOSE

1.01 The purpose of this policy is to establish a philosophy which will guide City employees in their dealings with the public.

2. GENERAL RULES

2.01 The purpose of the government of the City ~~of Hopkins~~ is to provide the best possible service to our ~~citizens~~residents. This service will be provided courteously and efficiently to all ~~citizens~~residents.

Established 8/18/87
Revised / /2022
City of Hopkins

POLICY 3-B
NEWS RELEASES AND THE MEDIA

1. PURPOSE

1.01 The purpose of this policy is to establish guidelines for news releases and answering questions from the media.

2. POLICY

2.01 It is the official City policy that every effort will be made to keep the public informed as to the actions of the government of the City ~~of Hopkins~~.

2.02 It is the City Council's intent to provide information and news releases that are accurate, consistent, and reflect official City policy. All news releases shall emanate from the City Manager's office.

2.03 The City will release all information to members of the media or the public that is not protected by the Minnesota data privacy statutes.

3. IMPLEMENTATION

3.01 This policy is fully implemented in the relevant section of the Administrative Policy Manual.

Established 8/18/87
Revised / /2022
City of Hopkins

**POLICY 3-C
CABLE TELEVISION**

1. PURPOSE

1.01 The purpose of this policy is to establish guidelines for the use of municipal public cable television.

2. CABLECASTS

2.01 The purpose of municipal public television is to inform ~~the citizens of Hopkins~~ residents on matters of general public welfare or concern.

2.02 ~~The City of Hopkins will, to the extent possible,~~ cablecast and stream live all City Council and Zoning Planning & Planning Zoning Commission meetings. Park Board meetings will be replayed on the cable television channel.

2.03 The City also encourages and supports the use of public access television by City departments and the public.

3. BULLETIN BOARD

3.01 The Hopkins Cable Bulletin Board is available to advertise the activities of any government agency or local non-profit organization. Non-profit organizations advertising events or activities, which occur outside of Hopkins, may be accepted on a space available basis.

3.02 No advertising will be accepted from for-profit organizations or individuals.

Established 8/18/87
Revised / /2022
City of Hopkins

POLICY 3-D
RECORDS RETENTION

1. POLICY

- 1.01 The Hopkins City Council adopts the Minnesota Records Retention Schedule. The schedule, its application and administration are detailed in the Administrative Policy Manual.

Established 8/18/87
City of Hopkins

**POLICY 3-E
DATA PRACTICES POLICY**

DATA PRACTICES POLICY

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1. POLICY

- 1.01 It is the policy of the City of Hopkins to provide access to government data, to protect the rights of data subjects, and to limit the collection of data to that necessary to carry out the mission of the City. To this end the City of Hopkins has designated ~~James Genelli~~the City Clerk as the Responsible Authority for government data.

2. DEFINITIONS

- 2.01 "**Commissioner**" means the Commissioner of the Department of Administration. (M.S. 13.02, Subd. 2.)
- 2.02 "**Confidential data on individuals**" means data that is: (a) not public and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. (M.S. 13.02, Subd. 3)
- 2.03 "**Data not on individuals**" means all government data that is not data on individuals. (M.S. 13.02, Subd. 4.)
- 2.04 "**Data on individuals**" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual. (M.S. 13.02, Subd. 5.)
- 2.05 "**Designee**" means any person designated by a Responsible Authority to be in charge of individual files or systems containing government data, and to receive and comply with requests for government data. (M.S. 13.02, Subd. 6.)
- 2.06 "**Government data**" means all data collected, created, received, maintained, or disseminated by the City regardless of its physical form, storage media, or conditions of use. (M.S. 13.02, Subd. 7.)
- 2.07 "**Individual**" means a natural person. In the case of a minor, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the Responsible Authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor, if the Responsible Authority determines that withholding the data would be in the best interest of the minor. (M.S. 13.02, Subd. 8.)
- 2.08 "**Nonpublic data**" means data not on individuals that is: (a) not public; and (b) accessible to the subject of the data. (M.S. 13.02, Subd. 9.)
- 2.09 "**Person**" means any individual, partnership, corporation, association, business trust, or a legal representative of an organization. (M.S. 13.02, Subd. 10.)
- 2.10 "**Private data on individuals**" means data that is: (a) not public; and (b) accessible to the individual subject of the data. Private data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. (M.S. 13.02, Subd. 12.)
- 2.11 "**Protected nonpublic data**" means data not on individuals that is: (a) not public; and (b) not accessible to the subject of the data. (M.S. 13.02, Subd. 13.)

- 2.12 **"Responsible Authority"** means the individual designated by the City Council as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. (M.S. 13.02, Subd. 16.)
- 2.13 **"Security information"** means government data, the disclosure of which, would be likely to jeopardize the security of information, possessions, individuals, or property. "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers. (M.S. 13.37, Subd. 1a.)
- 2.14 **"Summary data"** means statistical records and reports derived from data on individuals but in which individuals cannot be identified. (M.S. 13.02, Subd. 19.)
- 2.15 **"Trade secret information"** means government data, including a program or process (a) that was supplied by an individual or organization; (b) that is the subject of efforts by the individual or organization to maintain its secrecy; and (c) that derives economic value from not being generally known to other persons who can obtain economic value from its disclosure or use. (M.S. 13.37, Subd. 1b.)

3. **REQUESTS FOR GOVERNMENT DATA**

(See also Responding to Requests for Government Data)
(M.S. 13.03, Subd. 3)

- 3.01 Public data. All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification.
- 3.02 Requests for access to public data.
- **People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give a reason for the request.
 - **Form of Request.** The request for public data may be verbal or written.
 - **Time Limits.** Requests will be received and processed only during normal business hours. Information should be supplied immediately or as soon as reasonably possible. If copies are requested, and they cannot be made at the time of the request, copies must be supplied as soon as reasonably possible.
 - **Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City's standard photocopying policy unless significant time is required. In that case, the fee will include the actual cost of searching for, retrieving, and making, certifying, and compiling copies or electronically transmitting the data, including the cost of employee time. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, the City shall charge no more than 25 cents for each page copied. The fee may not include time necessary to separate public from non-public data.
 - The Data Practices Act does not require the City to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. If the City agrees to create data in response to a request, the City will provide an estimate of the cost and response time.

- 3.04 Requests for data with commercial value. When a request involves copies of public government data that has commercial value and is an entire program, technique, process, data base, or system developed with a significant expenditure of public funds by the City, the Responsible Authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the City to relate to the actual development costs of the information. The Responsible Authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.
- 3.05 Denying access to data. If the Responsible Authority or designee determines that the requested data is classified and to denies the requesting person access, the Responsible Authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon as possible. The Responsible Authority shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. (M.S. 13.03, Subd. 3)
- 3.06 Change to classification of data not on individuals. Except for security information, nonpublic and protected nonpublic data shall become public either 10 years after the creation of the data by the City or 10 years after the data was received or collected by the City unless the Responsible Authority reasonably determines that, if the data were made available to the public or to the data subject, the harm to the public or to a data subject would outweigh the benefit to the public or data subject. (M.S. 13.03, Subd. 8)
- 3.07 Effect of changes in classification of data. Unless otherwise expressly provided by a particular statute, the classification of data is determined by the law applicable to the data at the time a request for access to the data is made, regardless of the data's classification at the time it was collected, created, or received. (M.S. 13.03, Subd. 9)

4. ACCESS TO DATA ON INDIVIDUALS

(See also **Data on Individuals**)

- 4.01 Collection and storage of government data and data on individuals by employees and agents of the City shall be limited to that necessary for the administration and management of programs specifically authorized by the federal government, legislature, and this city.
- 4.02 Private or confidential data on an individual shall not be collected, stored, used, or disseminated by this city for any purposes other than those stated to the individual at the time of collection in accordance with M.S. 13.04, except as provided below. Data collected prior to August 1, 1975, which has not been treated as public, may be used and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the Commissioner as necessary to public health, safety, or welfare.
- 4.03 People Entitled to Access
1. Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local or federal law enacted or promulgated after the collection of the data.
 2. Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when specifically approved by the Commissioner as necessary to carry out a function assigned by law.

3. Private or confidential data may be used and disseminated to any person or agency, if the individual subject or subjects of the data have given their informed consent. Informed consent shall include a statement which is:
 - a) in plain language;
 - b) dated;
 - c) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
 - d) specific as to the nature of the information the subject is authorizing to be disclosed;
 - e) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed;
 - f) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (e), both at the time of the disclosure and at any time in the future;
 - g) specific as to its expiration date, which should be within a reasonable period of time, not to exceed one year.
- 4.04 Tennessee Warning. All individuals asked by any employee or agent of this City to supply private or confidential data concerning himself or herself shall be informed of:
 1. The purpose and intended use of the requested data within the City;
 2. Whether he or she may refuse or is legally required to supply the requested data;
 3. Any known consequence arising from his or her supplying or refusing to supply private or confidential data; and
 4. The identity of other persons or entities authorized by state or federal law to receive the data.
- 4.05 Upon request to the Responsible Authority or a designee, an individual shall be informed:
 1. Whether he or she is the subject of stored data on individuals; and
 2. Whether it is classified as public, private or confidential.
- 4.06 Upon further request, an individual who is the subject of stored private data on individuals shall be shown the data without any charge to her or him and, if he or she desires, shall be informed of the content and the meaning of that data. After an individual has been shown the private or public data and informed of its meaning, the data need not be disclosed to her or him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- 4.07 The Responsible Authority shall provide copies of data upon request by the individual subject of the data. The cost of providing copies shall be borne by the individual.
- 4.08 The Responsible Authority shall comply immediately, if possible, with any request made pursuant to this section or within ten days of the date of request, excluding Saturdays, Sundays, and legal holidays, if immediate compliance is not possible.
- 4.09 An individual may contest the accuracy or completeness of public or private data concerning himself or herself. To exercise this right, an individual shall notify in writing the Responsible Authority describing the nature of the disagreement. The Responsible Authority shall within 30 days either:

1. Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or
 2. Notify the individual that he or she believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
- 4.10 No employee or agent of the City may release any private or confidential data to any person unless that employee is the Responsible Authority or one of his designees, or another person authorized by the Responsible Authority.
- 4.11 Preparation of summary data. The use of summary data derived from private or confidential data on individuals is permitted. Unless classified pursuant to section 13.06, another statute, or federal law, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person if the request is in writing and the cost of preparing the summary data is borne by the requesting person.

5. PERSONNEL DATA

(M.S. 13.43)

- 5.01 Personnel data "Personnel data" means data on individuals collected because the individual is or was an employee of, or an applicant for, employment by this city.
- 5.02 Public data on current and former employees. Except for persons described in Section 5.05, the following personnel data on current and former employees, those who perform services on a voluntary basis, and persons acting as independent contractors:
1. name;
 2. actual gross salary;
 3. salary range;
 4. contract fees;
 5. actual gross pension;
 6. the value and nature of employer-paid benefits;
 7. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 8. job title;
 9. job description;
 10. education and training background;
 11. previous work experience;
 12. date of first and last employment;
 13. the existence and status of any complaints or charges against the employee whether or not the complaint or charge resulted in disciplinary action;
 14. the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; (Final disposition is defined in M.S. 13.43, Subd 2 (b))
 15. the terms of any agreement settling any dispute arising out of the employment relationship;
 16. work location; (includes address and e-mail address-see Commissioner's Opinion 97-049)

17. work telephone number;
18. badge number;
19. honors and awards received;
20. payroll time sheets except to the extent that release of time sheet data would reveal the employee's reason for the use of sick or other medical leave.
21. a photograph of a current or former employee may be displayed to a prospective witness as part of an investigation of any complaint or charge against an employee. (M.S. 13.43, Subd. 2 (c))

5.03 Public data on current and former applicants. Except for applicants described in Section 5.05, the following personnel data on current and former applicants for employment by this city is public:

1. Names of applicants when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection;
2. veteran's status;
3. relevant test scores;
4. rank on eligible list;
5. job history;
6. education and training;
7. work availability.

5.04 Examples of private personnel data. All other personnel data, including but not limited to the following types, categories, files, and process is private data on individuals, except pursuant to a valid court order:

1. Data collected for disciplinary proceedings prior to the hearing;
2. Insurance status;
3. Medical records when part of personnel data;
4. Psychological evaluations;
5. Social security numbers;
6. Physical limitations;
7. Adult criminal history data;
8. References;
9. Employee home addresses and telephone numbers;
10. City and county of residence;
11. Sick leave forms containing doctor's reports;
12. Oral interviewer file prior to an applicant's oral exam;
13. Exit interview responses;
14. Racial and ethnic data;
15. Marital status;
16. Reference check data as it appears by potential employees;
17. College transcripts, except for name of institution, degree granted, and date;
18. Names of applicants for employment until certified as eligible for appointment to a vacancy;
19. Appointment books (96-056)
20. Employee's bank name, account number, and amount deposited for employees using payroll direct deposit (00-013)
21. Employee Photographs (98-027)

- 5.05 Personnel data on undercover law enforcement officers. All personnel data maintained by this city relating to an individual employed as or an applicant for employment as an undercover law enforcement officer is private data on individuals.
- 5.06 Examination data. Data consisting solely of testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are classified as nonpublic, except pursuant to court order. (M.S. 13.34)
- 5.07 Labor Relations information. Labor relations information means management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position. (M.S. 13.37, Subd. 1 (c))
- 5.08 Harassment data. When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the Responsible Authority determines that the employee's access to that data would:
1. Threaten the personal safety of the complainant or a witness; or
 2. Subject the complainant or witness to harassment.
 3. If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding. (M.S. 13.43, Subd. 8)
- 5.09 Drug Test Results. Test result reports and other information acquired in the drug or alcohol testing process are private data on individuals and may not be disclosed by an employer or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested. (M.S. 181.954, Subd. 2)
- 5.10 Accident and Worker's Compensation Data. The following data collected or created by the League of Minnesota Cities Insurance Trust in order to process claims for workers' compensation are classified as either private data in regard to claims when the insured worker is living, or nonpublic data in regard to claims when the insured worker is deceased:
1. claim number;
 2. date of claimed injury;
 3. employee's social security number;
 4. home phone number;
 5. home address;
 6. date of birth;
 7. sex;
 8. marital status;
 9. whether claimed injury caused loss of time from work;
 10. whether the employee lost time from work on the day of the claimed injury and the number of hours lost;
 11. whether the employee has returned to work;
 12. whether full or partial wages were paid for the first day of lost time and the amount

- paid,
13. time of day,
 14. location where injury occurred;
 15. whether the injury occurred on employer's premises;
 16. the name, address, and phone number of the treating physician or practitioner; identification of the hospital where treated;
 17. nature of the claimed injury or occupational illness;
 18. part of body affected;
 19. name or type of object involved in causing the injury;
 20. nature of injury;
 21. type of accident;
 22. description of actions taken to prevent reoccurrence;
 23. names of coworker witnesses; and
 24. all data collected or created as a result of the investigation of the claim including, but not limited to, physicians' reports; other data on the medical condition of the claimant; data collected from the claimant's physicians; and data collected in interviews of the claimant's employer, coworkers, family members, and neighbors. (M.S. 13.714)

OSHA300 Log and OSHA300 Summary are public data see 29 CFR 1904.35

- 5.11 Access by labor organizations. Personnel data may be disseminated to labor organizations to the extent that the Responsible Authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and to the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the commissioner of the bureau of mediation services.¹
- 5.12 Employee assistance data. All data created, collected or maintained by the City to administer employee assistance programs are classified as private.
- 5.13 Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations, or obtained from employers with the written understanding that the data shall not be made public, and that is maintained by the City, are classified as nonpublic.
- 5.14 Supervisor's files. Supervisor's files that identify individual employees being supervised are government data and personnel data and are accessible by the employees. The actual data may be public or private depending on what it concerns. (Advisory Opinion 94-023)

6. CITY ATTORNEY/LEGAL

- 6.01 City Attorney Notwithstanding the provisions of M.S. Chapter 13 and M.S. 15.17, the use, collection, storage, and dissemination of data by the city attorney acting in his or her professional capacity for this city shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. The provisions of the Minnesota Government Data Practices Act do not apply to city attorneys. This provision shall not be construed to affect the applicability of any statute, other than Chapter 13 and M.S. 15.17, which specifically

¹BMS rule 5510.1410, Subd. 2 requires cities to give the home address and social security number of union members to the exclusive representative.

requires or prohibits disclosure of specific information by the city attorney, nor shall this provision be construed to relieve the Responsible Authority, other than the city attorney, from his or her duties and responsibilities pursuant to the Minnesota Government Data Practices Act. (M.S. 13.30)

6.02 Investigative Data. (M.S. 13.39)

Subdivision 1. Definitions. A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the city attorney.

Subd. 2. Civil actions. (a) Except as provided in paragraph (b), data collected by the City as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data in the case of data not on individuals, and as confidential in the case of data on individuals. The City may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public, if the City determines that the access will aid the law enforcement process, promote public health or safety, or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to the City under paragraph (a).

Subd. 2a. Disclosure of data. During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2.

Subd. 3. Inactive investigative data. Inactive civil investigative data are public, unless the release of the data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data by this chapter or other law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. Civil investigative data becomes inactive upon the occurrence of any of the following events:

1. a decision by the City not to pursue the civil action (Data determined to be inactive may become active, if the City decides to renew the civil action);
2. expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action; or
3. exhaustion of or expiration of rights of appeal by either party to the civil action.

6.03 Lawsuits. Letter from a private attorney notifying the city of a possible claim is public. (*St. Peter Herald v. city of St. Peter*, March 5, 1993.)

6.04 Drafts of Documents. A preliminary draft of a document, the final version of which is meant to be published to a third party, may be protected by the attorney-client privilege if the circumstances indicate that the draft implicitly communicates legal advice or a request therefore. Regardless of whether the final version is meant to be published to third parties, a preliminary document draft, which is prepared for the purpose of communicating legal advice or a request for legal advice, may be privileged, if the client and attorney intend that the draft be kept confidential and if the draft is in fact kept confidential. (*Kobluk v. University of Minn.*)

7. ELECTED/APPOINTED OFFICIALS

7.01 The following personnel data on elected officials is public (M.S. 13.601):

1. name;
2. address;
3. phone number;
4. city and county of residence;
5. actual gross salary;
6. salary range;
7. actual gross pension;
8. the value and nature of employer-paid benefits;
9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
10. job title;
11. job description;
12. education and training background;
13. previous work experience;
14. dates of terms;
15. honors and awards received;
16. payroll time sheets except to the extent that release of time sheet data would reveal the employee's reason for the use of sick or other medical leave.

7.02 The following personnel data on applicants to or members of advisory boards or commissions of the City is public (M.S. 13.601):

(a) Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public:

- (1) name;
- (2) city of residence except when the appointment has a residency requirement that requires the entire address to be public;
- (3) education and training;
- (4) employment history;
- (5) volunteer work;
- (6) awards and honors;
- (7) prior government service; and
- (8) any data required to be provided or that is voluntarily provided in an application for appointment to a multimember agency pursuant to section 15.0597.

(b) Once an individual is appointed to a public body, the following additional items of data are public:

- (1) residential address; and
- (2) either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee.

(c) Notwithstanding paragraph (b), any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

- 7.03 Elected officials correspondence. Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient. (M.S. 13.33)
- 7.04 Elected or Appointed Officials; Financial Disclosure Statements. Financial disclosure statements of elected or appointed officials which, by requirement of the political subdivision, are filed with the political subdivision, are public data on individuals. (M.S. 13.60)

8. COMMUNITY & ECONOMIC DEVELOPMENT DATA

- 8.01 **Appraisal Data.** Estimated of appraised values of individual parcels of real property that are made by state or local personnel or by independent appraisers for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

The above data shall become public upon the occurrence of any of the following:

1. The negotiating parties exchange appraisals;
 2. The data are submitted to a court appointed condemnation commissioner;
 3. The data are presented in court in condemnation proceedings; or
 4. The negotiating parties enter into an agreement for the purchase and sale of the property.
- 8.02 **Economic Assistance Data.** (M.S. 13.594) The following data collected by cities in their administration of the city economic development assistance program are classified as nonpublic data:
1. Application data, except company names, addresses, and other data that identify the applicant, until the application is approved by the city;
 2. Application data, except company names, addresses, and other data that identify the applicant, that pertain to companies whose applications have been disapproved;
 3. Attachments to applications including but, not limited to, business and personal financial records, until the application is approved;
 4. Income tax returns, either personal or corporate, that are filed by applicants; and
 5. Correspondence between the program administrators and the applicant until the application has been approved or disapproved.
- 8.03 **Redevelopment Data.** The following data collected in surveys of individuals conducted by cities and HRAs for the purposes of planning, development, and redevelopment, are classified as private data:
1. The names and addresses of individuals; and
 2. The legal descriptions of property owned by individuals.

The following data collected in surveys of individuals conducted by cities and HRAs for the purposes of planning, development, and redevelopment, are classified as nonpublic data:

1. The names, addresses, and legal descriptions of business properties; and
2. The commercial use of the property to the extent disclosure of the use would identify a particular business.

8.04 **Financial Assistance Data** (a) The following data that are submitted to the HRA by persons who are requesting financial assistance are private data on individuals or nonpublic data:

- (1) financial statements;
- (2) credit reports;
- (3) business plans;
- (4) income and expense projections;
- (5) customer lists;
- (6) balance sheets;
- (7) income tax returns; and
- (8) design, market, and feasibility studies not paid for with public funds.

(b) Data submitted to the authority under paragraph (a) become public data if the authority provides financial assistance to the person, except that the following data remain private or nonpublic:

- (1) business plans;
- (2) income and expense projections not related to the financial assistance provided;
- (3) customer lists;
- (4) income tax returns; and
- (5) design, market, and feasibility studies not paid for with public funds.

The following data, that are submitted to the City by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: financial information about the business including,

1. credit reports;
2. financial statements;
3. net worth calculations;
4. business plans;
5. income and expense projections;
6. balance sheets;
7. customer lists;
8. income tax returns;
9. and design, market, and feasibility studies not paid for with public funds.

The above data becomes public when public financial assistance is provided or the business receives a benefit from the City, except that the following data remain private or nonpublic:

1. business plans;
2. income and expense projections not related to the financial assistance provided;
3. customer lists;
4. income tax returns;

5. and design, market, and feasibility studies not paid for with public funds.

8.05 **Assessor's Data.** (M.S. 13.51) Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the City to refrain from making the data available to the public is classified as private or nonpublic.

The following data collected by the City from individuals or business entities concerning income properties are classified as private or nonpublic:

1. Detailed income and expense figures for the current year plus the previous three years;
2. Average vacancy factors for the previous three years;
3. Verified net rentable areas or net usable areas, whichever is appropriate;
4. Anticipated income and expenses for the current year; and
5. Projected vacancy factor for the current year.

8.06 **Homestead Applications.** The social security numbers of the property owners are private data on individuals. This data may be disclosed to the commissioner of revenue. (M.S. 273.124, Subd. 13)

8.07 **Deferred assessment data.** Deferred assessment data are private. (M.S. 15.1674)

8.08 **Parking space leasing data.** The following data on applicants for, or lessee of, a parking space is non-public: residence address, home telephone number, beginning and ending works hours, place of employment, and work telephone number.

9. **HOUSING AGENCY DATA.**

(M.S. 13.54)

9.01 **Definition.** For purposes of this section "housing agency" means the public housing agency or housing and redevelopment authority of the City.

- 9.02 Confidential data. The following data on individuals maintained by the housing agency are classified as confidential data: correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to:
1. Referrals to the office of the inspector general or other prosecuting agencies for possible prosecution for fraud;
 2. Initiation of lease terminations and unlawful detainer actions;
 3. Admission denial hearings concerning prospective tenants;
 4. Commencement of actions against independent contractors of the agency; and tenant grievance hearings.
- 9.03 Protected nonpublic data. The following data not on individuals maintained by the housing agency are classified as protected nonpublic data: correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to, referrals to the office of the inspector general or other prosecuting bodies or agencies for possible prosecution for fraud and commencement of actions against independent contractors of the agency.
- 9.04 Nonpublic data. The following data not on individuals maintained by the housing agency are classified as nonpublic data: all data pertaining to negotiations with property owners regarding the purchase of property. With the exception of the housing agency's evaluation of properties not purchased, all other negotiation data shall be public at the time of the closing of the property sale.
- 9.05 Private data on individuals. Income information on individuals collected and maintained by a housing agency to determine eligibility of property for property tax classification "4c" under section 273.13, subdivision 25, paragraph (c), is private data on individuals. The data may be disclosed to the county and local assessors responsible for determining eligibility of the property for classification 4c.

10. HOUSING BENEFIT DATA

(M.S. 13.462)

- 10.01 Definition. As used in this section, "benefit data" means data on individuals collected or created because an individual seeks information about becoming, is, or was an applicant for or a recipient of benefits or services provided under various housing, home ownership, rehabilitation and community action agency programs administered by political subdivisions.
- 10.02 Public data. The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by any political subdivision that are intended to assist with the purchase of housing or other real property are classified as public data on individuals.

10.03 Private data. Unless otherwise provided by law, all other benefit data is private data on individuals, and shall not be disclosed except pursuant to court order or to an agent of the state agency, political subdivision, or statewide system, including appropriate law enforcement personnel, who are acting in an investigation or prosecution of a criminal or civil proceeding relating to the administration of a program described in 10.01.

11. SOCIAL RECREATIONAL DATA.

(M.S. 13.57)

11.01 The following data collected and maintained by the City for the purpose of **enrolling** individuals in recreational and other social programs are classified as private (the identity of people who are reserving space at recreational facilities or purchasing memberships has been determined to be public 99-028):ⁱ

1. The name,
2. Address,
3. Telephone number,
4. Any other data that identifies the individual, and
5. Any data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual.

12. MISCELLANEOUS

12.01 **Absentee ballots.** Sealed absentee ballots, prior to being opened by an election judge, are nonpublic (M.S. 13.37, Subd. 2)

12.02 **Bank Account numbers.** Bank account numbers and other financial institution data that members of the public give the City in order to pay for goods or services are classified as private data. (Section M.S. 13.37, Subd 1 (a) Security information)

12.03 **Building plans:** Building plans are generally public with two exceptions: 1) Plans with security features, e.g. plans with vault in house, would be non-public according to M.S. 13.37. 2) Plans that are copyrighted are non-public according to federal law.

12.04 **Building code violations.** Violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by the city agency charged by the governing body of the appropriate political subdivision with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data; except as otherwise provided by section 13.39, Subd. 2; 13.44; or 13.82, Subd. 7.

12.05 **Credit Card numbers.** Credit card numbers that members of the public give the City in order to pay for goods or services are classified as private data. (Section M.S. 13.37, Subd 1 (a) Security information)

- 12.06 **Federal contracts data** To the extent that a federal agency requires it as a condition for contracting with the City, all government data collected and maintained by the City, because of that contract with the federal agency, are classified as either private or nonpublic depending on whether the data is data on individuals or data not on individuals. (M.S. 15.1677)
- 12.07 **Hop-A-Ride.** Transportation service data. Personal, medical, financial, familial, or locational information data pertaining to applicants for or users of services providing transportation for the disabled or elderly, with the exception of the name of the applicant or user of the service, are private. (M.S. 13.72, Subd. 10)
- 12.08 **Law Enforcement data.** Information regarding law enforcement data can be found in the document Law Enforcement data.
- 12.09 **Long-distance telephone bills** paid for by the City are public data. (M.S. 10.46)
- 12.10 **Local phone numbers** dialed from a particular employee's work phone are private. (Advisory Opinion 00-002, 1/31/2000)
- 12.11 **Minutes.** The recorded minutes of a meeting of a public body are public government data prior to the minutes being formally approved by the body at a subsequent meeting. (Department of Administration opinion 94-026, 6/28/94).
- 12.12 **National Night Out.** The location of National Night Out parties is public data. Crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers is classified as Security Information and is nonpublic data. Crime prevention block maps and names, home addresses, and telephone numbers of volunteers who participate in community crime prevention programs may be disseminated to volunteers participating in crime prevention programs. (M.S. 13.37)
- 12.12 **Personal data** on City computers. Any such personal data are not government data because, although they have been created and/or maintained on a government-owned PC or laptop, the employee did not create them in her/his capacity as a government employee, and the purpose of the data is not related to the operation of government (Advisory Opinion 01-075).
- 12.13 **Property complaint data.** The names of individuals who register complaints with the City concerning violations of state laws or local ordinances concerning the use of property are classified as confidential. (M.S. 13.44) This includes complaints about odors (Advisory Opinion 99-045) and noise (Advisory Opinion 00-036).

- 12.14 **Sealed bids**, including the number of bids received, prior to the opening of the bid are nonpublic. (M.S. 13.37) Data submitted by a business to a government entity in response to a request for bids are private or nonpublic until the bids are opened. Once the bids are opened, the name of the bidder and the dollar amount specified in the response are read and become public. All other data in a bidder's response to a bid are private or nonpublic data until completion of the selection process. For purposes of this section, "completion of the selection process" means that the government entity has completed its evaluation and has ranked the responses. After a government entity has completed the selection process, all remaining data submitted by all bidders are public with the exception of trade secret data. (M.S. 13.591)
- 12.15 The **social security numbers** of individuals collected or maintained by the City are private data on individuals, except to the extent that access to the social security number is specifically authorized by law.ⁱⁱ
- 12.16 State **taxpayer identifying number** of a business entity is classified as public data. (M.S. 270B.01, Subd. 5)
- 12.16 **Utility Bills.** Data on customers of the City's gas, water, sewer and storm water utilities are public data, according to section 13.03, except for Social Security numbers. (00-058) Financial institution data, such as bank accounts, are private data. (See Bank Account numbers and Credit Card numbers)
- 12.17 **Public Utility Facilities.** Data on computer systems, facilities, and equipment is non-public pursuant to Section 13.37. (02-014)

Established: 1984
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Footnotes

¹ Commissioner's opinion [99-028](#) further clarified this section.

The data described in numbers 1- 5 are not classified as private pursuant to Minnesota Statutes, section [13.57](#), and are therefore public (see section 13.03, subdivision 1).

The data described in number 6 are classified as private pursuant to section 13.57 to the extent that the data are as follows: name; address; telephone number; any other data that identify the individual; and any data that describe the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual.

1. The identity of people, either directly or as the contact person for an organization, who reserve, and pay for, use of the ice sheets at the City's ice arena;
2. The identity of people who reserve, and sometimes pay for, use of rooms in the City's community center and shelters in the City parks;
3. The identity of people who get permits to use City parks, but do not pay for the use;
4. The identity of people who get season passes to use the City-operated public beaches;
5. The identity of people who purchase memberships at the City's recreation center; and
6. The identity of people who apply for and receive scholarships for participation in recreation programs, and their supporting documentation of need.

¹ The following section was originally part of the Privacy Act but was not codified; it may be found at § 552a (note).

Sec. 7 (a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his **social security account number**.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or

(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State or local government agency which requests an individual to disclose his **social security account number** shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

POLICY 3-G SOCIAL MEDIA POLICY

1. SOCIAL MEDIA POLICY

- 1.01 The City of Hopkins uses social media, such as Facebook, Instagram, Nextdoor and Twitter, as a means to provide two-way communication with the public. Although the City welcomes participation/comments from the public on its ~~Facebook and Twitter~~social media pages/platforms, ~~this page is they are~~ not a public forum.
- 1.02 The City reserves the right to delete comments that:
- Contain vulgar language
 - Are personal attacks of any kind
 - Are offensive
 - Are prejudiced or hurtful remarks made toward any person or entity, including any ethnic, racial or religious group
 - Are spam
 - Include sales/promotion of goods or services, or links to other sites
 - Are off-topic
 - Advocate illegal activity
 - Promote services, products or political organizations
 - Infringe on copyrights or trademarks
- 1.03 The City Manager or designee is authorized to block any user who violates section 1.02 of the adopted Social Media Policy.
- 1.04 Please note that comments expressed on the City's social networking sites do not reflect the opinions or positions of the City of Hopkins, its employees or elected officials.
- 1.05 The City of Hopkins has made every effort to ensure the accuracy of the information provided on its ~~Facebook and Twitter pages~~social media platforms. However, several factors that are beyond the City's control (including unauthorized modification of electronic data, transmission errors, browser incompatibilities, information that has been cached on the local computer or storage device, or other aspects of electronic communication) can affect the quality of the information displayed on this site. For that reason, the City does not guarantee the accuracy of the information provided on its ~~Facebook and Twitter pages~~social media platforms and is not liable for reliance on this information.

LEGISLATIVE POLICY MANUAL

CHAPTER IV

Policy 4-A Lawful Gambling

~~**Policy 4-B Liquor License Violations**~~

~~**Policy 4-C Temporary Liquor or 3.2 Beer Licenses**~~

POLICY 4-B
LIQUOR LAW VIOLATIONS

~~THIS POLICY WAS REPLACED BY ORDINANCE 2004-938~~

~~**POLICY 4-C**~~
~~**TEMPORARY LIQUOR LICENSE**~~

~~**1. PURPOSE**~~

~~1.01 The Hopkins City Council recognizes that the issuance of temporary liquor license may result in events which disturb surrounding businesses and residents and also may provide an opportunity for underage drinking. The City Council believes that by creating a set of rules and regulations in regard to the issuance of these licenses, problems can be avoided and the responsible consumption of liquor or 3.2 beer can be encouraged.~~

~~**2. REGULATIONS**~~

~~2.01 A temporary liquor license will be issued on a per event basis, each event not lasting more than three days.~~

~~2.02 Sales may only be conducted between the hours of 12:00 p.m. and 12:00 a.m.~~

~~2.03 A separate license is required for each location where liquor or beer is sold.~~

~~2.04 Application for a temporary liquor license must be received at least five weeks prior to the event.~~

~~2.05 Applicants for a temporary liquor license must be an organization whose principal location or office is within the City of Hopkins, has been located in Hopkins for at least two years, and has at least 30 active members.~~

~~2.06 Sales and/or consumption of liquor or beer will only take place in enclosed building or a fenced area.~~

~~2.07 Individuals under the age of 21 will not be allowed in any designated area where liquor or beer is sold or consumed, except if accompanied by a parent or guardian.~~

~~2.08 All organizations which have a temporary liquor license must use the following method for checking identification to ensure that underage individuals do not purchase liquor or beer:~~

~~Anyone wishing to purchase beer must have either a driver's license, or a Minnesota ID with their picture. Individuals with the proper ID will have their hand stamped so that the actual sellers of the liquor or beer will not have to check IDs. If the event exceeds one day, a different color of ink must be used on subsequent days.~~

~~2.09 No temporary liquor license shall be issued in conjunction with a youth activity.¹~~

~~2.10 The number of temporary liquor licenses issued in conjunction with all public events² during any calendar year will be limited to twelve (12).~~

~~2.11 The City Council reserves the right to deny any liquor license at its sole discretion.~~

~~2.12 The applicant for any temporary liquor license will provide the City Clerk with a certificate of insurance showing \$1,000,000 of liquor liability coverage and showing the City as con-insured.~~

Established: 3/19/96

Revised: 4/1/2008

~~¹A "youth activity" is an activity that is designed primarily for individuals under the age of 18 or the majority of the participants are under the age of 18.~~

~~²A "Public event" means an event where the public is invited or permitted to attend.~~



Amendment to the 2022 City Council Meeting Schedule

Proposed Action.

Staff recommends adoption of the following motion: Move to approve the Amendment to the 2022 City Council Meeting Schedule.

The Amendment would change the work session meeting in August.

Overview:

The City Council is scheduled to hold their work session on Wednesday, August 10 due to the August 9 State Primary Election. To keep meeting days more consistent in August, staff is proposing to move the work session to Monday, August 8.

Regular City Council meetings will be held the first and third Tuesday of each month at 7:00 p.m. Work Session meetings will be held the second Tuesday of each month at 6:30 p.m. and/or immediately following the adjournment of regular Council meetings. Occasionally meeting dates are changed to avoid conflicts with holidays or other events.

Primary Issues to Consider:

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

A handwritten signature in blue ink, which appears to read 'Amy Domeier', is positioned above a horizontal line.

Amy Domeier, City Clerk



June 20, 2022

Council Report 2022-062

Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co.

Proposed Action

Staff recommends adoption of the following motion: Approve Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co. to allow the sale of alcohol in fenced-in area on July 16, 2022.

Passage of this motion will result in the ability of the LTD Brewing Co. (LTD) to serve alcoholic beverages at their event on Saturday, July 16. The event is scheduled from 5 to 7 p.m.

Overview

The owners of LTD have submitted a Special Event Permit Application and requested an extension of their on-sale liquor license. The event and liquor sales will be located within their parking lot and extended into 8th Avenue with live music entertainment.

The Police Department reviewed the request and has no objection to the liquor license extension, provided LTD abides by regulations outlined in Legislative Policy 5-D – Special Events Policy. LTD security will assist the Police Department in clearing the event at 7:30 p.m.

Primary Issues to Consider

- What measures will be taken to assure that persons under the age of 21 will not have access to alcohol? (Applicant will follow Legislative Policy 5-D)

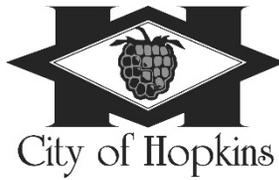
Supporting Documents

- Special Event Permit Application is available in the City Clerk’s Office

Amy Domeier

Amy Domeier, City Clerk

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



June 20, 2022

Council Report 2022-063

CONTINUATION OF PUBLIC HEARING ON THE APPROVAL OF A HOUSING PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT AND THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE BENEFIT OF ALATUS HOPKINS LIHTC I LLC

Proposed Action

Staff recommends that the Council approve the following motion: Adopt Resolution 2022-040 Authorizing the Issuance, Sale, And Delivery of Multifamily Housing Revenue Bonds for the Benefit of Alatus Hopkins LIHTC I LLC; Approving a Housing Program; and Authorizing the Execution and Delivery of Documents Related Thereto

Overview

Pursuant to Minnesota Statutes, Sections 462C, as amended (the “Act”), a City is authorized to issue revenue bonds to provide financing for multifamily rental housing developments. City Council is required to conduct a public hearing on the issuance of the bonds.

Alatus has applied for and received authorization from Minnesota Management and Budget to issue up to \$24,927,542.75 of tax-exempt housing revenue bonds for the purpose of acquiring, constructing and equipping a 116-unit multifamily rental housing facility located at 325 Blake Road for individuals and families of low and moderate income. A public notice for this amount was published in accordance with the Act for a public hearing on June 7th. Alatus determined that, due to increased costs, the principal amount of the bonds will need to be increased by approximately \$5,000,000. Any amount over \$24,927,542.75 will be issued on a taxable basis. The new amount represents a significant change. A second public notice has been published for a public hearing on June 20th for a bond amount estimated not to exceed \$30,000,000

On June 7th, City Council opened a public hearing and continued it to June 20th. Following the closing of the public hearing on June 20th, City Council will be asked to approve a resolution which approves the issuance of approximately \$30 million of tax-exempt and taxable bonds, adopts a housing program and authorizes the execution of loan documents.

The Bonds will not be an obligation of the City. They will not be secured by or payable from any property, assets or taxing power of the city. They are secured solely by the revenues and other security provided by Alatus Hopkins LIHTC I LLC. The bonds are not subject to any debt limitations imposed on the City and will not have any adverse impact on the City’s credit rating, even in the event of financial difficulties of Alatus Hopkins LIHTC I LLC.

Libby Kantner from Kennedy & Graven, the City’s bond counsel and a representative from Alatus will be present on June 20th for any questions.

Supporting Information

- Letter from Kennedy & Graven
- Resolution 2022-040

Nick Bishop, CPA
Finance Director



Offices in Fifth Street Towers
Minneapolis 150 South Fifth Street, Suite 700
Minneapolis, MN 55402
Saint Paul (612) 337-9300 telephone
(612) 337-9310 fax
St. Cloud www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

JULIE A. EDDINGTON
Attorney at Law
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June 15, 2022

Nick Bishop, Finance Director
City of Hopkins
1010 First Street South
Hopkins, MN 55343

Re: Issuance of multifamily housing revenue bonds for the benefit of Alatus Hopkins LIHTC I LLC

Dear Nick,

As you know, Alatus Hopkins LIHTC I LLC, a Minnesota limited liability company (the "Borrower"), has proposed to acquire, construct, and equip an approximately 116-unit multifamily rental housing facility and facilities functionally related and subordinate thereto located at 325 Blake Road in the City of Hopkins (the "City") for occupancy by individuals and families of low and moderate income (the "Project"), which will be owned and operated by the Borrower. To provide financing for the Project, the Borrower has requested that the City issue one or more series of taxable and tax-exempt revenue obligations (the "Bonds") in the estimated aggregate principal amount not to exceed \$30,000,000 and loan the proceeds thereof to the Borrower.

The public hearing required by the Internal Revenue Code of 1986, as amended (the "Code"), and Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), was originally scheduled to occur during the City Council's meeting on June 7, 2022, and notice was published in the City's official newspaper in accordance with the requirements of the Code and the Housing Act. The housing program prepared in accordance with the requirements of the Housing Act was also submitted to Metropolitan Council for review and comment. The public hearing notice and housing program indicated that the Bonds would be issued in an estimated principal amount not to exceed \$24,927,542.75, which is the amount of bonding authority that the City was awarded by the State of Minnesota earlier this year.

However, the Borrower and the lender determined that, due to increased expected costs of the Project, the principal amount of the Bonds will need to be increased by approximately \$5,000,000. The additional principal amount of the Bonds must be issued on a taxable basis. The significant increase in principal amount of the Bonds required the parties to publish a new public hearing notice, but the new notice could not be published in enough time prior to the original public hearing date.

At its meeting on June 7, 2022, the City Council opened the original public hearing and continued it to June 20, 2022. At its meeting on June 20, 2022, the City Council will conduct one public hearing and consider the enclosed resolution approving the issuance of the Bonds (both the taxable bonds and the

tax-exempt bonds) in the aggregate principal amount estimated not to exceed \$30,000,000, adopting a housing program to satisfy the requirements of the Housing Act, and authorizing the execution and delivery of loan and related documents.

The Bonds will be secured solely by the revenues derived from a loan agreement (the “Loan Agreement”) to be executed by the City and the Borrower and from other security provided by the Borrower, including but not limited to a mortgage. The Bonds will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the Loan Agreement) and will not be secured by any taxing power of the City. The Bonds will not be subject to any debt limitation imposed on the City, and the issuance of the Bonds will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project.

The Bonds received allocation of bonding authority from the State of Minnesota pursuant to the requirements of Section 146 of the Code. The Bonds will be “private activity bonds” within the meaning of Section 141(a) of the Code but will be “exempt facility bonds” the net proceeds of which are to be used to provide a “qualified residential rental project” within the meaning of Sections 142(a)(7) and 142(d) of the Code and will not affect the general obligation bonds issued by the City earlier this year or their designation as “qualified tax-exempt obligations” (or “bank-qualified bonds”).

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City’s administrative fee.

Libby Kantner will attend the City Council meeting on June 20, 2022 can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Please contact me with any questions you may have.

Sincerely,

Julie A. Eddington

CITY OF HOPKINS, MINNESOTA

RESOLUTION NO. 2022-040

RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE BENEFIT OF ALATUS HOPKINS LIHTC I LLC; APPROVING A HOUSING PROGRAM; AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED by the City Council (the “City Council”) of the City of Hopkins, Minnesota (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City is authorized to issue revenue bonds to provide funds to finance multifamily rental housing developments located within the City.

1.02. Alatus Hopkins LIHTC I LLC, a Minnesota limited liability company and an affiliate of Alatus LLC, a Minnesota limited liability company (the “Borrower”), has proposed that the City issue one or more series of taxable and tax-exempt revenue obligations (the “Bonds”) for the benefit of the Borrower for the purposes of (i) financing the acquisition, construction, and equipping of an approximately 116-unit multifamily rental housing facility and facilities functionally related and subordinate thereto located at 325 Blake Road in the City (the “Project”) for occupancy by individuals and families of low and moderate income, which will be owned and operated by the Borrower; (ii) funding any required reserve funds; (iii) financing capitalized interest during the construction of the Project, if necessary; and (iv) paying the costs of issuing the Bonds.

1.03. On December 21, 2021, the City Council adopted a resolution authorizing the submission of an application to the office of Minnesota Management and Budget for an allocation of bonding authority with respect to the Bonds to finance the Project in accordance with the requirements of Minnesota Statutes, Chapter 474A, as amended (the “Allocation Act”), and providing preliminary approval for the sale and issuance of the Bonds for the Project.

1.04. On January 11, 2022, the City received Certificate of Allocation No. 419 from the Minnesota Department of Management and Budget allocating bonding authority to the City in the amount of \$24,927,542.75, pursuant to the Allocation Act.

1.05. In accordance with the Act, the City has prepared a housing program (the “Housing Program”) to authorize the issuance by the City of the Bonds to finance the Project, and the Housing Program was prepared and submitted to Metropolitan Council for its review and comment.

1.06. On May 19, 2022, a notice of public hearing was published in the *Sun Sailor*, the official newspaper of and a newspaper of general circulation in the City, with respect to the required public hearing under Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Section 462C.04, subdivision 2 of the Act. Such notice provided that the City Council would conduct a public hearing on June 7, 2022, with respect to the Housing Program and the issuance of the Bonds in the approximate principal amount of \$24,927,542.75. The public hearing notice was published at least fifteen (15) days before the meeting held on June 7, 2022.

1.07. Due to increased construction costs, the Borrower found it necessary to increase its financing request and proposed that the City issue multiple series of the Bonds on a tax-exempt and taxable basis in the approximate principal amount of \$30,000,000. As a result, on June 5, 2022, the City, upon the advice of Kennedy & Graven, Chartered, as bond counsel to the City (“Bond Counsel”), published a notice of public hearing in the *Star Tribune*, a newspaper of general circulation in the City, stating that the City Council would conduct a public hearing on the issuance of a taxable series of Bonds in the approximate principal amount of \$5,000,000.

1.08. On June 7, 2022, the City Council opened a public hearing and continued the public hearing to the date hereof. On the date hereof, the City Council conducted a public hearing on the Housing Program and the issuance of multiple series of taxable and tax-exempt Bonds in the approximate aggregate principal amount of \$30,000,000. The second public hearing notice was published at least fifteen (15) days before the date hereof. Reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, on the Housing Program and the issuance of the Bonds.

Section 2. Housing Program. The Housing Program, in the form substantially on file with the City, is hereby approved.

Section 3. Bonds; Documents.

3.01. The Borrower has requested that the City issue, sell, and deliver the Bonds. The Bonds are hereby authorized to be issued in one or more series of taxable and tax-exempt obligations in the approximate aggregate principal amount not to exceed \$30,000,000; provided, however, that the principal amount of any Bonds issued on a tax-exempt basis shall not exceed \$24,927,542.75.

3.02. The Bonds are proposed to be issued pursuant to this resolution, the Act, and an Indenture of Trust (the “Indenture”) between the City and The Huntington National Bank, a national banking association, or another trustee selected by the Borrower (collectively, the “Trustee”).

3.03. The proceeds derived from the sale of the Bonds will be loaned by the City to the Borrower (the “Loan”) pursuant to the terms of a Loan Agreement (the “Loan Agreement”) between the City and the Borrower.

3.04. The Bonds and the interest on the Bonds (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement and additional sources of revenue provided by or on behalf of the Borrower; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

3.05. The loan repayments to be made by the Borrower under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. Such loan repayments will be assigned to the Trustee under the terms of the Indenture.

3.06. The Borrower’s repayment obligations in respect of the Loan will be evidenced and secured by the following documents (collectively, the “Security Documents”): (i) a Promissory Note; (ii) a Mortgage, Assignment of Rents and Security Agreements; (iii) an Assignment of Rents, Leases and Other Income; and (iv) other documents determined by Kennedy & Graven, Chartered, as bond counsel to the City (“Bond Counsel”), to be necessary to evidence and secure the Borrower’s repayment obligations.

3.07. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under the Indenture, the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Bonds to finance the Project and the related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Act.

3.08. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, substantially in the form now on file with the City, with the variations, omissions, and insertions authorized herein. The City hereby authorizes all or a portion of the Bonds to be issued as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes; provided, however, that the principal amount of the Bonds issued on a tax-exempt basis shall not exceed \$24,927,542.75.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the form of the Indenture on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds and the terms of redemption of the Bonds) as the Mayor and the City Manager, in their discretion, shall determine. The execution of the Bonds with the manual or facsimile signatures of the Mayor and the City Manager and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

3.09. The Bonds shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement and other funds pledged pursuant to the Indenture. The City Council hereby authorizes and directs the Mayor and the City Manager to execute the Bonds in accordance with the terms thereof.

3.10. All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions (including but not limited to changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rate of the Bonds, and the terms of redemption of the Bonds) as do not materially change the substance thereof, and as the Mayor and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determination. The Mayor and the City Manager are hereby authorized and directed to execute the Indenture, and to deliver the Indenture to the Trustee, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City, and the Trustee as set forth therein.

3.11. The Mayor and the City Manager are hereby authorized and directed to execute and deliver the Loan Agreement, a Bond Purchase Agreement among the City, the Borrower, and FMSBonds, Inc., as placement agent, and all other documents and assignments related to the Loan required to be

executed by the City. All of the provisions of such documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The aforementioned documents shall be substantially in the forms on file with the City which are hereby approved, with such variations, omissions, and insertions as do not materially change the substance thereof, and as the Mayor and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determinations.

3.12. To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, and to ensure compliance with certain restrictions imposed by the City, the Mayor and City Manager are also hereby authorized and directed to execute and deliver a Regulatory Agreement (the "Regulatory Agreement") between the City, the Borrower, and the Trustee. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such variations, omissions, and insertions as do not materially change the substance thereof, or as the Mayor and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determination.

3.13. The Mayor and the City Manager are authorized and directed to execute any additional documents deemed necessary to carry out the intentions of this resolution and to complete the financing described herein, so long as City staff and legal counsel approve such documents.

3.14. The City hereby authorizes the Borrower to provide such security for payment of its obligations under the Loan Agreement and for payment of the Bonds, and the City hereby approves the execution and delivery of the Security Documents.

3.15. The Mayor, the City Manager, and the Finance Director of the City are hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, an endorsement of the City to the tax certificate of the Borrower, and similar documents, one or more assignments of the Security Documents, if necessary, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Bond Counsel to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

Section 4. Additional Findings and Certifications.

4.01. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, Bond or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, Bond or agreement of any member of the City Council, or any officer, agent or employee of the City in that person's individual capacity, and neither the

City Council nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no Bond therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral Bond of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues as described herein which are to be applied to the payment of the Bonds, as provided therein.

4.02. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City, any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holder from time to time of the Bonds issued under the provisions of this resolution.

4.03. In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 3.09 hereof, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

4.04. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

4.05. The officers of the City, Bond Counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. If for any reason the Mayor or the City Manager is unable to execute and deliver the documents referred to in this resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Mayor or the City Manager with the same force and effect as if such documents were executed and delivered by the Mayor or the City Manager.

4.06. The Borrower shall pay the administrative fee of the City on the date of issuance of the Bonds as provided in the Loan Agreement. The Borrower will also pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued, including any costs for attorneys' fees.

Section 5. Effective Date. This resolution shall be in full force and effect from and after its approval. The approvals contained in the resolution are effective for one year after the date hereof.

Approved by the City Council of the City of Hopkins, Minnesota this 20th day of June, 2022.

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

HP110-108 (JAE)
800408v4

BACKGROUND

The City of Hopkins and Minnehaha Creek Watershed District (MCWD) have been partnering on the restoration and redevelopment of the site at 325 Blake Road North, which is owned by MCWD. The City and MCWD identified the potential to integrate a restored Minnehaha Creek with a transit oriented, mixed-use development near the future Blake Road LRT Station of the METRO Green Line Extension. MCWD and the City selected Alatus, LLC as the master developer of the site in June 2021.

Alatus received approval of a subdivision, PUD and site plans for Buildings A, B, C and D for 325 Blake Road in December 2021. Building A is the 100 percent affordable housing building, which has received a commitment for Low Income Housing Tax Credit financing for construction, on the condition that they close on the financing on or before July 8, 2022. The applicant, Alatus, has made changes to the design of the building to meet the requirements and constraints associated with the funding, which results in the need to amend the PUD Agreement. Should the City Council approve the PUD amendment, the applicant plans to begin construction of Building A this fall.

Proposed Changes

The applicant is proposing the following changes to Building A:

- Increasing the unit count from 112 to 116
- Decreasing the parking count from 124 to 77 stalls, with 8 interior stalls and one surface stall being equipped for electric vehicle (EV) charging. Conduit will be provided to each interior parking space for conversion to EV charger equipped spaces as needed in the future.
- Adding 3 units that will be affordable to households earning 30% of the area median income (AMI) and 1 unit affordable to households earning 50% of AMI
- Moving the leasing office, mail and package room to the northeast corner of the building, relocating the bike room to the east side of the building with access to the pedestrian promenade, and reconfiguring the outdoor courtyard
- Adjusting the setbacks on all four sides of the building
- Modifying the type of primary building materials
- Changing the balconies to include a mix of types
- Raising the finished floor elevation two feet due to the high water table

The changes that require deviations from the Mixed Use development standards include parking, setbacks, and building materials. A staff analysis of these deviations can be found in the Planned Unit Development Amendment section of this report.

Community Comment

The City Council is conducting a public hearing for this application. The City published notice of this request and public hearing in the Sun Sailor on June 9, 2022 and mailed notices directly to all residents and property owners within 500 feet of the subject property. The notice directed all interested parties to send questions or comments by mail, phone or email or to attend the public hearing where they could provide feedback. As of the writing of this report, the City has received one email comment, which is attached. During the public hearing, staff will provide an update on

all public comments received prior to the City Council meeting.

PLANNED UNIT DEVELOPMENT AMENDMENT

The applicant received approval of the 325 Blake Road PUD in December 2021. The PUD established the Mixed Use zoning district and its development regulations as the base zone and standards for review. Overall, the original PUD entitled lot configuration, access and private road configuration, setbacks and building height as well as various deviations specific to Buildings A, B, C and D.

The deviations from the Mixed Use development regulations that were approved for Building A through the PUD were for building height, setbacks, and exterior materials. The proposed changes to Building A require deviations for setbacks, building materials and parking.

Setbacks

The setbacks for all four sides of the building have been adjusted. As designed, Building A meets the setback standards for the Mixed Use District on the west and north sides of the building. The setbacks on the south and east sides of the building have been adjusted and require less of a deviation than the setbacks approved through the PUD in 2021. The design results in a landscaped area adjacent to the pedestrian promenades on the east and south sides of the building, which are part of the overall public realm of the master site.

Setback Review for 325 Blake Road Building A					
Setback	Standard	2021 PUD	Proposed	Status	Deviation of Amended Setbacks
Front (West)	15' – 25'	20.3'	15' 10" to 20' 4 ½"	Remains conforming	None
Side (North)	5-15'	22'	12' 2 ½" to 13' 1 ¾"	Now is conforming	None
Side (South)	10'	18.6'	11' 9"	Non-conforming	+1' 9"
Rear (East)	10'	17.4'	5' 9 ½" to 7' 7 ½"	Non-conforming	-4' 2 ½"

Building Materials

The proposed exterior materials for the building on Site A are summarized in the table below.

	Building A Exterior Materials				
	Material	North Lake Street	South Pedestrian Way	East Pedestrian Way	West Blake Road
Primary Material	Brick	25%	20%	21%	20%
	Cast Stone	15%	11%	15%	10%
	Metal Panel	35%	27%	28%	40%
Secondary Material	Fiber Cement Panel-Reveal System	25%	42%	36%	30%
	Total	100%	100%	100%	100%

The Mixed Use district requires that the primary exterior treatment of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiberboard, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way. Staff interprets the code to require that secondary materials not exceed 35 percent of the side of a building facing a public right-of-way.

The proposed use of fiber cement panel reveal system as a secondary material is less than 35 percent on the north and west sides of the building, which face a public right-of-way. The fiber cement panel reveal system is slightly higher than 35 percent on the south and east sides of the building, which face the pedestrian promenades. Staff finds that this is consistent with the code requirements.

The Mixed Use District zoning regulations are silent on the use of metal panels, so they are not classified as a primary or a secondary material. The use of metal panels varies from 27 to 40 percent as shown in the table. The building design incorporates metal on the upper levels of the building, with brick along the façade at the pedestrian level. Overall, staff finds these deviations in materials acceptable as part of the planned unit development amendment.

Parking

The applicant is proposing to reduce the off-street vehicular parking from 124 stalls to 77, for a parking ratio of 0.66 stalls per unit. The Mixed Use District development standards requires residential uses to provide a minimum of 1 and a maximum of 1.5 enclosed parking stalls per unit and 1 guest stall per 15 units. Using these standards, the 116 unit building would be required to provide at least 124 off-street parking stalls.

As part of the site plan for Building A that was approved in 2021, the building design included two levels of parking, which during development of architectural plans became challenging due to the high water table in the area.

Staff has worked with the applicant to explore alternatives to the parking required by the Mixed Use District standards. There are a number of factors that support a reduction in parking for Building A, including:

- The existing and planned transportation infrastructure surrounding the site, including a number of Metro Transit bus routes, the Cedar Lake Regional Trail, and the Blake Road LRT Station for the METRO Green Line Extension will allow the residents of Building A to forego the expense of owning a car.
- The applicant conducted an analysis of comparable new affordable housing developments near transit in the Twin Cities, which have an average parking ratio of 0.56 stalls per unit. (more detail included in the attached applicant narrative)
- The building will provide 58 long term bicycle parking spaces within the building and 7 short term spaces on the site.
- The parking in Building A will be unreserved and available to residents on a first come, first served basis, which will provide flexibility to accommodate residents who may have

different work hours staggered throughout the day and night and better utilize the parking provided.

- The site is within walking distance of shopping and job centers along Blake Road and at Knollwood Mall.
- The building will be actively marketed to low income households who are car-free or want to live a car-free lifestyle.

The applicant has committed to the following strategies which were incorporated into the attached PUD Amendment in exchange for the deviation to the parking requirements:

- Metro Transit passes will be provided for each unit of the building at no cost to the residents.
- 6 Urban Arrow cargo bikes (5% of the total units) will be provided for shared use by the residents.
- A partnership with a car sharing program such as Hour Car or Zip Car will be established and parking will be available for the car sharing business in one surface parking space and at least one parking space within the building, both of which will include EV charging stations.
- In the short term, while other portions of the master site are under construction, temporary surface parking spaces for use by the residents will be provided in an easement area east of the building on the future townhouse site.
- Once Buildings C and D are constructed, parking will be available in these buildings for residents of Building A.

At full build-out, Buildings A, B, C, and D will include approximately 1,058 parking spaces with an estimated 42 surface spaces along the spine road and woonerf in the master development. Overall, the applicant's traffic impact analysis study for the master site that was conducted in 2021 confirms that the parking stalls proposed by the applicant are adequate.

Planned Unit Development Amendment Comparison

The purpose of a PUD is to allow flexibility from traditional development standards in return for a higher quality development. Typically, the City looks for a developer to exceed other zoning standards, building code requirements or meet other goals of the Comprehensive Plan. In exchange for the flexibility offered by the planned unit development, the applicant is expected to detail how they intend to provide a higher quality development or meet other City goals.

The requested deviations and items offered by the developer in exchange for the requested deviations for Building A are compared in the table below. These deviations and items offered to support the PUD include those from the 2021 PUD as well as updates from the current application and are incorporated into the attached PUD amendment.

PUD Comparison for 325 Blake Road Building A	
Deviations	Items Offered to Support the PUD
Building Height (from 2021 PUD)	10% of the 77 parking spaces will have electric vehicle charging stations and conduit run to each space for conversion to EV equipped spaces in the future.
Setbacks on 2 Sides of the Building	Rooftop solar energy system
Exterior Materials	Entry plaza with public art
Parking	Metro Transit passes will be provided for each unit of the building at no cost to the residents
	Six Urban Arrow cargo bikes will be provided for shared use by residents
	A partnership with a car sharing program will be established and parking will be available for the car sharing business in one surface parking space and at least one parking space within the building, both of which will include EV charging stations.
	55 temporary surface parking spaces will be provided in an undeveloped easement area east of the building through the duration of the term of the easement
	Parking in Buildings C and D will be available for residents of Building A

ALTERNATIVES

1. Vote to approve an amendment to the 325 Blake Road Planned Unit Development Agreement for Building A. By voting to approve, the amendment to the 325 Blake Road Planned Unit Development Agreement for Building A will be approved.

2. Vote to deny an amendment to the 325 Blake Road Planned Unit Development Agreement for Building A. By voting to deny, the PUD amendment will be denied. Should the City Council consider this option, it must also identify specific findings that support this alternative.

Site Location Map for 325 Blake Road North



PROJECT OVERVIEW

The 325 Blake Road N. project (the “Project”) is the redevelopment of 16.84 acres of infill suburban land located at the intersection of the Cedar Lake Regional Trail, as maintained by Three Rivers Park District, and Blake Road N, a recently enhanced major north-south arterial roadway in Hopkins, MN. Alatus LLC and its assigns (“Alatus”) are proposing a multi-phased development proposal consisting of approximately 800 housing units of different designations, 17,000 total sq ft of retail and commercial use pads, and public and private realm infrastructure tied into the Minnehaha Creek Watershed District revitalization of the Minnehaha Creek, just to the northeast of what will be the parcels ultimately owned by Alatus. The project will also seek to enhance the existing and pending infrastructure improvements already made by the City of Hopkins, Three Rivers Park District, and the Met Council and the pending infrastructure improvements that Minnehaha Creek Watershed District has committed to making in the regional stormwater facilities.

The Project received approval from the Hopkins City Council in December 2021, including a Zoning Application requesting rezoning from I-1 (Industrial) to Mixed Use District, a Planned Unit Development (PUD) (for the Project), Site Plan Approval(s) for Building A, Building B, Building C, and Building D, and Preliminary & Final Subdivision of the single parcel located at 325 Blake Road N.

Building A is the 100% affordable Low Income Housing Tax Credit (LIHTC) component of the development and was approved by the City Council as part of the larger project in December 2021. Since that time, changes to the design for Building A have become necessary to maintain the original proposed design aesthetic and in order to accommodate the affordable housing financing timeframes and funding restraints of Minnesota Housing Finance Agency (MHFA). Some of these changes have resulted in changes to the previous PUD and other deviations from code. This amended PUD requests relief for these deviations from code.

Changes to Building A since previous PUD approval:

1. Unit count increased from 112 to 116 (increase of 4 units).

325 Blake Rd. N. Building A Unit Breakdown

	Dec-21	Current
Studios	0	3
1-BR	62	37
2-BR	35	56
3-BR	10	20
4-BR	5	0

Total 112 116

Units by AMI

	Dec-21	Current
30%	0	3
50%	106	107
60%	6	6

2. Parking count decreased from 124 to 77 stalls and reduced from two levels to one level below-grade (decrease of 47 spaces), partially due to cost of providing below-grade parking in an area with a high water table.
3. Increase in the number of deeply affordable units reserved for households making no more than 30% of the Area Median Income (AMI) increased from 0 to 3. 107 units will be reserved for households making no more than 50% AMI. The remaining 6 units will be reserved for households making no more than 60% AMI.
4. Design changes intended to activate pedestrian areas: Leasing activity area, mail and package room moved to the NE corner of site to activate this area with an expansive amount of glass facing the pedestrian level. Bike room has been relocated along the pedestrian link to activate that link. Design changes at the entry create an exciting and dynamic entry corner elevation with both vertical and horizontal undulation. Reconfigured courtyard in order to create a more open, usable pedestrian area. Added is a dynamic two-story glass clubhouse design along with seating landscape areas along the pedestrian link.
5. Side yard setback along the north side of the building decreased from 22 feet previously to a range of 12' 2 1/2" to 13' 1 3/4". This remains in conformance. The setback to the west (range from 15' 10" to 20' 4 1/2") has changed and is now within compliance (see chart below in Support for Proposed Deviations). Setback to the east/rear decreased from 17.4' to a range of 5' 9 1/2" to 7' 7 1/2" and requires approval for deviation. The setback to the south (11.9') has changed but still requires a deviation from standards.
6. Reduced North elevation 6 stories of cantilever brick to 2 stories in keeping with Blake Road elevation.
7. The building is slightly longer and narrower, though the FAR has not changed.
8. Balcony types have changed and now include a mix of types, including Juliette balconies.
9. Building FFE raised 2 feet due to water table issue (FFE of ground floor level from 919 to 921).
10. EV-equipped spaces: the number of spaces equipped for electric vehicles will remain 10% of total parking stalls but will be reduced to 8 total spaces. The garage will be engineered and conduit will be run to each space to have the capacity to convert all parking garage spaces to electric vehicle charger-equipped spaces as needed.

DEVELOPMENT PHASING

The development timing has changed since Council approval as Building A was awarded a competitive allocation of MHFA funding that came with deadlines for various financing mechanisms. As a result, the low-income housing component of the development is now proposed to be accelerated and to begin construction September 2022. Commencement of construction of the various remaining phases is dependent upon market conditions now and into the future as well as other external factors relating to the various entities and stakeholders that will be working through the redevelopment effort for the site located at 325 Blake Road N. Subject to those conditions, the development team currently anticipates the following construction start dates for the various phases:

Phase I(A): Q3 2022 – Building A (construction start September 2022 through November 2023)

Phase I(B): Q4 2022 – Buildings C & D

Phase II: Q2 2023 – Building B, Restaurants, Boat House & Townhomes

PROPOSED DEVIATIONS FROM MIXED USE DISTRICT STANDARDS

Strict adherence to the Mixed-Use District standards and requirements is not required in this case to satisfy the intent of the City’s planned unit development provisions and the proposed deviations from those standards will not prejudice the health, safety, or welfare of the residents of the development, the surrounding area, or the city as a whole. The new proposed deviations from Mixed Use District standards for Building A of the 325 Blake Road N. project are as follows:

1. Building A is below the parking minimum of 124 spaces. The current proposal provides 77 spaces for 116 units.
2. Building A exceeds the height maximum but has reduced by three feet since the previous PUD approval. The Mixed Use district height standards for the Blake Road Station Area allows 3-4 stories for residential structures and 5-6 for mixed use buildings. Physically, the overall height of the building is 5-stories but there is also a partially exposed garage level along the north (Lake Street Northeast) side.
3. Building Articulation: See below for the exterior building material components at previous PUD and as currently proposed.

The applicant aimed to create dynamic, contemporary elevations on all sides of the building with the same materials: brick, metal and two different colors of siding, but used in different quantities. As revised, the materials used on the building North and West elevations are more complex and relate more to the contemporary urban city with the introduction of two-story brick, accents of metal, two siding colors along with dynamic angles representing the pace of city life. The South and the East elevations are contemporary but offer calmer internal reflective elevations of less brick, metal and more of the two colors of siding. The dynamic element on the East elevation is the two-story clubhouse/ bike area that is intended to create the drama center stage in the courtyard along the pedestrian link and requires a simpler stage set elevation behind it.

PUD

	MATERIAL %	North (Lake Street)	WEST (Blake Road)	EAST	SOUTH
Primary	BRICK VENEER	61 %	35 %	25 %	18 %
	METAL PANEL	-	35 %	13 %	28 %
	CAST STONE	19%	10%	29 %	14 %
Secondary	FIBER CEMENT PANEL-REVEAL SYSTEM/ WOODTONE PANEL	20%	20 %	33 %	40 %

	NORTH	WEST	EAST	SOUTH
TRANSPARENCY OVER 2ND FL. %	30 %	34 %	30 %	32 %

NEW

	MATERIAL %	North (Lake Street)	WEST (Blake Road)	EAST	SOUTH
Primary	BRICK VENEER	25 %	20 %	21 %	20 %
	METAL PANEL	35 %	40 %	28 %	27 %
	CAST STONE	15%	10%	15 %	11 %
Secondary	FIBER CEMENT PANEL	25%	30 %	36 %	42 %

	NORTH	WEST	EAST	SOUTH
TRANSPARENCY OVER 2ND FL. %	30 %	34 %	30 %	32 %

4. All of the setbacks have changed since the previous proposal. The setback to the west was 20.3 and is now proposed at 22.3 feet and remains in conformance. The setback to the east was previously out of conformance at 17.4' and is now proposed at 8.2', which is in conformance with the 10' standard. However, the setbacks to the North (16' 5") and South (19' 3") will still require deviations.

Previous Setback Review for Building A			
Setback	Standard	Proposed	Status
Front (West)	15' - 25'	20.3'	Conforming
Side (North)	5' - 15'	22'	+7 Non-conforming
Side (South)	10'	18.6'	+8.6 Non-conforming
Rear (East)	10'	17.4'	+7.4 Non-conforming

Currently Proposed Setback Review for Building A			
Setback	Standard	Proposed	Status
Front (West)	15' - 25'	15' 10" – 20' 4 ½"	Conforming
Side (North)	5' - 15'	12' 2 ½" – 13' 1 ¾"	Conforming
Side (South)	10'	11' 9"	+1' 9" Non-conforming
Rear (East)	10'	5' 9 ½" – 7' 7 ½"	-4' 2½" Non-conforming

SUPPORT FOR PROPOSED DEVIATIONS

The applicant believes the development, as proposed with deviations from zoning code ordinances, is a high-quality proposal, will facilitate the delivery of affordable and deeply affordable family housing for the City of Hopkins, and aligns with overall Comprehensive Plan goals. To ensure a high-quality development, the applicant is proposing the following enhancements in support of the proposed deviations:

Height and Setbacks

A new network of publicly accessible streets and pedestrian corridors divides the site into pedestrian-scaled, walkable quadrants, and connects the surrounding context to the future Blake Road LRT station, Minnehaha Creek, and the Cedar Lake Regional Trail. The new tree-lined parkway becomes the crucial

spine from which stems primary building entries, active uses, and a series of common open spaces. The East/West and North/South pedestrian spines further break down proposed development sites, improving pedestrian circulation and creating a tree-lined pedestrian way with walk-up residential units.

The project vision includes extensive pedestrian improvements for the area, including sidewalk connections through the site that do not exist today. The street trees, parallel parking zones, and raised pedestrian crossings provided along the parkway will help to calm traffic and provide a safer environment for people, bikers, and drivers. The pedestrian zone along the proposed parkway supports public street amenities including benches, bike racks, street lighting and planting beds.

Building setbacks provide comfortable buffer zones between street right-of-way and the building edges. The proposed setbacks offer a balance of enough distance to create green zones without compromising the more urban goals of transit-oriented development. This balance of ample though not excessive setbacks prioritizes pedestrians and human activity in and around the site.

From an overall design perspective, the greater height is necessary to achieve the transit supportive densities called for in the Activity Center future land use category of the 2040 Comprehensive Plan. The increased height of this building is acceptable under the PUD as the overall development site will include substantial open spaces, Outlot D is planned to include 3-story townhouse units and Lot 2, Block 1 is planned to include 1-story commercial buildings.

Parking Reduction

The applicant is proposing several short- and long-term solutions for the proposed 47-space reduction in parking from the required 124 spaces to the proposed 77 spaces. The existing and planned transportation infrastructure surrounding Building A provide the opportunity for future low-income households to forego the expense of a car. Building A will locate 116 low- and very low-income families near several existing Metro Transit bus lines, the Minnehaha Creek Greenway, Cedar Lake Regional Trail, and future Blake Road LRT station. In addition, proposed pedestrian and bike facilities will promote the use of multiple modes of transportation for residents and patrons to and from the project site.

- The proposed parking ratio of 77 spaces for 116 low-income units (.66 parking spaces per unit) is well within the range of parking ratios for new affordable housing developments in the Twin Cities area that are restricted to 50% AMI rental and income thresholds (see chart of Twin Cities comparables below). The average parking ratio of .56 spaces per unit is lower than our proposed .64 ratio.
- The proposed level of parking within walkable and transit-served locations has proven sufficient for low-income households in the Twin Cities area.
- This site is within walking distance of several destinations, is near transit options connecting to major employment centers, and directly adjacent to bike paths leading to employment nodes. As a result, our residents are much more likely to be able to forego car ownership.
- In the lease-up and marketing process, we will actively market all units to low-income households who are car-free and want to live a car-free lifestyle.

**Twin Cities Area Parking Ratios
Affordable Housing Developments**

Project Name	Address	# Units	Parking Spaces	Ratio	Affordability	Unit Mix	Developer	Context	Date
Snelling Yards Redevelopment	3601 E. 44th St. Minneapolis	210	135	0.64	Workforce	St-2BRs	Wall Companies	Within .25 miles of 46th St LRT station	2020
Stadium Lofts	415 15th Ave S Minneapolis	108	79	0.73	20% at 50% AMI, 80% Market Rate	St-3BRs	Fine Associates	Within .25 miles of Cedar Riverside & West Bank LRT stations	2020
Lake Street Dwelling 1	410 W. Lake St Minneapolis	111	49	0.44	30-60% AMI	St-2BRs	Lupe	Access to multiple frequent Metro Transit bus lines	2020
Lake Street Dwelling 2	510 W. Lake St Minneapolis	111	56	0.50	50% AMI	St-2BRs	Lupe	Access to multiple frequent Metro Transit bus lines	2021
Lake Street Dwelling 3	520 W. Lake St Minneapolis	92	44	0.48	20% at 60% AMI	St-2BRs	Lupe	Access to multiple frequent Metro Transit bus lines	2021
Dow Towers	22 5th Ave. S. Hopkins	76	35	0.46	Low income	1 BR	Housing & Redev. Authority	Hopkins near Downtown	1972
1500 Nicollet	1500 Nicollet Ave Minneapolis	183	123	0.67	37 at 50% AMI & 146 at 60% AMI	St-3BRs	Dominium	Access to multiple frequent Metro Transit bus lines	2017
Average of Comparables				0.56					
Building A - 325 Blake Rd. N	325 Blake Rd. N. Hopkins	116	74	0.64	Primarily 50%, Some 30% & 60%	Studios-3BRs	Alatus	Access to future LRT Blake Station and multiple Metro Transit bus lines	2022

The transit and bicycle infrastructure near the site connect to several employment nodes, offering car-free access to jobs at a variety of income levels.

- The future Blake Road LRT station, located less than a quarter mile from Building A, will connect residents to several employment nodes including Downtown Minneapolis, the Golden Triangle in Eden Prairie, office parks in Minnetonka and St. Louis Park, the Methodist Hospital (4,650 employees) one stop away at Louisiana Ave, the University of Minnesota, and the Midway and downtown districts of St. Paul.
- Current Metro bus service accesses an even wider variety of employment centers and shopping and other destinations.
 - The Metro bus 17D stops 300 feet north of the site at Blake Rd. N. and Hiawatha Avenue. The 17D connects the site directly to the Knollwood Mall shopping area and grocery stores, Uptown, Downtown Minneapolis, and Northeast Minneapolis.
 - The Metro bus 615 stops approximately a quarter mile west of the site at Tyler Avenue and Lake Street. The 615 connects the site directly to Ridgedale and surrounding shopping areas, Downtown Hopkins, Cargill EC offices in Hopkins (1,168 employees at this facility), and Park Nicollet Medical Center (approximately 3,500 employees) in St. Louis Park.
- The Project will actively promote the use of bicycles for commute and other trips. Building A proposes to provide 58 long-term bike parking spaces and 7 short-term parking spaces. At full build-out, the Project will supply 434 long-term bike parking spaces and at least 47 short-term parking spaces. The Cedar Lake Regional Trail connects residents directly to most of the same employment destinations as the LRT in addition to several other job nodes throughout the

metro area, including Midtown Minneapolis, Downtown Minneapolis, Downtown Hopkins, the West End in St. Louis Park, and countless other destinations.

Short Term Parking Strategies

- Provide Metro Transit passes to residents of Building A: applicant will commit to providing a Metro Transit pass for each unit at no cost to the resident, using Metro Transit's subsidized programs for apartment owners and/or low-income pass discounts.
- Electric Bike Share: owner will provide 6 (5% of the total units) Urban Arrow Cargo Bikes and stalls for shared use for the residents.
- Encourage bicycle commuting: The proposed project exceeds the bike parking requirements for Mixed-Use Districts and includes additional bike facilities such as bike pump/repair stations, trail maps, seating for trail users and wayfinding signage.
- Applicant commits to working to partner with a car sharing program and making parking spaces available to a car sharing business in at least one publicly available surface parking space outfitted for electric vehicles and in the parking garage for Building A. Hourcar is a local nonprofit car sharing service that may be appropriate to provide this service to low-income residents of Building A to help facilitate car-free living. Hourcar allows rentals for time periods ranging from 30 minutes to 3 days and has a range of fee plans that include sliding scale for low-income individuals. The City of Hopkins is applying to be part of a program to use Hourcar at Dow Towers in Hopkins. Adding another publicly accessible location at Building A will increase the local viability of the program. Zip Car is another potential option to provide a shared car service onsite for residents. Evie Car Share may be another option. Evie works on a similar model but uses only electric vehicles. Currently, Evie only services the core urban areas of Minneapolis and St. Paul, but may have expanded their service area by the time residents move into Building A.
- The parking for the Project will be un-reserved and available to residents on a first come first serve basis. This will provide the flexibility to accommodate a greater number of vehicles onsite. For example, residents may have different working hours staggered through the day and night. Unreserved parking allows the flexible use of each space throughout the day.
- An additional 55 temporary surface parking spaces for use by the residents will be provided in an undeveloped site immediately east of the proposed Project. This site will be located on a parking and construction easement that will be located to the east and to the south of the Project (see attached Construction Easement Exhibit). The easement will last until approximately December 2024. By the time this easement would expire, Buildings C and D will have come online with a combined total of 576 units and 797 parking spaces. Excess parking in these buildings which we expect will be available to residents of Building A as needed. The location of this proposed temporary surface parking is indicated in the attached exhibit and is located on the "Townhome" site.

Long Term Parking Strategies

At full build-out, the proposed Project will include an excess of parking spaces that will be available for any excess demand from Building A. Between Buildings A, B, C, and D, approximately 776 units are proposed and 1,058 structured parking spaces. In addition, an estimated 42 surface spaces will be created along the Spine Road and Woonerf (the two internal proposed circulator roads). Finally, Retail Building E will include 43 structured parking spaces that may become available to residents of Building A after business hours. Excess parking on site will be available to accommodate any excess parking demand from Building A not satisfied by the proposed 77 on-site space. Buildings B, C, and D will have a

combined total of 688 units and 981 parking spaces. With 1.4 spaces per non-senior unit and 1.1 per senior unit, residents will demand 929 of these spaces. This leaves 52 excess spaces in just these two buildings which will be available for any excess demand from Building A. Combined with the 43 Building E and the and 42 on-street spaces that will be available, a total of 137 excess spaces.

In addition, the applicant is exploring opportunities to partner with MNDOT to expand their autonomous circulator to provide resident connections to the future Blake Road LRT stop, Knollwood Mall and commercial area, and potentially other nearby destinations.

Support of Comprehensive Plan Goals

The project supports and further advances several goals outlined in the City's 2030 Comprehensive Plan and draft 2040 Cultivate Hopkins Plan. See summary of these goals below within the PUD statement section.

PLANNED UNIT DEVELOPMENT STATEMENT

Per Hopkins, Minnesota, Code of Ordinances, Part III – Land Development, Chapter 102 – Planning and Zoning, Article XX. – Planned Unit Development, Sec. 102-680, (e), (6), the applicant is responding to the following:

- A written statement generally describing the proposed PUD amendment and the market which it is intended to serve and its demand showing its relationship to the city's comprehensive plan and how the proposed PUD is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.

Market

Project goals and public benefits envisioned for the development site at 325 Blake Road N are as follows:

- Environmentally and Fiscally Sustainable – the project will not create negative environmental externalities while also fiscally supporting itself due to dense, usable infrastructure with a significant tax base to benefit projects outside of the 325 Blake Road N. development project for years to come. The process of ensuring that the project makes the space better than it was before has been completed and is available in the Environmental Assessment Worksheet and will culminate with a state-of-the-art regional stormwater infrastructure installment in and around a dense, vibrant housing development, that will add vitality to the already vulnerable Minnehaha Creek Watershed District.
- Spectrums of Housing & Affordability – Market-rate, mixed-income, and low-income rental opportunities partnered with townhome living arrangements in for-sale product mean that a diverse demographic and socioeconomic population can live here and enjoy the same quality of life. The concept of the "15 Minute City" will further enhance affordability for residents, nearby residents, and the public alike by reducing dependency via the tax that is vehicular ownership, maintenance, etc. thanks in no small part to multi-modal connections with the Green Line LRT Extension and Cedar Lake Regional Trail bike and pedestrian corridor.
- The Development Team has included a large fitness, wellness, and remote work facility to be shared by all residents of the community to facilitate the creation of a true neighborhood

center. The low-income residents of Building A will have full access to this amenity at no charge.

- Progressive Sub-Urban Design Concepts – High quality housing, retail, and infrastructure improvements, along with a pedestrian and bicycle-first infrastructure scope, that will be a baseline benchmark for future development projects in the city of Hopkins and in the larger Twin Cities region, at a minimum.
- Inclusivity of Natural and Man-Made Resources for All – Too often, natural resources in urban corridors are only eligible to the privileged populations able to afford a “lake” or “waterfront” private parcel. By inviting residents of Hopkins to enjoy the substantial investment from the Minnehaha Creek Watershed District into this regional corridor, this natural resource will remain a public attraction and amenity for all to enjoy for years to come in a multitude of ways.

The nature of the proposed development is concentrated on creating a spectrum of opportunities for community members of all different backgrounds. The proposed housing mix will include the creation of a 15-story mid-rise for views unlike any seen in the west-suburban market, interspersed with low-rise market-rate developments, a low-income housing tax credit property with primarily 50% AMI units and some 30% and 60% AMI rental and income restrictions, and for-sale townhome / condominium offerings with affordable ownership opportunities as well. The Site Plan estimates the following unit types and counts for housing options on the development site:

- **Building A:** 6-story, 116-unit low-income housing tax credit development (primarily 50% AMI units with some 30% and 60% AMI rental and income restricted units) with 77 parking stalls primarily located in one level of below-grade parking
- **Building B:** 5-story, 112-unit for-sale senior co-op development with 184 underground parking stalls
- **Building C & E:** 15-story, 187-unit multi-family market-rate Type I development; 5-story, 155-unit multi-family market-rate development; 17,000 SF of retail; 520 above-ground parking stalls; 43 parking spaces below Building E restaurants
- **Building D:** 5-story, 162-unit multi-family mixed-income development (33 of the units will be designated at 60% AMI) with 277 above-ground parking stalls; some stalls available for flexible commercial space parking
- **Townhomes:** 3-story, 33 townhome units with variable pricing; 66 attached garage parking stalls

The commercial space for the property, currently at approximately 17,000 sq ft, is envisioned to be community oriented with an eye toward attracting the existing residents of Hopkins that enjoy the density of their Downtown Hopkins and also for the bike or pedestrian commuter stopping through on the public infrastructure tied into the backbone of the project. The impact of the Green Line LRT Extension will be compounded with the proposed development improvements.

We expect to have a mixture of locally sourced restaurateurs, brewery, and distillery opportunities with indoor and outdoor experiences for optimization of space in both the summer and winter, as well as more affordable commercial space leasing options for the relocation of existing Hopkins community retail locations that are having to make decisions about their upcoming leases.

Alatus will deliver an incredibly important development node along Blake Road N., as envisioned in numerous planning documents, including the East Hopkins Land Use & Market Study, Blake Road Corridor Study and the Blake Road LRT Station Area Development Guidelines. This project will be an important link between the future LRT station and the Minnehaha Creek Greenway and continued momentum for development in the area. Many of the development recommendations outlined in the station area development guidelines are being realized within the proposed project. Here are just a few of the stated goals that will be supported by the project's site and building design:

Site Design:

- Create a connected, walkable, mixed-use, sustainable neighborhood, with a pedestrian-oriented and human-scaled streetscape, and a vibrant public realm.
- Improve safety and security with strategies such as “eyes on the street”, improved lighting, and other practices such as CPTED (Crime Prevention Through Environmental Design).
- Support transit-oriented development by providing site design features that enhance multi-modal access, provide bicycle accommodations (racks, lockers, trail maps, signage, etc.) for businesses and residents, and improve pedestrian and bicycle connections to the future Blake Road LRT Station and the Cedar Lake Regional Trail.
- Provide high quality common open spaces that offer places for residents, visitors, and community members to gather, recreate, and connect with nature.
- Utilize landscaping and streetscape amenities to create a pedestrian-friendly environment.
- Limit surface parking with new development by incorporating underground or structured parking, while keeping in mind that due to the high water table, more than one level of below-grade parking becomes challenging.

Neighborhood Diversity:

- Provide for a range of housing types and price points to meet the needs of people in all stages of life, with the design flexibility to accommodate changing lifestyle needs.
- Utilize universal design principles that can respond to changing demographic needs and anticipate innovative ways to address the dynamic and changing needs of residents.
- Strengthen the vitality of the area through increased density and a mix of retail/restaurant and residential uses.
- Promote high-quality design.
- Enhance a sustainable neighborhood by promoting energy efficiency and renewable energy.
- Create opportunities to live, work, learn, play – the spectrum of elements for a healthy community.
- Engage with diverse communities to develop opportunities for public art, interpretation, and wayfinding.

Sustainable Design:

- Improve water and environmental quality.
- Incorporate sustainable development practices into new construction projects.
- Utilize native plantings to conserve water use and reduce maintenance needs.
- Incorporate best practices for stormwater management.

Neighborhood vitality and livability:

- Multi-family housing amenities that provide work-from-home opportunities and shared spaces for larger gatherings.

- Medium to high density residential that preserves green space and enhances street-level amenities.
- Ground level uses that enhance the public realm.
- Enhanced connections to Minnehaha Creek.
- High quality open spaces that provide places for outdoor gathering, recreation, and healthy living.
- Increased opportunities for residents of all ages to live and work in the area.
- The potential for commercial uses that enhance rather than compete with downtown Hopkins' Mainstreet vitality.
- Potential to support small cultural businesses that serve the community.
- Convenience services (e.g. pet maintenance areas, bike repair, etc.).
- Welcome developers and businesses that operate with equity principles of hiring and wages.

Comprehensive Plan

The 2040 Comprehensive Plan Update – Cultivate Hopkins – guides this property as Activity Center. Activity Centers surround and support the planned Blake Road and Shady Oak light rail stations along the LRT Green Line Extension. These areas will include moderate density to high-density mixed-use development designed to complement and enhance the existing development pattern in these areas and support the public investment in transit. The Activity Center areas are expected to experience significant reinvestment and redevelopment to absorb a substantial portion of the city's anticipated future growth.

Development in the Activity Center areas is expected to be medium to larger scale neighborhood and regional uses with an approximate mix of 75% residential and 25% commercial. Densities in these areas will typically range from 20-60 units per acre, with 75-150 units per acre within ¼ mile of an LRT station platform.

The proposed project illustrates a residential density that is consistent with the Activity Center guidance, but it falls short of the 2040 guidance for commercial space percentage. Buildings C and E (retail building) will provide more than 17,000 sq ft of publicly accessible retail space including 8,000 sq ft of retail/restaurant space fronting Blake Road, 8,900 square feet of standalone retail space in Building E, and 1,000 sq ft of roof top bar with public access. In addition, Building C will provide shared community amenity space including 5,000 sq ft of health club space located along Blake Road and shared by the residents of all buildings and 2,800 sq ft of co-working space. The applicant believes strongly that multi-family residential is highest and best use for this location. The constraints of the site are prohibitive to adding traditional retail space to the development.

The Applicant is responding to the 2040 Comprehensive Plan with an overall development project that supports the following stated goals:

- **Encourage transit-oriented development** (development that emphasizes pedestrian and bicycle connectivity and a broader mix of uses at densities that support transit) in areas with high quality transit service, especially within a quarter-mile of light rail stations or high-frequency bus routes.
- Plan for appropriate amenities, high-quality design, pedestrian and bicycle facilities, and open space in high growth areas, particularly in the Neighborhood Center, Activity Center, and Downtown Center future land use categories or other areas in close proximity to transit.

- Improve pedestrian and bicycle access throughout the community, particularly in the Centers future land use categories as defined and designated in the comprehensive plan or other areas in close proximity to transit.
- Engage the community to explore how to increase the mix of housing types near transit corridors, parks, and the Centers future land use categories as defined and designated in the comprehensive plan.
- Encourage all new projects to have a positive relationship to the street by orienting main entrances to the front of the property, connecting the front door to the sidewalk, and reducing parking between the building and the street as much as possible.
- **Promote the development of high-density transit oriented mixed-use development around planned Green Line Extension light rail stations.**
- Establish strong identities for emerging Centers and Districts as defined and designated in the comprehensive plan. Their identities should evolve from unique features of the area.
- Design streets, parks, and open spaces to encourage pedestrian activity, public gathering, and art in its various forms.
- Encourage creative placemaking throughout the city, particularly in the Neighborhood Center, Activity Center, and Downtown Center future land use categories as defined and designated in the comprehensive plan.
- Support community events hosted in public parks and facilities to help foster a sense of community and celebrate Hopkins' distinct character and diversity.
- Use urban design elements, building massing, land use strategies, and public realm improvements to provide appropriate transitions between developments – particularly those of different scale and intensity.
- Encourage pedestrian and bicycle continuity and connection between established and developing areas of the city.
- **Carefully manage vehicular access and parking to minimize its impact on individual developments, the public realm, and the overall fabric of the community.**
- Encourage all development projects to be durable and environmentally responsible.
- Encourage all developments to incorporate common spaces (interior or exterior) that help enhance the public realm and sense of community.
- Assist adults and kids in maintaining healthy, active lifestyles by providing a range of recreational facilities and programming that are accessible and convenient.
- **Support development in areas that are or will be served by transit, bicycle, and pedestrian infrastructure to reduce dependency on automobiles for travel.**
- Support greener development patterns through stormwater management and landscaping of sites.
- Encourage the use of drought-tolerant plantings, promote irrigation systems that utilize reclaimed water, and incentivize systems that collect rainwater for reuse.
- Implement and encourage the use of stormwater Best Management Practices to reduce the speed and impact of stormwater runoff.
- Incorporate permeable paving, bioretention cells, buffer strips, swales, and other strategies that address stormwater runoff, where applicable.
- **Support a reduction in vehicle emissions by improving travel efficiency and promoting non-auto modes of transportation, including walking, biking, and public transportation alternatives.**

Designed, Arranged, Operated

This project will not impede improvement of surrounding properties, and the PUD is designed and arranged to permit the orderly development and use of neighboring property in accordance with the applicable regulations of the City. The organization of the parcels within this development is specifically intended to create a walkable, bikeable, transit-oriented urban community in a suburban location. The height and associated density of the project will provide housing to help meet City goals for increasing housing options in Hopkins along transit corridors. The Project has intentionally focused density on the southwest portion of 325 Blake Road closest to the Green Line LRT Extension station at Blake Road. The proposed housing density as one travels to the northeast tapers to better align with surrounding densities in existing neighborhoods and to minimize the visual impacts on the Minnehaha Creek Greenway. The proposed residential and retail uses are compatible with and will enhance the existing character of the Blake Road Station area. High-density, mixed-use redevelopment of this site is consistent with City goals and, by being responsive to the land use policies for this area, the project will promote the orderly development of the Blake Road Corridor.

The contemporary, high-quality building design will be an attractive addition to the built environment along Blake Road and the Cedar Lake Regional Trail and the mix of uses will improve and activate the pedestrian realm along Blake Road but also provide an improved experience for pedestrians wishing to access the Minnehaha Creek Greenway. The proposed development will not be detrimental to or endanger the public health, safety, comfort or general welfare, and approving the PUD amendment will allow a transit-oriented, mixed-use development that is consistent with the goals of City's comprehensive plan. Redevelopment of this once industrial site will have a positive effect on the health, safety and vitality of the area. The new construction will comply with all building, health, and site development codes.

Conclusion

The 325 Blake Road N. project will create a lively, walkable, water-themed, transit-oriented, bikeable, and open-space-rich new neighborhood directly adjacent to the planned Blake Road Station on the Green Line Extension LRT. The proposed changes to Building A will facilitate the development of 116 units of affordable housing for low- and very low-income families close to a wide array of amenities, services, and employment opportunities on-site, within walking distance, and within the City of Hopkins and West Metro.

CITY OF HOPKINS
Hennepin County, Minnesota

RESOLUTION 2022-044

A RESOLUTION APPROVING THE AMENDMENT TO THE 325 BLAKE ROAD PLANNED UNIT DEVELOPMENT AGREEMENT FOR BUILDING A

WHEREAS, the applicant, Alatus, LLC, on behalf of the property owner the Minnehaha Creek Watershed District (MCWD), initiated an application for an amendment to the 325 Blake Road planned unit development; and

WHEREAS, the subject property is legally described on the proposed updated planned unit development agreement (the "Agreement"), which is attached to this resolution as Exhibit A, and the additional flexibility requested as part of this application are contained in said Agreement; and

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

1. The above stated application was initiated by the applicant on June 7, 2022;
2. The Hopkins City Council, pursuant to published and mailed notice, held a public hearing and thereafter reviewed such application on June 20, 2022, and all persons present during the public hearing were given an opportunity to be heard;
3. Written comments and analysis of City staff were also considered by the City Council during said proceedings; and

WHEREAS, staff recommended approval of the above-stated application through execution of the Agreement, based on the findings outlined in the staff report, dated June 20, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hopkins hereby approves the requested amendment to the 325 Blake Road Planned Unit Development (PUD), as requested, and authorizes the Mayor and City Manager to execute the Agreement, subject to any additional changes deemed necessary and convenient by the City Attorney to effectuate the intent of this resolution.

Adopted by the City Council of the City of Hopkins this 20th day of June, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

EXHIBIT A
[attached hereto]

PLANNED UNIT DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (“Agreement”) is made this ____ day of _____, 2022, by and between the CITY OF HOPKINS, a Minnesota municipal corporation, (the “City”), and Alatus Development LLC, a Minnesota limited liability company (the “Developer”).

Recitals

A. The Developer is in the process of acquiring certain real estate located in the City of Hopkins, Hennepin County, Minnesota, legally described as

(See Exhibit A)

(the “Property”).

B. The Developer desires to facilitate the development of a multi-phase, mixed-use development with a total of approximately 800 residential units and approximately 19,400 square feet of commercial space (the “Development”).

C. To accommodate the Development, the City approved a preliminary plat of the Property via Resolution 2021-078 (the “Preliminary Plat Approval”), adopted by the City Council on December 7, 2021, and the City approved a final plat of the Property via Resolution No. 2021-087 (the “Final Plat Approval”), adopted by the City Council on December 21, 2021, which are incorporated into this Agreement as if fully set forth herein. The plat of the Property is entitled MILE 14 ON MINNEHAHA CREEK.

D. To accommodate the Development, the City also conditionally approved a rezoning of the Property to Mixed Use/PUD, per Ordinance 2021-1177 (the “Rezoning Approval”), adopted by the City Council on December 21, 2021, which is incorporated into this Agreement as if fully set forth herein.

E. To accommodate the Development, the City also conditionally approved four planned unit development site plans per Resolutions 2021-079, 2021-080, 2021-081, and 2021-082, adopted by the City Council on December 7, 2021 (collectively, the “Site Plan Approvals”), and an

amendment to the PUD per Resolution 2022-044, adopted by the City Council on June 20, 2022 (the “PUD Amendment”), which are each incorporated into this Agreement as if fully set forth herein.

F. The Preliminary Plat Approval, the Rezoning Approval, the Site Plan Approvals, and the PUD Amendment shall be referred to collectively in this Agreement as the “City Approvals.”

G. As a condition of the City Approvals, the City required the Developer to enter into a planned unit development agreement, and the parties hereto are willing to be bound by the terms and conditions provided herein.

Agreement

In consideration of each party’s promises as set forth in this Agreement, it is mutually agreed as follows:

ARTICLE ONE REPRESENTATIONS AND WARRANTIES

1.01. City Representations and Warranties. The City makes the following representations as the basis for the undertakings on its part contained herein:

A. The City is a municipal corporation under the laws of Minnesota.

B. The City has the right, power, and authority to execute, deliver, and perform its obligations under this Agreement.

1.02. Developer Representations and Warranties. The Developer makes the following representations as the basis for the undertakings on its part contained herein:

A. The Developer is a limited liability company, duly organized and in good standing under the laws of Minnesota.

B. The Developer has the right, power, and authority to execute, deliver, and perform its obligations under this Agreement. The Developer assures the City that the individuals who execute this Agreement on behalf of the Developer are duly authorized to sign on behalf of the Developer and to bind the Developer thereto.

C. The Developer is not in default under any lease, contract, or agreement to which it is a party or by which it is bound which would affect its performance under this Agreement. The Developer is not a party to or bound by any mortgage, lien, lease, agreement, instrument, order, judgment, or decree which would prohibit the execution or performance of this Agreement by the Developer or prohibit any of the transactions provided for in this Agreement.

D. The Developer has complied with and will continue to comply with all applicable federal, state and local statutes, laws, ordinances, and regulations including, without limitation, any

permits, licenses, and applicable zoning, environmental, or other laws, ordinances, or regulations affecting the Property. The Developer is not aware of any pending or threatened claim of any such violation. Without limitation of the foregoing, the Developer expressly acknowledges and agrees that it has and shall at all times comply with each and every provision of the City's subdivision, zoning, and other related municipal code regulations.

E. There is no suit, action, arbitration, or legal, administrative, or other proceeding, or governmental investigation pending or threatened against or affecting the Property or against the Developer that would affect the Property. The Developer is not in default with respect to any order, writ, injunction, or decree of any federal, state, local or foreign court, department, agency, or instrumentality affecting the Property.

F. None of the representations and warranties made by the Developer or made in any exhibit hereto or memorandum or writing furnished or to be furnished by the Developer or on its behalf contains or will contain any untrue statement of material fact or omits any material fact, the omission of which would be materially misleading.

1.03. Incorporation of Recitals, City Approvals, and Exhibits. The Recitals set forth in the preamble to this Agreement, the City Approvals, and the Exhibits attached to this Agreement are incorporated into this Agreement as if fully set forth herein.

ARTICLE TWO IMPROVEMENTS, PLATTING, AND OTHER REQUIREMENTS

2.01. Improvements. Following the platting of the Property, as required by this Agreement, certain public improvements shall be constructed and otherwise installed by the Developer and after completion will be dedicated to and accepted by the City (the "Public Improvements"). The Public Improvements will extend the system of City streets and utility systems to provide adequate access, sewer main, water main, and storm sewer facilities to Property and, more specifically, the development contemplated herein. Other non-public improvements that may be constructed by the Developer, either in conjunction with the Public Improvements or in the future and which are part of or otherwise in support of the proposed mixed-use development shall be herein referred to as the "Private Improvements." The Public Improvements and Private Improvements may be collectively referred to in this Agreement as the "Improvements." The Developer agrees to grant or dedicate via the plat of the Property all right-of-way and other easements necessary for the Public Improvements, in the City's discretion.

2.02. Plan Approval. Before proceeding with any construction of the Improvements, the Developer shall submit to the City the required engineering plans and specifications, and all associated documentation, outlining the development, including all Improvements necessary (collectively, the "Plans") which are incorporated into this Agreement as if fully set forth herein, for review and approval by the City and its engineer. All construction, including both the Public and Private Improvements, shall be in conformance with the approved Plans and any future City approval documents, including but not limited to those approvals relating to the final plat of the Property. The Public Improvements shall be constructed to all City standards and requirements

for publicly owned and operated infrastructure, in the sole discretion of the City engineer, and the Plans shall only be carried out after they are approved, in writing, by the City engineer.

2.03. Obligations Related to Improvements.

- a. The Developer shall construct and install all Improvements at the Developer's sole cost and expense and shall furnish all materials, tools, equipment, and labor necessary to complete the Improvements in accordance with the approved Plans. The Developer shall obtain all necessary permits and approvals before beginning construction of the Improvements, and the Developer shall construct the Improvements in a workmanlike and timely manner according to the Plans and any other requirements imposed by the City. The Developer shall not commence construction of any of the Improvements and no permits for the Improvements shall be issued until the final plat of the Property is approved by the City and recorded in land records in Hennepin County. Notwithstanding the foregoing, the Developer shall complete construction of all Public Improvements on or before _____, 20____.
- b. In completing the Improvements, Developer shall comply and cause its agents and employees to comply with all federal, state, and local laws and regulations applicable to the Improvements.
- c. Developer shall take all reasonable precautions necessary to protect the public from injury, including but not limited to taking all reasonable precautions to prevent the public from entering the site of the Improvements during construction and erecting signs advising the public of the danger of entering the construction site.
- d. The Developer shall be responsible for street maintenance for any new public streets, including street sweeping, until the entire development is complete and the City thereafter has accepted all Public Improvements. The Developer shall be financially responsible for the repair of any damage done to the streets and public utilities from the time of installation until the Public Improvements have been approved and accepted by the City.

2.04. Financial Guarantee. Prior to commencement of construction of any Improvements, the Developer agrees to furnish the City with a cash escrow or irrevocable letter of credit from a bank in the amount of 125 percent of the estimated costs of the Public Improvements (the "Financial Guarantee"), and such estimate shall be based on received bids or other evidence satisfactory to the City engineer in its sole discretion after the Plans are approved.

Upon failure of Developer to perform any of its obligations under this Agreement, the City may declare the Developer to be in default and, upon failure of the Developer to cure the default within 30 days' written notice as provided in section 3.12 of this Agreement, may immediately draw on and utilize the Financial Guarantee for purposes of curing said default to any extent it deems necessary. The City shall also be reimbursed through the Financial Guarantee for any attorneys' fees, engineering fees, or other technical, administrative, or professional assistance reasonably

required in response to an event of default by the Developer. The Developer shall be liable to the City in the event that the Financial Guarantee is inadequate to reimburse the City for its costs associated with curing a Developer's default. Upon completion of the Improvements and passage of any and all required inspections and final acceptance of the Public Improvements by the City, absent any default of the Developer, the Financial Guarantee may be released in full.

If the Financial Guarantee consists of a letter of credit, it shall be issued by a bank determined by the City to be solvent and creditworthy and shall be in a form acceptable to the City. The letter of credit shall be automatically renewable until the City releases the Developer from responsibility. The letter of credit shall secure compliance with the terms of this Agreement and all obligations of the Developer under it. With City approval, at its sole discretion, the letter of credit may be reduced from time to time as financial obligations are paid and Improvements completed to the City's requirements, it being the intent to retain a financial security of no less than 125 percent of any outstanding Public Improvements at all times.

If at any time the City reasonably determines that the bank issuing the letter of credit no longer satisfies the City's requirements regarding solvency and creditworthiness, the City shall notify the Developer and the Developer shall provide the City within 45 days a substitute for the letter of credit from another bank meeting the City's requirements. If the Developer fails to provide the City within 30 days with a substitute Letter of Credit from an issuing bank satisfactory to the City, the City may draw under the existing Letter of Credit.

2.05. Warranty/Maintenance. The Developer hereby provides the City with a warranty for the proper operation of the Public Improvements for a period of two years following acceptance of the Public Improvements by the City (the "Warranty Period"). To that end, upon completion of the Public Improvements and prior to their acceptance by the City, the Developer and/or Developer's contractors shall be required to furnish a two-year warranty bond in the amount of 100% of the total cost of the Public Improvements guaranteeing the work of the construction of the Public Improvements to the City. During the Warranty Period, the Developer shall be solely responsible for repairing any issues that may arise with respect to the proper operation of the Public Improvements. Upon written notification by the City to the Developer identifying a deficiency, the Developer shall take all necessary steps to repair or replace the deficiency within 30 days, including exercising any rights pursuant to the contractors' two-year warranties. The City may, at its sole discretion, provide Developer with additional time to complete these repairs, and such requests shall not be unreasonably denied.

2.06. Authority to Work in Right-of-Way. Until the Public Improvements are accepted by the City, the City hereby grants to the Developer and its contractors a limited, non-exclusive right to work within the City's right-of-way and other public easements, as may be reasonably necessary, for the sole purpose of completing the Improvements contemplated herein and outlined in the approved Plans.

2.07. Permits. The Developer shall obtain any necessary permits from the City, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Health, the Minnesota Department of Transportation, Hennepin County, and any other public agency that may have jurisdiction over the Property before proceeding with any construction.

2.08. Engineer Construction Observation of Public Improvements.

- a. The City engineer shall to the extent it deems reasonably necessary perform construction observation throughout construction of the Public Improvements and, accordingly, the Developer will allow the City engineer complete access to the site at any and all times. The Developer shall provide the City engineer with a construction schedule prior to commencing construction, and the Developer agrees to make its best efforts to comply with said construction schedule. The Developer agrees to reimburse the City for all fees and costs associated with observation, review, and administration of the Public Improvements contemplated herein pursuant to section 3.01 of this Agreement.
- b. The Developer agrees to take all steps, at its sole expense, and which the City engineer reasonably deems necessary to satisfactorily complete the Public Improvements in conformance with the Plans. The City engineer will notify the City when the Developer has fully completed the Public Improvements in conformance with the Plans, and Developer understands and agrees that the City will not be obligated to accept the Public Improvements until the City has received such notice from its engineer.

2.09. Maintenance and Ownership. Developer shall be solely responsible for maintenance of the Public Improvements during the construction thereof. Upon formal acceptance by the City via resolution, the Public Improvements shall become the property of the City without any further act or deed of the Developer; provided, however, that the City shall assume responsibility for repairs of the Public Improvements, normal wear and tear excepted, only after the Warranty Period outlined in section 2.05 has expired.

2.10. Platting. The Developer shall plat or cause the platting by a third party of the Property in accordance with the Hopkins City Code, this Agreement, state statutes, and all City Approvals as MILE 14 ON MINNEHAHA CREEK. Prior to approval of the final plat by the City, the Developer shall amend the plat as required by any preliminary plat approval, the Hopkins City Code, this Agreement, City consultants, and state statutes.

2.11. City Attorney Review; Title Work. Prior to recording the final plat with Hennepin County, the Developer agrees to provide the City with updated title work for the Property identifying any other entity with a legal interest in the Property, including but not limited to any entity with a mortgage interest, easement interest, etc. Any plat approval is subject to the Developer's compliance with this provision.

The Developer shall provide an updated and certified Abstract of Title and/or Registered Property Abstract as required by Minn. Stat. § 505.03, or in the alternative, the Developer must provide an updated Commitment for a Title Insurance Policy for the Property naming the City as the proposed insured and with the amount of coverage for this policy being equal to \$100,000.00. The above-mentioned evidence of title shall be subject to the review and approval of the City Attorney to determine what entities must execute the final plat and other documents to be recorded against the

Property. In the event the Developer provides the City with a Commitment for a Title Insurance Policy, the Developer shall cause a Title Insurance Policy to be issued consistent with the Commitment for a Title Insurance Policy provided by the Developer and the requirements of the City Attorney and with an effective date on which the final plat is recorded (the City will not issue any building permits or certificates of occupancy until it is provided with said Title Insurance Policy). Further, the Developer shall provide the City with evidence, which sufficiency shall be determined by the City, that all documents required to be recorded pursuant to this Agreement and by the City Attorney are recorded and all conditions for release of the final plat have been met prior to the City processing or approving any building permits or other permits applicable to the development of the Property.

2.12. Plat Modifications and Revisions. The parties to this Agreement acknowledge that various potential modifications and revision issues associated with the plat may need to occur. The Developer agrees to undertake, assist with and resolve such issues as directed by the City. The Developer and the City agree to cooperate with each other and their representatives regarding any reasonable requests made subsequent to the execution of this Agreement to revise or correct any errors in the plat and to provide any and all additional documentation deemed necessary by either party to effectuate such revisions or corrections to the plat.

2.13. Park Dedications/Fees/Dedications. Without limitation of any other obligation of the Developer contained in this Agreement or set forth in federal, state, or local law, the Developer agrees to comply with any dedication requirements, including park dedications or payments in lieu which may be required by the City's subdivision regulations.

The Developer further expressly acknowledges and agrees that all easements and other rights in the Property necessary and related to the City's control over the public dedications (all of which shall be described in the plat required by the City's subdivision regulations), shall inure to the City upon the Developer's compliance with this Agreement and approval and recording of a final plat as set forth in the City's subdivision regulations.

2.14. Property Monumentation. The Developer agrees to install all permanent subdivision monumentation within six (6) months from the date of recording of the final plat, and shall submit to the City written certification by a licensed land surveyor that the required monuments have been installed throughout the plat. All monuments shall be marked with a steel or fiberglass post to allow for easy location following their installation.

2.15. City Approvals. The Developer shall satisfy, complete and abide by all requirements set forth in any City approvals related to the Property, including adequately addressing all items as may be directed by the City Attorney, City Engineer or others with review and approval authority of the City including any plat, or engineer opinions and the City Attorney's plat opinion, and all adopted City ordinances and resolutions affecting the Property and the proposed development.

2.16. Additional Requirements. The Developer shall satisfy, complete and abide by all requirements set forth in the City Approvals, the PUD Declaration (as hereinafter defined), and any other adopted City ordinances and resolutions affecting the Property, all of which are incorporated herein by reference as if fully set forth in this Agreement. In doing so, the Developer shall adequately

address all items as may be directed by the City Attorney, the City Engineer or others with review and approval authority for the City with respect to the City Approvals, the PUD Declaration, and any other adopted City ordinances and resolutions affecting the Property.

2.17. Zoning/PUD. Pursuant to the Rezoning Approval, the Property was rezoned to Mixed Use/Planned Unit Development. In order to secure the benefits and advantages of the approved planned unit development, the Developer shall execute and record a Declaration of Covenants, Conditions and Restrictions against the Property in the form attached hereto as Exhibit B (the “PUD Declaration”).

2.18. Stormwater Management Requirements. As part of the Improvements, the Developer shall be responsible for the construction, operation, and maintenance of stormwater management facilities to achieve compliance with applicable stormwater treatment requirements. The Developer shall be required to execute and record a stormwater declaration in favor of the Minnehaha Creek Watershed District (“MCWD”) to the satisfaction of the MCWD for those stormwater facilities constructed. The purpose of the declaration is to ensure that the Developer, and future developers/owners of the Property, maintain the stormwater facilities. The declaration shall be recorded against the Property and will run with the land. The Developer acknowledges that i) the City will not accept ownership of the stormwater facilities; and ii) the City does not plan to maintain or pay for maintenance, repair or replacement of the stormwater facilities and that the Developer will have responsibility for such work.

ARTICLE THREE ADDITIONAL REQUIREMENTS

3.01. Payment of City Costs. The Developer agrees to reimburse the City its actual costs regarding: (i) preparing and administering this Agreement and all other documents, permits, and applications related to the proposed development; (ii) processing the approvals relating to the development of the Property; and (iii) any other cost expressly required under or directly related to this Agreement. In addition to and without limitation of the foregoing, the costs to be reimbursed by the Developer to the City shall include, but not be limited to, attorneys’ fees, engineering fees, inspection fees, and the costs and fees of other technical and professional assistance (including but not limited to the cost of City staff time) incurred or expended by the City on activities arising out of this Agreement and other undertakings directly related thereto. The Developer shall, upon request by the City, pay such costs to the City within 30 days of such request.

In the event the City does not recover any costs under the provisions of this section 3.01, as an additional remedy, the City may, at its option, assess the Property in the manner provided by Minnesota Statutes, chapter 429, and the Developer hereby consents to the levy of such special assessments without notice or hearing and waives its rights to appeal such assessments pursuant to Minnesota Statutes, section 429.081, provided the amount levied, together with the funds deposited with the City under this section, does not exceed the expenses actually incurred by the City. Further, the City may, at its option, as an additional remedy, recover expenses actually incurred by the City, in the manner provided by Minnesota Statutes, sections 415.01, 366.011 and 366.012, and the Developer hereby consents to the levy of such assessments without notice or hearing and waives its rights to appeal such assessments pursuant to such Minnesota Statutes, provided the amount levied,

together with the funds deposited with the City under this section 3.01, does not exceed the expenses actually incurred by the City pursuant to this Agreement.

This section 3.01 shall survive termination of this Agreement and shall be binding on the Developer regardless of the enforceability of any other provision of this Agreement.

3.02. Attorneys' Fees. The Developer agrees to pay the City's reasonable costs and expenses, including attorneys' fees, in the event a suit or action is brought by the City against the Developer to enforce the terms of this Agreement.

3.03. Amendment. Any amendment to this Agreement must be in writing and signed by both parties.

3.04. Assignment. The Developer may not assign any of its obligations under this Agreement without the prior written consent of the City. Notwithstanding the foregoing, the Developer may, without the City's consent transfer assign this Agreement to an affiliate of the Developer that is owned by or under common ownership with the Developer or any affiliate of Developer; provided that any such transferee must enter into an agreement pursuant to which it assumes and agrees to perform the obligations of the Developer under this Agreement.

3.05. Agreement to Run with Land. This Agreement shall be recorded among the land records of Hennepin County, Minnesota. The provisions of this Agreement shall run with the Property and be binding upon the Developer and its assigns or successors in interest. Notwithstanding the foregoing, no conveyance of the Property or any part thereof shall relieve the Developer of its liability for full performance of this Agreement unless the City expressly so releases the Developer in writing. Additionally, in the event that all obligations of the Developer contained in this Agreement are duly satisfied, the City shall, upon written request from the Developer or any of its assigns or successors in interest, execute a document (a) releasing the Property from the terms and conditions of this Agreement; (b) stating the Developer is in good standing under this Agreement. The execution and recording of such instrument shall not affect or otherwise alter the PUD Declaration. Any such instrument may be executed by the city manager without city council approval.

Prior to the recording of this Agreement or any documents required herein with Hennepin County, the Developer agrees to provide the City with a signed consent from any other entity with a legal interest in the Property, including but not limited to any entity with a mortgage interest. Further, the Developer shall provide the City with evidence, which sufficiency shall be determined by the City, in its sole discretion, that all documents required to be recorded pursuant to this Agreement are recorded and all conditions related to the City Approvals have been met prior to the City processing or approving any building permits or other permits applicable to the development of the Property. The City Approvals are subject to the Developer's compliance with this section.

3.06. Representatives Not Individually Liable. No official, agent, or employee of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City on any obligation or term of this Agreement. No agent, officer or employee of the Developer shall be personally liable to the City, or any successor in interest, in the event of any default or breach by the Developer on any obligation or term of this Agreement.

3.07. Notices and Demands. Any notice, demand, or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally:

- (a) as to the Developer: Alatus Development LLC
IDS Center
80 South 8th Street, Suite 4155
Minneapolis, MN 55402
Attn: Robert Lux

- with a copy to: Fabyanske, Westra, Hart & Thomson, P.A.
Suite 2600
333 South Seventh Street
Minneapolis, MN 55402
Attn: Steve Cox

- (b) as to the City: City of Hopkins
1010 1st Street South
Hopkins, MN 55343
Attn: City Manager

- with a copy to: Scott J. Riggs, City Attorney
Kennedy & Graven, Chartered
150 South 5th Street, Suite 700
Minneapolis, MN 55402

or at such other address with respect to either such party as that party may, from time to time, designate in writing and forward to the other as provided in this section 3.07.

3.08. Disclaimer of Relationships. The Developer acknowledges that nothing contained in this Agreement nor any act by the City or the Developer shall be deemed or construed by the Developer or by any third person to create any relationship of third-party beneficiary, principal and agent, limited or general partner, or joint venture between the City and the Developer.

3.09. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

3.10. Choice of Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

3.11. Indemnification. Notwithstanding anything to the contrary in this Agreement, the City, its officials, agents, and employees shall not be liable or responsible in any manner to the Developer, the Developer's successors or assigns, the Developer's contractors or subcontractors, material suppliers,

laborers, or to any other person or persons for any claim, demand, damage, or cause of action of any kind or character arising out of or by reason of the execution of this Agreement or the performance of this Agreement except with respect to matters of gross negligence or willful misconduct of the City or its officials, agents, or employees. The Developer, and the Developer's successors or assigns, agree to protect, defend and save the City, and its officials, agents, and employees, harmless from all such claims, demands, damages, and causes of action and the costs, disbursements, and expenses of defending the same, including but not limited to, attorneys' fees, consulting engineering services, and other technical, administrative, or professional assistance except with respect to matters of gross negligence or willful misconduct of the City or its officials, agents, or employees. Nothing in this Agreement shall constitute a waiver or limitation of any immunity or limitation on liability to which the City is entitled under Minnesota Statutes, chapter 466 or otherwise.

This section 3.11 shall survive termination of this Agreement with respect to matters first arising prior to such termination and shall be binding on the Developer regardless of the enforceability of any other provision of this Agreement.

3.12. Developer's Default. In the event of an uncured default by the Developer as to any work or undertaking required by this Agreement, the City may, at its option, (i) refuse to issue building permits, certificates of occupancy, or other City approvals for the Property until such time as such default has been cured; or (ii) perform any work required under this Agreement, and the Developer shall promptly reimburse the City for any expense incurred by the City related thereto. An "uncured default" is any default the Developer has not cured, or undertaken to cure, within 30 days from the date the City notifies Developer of such default. This Agreement is a license for the City to enter onto the Property and act in accordance with the terms of this Agreement, and it shall not be necessary for the City to seek an order from any court for permission to enter the Property for such purposes. If the City does any such work, the City may, in addition to its other remedies, levy special assessments against the Property to recover the costs thereof. For this purpose, the Developer, for itself and its successors and assigns, expressly waives any and all procedural and substantive objections to the special assessments, including, but not limited to, hearing requirements and any claim that the assessments exceed the benefit to the land so assessed. The Developer, for itself and its successors and assigns, also waives any appeal rights otherwise available pursuant to Minnesota Statutes, section 429.081.

3.13. Compliance with Existing Laws. The Developer warrants that all work performed pursuant to this Agreement shall be in compliance with existing laws, ordinances, pertinent regulations, standards, and specifications of the City.

3.14. Building Permits. The City Approvals and this Agreement do not include approval of any building permits for any structures on the Property. The Developer must submit and the City must approve building plans prior to an application for a building permit for a structure on the Property. The Developer or the parties applying for the building permit shall be responsible for payment of the customary fees associated with the building permits and other deferred fees as specified in this Agreement. In addition to all other remedies, permits may be withheld if the Developer is in violation of any of the terms of this Agreement.

3.15. City's Access. The Developer hereby grants the City, its agents, employees, officers and

contractors a non-revocable, non-exclusive, license to enter the Property to perform any work and inspections deemed appropriate by the City related to any of the Developer's obligations contained in this Agreement. Such license shall terminate upon the issuance of a certificate of occupancy for all Improvements contemplated as part of the development.

3.16. Miscellaneous Provisions.

A. The Developer represents to the City that the development of the Property will comply with all city, county, state, and federal laws and regulations including, but not limited to: subdivision ordinances, zoning ordinances and environmental regulations. If the City determines that the development of the Property does not comply, the City may, at its option, refuse to allow construction or development work on the Property until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.

B. Third parties shall have no recourse against the City under this Agreement.

C. An ongoing default by the Developer under the terms of this Agreement shall be grounds for denial of building permits or certificates of occupancy until any such defaults are cured by the Developer.

D. Wherever possible, each provision of this Agreement and each related document shall be interpreted so that it is valid under applicable law. If any provision of this Agreement or any related document is to any extent found invalid by a court or other governmental entity of competent jurisdiction, that provision shall be ineffective only to the extent of such invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement or any other related document.

E. No failure by any party to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach of any other covenant, agreement, term, or condition, nor does it imply that such covenant, agreement, term, or condition may be waived again. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing and signed by the parties. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.

F. Each right, power, or remedy herein conferred upon the City is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereafter arising, available to the City, at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so exciting may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power, or remedy.

G. This Agreement, together with the exhibits hereto, which are incorporated by reference, constitutes the complete and exclusive statement of all mutual understandings between the parties with respect to this Agreement, superseding all prior or contemporaneous proposals,

communications, and understandings, whether oral or written, pertaining to the subject matter of this Agreement.

H. No official, agent, or employee of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City on any obligation or term of this Agreement.

I. Data provided to the Developer or received from the Developer under this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

[The remainder of this page to remain intentionally blank].

IN WITNESS OF THE ABOVE, the parties have caused this Agreement to be executed on the date and year written above.

THE CITY:

By: _____
Patrick Hanlon
Mayor

By: _____
Michael Mornson
City Manager

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by Patrick Hanlon and Michael Mornson, the Mayor and City Manager, respectively, of the City of Hopkins, a Minnesota municipal corporation, on behalf of the City.

Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

The land to which this Agreement applies is legally described as follows:

A portion of the property legally described below that is to be platted as MILE 14 ON MINNEHAHA CREEK:

PARCEL 1:

Lot 74, Auditor's Subdivision No. 239, Hennepin County, Minnesota, except that part of said Lot 74 which is designated and delineated as Parcel 29, Hennepin County Right of Way Map No. 2, according to the plat thereof on file or of record in the office of the County Recorder in and for said County.

(Torrens Property, Certificate of Title No. 1341193)

PARCEL 2:

That part of Lot 97, Auditor's Subdivision No. 239, Hennepin County, Minnesota, described as follows: Beginning at the point of intersection of the East line of Monck Avenue, (as shown on the recorded plat of said subdivision), with the most Northerly right of way line of The Minneapolis & St. Louis Railway Company; thence in a Northeasterly direction along said Northerly right of way line, a distance of 845 feet to a point; thence South parallel with and 845 feet from the East line of Monck Avenue, (as shown on the recorded plat of said subdivision), a distance of 14.48 feet to a point; thence in a Southwesterly direction parallel with and 13 feet from the most Northerly right of way line, a distance of 845 feet to a point on said East line of Monck Avenue, (as shown on the recorded plat of said subdivision); thence North along said East line of Monck Avenue, (as shown on the recorded plat of said subdivision), a distance of 14.48 feet to the point of beginning, except that part of said Lot 97 which is designated and delineated as Parcel 29A, Hennepin County Right of Way Map No. 2, according to the map thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, all being located in the Southeast Quarter of the Northeast Quarter of Section 19, Township 117 North, Range 21 West of the 5th Principal Meridian.

(Abstract Property)

EXHIBIT B

FORM OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BLAKE ROAD STATION (SITE A) PLANNED UNIT DEVELOPMENT

THIS DECLARATION made this ___ day of _____, 20___, by Alatus Development LLC, a Minnesota limited liability company (hereinafter referred to as the “Declarant”);

WHEREAS, Declarant is the owner of the real property legally described on Exhibit A attached hereto (hereinafter referred to as the “Subject Property”); and

WHEREAS, the Subject Property is subject to certain zoning and land use restrictions imposed by the City of Hopkins, Minnesota ("City") in connection with the approval of an application for a mixed-use planned unit development on the Subject Property and surrounding parcels; and

WHEREAS, on December 7, 2021, the City approved four site plans for the Subject Property via Resolutions 2021-079 (“Site A”), 2021-080 (“Site B”), 2021-081 (“Site C”), and 2021-082 (“Site D”); and

WHEREAS, on June 20, 2022, the City approved an amendment to the PUD via Resolution 2022-044, which amended the flexibility allowed for the development of Site A; and

WHEREAS, the City has approved the development to be located on the Subject Property, including the required site plan approvals and the PUD amendment mentioned above, on the basis of the determination by the City Council of the City that such development is acceptable only by reason of the details of the development proposed and the unique land use characteristics of the proposed use of the Subject Property; and that but for the details of the development proposed and the unique land use characteristics of such proposed use, the planned unit development would not have been approved; and

WHEREAS, as a condition of approval of the planned unit development, the City has required the execution and filing of this Declaration of Covenants, Conditions and Restrictions (hereinafter the “Declaration”); and

WHEREAS, to secure the benefits and advantages of approval, the Declarant desires to subject the Subject Property to the terms hereof.

NOW, THEREFORE, the Declarant declares that the Subject Property is, and shall be, held, transferred, sold, conveyed and occupied subject to the covenants, conditions, and restrictions, hereinafter set forth.

1. The use and development of the Subject Property shall conform to the following documents, plans, drawings, and requirements:

a. The plans (“Plans”), prepared by _____, dated _____, 20____, the sheets of which are specified on Exhibit B hereof. Original documents are on file with the City and are made a part hereof.

b. In exchange for the flexibility provided by the City as part of the approved planned unit development to be located on the Subject Property, the Developer has agreed to provide the elements contained in the Plans, including, but not necessarily limited to, a design that emphasizes public access to Minnehaha Creek; a mixture of both rental and ownership dwellings in both midrise and townhouse buildings; a mixture of different levels of affordable and residential commercial units; a transit-supportive density of at least 80 units per acre; an enhanced pedestrian realm; certain structures are LEED certified; electric vehicle charging stations, VRF HVAC systems, and rooftop photovoltaic solar energy systems; enhanced stormwater management features; privately owned and maintained public open space; and at least two public art displays.

c. Due to the limited parking available on Site A, the Developer will do the following: (i) provide Metro Transit passes for each unit of Site A at no cost to residents; (ii) provide no fewer than six cargo bikes for shared use by Site A residents; (iii) a partnership with a car sharing program will be established and parking will be available for the car sharing business in one surface parking space and at least one parking space within the Site A building, both of which will include EV charging stations; (iv) provide no less than 55 temporary parking stalls for use by Site A residents and guests at all times prior to completion of Sites B through D; and (v) allow parking on Sites C and D for the residents of Site A and their guests.

2. The Subject Property may only be developed and used in accordance with all requirements of the City's Mixed Use District, except for those deviations contained in the Plans or otherwise outlined herein, and all other requirements contained in Paragraph 1 of this Declaration, unless the then-owner of the Subject Property first secures approval by the City Council of an amendment to the planned unit development plan or a rezoning to a zoning classification that permits such other development and use.

3. In connection with the approval of development of the Subject Property, the deviations from the City's land use regulations contained on the attached Exhibit C, to the extent contained in the Plans, were approved. In all other respects the use and development of the Subject Property shall conform to the requirements of the Paragraphs 1 and 2 of this Declaration and the City Code of Ordinances.

4. The obligations and restrictions of this Declaration run with the land of the Subject Property and shall be enforceable against the Declarant, its successors and assigns, which successors and assigns shall be jointly and severally responsible for obligations under this Declaration, by the City of Hopkins acting through its City Council. This Declaration may be amended from time to time

by a written amendment executed by the City and the owner or owners of the lot or lots to be affected by said amendment.

[remainder of page left blank]

EXHIBIT A

This Subject Property, which is to be platted as MILE 14 ON MINNEHAHA CREEK, is legally described as follows:

PARCEL 1:

Lot 74, Auditor's Subdivision No. 239, Hennepin County, Minnesota, except that part of said Lot 74 which is designated and delineated as Parcel 29, Hennepin County Right of Way Map No. 2, according to the plat thereof on file or of record in the office of the County Recorder in and for said County.

(Torrens Property, Certificate of Title No. 1341193)

PARCEL 2:

That part of Lot 97, Auditor's Subdivision No. 239, Hennepin County, Minnesota, described as follows: Beginning at the point of intersection of the East line of Monck Avenue, (as shown on the recorded plat of said subdivision), with the most Northerly right of way line of The Minneapolis & St. Louis Railway Company; thence in a Northeasterly direction along said Northerly right of way line, a distance of 845 feet to a point; thence South parallel with and 845 feet from the East line of Monck Avenue, (as shown on the recorded plat of said subdivision), a distance of 14.48 feet to a point; thence in a Southwesterly direction parallel with and 13 feet from the most Northerly right of way line, a distance of 845 feet to a point on said East line of Monck Avenue, (as shown on the recorded plat of said subdivision); thence North along said East line of Monck Avenue, (as shown on the recorded plat of said subdivision), a distance of 14.48 feet to the point of beginning, except that part of said Lot 97 which is designated and delineated as Parcel 29A, Hennepin County Right of Way Map No. 2, according to the map thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, all being located in the Southeast Quarter of the Northeast Quarter of Section 19, Township 117 North, Range 21 West of the 5th Principal Meridian.

(Abstract Property)

EXHIBIT B

The following documents, prepared by _____, dated _____, 20____,
collectively constitute the Plans:

[insert list of Plan sheets]

EXHIBIT C

Site A Deviations

Height. Residential buildings shall be a minimum of 3 and a maximum of 4 stories. The building proposed for Site A will be 6 stories.

Setbacks. Setback standards and allowed deviations are detailed in the table below.

Setback Deviations for 325 Blake Road - Site A			
Setback	Standard	Proposed	Deviation
Front (West)	15' – 25'	15' 10" to 20' 4 1/2"	None
Side (North)	5-15'	12' 2 1/2" to 13' 1 3/4"	None
Side (South)	10'	11' 9"	+1'9"
Rear (East)	10'	5' 9 1/2" to 7' 7 1/2"	-4'2 1/2"

Parking. The Mixed Use district requires residential uses provide a minimum of 1 and a maximum of 1.5 enclosed parking stalls per unit and 1 guest stall per 15 units. Using these standards, the 116 unit building on Site A is required to provide at least 124 off-street parking stalls. However, 77 stalls are approved per the Plans.

Exterior Materials. The Mixed Use district requires the primary exterior treatment of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiberboard, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way. Staff interprets primary to be at least 65 percent and secondary to not exceed 35 percent of the side of a building. Approved deviations from the Mixed Use district exterior materials standards are detailed in the table below.

Exterior Materials Deviations for 325 Blake Road – Site A				
Material	North Lake Street	South Pedestrian Way	East Pedestrian Way	West Blake Road
Brick	25%	20%	21%	20%
Cast Stone	15%	11%	15%	10%
Metal Panel	35%	27%	28%	40%
Fiber Cement Panel- Reveal System	25%	42%	36%	30%
Total	100%	100%	100%	100%

Site B Deviations

Height. Residential buildings shall be a minimum of 3 and a maximum of 4 stories. The building proposed for Site B will be 5 stories.

Setbacks. Setback standards and allowed deviations for Site B are detailed in the table below.

Setback Deviations for 325 Blake Road - Site B			
Setback	Standard	Proposed	Deviation
Front (West)	15' – 25'	18.5'	None
Side (North)	10'	17.7'	+7.7'
Side (South)	10'	11.7'	+1.7'
Rear (East)	10'	16.3'	+6.3'

Parking. The Mixed Use district requires residential uses provide a minimum of 1 and a maximum of 1.5 enclosed parking stalls per unit and 1 guest stall per 15 units. Using these standards, the 112 unit building on Site B is required to provide at least 120 and no more than 176 off-street parking stalls. With 184 stalls shown on the plan, Site B exceeds the minimum off street parking requirement by 64 stalls and the maximum off-street parking standard by 8 stalls. Exceeding the maximum off-street parking standard is allowable under the PUD.

Exterior Materials. The Mixed Use district requires the primary exterior treatment of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiberboard, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way. Staff interprets primary to be at least 65 percent and secondary to not exceed 35 percent of the side of a building. Approved deviations from the Mixed Use district exterior materials standards for Site B are detailed in the table below.

Exterior Materials Deviations for 325 Blake Road – Site B				
Material	North Pedestrian Way	South New Street	East Pedestrian Way	West Blake Road
Brick	0%	0%	0%	0%
Cast Stone	44%	42%	40%	48%
Metal Panel	26%	20%	28%	20%
Fiber Cement Panel-Reveal System	30%	38%	32%	32%
Total	100%	100%	100%	100%

Site C

Height. Mixed use buildings shall be a minimum of 5 and a maximum of 6 stories. Approximately two-thirds of the building on Site C will be 5 stories while the remaining one-third will be 14 stories.

Floor to Area Ratio (FAR). In the Blake Road Station Area of the Mixed Use district, the FAR standard is a minimum of 3 and a maximum of 5 for mixed use buildings. The FAR for Site C is 2.39.

Setbacks. Setback standards and allowed deviations are detailed in the table below.

Setback Deviations for 325 Blake Road - Site C			
Setback	Standard	Proposed	Deviation
Front (West)	15' – 25'	46.5'	+21.5
Side (North)	10'	43.4'	+33.4'
Side (South)	10'	27.9'	+17.9'
Rear (East)	10'	13.5'	+3.5'

Parking. The Mixed Use district requires residential uses provide a minimum of 1 and a maximum of 1.5 enclosed parking stalls per unit and 1 guest stall per 15 units. Using these standards, the 389 unit building proposed for Site C is required to provide at least 415 and no more than 610 off-street parking stalls. With 520 stalls showed on the plans, Site C exceeds the minimum off street parking requirement by 105 stalls. To ensure the capacity of the automated Multi-Purpose Shared Parking System, the City reserves the right to require a parking study prior to issuance of a building permit for the commercial spaces.

Exterior Materials. The Mixed Use district requires the primary exterior treatment of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiberboard, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way. Staff interprets primary to be at least 65 percent and secondary to not exceed 35 percent of the side of a building. Approved deviations from the Mixed Use district exterior materials standards for Site C are detailed in the table below.

Exterior Materials Deviations for 325 Blake Road – Site C				
Material	North Spine Road	South LRT/Trail	East Pedestrian Way	West Blake Road
Brick	23.5%	49.7%	37%	30%
Cast Stone	0%	0%	0%	0%
Metal Panel	41.5%	15.3%	30.2%	60%
Fiber Cement Panel-Reveal System	35%	35%	32.8%	10%
Total	100%	100%	100%	100%

Site D

Height. Residential buildings shall be a minimum of 3 and a maximum of 4 stories. The building proposed for Site D will be 5 stories.

Floor to Area Ratio (FAR). In the Blake Road Station Area of the Mixed Use district, the FAR standard is a minimum of 3 and a maximum of 5 for residential buildings. The FAR for Site D is 1.57.

Setbacks. Setback standards and allowed deviations are detailed in the table below.

Setback Deviations for 325 Blake Road - Site D			
Setback	Standard	Proposed	Deviation
Front (North)	15' – 25'	76.8'	+51.8'
Side (East)	10'	14.9'	+4.9'
Side (West)	10'	48.4'	+38.4'
Rear (South)	10'	11.3'	+1.3'

Parking. The Mixed Use district requires residential uses provide a minimum of 1 and a maximum of 1.5 enclosed parking stalls per unit and 1 guest stall per 15 units. Using these standards, the 187 unit building proposed for Site D is required to provide at least 200 and no more than 274 off-street parking stalls. With 277 stalls shown on the plans, Site D exceeds the minimum off-street parking requirement by 77 stalls and the maximum off-street parking standard by 3 stalls. To ensure the capacity of the automated Multi-Purpose Shared Parking System, the City reserves the right to require a parking study prior to issuance of a building permit for the commercial spaces.

Exterior Materials. The Mixed Use district requires the primary exterior treatment of walls facing a public right-of-way or parking lot on a structure shall be brick, cast concrete, stone, marble or other material similar in appearance and durability. Regular or decorative concrete block, float finish stucco, EIFS-type stucco, cementitious fiberboard, or wood clapboard may be used on the front façade as a secondary treatment or trim but shall not be a primary exterior treatment of a wall facing a public right-of-way. Staff interprets primary to be at least 65 percent and secondary to not exceed 35 percent of the side of a building. Approved deviations from the Mixed Use district exterior materials standards for Site D are detailed in the table below.

Exterior Materials Deviations for 325 Blake Road – Site D				
Material	North Pedestrian Way	South New Street	East Pedestrian Way	West Blake Road
Brick	14%	16%	14%	15%
Cast Stone	0%	0%	0%	0%
Metal Panel	58.4%	60.8%	54%	54%
Fiber Cement Panel-Reveal System	27.6%	23.2%	32%	31%
Total	100%	100%	100%	100%

Automated Multi-Purpose Shared Parking System Narrative

Buildings C & D will include “multi-purpose” parking garages that serve both the residents of the housing projects and the patrons of the public realms and entertainment node within the Development – these garages will include a combined 797 parking stalls (520 in Site C and 277 in Site D).

General guidelines for the multi-purpose garages operated in Buildings C & D are provided below. The City is agreeable to this parking system given the transit-oriented design of the development under the overall planned unit development agreement.

- Approximately one-third of the parking stalls (250-300 of the approx. 800) would be dedicated reserved stalls leased to residents of the buildings.
- The remaining two-thirds of the parking stalls (500-550 of the approx. 800) would be split between unreserved resident parking and transient parking.
- In the developer's recent experience with similar suburban projects, the parking needs of the average rental community is approx. 1.20 parking stalls per unit.
- Buildings C & D are currently designed to include approx. 576 rental units, which would equate to 576 total parking stalls (reserved + unreserved) dedicated to the residents based on a 1.20 parking factor. That would leave 105 parking stalls for transient/overflow demand.
- The parking garages will be equipped with state-of-the-art parking technology that uses machine learning to make sure there are no inventory problems; this technology would ensure that there is ample parking for residents and track the utilization by the public.

LAKE STREET NE

ACCESS

Pavilion

townhomes
3 story 33 units 1,790 s.f.

Town homes garages- 66 spaces

Edge of water

Minnehaha Creek

TOTAL UNITS PER BUILDING			
Building	units	stories	NET avg
Building A	116 units	5 story	900 s.f
Building B	112 units	5 story	1,246 s.f
Building C-Tower	214 units	15 story	765 s.f
Building C-Wrap	175 units	5 story	721 s.f
Building D	187 units	5 story	677 s.f
Townhomes	33 units	3 story	1,790 s.f
Rest./boat house		1 story	
TOTALS	837 units		

BUILDING A
5 story 116 units 900 s.f.
PODIUM PARKING - 1 level-75 spaces
Surface parking- 2 spaces
LONG TERM BIKE PARKING- 58 spaces
SHORT TERM BIKE PARKING- 6 spaces

SENIOR COOP
BUILDING B
5 story 112 units 1,246 s.f.
PODIUM PARKING - 2 levels- 184 spaces
LONG TERM BIKE PARKING - 58 spaces
SHORT TERM BIKE PARKING - 6 spaces

CLUBHOUSE - 8,000 (total area)

RESTAURANTS-8,900 s.f.

BIKETRAIL

WETLAND

4 Short Term Bike Park

6 Short Term Bike Park

8 Short Term Bike Park

6 Short Term Bike Park

CLUBHOUSE - 3,500 s.f.

BUILDING D
5 story 187 units 677 s.f.

PARKING - 5 levels- 277 spaces
LONG TERM BIKE PARKING - 102 spaces
SHORT TERM BIKE PARKING - 10 spaces

BUILDING C
15 story 214 units 765 s.f.
5 story 175 units 721 s.f.

PARKING - 7 levels-520 spaces
LONG TERM BIKE PARKING - 216 spaces
SHORT TERM BIKE PARKING - 25 spaces

CEDAR LAKE REGIONAL TRAIL
SOO LINE RAILROAD

Designed by:
Architect of Record: Gregory Faulkner
Date Plotted: 08/07/2022
Issue for Pricing / Bidding:
Issue for Permit Application:
Issue for Construction:
Revisions:
DATE COMMENTS

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ALATUS

HOPKINS
325 BLAKE ROAD
HOPKINS, MINNESOTA
ALATUS, LLC

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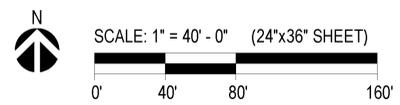


SHEET CONTENTS

SHEET NO.

Project Status: (2022)

21180



FILE: M:\2022\180\Hops\18015 CONCEPT\01 DRAWINGS\SSA-Site-15_Standards-Site-17.dwg LAYOUT: A-201-30A-2 SCALE: 1/8\"/>

FILE: M:\02701180\Hops\015 CONCEPT\01 DRAWINGS\Site-16 - Standards\Site-17.dwg LAYOUT: A: 2023/04/27
 SCALE: 1/8" = 40' - 0" (24"x36" SHEET)
 USER: jls
 PLOT: 24x36 (24"x36")

BUILDING A 5 story	116 units	900 s.f.
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**PODIUM PARKING - 1 level - 75 garage spaces
 2 surface spaces
 Total: 77 spaces**

BUILDING B 5 story	112 units	1,246 s.f.
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PODIUM PARKING - 2 levels- 184 spaces

BUILDING C 15 story	214 units	765 s.f.
5 story	175 units	721 s.f.

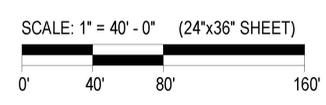
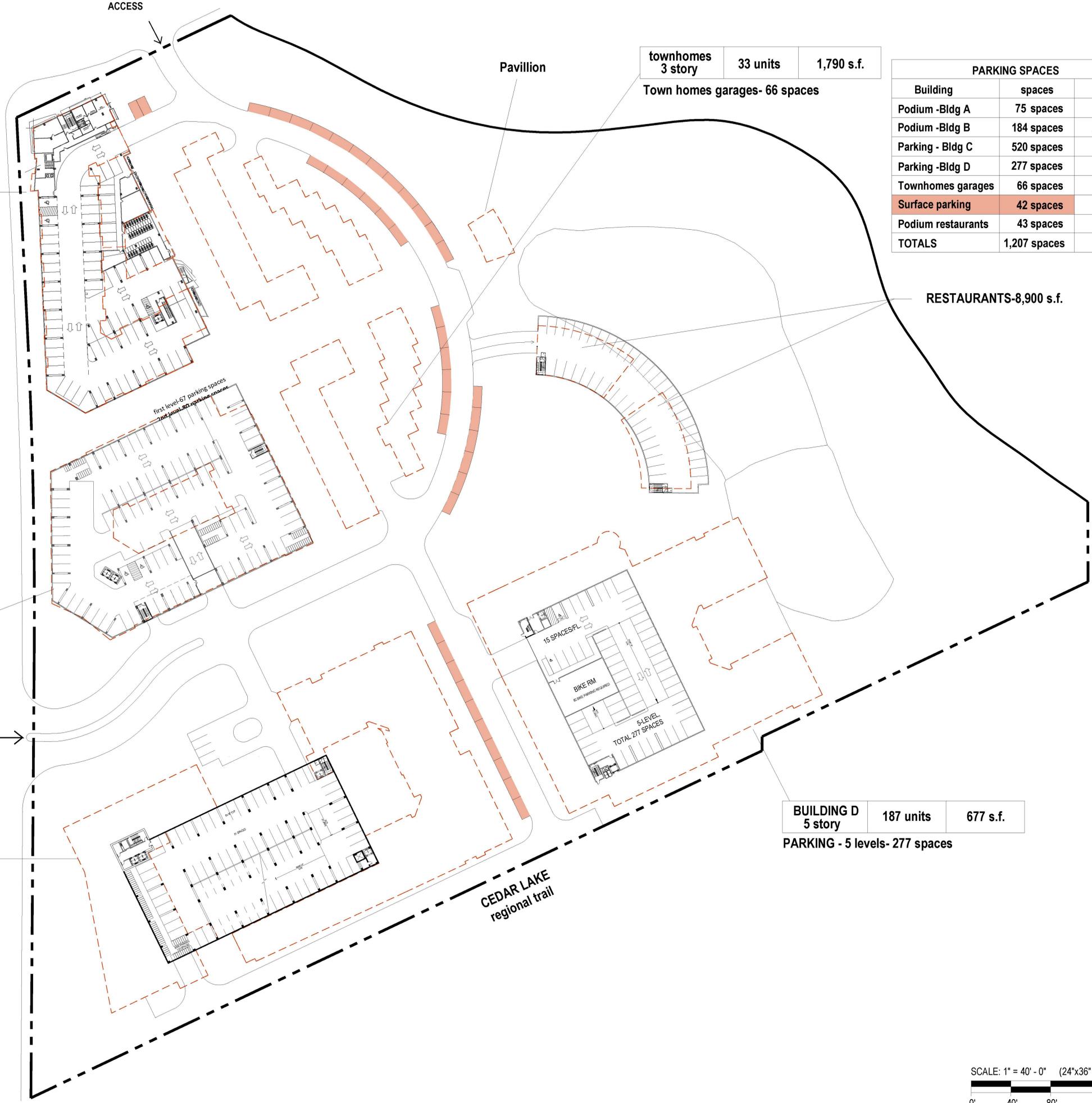
PARKING - 7 levels-520 spaces

townhomes 3 story	33 units	1,790 s.f.
-----------------------------	----------	------------

Town homes garages- 66 spaces

PARKING SPACES		
Building	spaces	levels
Podium -Bldg A	75 spaces	1 level
Podium -Bldg B	184 spaces	2 levels
Parking -Bldg C	520 spaces	6 levels
Parking -Bldg D	277 spaces	5 levels
Townhomes garages	66 spaces	—
Surface parking	42 spaces	—
Podium restaurants	43 spaces	—
TOTALS	1,207 spaces	

RESTAURANTS-8,900 s.f.



Designed by:
 Drawn by:
 Architect of Record: Gregory Faulkner
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 # DATE COMMENTS



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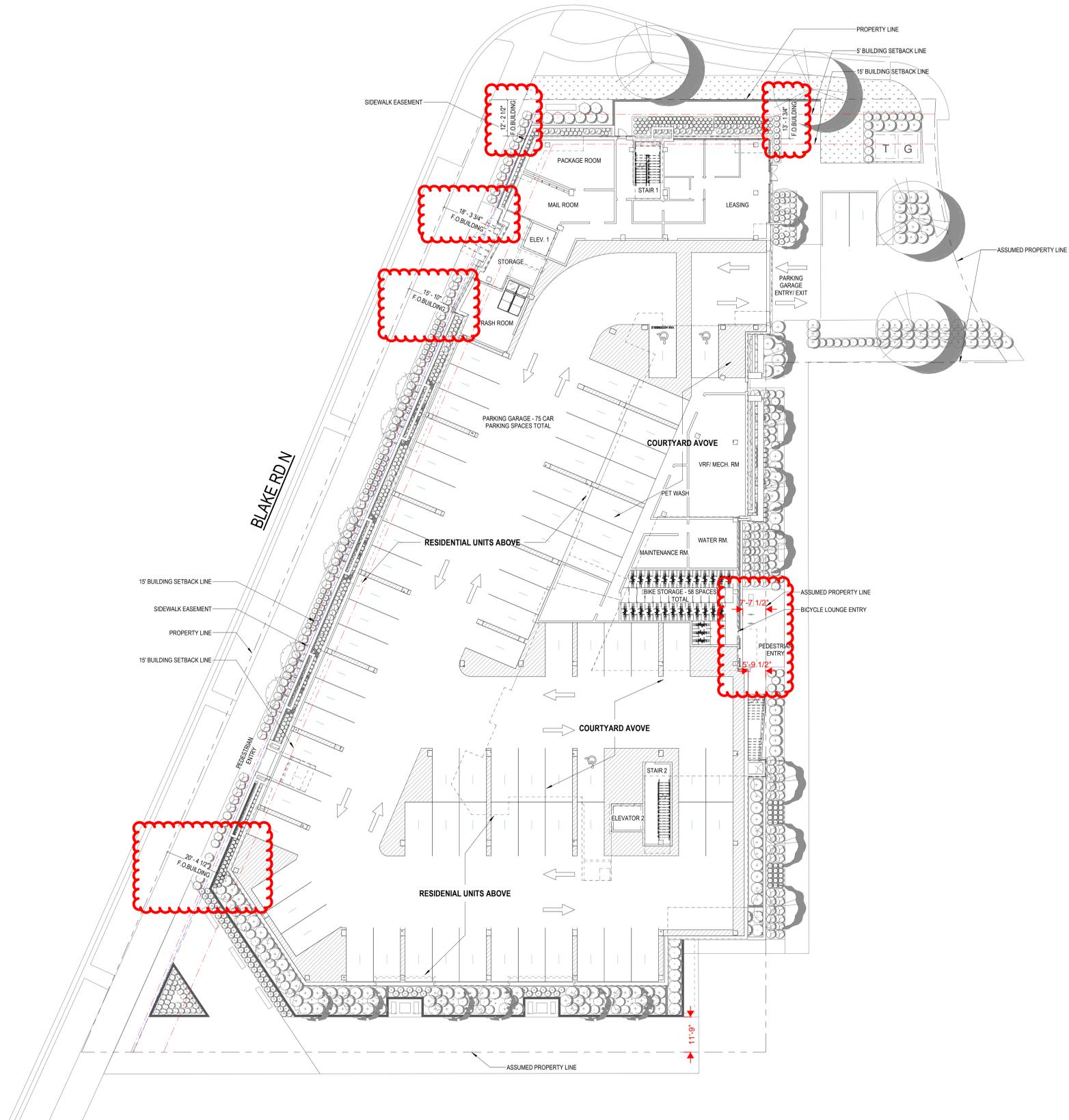
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SHEET CONTENTS
 SHEET NO.

Project Status: (2022)



SITE PLAN NOTES

- THIS SITE PLAN IS FOR REFERENCE ONLY - REFER TO CIVIL FOR SITE ELEMENT AND BUILDING POSITION DIMENSIONAL CONTROL.
- REFER TO CIVIL ENGINEERING:
 - CONSTRUCTION DRAWINGS FOR ALL SITE RELATED HANDICAPPED ACCESS ELEMENTS INCLUDING RAMPS AND SIGNAGE. PROVIDE RAMPS, PARKING DESIGNATION, SPACES AND SIGNAGE IN FULL COMPLIANCE WITH ALL APPLICABLE CODES.
 - CONSTRUCTION DOCUMENTS FOR WALK, GRADING AND FINISHED FLOOR ELEVATIONS.
 - DRAWINGS FOR ALL SITE PARKING CONFIGURATIONS AND FOR ALL PUBLIC WALK (DETAILS AND LAYOUTS), SCREENING, AND SIGN LOCATIONS.
- REFER TO LANDSCAPE/ARCHITECT:
 - CONSTRUCTION DOCUMENTS FOR POOL DECK, POOL FENCING AND POOL AREA ENTRY GATE CONFIGURATION.
 - FOR SITE FENCING, GATE LOCATIONS AND DETAILS.
- REFER TO LANDSCAPE/ELECTRICAL CONSTRUCTION DOCUMENTS FOR SCREEN WALL AND LANDSCAPE LIGHTING INFO.
- REFER TO CIVIL/LANDSCAPE DRAWINGS FOR SIDEWALKS AND ACCESSIBLE ROUTE THROUGHOUT SITE.
- REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR CONDENSERS AND ELECTRICAL TRANSFORMER LOCATIONS. DEVELOPMENT AND USE OF THIS SITE MUST CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND UNO.
- ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE-FOOT CANDLE AT THE PROPERTY LINE, UNLESS REQUIRED BY LOCAL ORDINANCE TO BE MORE.
- OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY SHALL HAVE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED IN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
- ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, GAS METERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
- BARBED, RAZOR, OR CONCRETE WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
- SIDEWALK SLOPES SHALL NOT EXCEED 5%. CROSS SLOPES NOT TO EXCEED 2%. (REF. CIVIL) SHOULD SLOPES EXCEED 5% WALK WILL BE CONSIDERED A RAMP AND BE REQUIRED TO HAVE HANDRAILS ON EACH SIDE AS WELL AS LEVEL LANDINGS AT THE TOP AND BOTTOM OF RAMP FOR A DISTANCE OF 60" BEYOND THE EXTENT OF THE RAMP.
- ALL ACCESSIBLE BUILDING ENTRANCES SHALL HAVE NO MORE THAN A 2% SLOPE FOR A DISTANCE OF 60" PERPENDICULAR TO THE DOOR INCLUDING AN 18" MANEUVERING CLEARANCE ON PULL SIDE OF DOOR.
- FINISH FREE STANDING UTILITY EQUIPMENT BOXES TO MATCH THE ADJACENT BUILDING FIELD COLOR. DO NOT PAINT OVER WARNING DECALS OR IDENTIFIERS.
- NO EXPOSED CONDUIT, PIPING, ETC. IS ALLOWED ON THE EXTERIOR FACE OF THE BUILDING. PROVIDE METAL CONDUIT COVER FOR ELECTRIC METER FEED LINES. PAINT TO MATCH ADJACENT BUILDING FIELD COLOR.
- REFER TO SHEET AND/OR PARKING TABULATIONS.
- EXPANSION JOINTS AT CONCRETE DRIVES ARE TO BE LOCATED EVERY 28 TO 30 FEET ON CENTER IN ALL DIRECTIONS OR AS INDICATED BY CIVIL ENGINEER.
- PROVIDE 18" MANEUVERING CLEARANCE ON PULL SIDE OF ALL PEDESTRIAN GATES. MAINTAIN GROUND SLOPE AT 2%.
- A 42" HIGH GUARDRAIL, MEASURED FROM FINISH FLOOR OF WALKING SURFACE, SHALL BE PLACED ALONG WALKING SURFACE MORE THAN 30' ABOVE THE ADJACENT GRADING.

FIRE DEPARTMENT NOTES

- WHERE REQUIRED BY CODE, BUILDINGS ARE TO BE PROVIDED WITH AN AUTOMATIC SPRINKLER SYSTEM PER NFPA 13 OR 13R.
- WHERE REQUIRED BY CODE, STANDPIPES TO BE PROVIDED AT EACH FLOOR IN ORDER TO MAINTAIN MAXIMUM 150' DISTANCE FROM ANY POINT IN A BUILDING TO NEAREST FIRE DEPT. HOSE CONNECTIONS.
- FIRE APPARATUS ACCESS IS REQUIRED TO BE UNOBSTRUCTED, NOT LESS THAN 24" IN WIDTH, 14' CLEAR HEIGHT. NO FIXED OR MOVING GATE SECTION SHALL INTERFERE WITH MINIMUM FIRE DEPT. ACCESS WIDTH, TURNING RADIUS OR OTHERWISE IMPEDE APPARATUS MOVEMENT OR USE OF FIRE HYDRANTS ETC.
- CENTRAL STATION MONITORING (OR THIRD PARTY MONITORING AS APPROVED BY FIRE DEPARTMENT) OF THE SPRINKLER SYSTEM IS REQUIRED PER FIRE CODE. FIRE DEPARTMENT CONNECTION FOR A BUILDING'S SPRINKLER SYSTEM IS TO COMPLY WITH ALL APPLICABLE CODES.
- FIRE LANE STRIPING, PLACES, AND OR SIGNAGE SHALL MEET LOCAL FIRE DEPARTMENT REQUIREMENTS.
- FIRE DEPARTMENT CONNECTION TO BE ADJACENT TO FIRE SPRINKLER RISER ROOM OR AS LOCATED BY CIVIL.
- FIRE LANE STRIPING TO MATCH SHERWIN WILLIAMS COLOR SW 2839 ROY/CROFT COPPER RED OR SW 7582 SALLUTE.
- FIRE DEPARTMENT APPROVED SECURED KEY BOX SHALL BE PROVIDED AT THE MAIN GATES AND AREAS WHERE REQUIRED BY THE FIRE DEPARTMENT. CONTRACTOR TO CONFIRM NUMBER AND LOCATIONS WITH LOCAL FIRE INSPECTOR PRIOR TO INSTALLATION.

SITE PLAN - SYMBOL LEGEND

	SETBACK LINE		ACCESSIBLE PARKING SPACE
	ACCESSIBLE ROUTE		VAN ACCESSIBLE SPACE
	PROPERTY LINE		MIRRORED BUILDING CONDITION REFER TO PLAN SHEETS A4.00s.
	SIDEWALK EASEMENT		ACCESSIBLE ENTRY IN ACCESSIBLE EXIT
	LANDSCAPE BUFFER LINE		PHASE II / NOT IN CONTRACT
	ASSUMED PROPERTY LINE		FIRELANE - SEGMENTED STRIPE TO BE PAINTED SW 7582 ON HORIZONTAL SURFACE NEXT TO CURB - REF TO CIVIL
	FIRE SEPARATION DISTANCE		TRANSFORMER
	BUILDING TYPE		CONDENSER
	BUILDING NUMBER		
	PARKING SPACES PER BAY		
	TYPE 'A' ANSI UNIT		

2 SITE PLAN
1/16" = 1'-0"

DESIGN DEVELOPMENT SET (06/03/2022)

Designed by: **Author**
 Drawn by: **RYAN MCLEAN**
 Architect of Record: **RYAN MCLEAN**
 Date Plotted: 6/13/2022 2:08:11 PM

Issue for Pricing / Bidding:
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 Revisions:

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 325 BLAKE RD N - BUILDING A
 325 BLAKE ROAD
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 ALATUS, LLC

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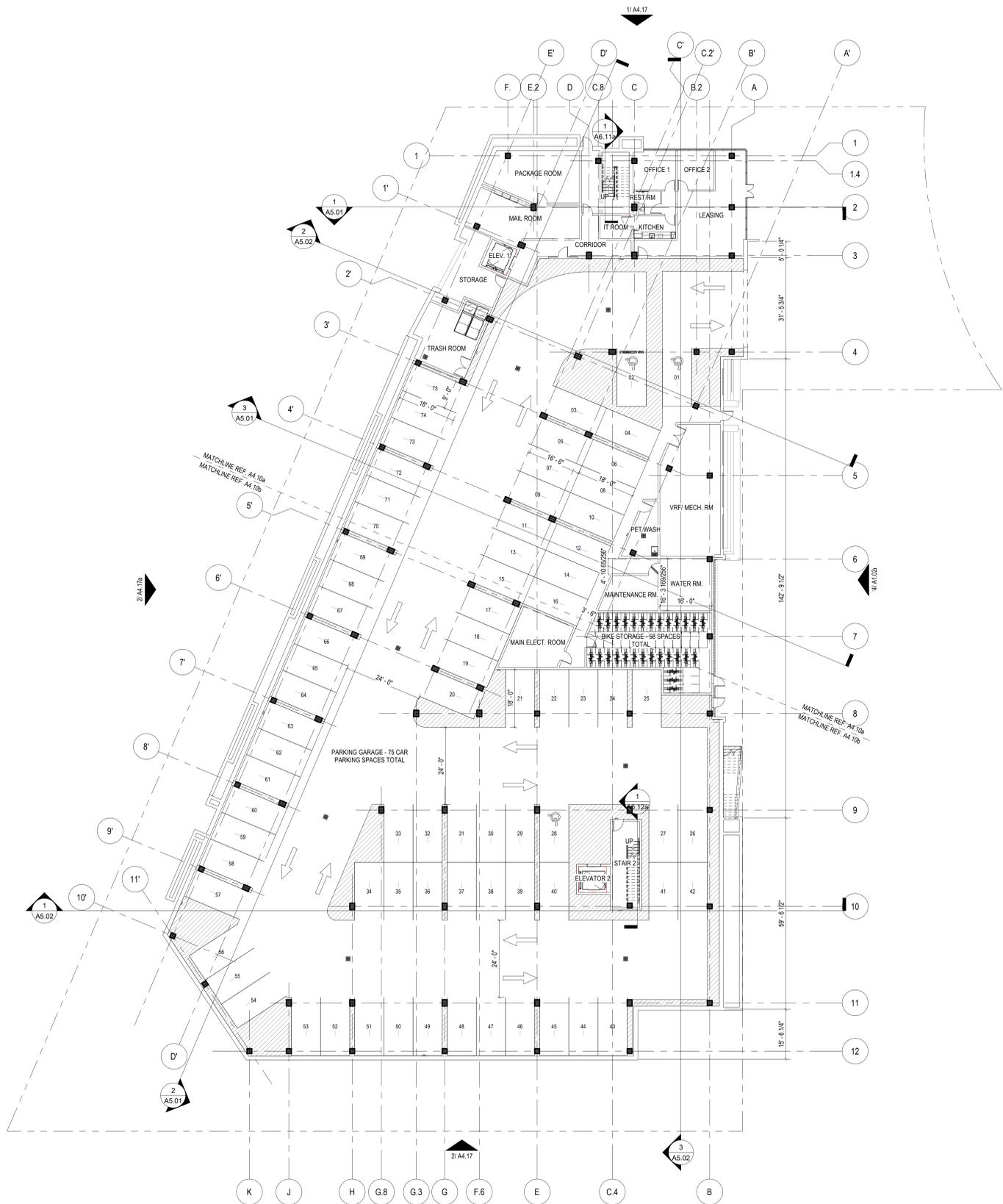
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SHEET CONTENTS
 ARCHITECTURAL SITE PLAN

SHEET NO.

A1.01

21180



1 LEVEL P-1 - OVERALL FLOOR PLAN
1/16" = 1'-0"

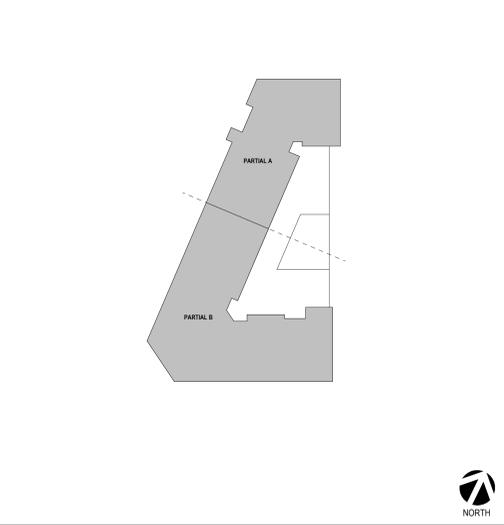
ROOF NOTES

- NOTE:
- FOR LOW SLOPE ROOFS, SLOPES ARE TO BE MIN 1/4" PER FOOT, U.N.O.
 - PARAPET DIMENSIONS ARE FROM TOP OF PLATE TO TOP OF PARAPET.
 - GUTTERS AND DOWNSPOUTS TO BE PROVIDED AT ALL EAVES.
 - ALL ROOF DRAINS / DOWNSPOUTS ON EXTERIOR WALLS TO CONNECT DIRECTLY TO STORM WATER SYSTEM.
 - ALL DOWNSPOUTS ON STAIRS AND ELEVATOR TOWER OR ANY NOT CONNECTED DIRECTLY TO STORM WATER SYSTEM TO HAVE LEADERS AND SPLASH BLOCKS.
 - DOWNSPOUT LOCATIONS ARE CONCEPTUAL IN NATURE AND MUST BE COORDINATED BY THE CONTRACTOR ON SITE WITH THE LANDSCAPING, RETAINING WALL, SIDEWALKS, AND INDIVIDUAL BUILDING ORIENTATION AND DRAINAGE TO INSURE THAT OUTFLOW FROM DOWNSPOUTS DOES NOT CROSS WALKING OR DRIVING SURFACES. IT IS THE INTENT OF THE ARCHITECT THAT GUTTER DOWNSPOUTS TERMINATE IN UNDERGROUND DRAINAGE PIPING AND CARRIED AWAY FROM THE BUILDING AND OTHER FINISHED SURFACES WHERE POSSIBLE. LOCATE DOWNSPOUTS AT INTERIOR CORNERS WHEN POSSIBLE.
 - DRAFTSTOPS LOCATED PER 2012 IBC, SECTION 718.4 ATTIC DRAFTSTOPS SHALL BE 1/2" GYPSUM OR PLYWOOD SHEATHING FIT SNUG TIGHT TO THE ROOF DECK AND CEILING BELOW. DRAFTSTOPS SHALL NOT EXCEED 3,000 S.F. OR 2 DWELLING UNITS.
 &OR
 DRAFTSTOPPING IS NOT REQUIRED PER 2018 IBC, SECTIONS 718.4.2 EX.2 IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1.
 &OR
 DRAFTSTOPPING IS NOT REQUIRED PER 2018 IBC, SECTIONS 718.4.2 EX.4 IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.2, PROVIDED THAT AUTOMATIC SPRINKLERS ARE ALSO INSTALLED IN THE COMBUSTIBLE CONCEALED SPACES WHERE THE DRAFTSTOPPING IS BEING OMITTED.
 - ALL ROOF AND FLOOR TRUSSES SHALL BE DESIGNED AND SEALED BY A REGISTERED ENGINEER IN THE STATE OF PROJECT. TRUSS SHOP DRAWINGS SHALL BE AVAILABLE AT THE JOBSITE.
 - REFER TO STRUCTURAL DRAWINGS FOR ROOF FRAMING PLANS AND SPECS.
 - PLATE AND TRUSS HEEL HEIGHTS ARE FOR DESIGN INTENT ONLY. TRUSS MANUFACTURER TO VERIFY.
 - REFER TO STRUCTURAL DRAWINGS AND TRUSS FABRICATION DRAWINGS FOR EXACT PLATE AND HEEL HEIGHTS.
 - PROVIDE WALKWAY PADS TO AND AROUND ALL ROOFTOP MECHANICAL EQUIPMENT.
 - PROVIDE MIN. CLEARANCE TO ADJACENT EQUIPMENT, WALLS OR CURBS AT MECHANICAL, ROOFTOP EQUIPMENT AND PENETRATIONS AS REQUIRED BY EQUIPMENT MANUFACTURER (BUT NOT LESS THAN 24").
 - ATTIC ACCESS PANELS TO BE 22" X 30" WITH A 30" VERTICAL CLEARANCE, U.N.O. REF. 19A7.03.
 - PROVIDE ICE AND SNOW DAM PROTECTION W/3 MIL. PEEL AND STICK ELASTOMER MEMBRANE AT VALLEYS, EAVES (36" MIN WIDTH OVER HEATED AREA) AND SHED ROOFS.
 - PROVIDE ONE DEPTH MARKER EVERY 300 SQ. FT. IN ATTIC AREAS RECEIVING BLOWN INSULATION. MARKERS SHALL BE CLEARLY READABLE FROM THE ATTIC ACCESS PER CITY OF WILSON REQUIREMENTS.

ROOF PLAN - SYMBOL LEGEND

--- DRAFTSTOP	14-12" X 14-12" GRAVITY ROOF VENT, 144 SQ. IN. NET FREE AREA BASIS OF DESIGN
- - - ROOF SIDE WALL	AIR VENT B-144 ROOF VENT - REF. 19A7.03
2-HR FIRE BARRIER	INTAKE ROOF VENT BASIS OF DESIGN - ACTIVE VENTILATION PROD., INC. PV-14 144 SQ. IN. NET FREE AREA
2-HR FIRE WALL	EXHAUST ROOF VENT BASIS OF DESIGN - ACTIVE VENTILATION PROD., INC. AV-14 144 SQ. IN. NET FREE AREA
NO PENETRATIONS 4'-0" ON EITHER SIDE OF SHEATHING 1/2" RAISED CEILING LOCATIONS 3/12 PITCH VAULTED CEILING LOCATIONS	24" X 18" INTAKE GABLE VENT, BASIS OF DESIGN - CONSTRUCTION METALS, INC. GALVANIZED MESH: 190 SQ. IN. NET FREE AREA
ICE DAM SHIELD	CHAGIN FLAT CONCRETE TILE ROOF VENT #50043 EACH UNIT EQUALS 118 SQ. IN. NEVA
22" X 30" LOCKABLE ATTIC ACCESS, REF. DET. 19A7.03	ROOFTOP CONDENSING UNIT ON CONDENSING PADS, AS SPECIFIED, REF. MECH. MAINTAIN 24" CLEAR SPACE AROUND PERIMETER OF UNITS
ATTIC DRAFTSTOP ACCESS DOOR, REF. 19A7.07	4" ROOF DRAIN WITH OVERFLOW REF. MEP
48" X 96" BILCO 2-HR RATED LOCKABLE ROOF HATCH WITH LAPEYRE 68" ALTERNATING TREAD DEVICE, REF. 19A7.07	OV-F-S OVERFLOW SCUPPER
PARAPET	5" X 5" GUTTER
PARAPET HT. X'-X" PARAPET HEIGHT FROM TOP OF PLATE	DS 4" DRAIN SPOUT (DS)
1/4" FT. X 12 SLOPE DIRECTION	DS 4" X 4" LEADER WITH COLLECTOR HEAD
RIDGE VENT 12" WIDE BASIS OF DESIGN AIR VENT, INC. SHINGLE VENT 8, 18 SQ. IN. / FT. NET FREE AREA	1 AX XX WALL SECTION TAG
CONTINUOUS SOFFIT VENT BASIS OF DESIGN 1/4" X 1/4" GIBBS 12.7 SQ. IN. PER LINEAR FOOT	1/A101 EXTERIOR ELEVATION TAG

BLDG - KEY PLAN



Designed by: _____ Author: _____
 Drawn by: RYAN MCLEAN
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/13/2022 1:52:16 PM

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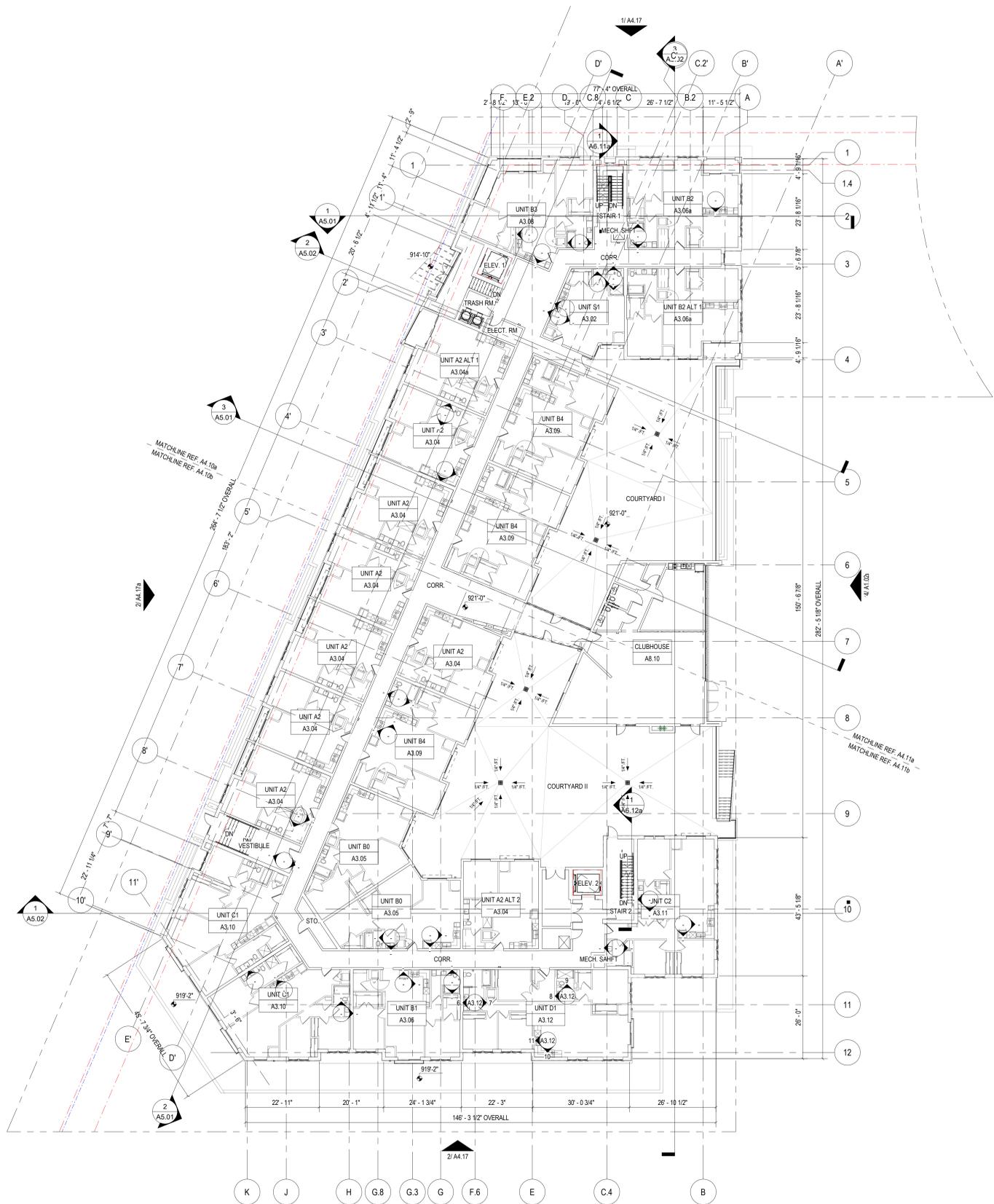
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DESIGN DEVELOPMENT SET (06/03/2022)

SHEET CONTENTS
 OVERALL FLOOR PLAN - LEVEL P-1

SHEET NO. **A4.10**

21180



1 LEVEL 1 - OVERALL FLOOR PLAN
1/16" = 1'-0"

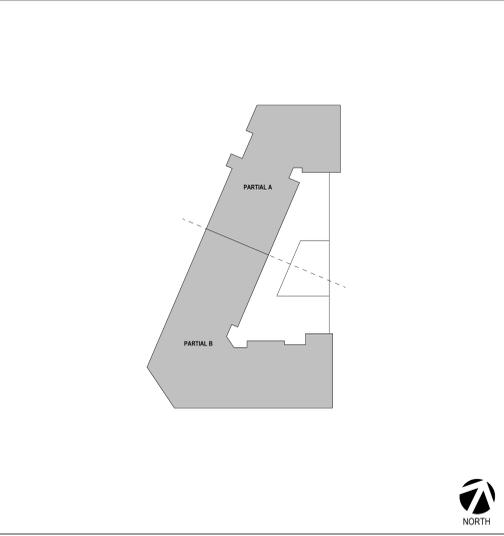
GENERAL BLDG NOTES

- PROVIDE A BROOM FINISH AT ALL SLOPED CONCRETE SURFACES. ALL FLAT CORRIDOR SURFACES TO BE TROWELED SMOOTH AND SEALED.
- ALL ACCESSIBLE ENTRANCES SHALL HAVE NO MORE THAN A 2% SLOPE FOR A DISTANCE OF 60" PERPENDICULAR TO THE DOOR.
- ALL EXTERIOR COMMON USE DOOR THRESHOLDS TO BE ACCESSIBLE. REF A2.01 AND 1A8.016 FOR TYPICAL DOOR THRESHOLD FOR COMMON AREAS.
- NOTES, DIMENSIONS, AND TAGS ARE INCLUDED ON THE ENLARGED A4.00a PLANS. REFER TO A8.00 SHEETS FOR AMENITIES, AND A6.00 SHEETS FOR STAIRS, ELEVATORS, AND TRASH ROOMS.
- ALL DOORS ARE 4" FROM ADJACENT WALL U/I/O.
- FOR UNIT INTERIOR WALL TYPES REFER TO A300a UNIT SHEETS.
- METER, RISER, AND TELECOM ARE LOCATED ON THE BUILDING PLANS FOR REFERENCE ONLY. REFER TO CIVIL AND MEP AND TELECOM PLANS FOR THE ACTUAL METER AND EQUIPMENT SIZE AND LOCATION.
- REFER TO EGRESS PLANS FIRE EXTINGUISHER SCHEDULE.
- SPACE CONTROL JOINTS IN GYPSUM WALL BOARD TO LIMIT EXPANSES TO 30'-0" MAXIMUM. EXTEND CONTROL JOINTS AT DOOR JAMBS FROM DOOR HEAD TO CEILING. CEILING GYPSUM BOARD CONTROL JOINTS SHALL LIMIT THE CEILING AREA TO 2,500 SQUARE FEET MAXIMUM AREA WITH A MAXIMUM OF 50'-0" IN EITHER DIRECTION. INSTALL CONTROL JOINTS WHERE THERE IS A CHANGE IN DIRECTION IN CEILING FRAMING OR FURRING, OR SPACE CONTROL JOINTS AT THE CEILING AND WALL PER THE MANUFACTURER'S RECOMMENDED INSTALLATION GUIDELINES. CEILING AND WALL CONTROL JOINTS ARE TO ALIGN AT ALL INTERSECTIONS WHERE APPLICABLE TO FORM A CONTINUOUS CONTROL JOINT. ENSURE THAT CONTROL JOINTS ARE LOCATED AT STRUCTURAL CONSTRUCTION JOINTS AND AT THE TOP AND BOTTOM OF ALL INTERIOR RAMPS.
- WHERE AN ELEVATOR OR STAIR EXIT IS WITHIN 21'-0" OF AN ALCOVE, CORNER OR OTHER POTENTIAL HIDING PLACE, POSITION A REFRACTING MIRROR TO ALLOW SOMEONE IN THE EXIT DOORWAY TO OBSERVE IN THE MIRROR THE AREA AROUND THE CORNER OR WITHIN THE ALCOVE THAT IS ADJACENT TO THE DOORWAY.
- REFER TO SHEET A4.XX FOR ROOF NOTES AND LEGENDS.
- REFER TO ROOF PLAN LEGEND ON SHEET A4.16 FOR LOWER ROOF SYMBOLS.

BLDG FLOOR PLAN - SYMBOL LEGEND

	EXTERIOR ELEVATION TAG		CMU WALL
	WALL SECTION TAG		3HR FIRE WALL
	DETAIL SECTION TAG		2HR FIRE WALL
	PARTITION WALL TAG REF A3.05		2HR FIRE BARRIER
	FURRDOWN		1HR FIRE BARRIER
	TYPE 'A' UNITS		1HR FIRE PARTITION AT UNIT SEPARATION
	HEARING AND VISION IMPAIRED UNITS		1HR FIRE PARTITION AT CORRIDORS
	BUILDING UNDER SEPARATE PERMIT		ASSUMED PROPERTY LINE
	METER		3/4" BRICK / STONE LEDGE
	FLOOR DRAIN LOCATIONS, REF. STRUCT & MEP		BUILDING NUMBER
	FEC		UNIT TYPE
	DOOR TAG SYMBOL		SHEET NUMBER
	WINDOW TAG SYMBOL		ADDRESS NUMBER
			FINISH FLOOR ELEVATION REFER TO CIVIL
			ENTRANCE DOOR MANEUVERING CLEARANCE

BLDG - KEY PLAN



Designed by: _____ Author
 Drawn by: _____
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/13/2022 1:52:22 PM
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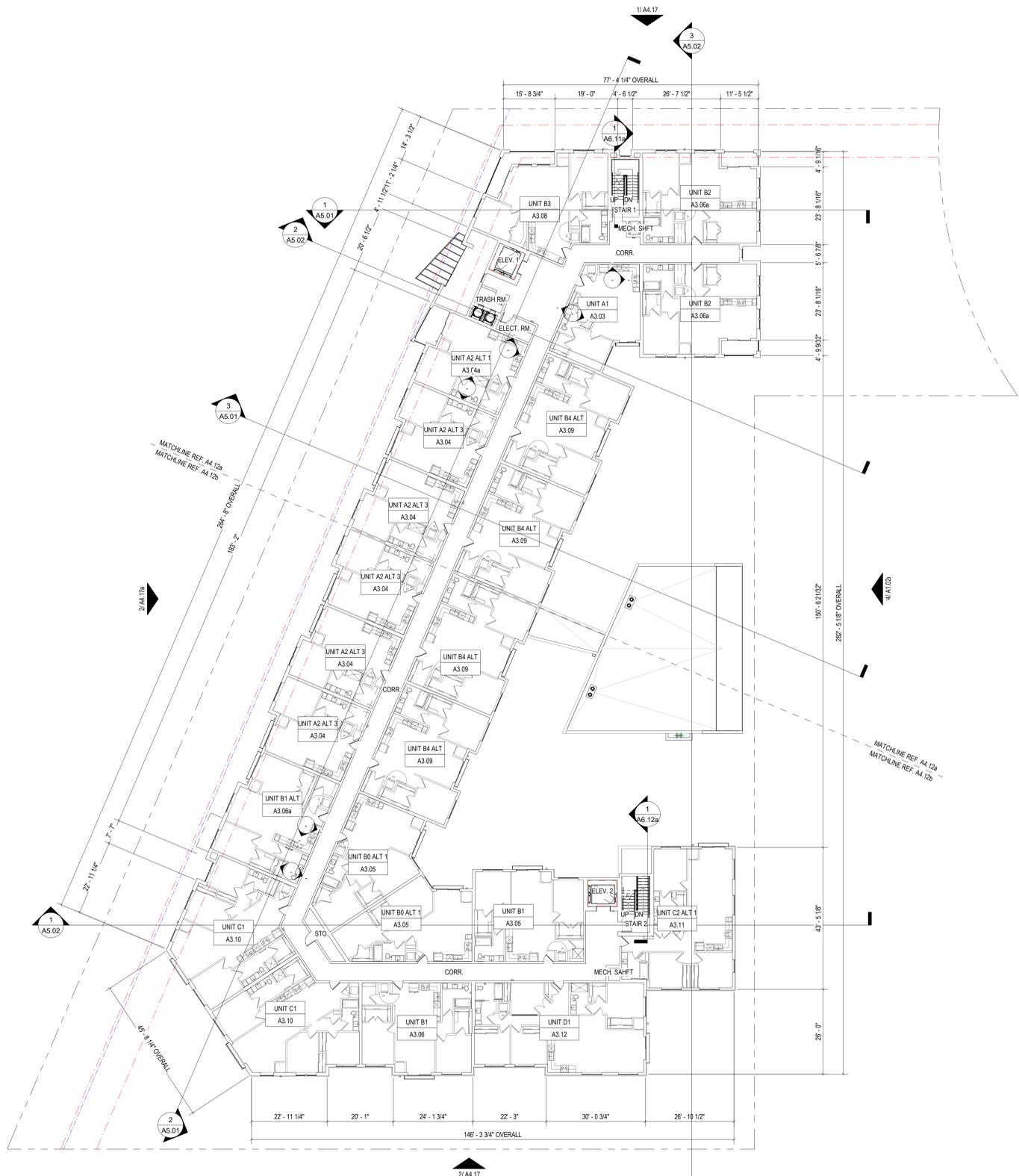
ALATUS
 325 BLAKE RD N - BUILDING A
 325 BLAKE ROAD
 HOPKINS, MINNESOTA
 ALATUS, LLC

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DESIGN DEVELOPMENT SET (06/03/2022)
 SHEET CONTENTS
 OVERALL FLOOR PLAN - LEVEL 1
 SHEET NO.
A4.11
 21180

1 LEVEL 2 - OVERALL FLOOR PLAN
1/16" = 1'-0"



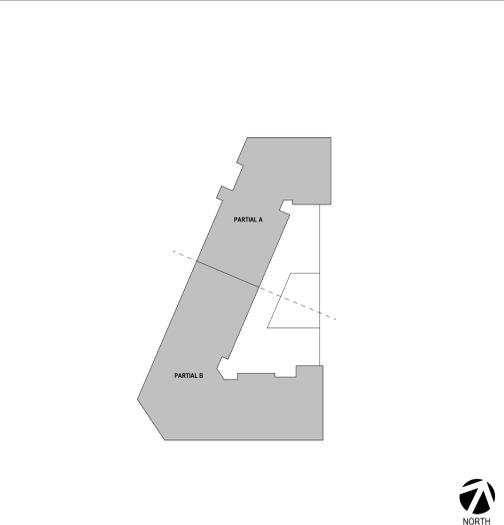
GENERAL BLDG NOTES

1. PROVIDE A BROOM FINISH AT ALL SLOPED CONCRETE SURFACES. ALL FLAT CORRIDOR SURFACES TO BE TROWELED SMOOTH AND SEALED.
2. ALL ACCESSIBLE ENTRANCES SHALL HAVE NO MORE THAN A 2% SLOPE FOR A DISTANCE OF 60" PERPENDICULAR TO THE DOOR.
3. ALL EXTERIOR COMMON USE DOOR THRESHOLDS TO BE ACCESSIBLE. REF A2.01 AND A8.01a FOR TYPICAL DOOR THRESHOLD FOR COMMON AREAS.
4. NOTES, DIMENSIONS, AND TAGS ARE INCLUDED ON THE ENLARGED A4.00a PLANS. REFER TO A8.00 SHEETS FOR AMENITIES, AND A6.00 SHEETS FOR STAIRS, ELEVATORS, AND TRASH ROOMS.
5. ALL DOORS ARE 4" FROM ADJACENT WALL U/I/O.
6. FOR UNIT INTERIOR WALL TYPES REFER TO A300a UNIT SHEETS.
7. METER, RISER, AND TELECOM ARE LOCATED ON THE BUILDING PLANS FOR REFERENCE ONLY. REFER TO CIVIL AND MEP AND TELECOM PLANS FOR THE ACTUAL METER AND EQUIPMENT SIZE AND LOCATION.
8. REFER TO EGRESS PLANS FIRE EXTINGUISHER SCHEDULE.
9. SPACE CONTROL JOINTS IN GYPSUM WALL BOARD TO LIMIT EXPANSES TO 30'-0" MAXIMUM. EXTEND CONTROL JOINTS AT DOOR JAMBS FROM DOOR HEAD TO CEILING. CEILING GYPSUM BOARD CONTROL JOINTS SHALL LIMIT THE CEILING AREA TO 2,500 SQUARE FEET MAXIMUM AREA WITH A MAXIMUM OF 50'-0" IN EITHER DIRECTION. INSTALL CONTROL JOINTS WHERE THERE IS A CHANGE IN DIRECTION IN CEILING FRAMING OR FURRING, OR SPACE CONTROL JOINTS AT THE CEILING AND WALL PER THE MANUFACTURER'S RECOMMENDED INSTALLATION GUIDELINES. CEILING AND WALL CONTROL JOINTS ARE TO ALIGN AT ALL INTERSECTIONS WHERE APPLICABLE TO FORM A CONTINUOUS CONTROL JOINT. ENSURE THAT CONTROL JOINTS ARE LOCATED AT STRUCTURAL CONSTRUCTION JOINTS AND AT THE TOP AND BOTTOM OF ALL INTERIOR RAMPS.
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11. REFER TO SHEET A4.XX FOR ROOF NOTES AND LEGENDS.
12. REFER TO ROOF PLAN LEGEND ON SHEET A4.16 FOR LOWER ROOF SYMBOLS.

BLDG FLOOR PLAN - SYMBOL LEGEND

	EXTERIOR ELEVATION TAG		CMU WALL
	WALL SECTION TAG		3HR FIRE WALL
	DETAIL SECTION TAG		2HR FIRE WALL
	PARTITION WALL TAG REF A1.05		2HR FIRE BARRIER
	FURRDOWN		1HR FIRE BARRIER
	TYPE 'A' UNITS		1HR FIRE PARTITION AT UNIT SEPARATION
	HEARING AND VISION IMPAIRED UNITS		1HR FIRE PARTITION AT CORRIDORS
	BUILDING UNDER SEPARATE PERMIT		ASSUMED PROPERTY LINE
	METER		3/4" BRICK / STONE LEDGE
	FLOOR DRAIN LOCATIONS. REF. STRUCT & MEP		BUILDING NUMBER
	FEC		UNIT TYPE
	DOOR TAG SYMBOL		SHEET NUMBER
	WINDOW TAG SYMBOL		ADDRESS NUMBER
			FINISH FLOOR ELEVATION REFER TO CIVIL
			ENTRANCE DOOR MANEUVERING CLEARANCE

BLDG - KEY PLAN



Designed by: _____ Author
 Drawn by: RYAN MCLEAN
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/13/2022 1:52:27 PM
 Issue for Pricing/Bidding: _____
 Issue for Permit Application: _____
 Issue for Construction: _____
 Revisions:

#	DATE	COMMENTS

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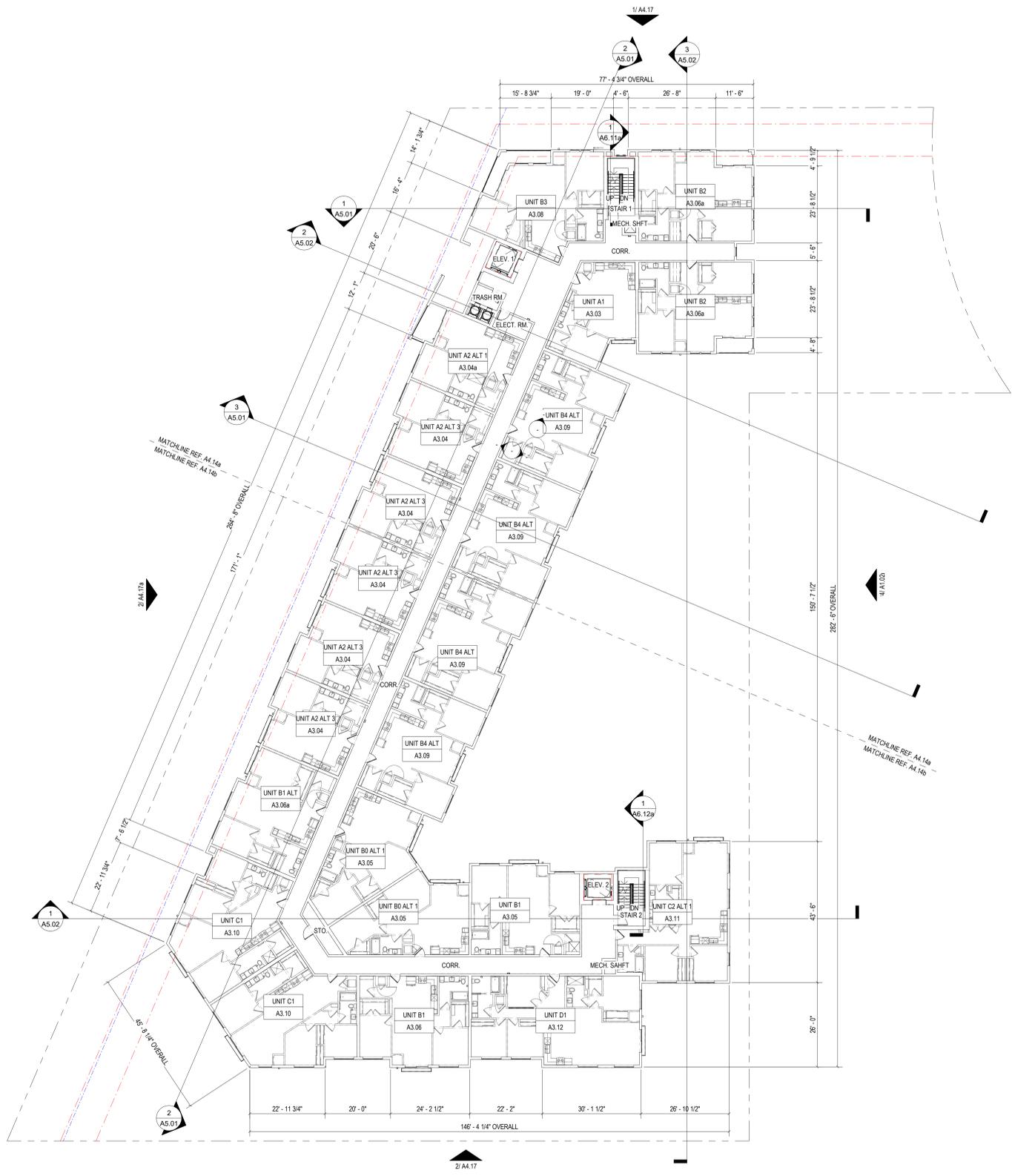
DESIGN DEVELOPMENT SET (06/03/2022)

SHEET CONTENTS
 OVERALL FLOOR PLAN - LEVEL 2

SHEET NO.

A4.12

21180



1 LEVEL 4 - OVERALL FLOOR PLAN
1/16" = 1'-0"

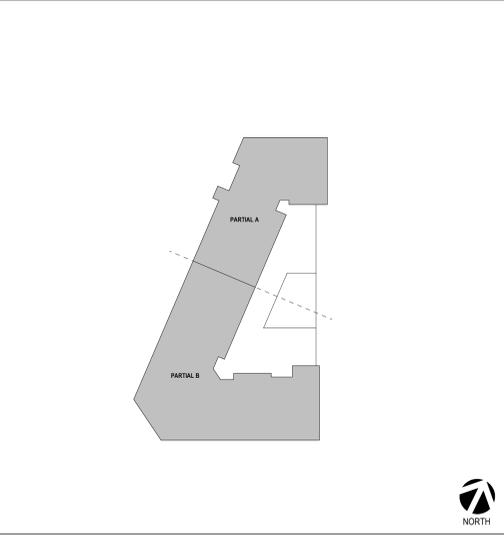
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BLDG FLOOR PLAN - SYMBOL LEGEND

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	METER		
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BLDG - KEY PLAN



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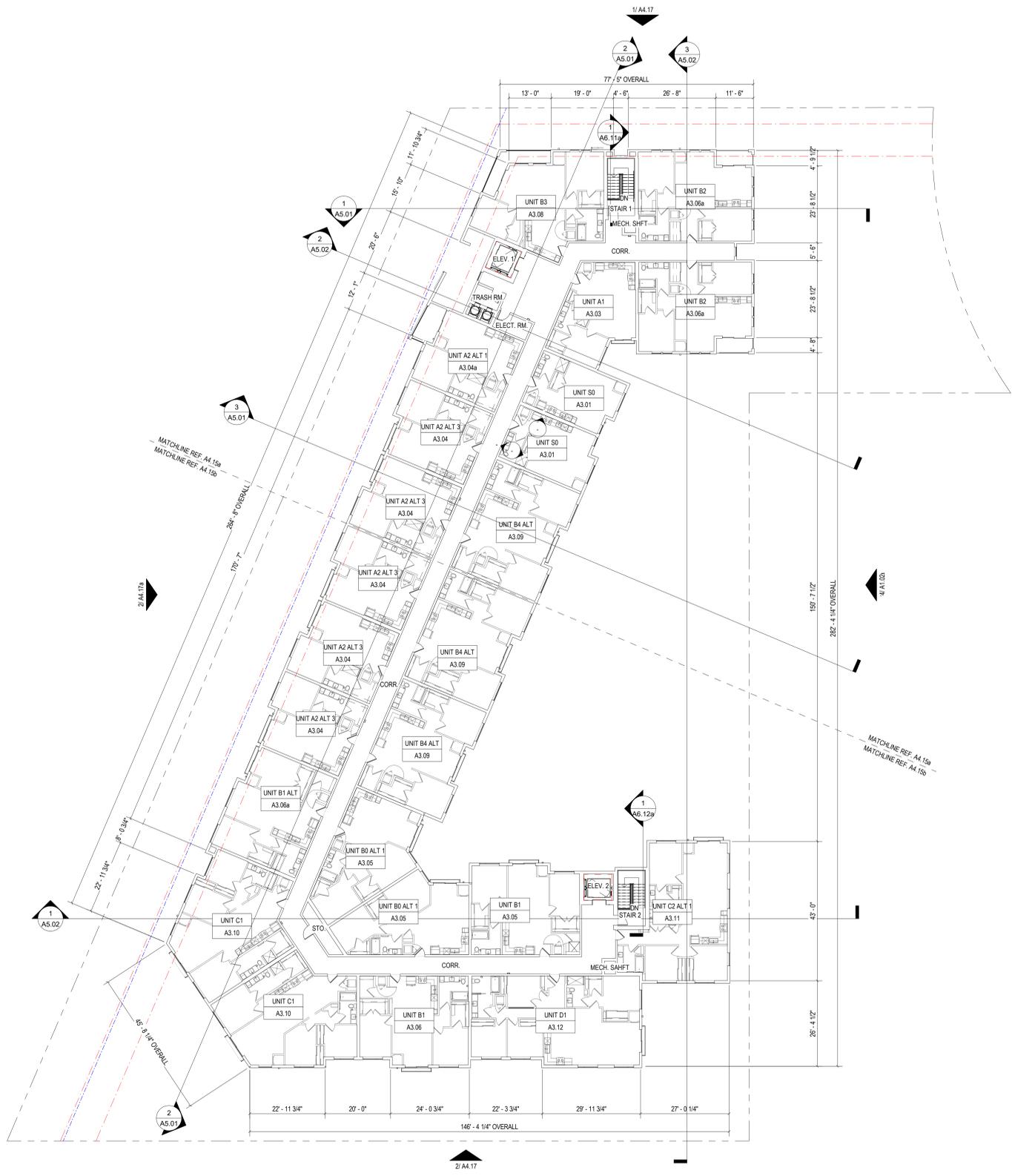
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 325 BLAKE ROAD
 HOPKINS, MINNESOTA
 ALATUS, LLC

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DESIGN DEVELOPMENT SET (06/03/2022)
 SHEET CONTENTS
 OVERALL FLOOR PLAN - LEVEL 4
 SHEET NO.
 A4.14
 21180



1 LEVEL 5 - OVERALL FLOOR PLAN
1/16" = 1'-0"

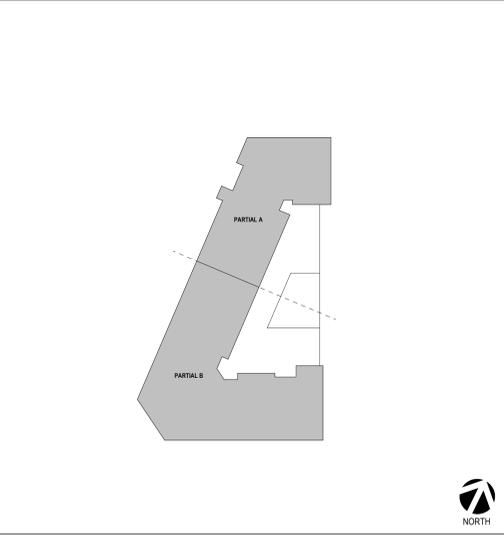
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BLDG FLOOR PLAN - SYMBOL LEGEND

	EXTERIOR ELEVATION TAG		CMU WALL
	WALL SECTION TAG		3HR FIRE WALL
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	BUILDING UNDER SEPARATE PERMIT		ASSUMED PROPERTY LINE
	METER		
	FLOOR DRAIN LOCATIONS, REF. STRUCT & MEP		BUILDING NUMBER
	FEC		UNIT TYPE
	DOOR TAG SYMBOL		SHEET NUMBER
	WINDOW TAG SYMBOL		ADDRESS NUMBER
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			ENTRANCE DOOR MANEUVERING CLEARANCE

BLDG - KEY PLAN



Designed by: _____ Author
 Drawn by: RYAN MCLEAN
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/13/2022 1:52:40 PM
 Issue for Pricing/Bidding: _____
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Revisions	#	DATE	COMMENTS

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SHEET CONTENTS
 OVERALL FLOOR PLAN - LEVEL 5

SHEET NO.

A4.15

21180

DESIGN DEVELOPMENT SET (06/03/2022)



1 LEVEL - ROOF - OVERALL FLOOR PLAN
1/16" = 1'-0"



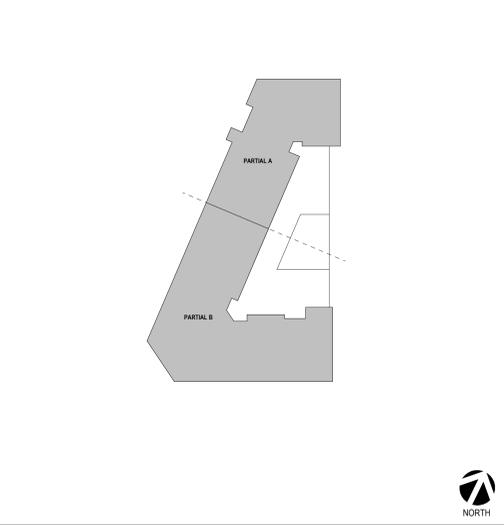
ROOF NOTES

- NOTE:
- FOR LOW SLOPE ROOFS, SLOPES ARE TO BE MIN 1/4" PER FOOT, U.N.O.
 - PARAPET DIMENSIONS ARE FROM TOP OF PLATE TO TOP OF PARAPET.
 - GUTTERS AND DOWNSPOUTS TO BE PROVIDED AT ALL EAVES.
 - ALL ROOF DRAINS / DOWNSPOUTS ON EXTERIOR WALLS TO CONNECT DIRECTLY TO STORM WATER SYSTEM.
 - ALL DOWNSPOUTS ON STAIRS AND ELEVATOR TOWER OR ANY NOT CONNECTED DIRECTLY TO STORM WATER SYSTEM TO HAVE LEADERS AND SPLASH BLOCKS.
 - DOWNSPOUT LOCATIONS ARE CONCEPTUAL IN NATURE AND MUST BE COORDINATED BY THE CONTRACTOR ON SITE WITH THE LANDSCAPING, RETAINING WALL, SIDEWALKS, AND INDIVIDUAL BUILDING ORIENTATION AND DRAINAGE TO INSURE THAT OUTFLOW FROM DOWNSPOUTS DOES NOT CROSS WALKING OR DRIVING SURFACES. IT IS THE INTENT OF THE ARCHITECT THAT GUTTER DOWNSPOUTS TERMINATE IN UNDERGROUND DRAINAGE PIPING AND CARRIED AWAY FROM THE BUILDING AND OTHER FINISHED SURFACES WHERE POSSIBLE. LOCATE DOWNSPOUTS AT INTERIOR CORNERS WHEN POSSIBLE.
 - DRAFTSTOPS LOCATED PER 2012 IBC, SECTION 718.4 ATTIC DRAFTSTOPS SHALL BE 1/2" GYPSUM OR PLYWOOD SHEATHING FIT SNUG TO TIGHT TO THE ROOF DECK AND BEING BELOW. DRAFTSTOPPING SHALL NOT EXCEED 3,000 S.F. OR 2 DWELLING UNITS.
&OR
DRAFTSTOPPING IS NOT REQUIRED PER 2018 IBC, SECTIONS 718.4.2 EX.2 IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1.
&OR
DRAFTSTOPPING IS NOT REQUIRED PER 2018 IBC, SECTIONS 718.4.2 EX.4 IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.2, PROVIDED THAT AUTOMATIC SPRINKLERS ARE ALSO INSTALLED IN THE COMBUSTIBLE CONCEALED SPACES WHERE THE DRAFTSTOPPING IS BEING OMITTED.
 - ALL ROOF AND FLOOR TRUSSES SHALL BE DESIGNED AND SEALED BY A REGISTERED ENGINEER IN THE STATE OF PROJECT. TRUSS SHOP DRAWINGS SHALL BE AVAILABLE AT THE JOBSITE.
 - REFER TO STRUCTURAL DRAWINGS FOR ROOF FRAMING PLANS AND SPECS.
 - PLATE AND TRUSS HEEL HEIGHTS ARE FOR DESIGN INTENT ONLY. TRUSS MANUFACTURER TO VERIFY.
 - REFER TO STRUCTURAL DRAWINGS AND TRUSS FABRICATION DRAWINGS FOR EXACT PLATE AND HEEL HEIGHTS.
 - PROVIDE WALKWAY PADS TO AND AROUND ALL ROOFTOP MECHANICAL EQUIPMENT.
 - PROVIDE MIN. CLEARANCE TO ADJACENT EQUIPMENT, WALLS OR CURBS AT MECHANICAL, ROOFTOP EQUIPMENT AND PENETRATIONS AS REQUIRED BY EQUIPMENT MANUFACTURER (BUT NOT LESS THAN 24").
 - ATTIC ACCESS PANELS TO BE 22" X 30" WITH A 30" VERTICAL CLEARANCE, U.N.O. REF. 19A7.03.
 - PROVIDE ICE AND SNOW DAM PROTECTION W/MS.ML, PEEL AND STICK ELASTOMERIC MEMBRANE AT VALLEYS, EAVES (36" MIN WIDTH OVER HEATED AREA) AND SHED ROOFS.
 - PROVIDE ONE DEPTH MARKER EVERY 300 SQ. FT. IN ATTIC AREAS RECEIVING BLOWN INSULATION. MARKERS SHALL BE CLEARLY READABLE FROM THE ATTIC ACCESS PER CITY OF WILSTON REQUIREMENTS.

ROOF PLAN - SYMBOL LEGEND

	DRAFTSTOP		14'-12" X 14'-12" GRAVITY ROOF VENT. 144 SQ. IN. NET FREE AREA BASIS OF DESIGN AIR VENT B-144 ROOF VENT - REF. 19A7.03
	ROOF SIDE WALL		INTAKE ROOF VENT BASIS OF DESIGN - ACTIVE VENTILATION PROD., INC. PV-14 144 SQ. IN. NET FREE AREA
	2-HR FIRE BARRIER		EXHAUST ROOF VENT BASIS OF DESIGN - ACTIVE VENTILATION PROD., INC. AV-14 144 SQ. IN. NET FREE AREA
	2-HR FIRE WALL		24" X 18" INTAKE GABLE VENT. BASIS OF DESIGN - CONSTRUCTION METALS, INC. GALVANIZED MESH: 190 SQ. IN. NET FREE AREA
	NO PENETRATIONS 4'-0" ON EITHER SIDE OF 2 HOUR FIREWALL		CHAGIN FLAT CONCRETE TILE ROOF VENT #50043 EACH UNIT EQUALS 118 SQ. IN. NEVA
	12'-0" RAISED CEILING LOCATIONS 3/12 PITCH VAULTED CEILING LOCATIONS		ROOFTOP CONDENSING UNIT ON CONDENSING PADS, AS SPECIFIED, REF. MECH. MAINTAIN 24" CLEAR SPACE AROUND PERIMETER OF UNITS
	ICE DAM SHIELD		4" ROOF DRAIN WITH OVERFLOW REF. MEP
	22" X 30" LOCKABLE ATTIC ACCESS, REF. DET. 19A7.03		OVERFLOW SCUPPER
	ATTIC DRAFTSTOP ACCESS DOOR REF. 19A7.07		5" X 5" GUTTER
	48" X 96" BILCO 2-HR RATED LOCKABLE ROOF HATCH WITH LAPEYRE 68" ALTERNATING TREAD DEVICE REF. 20A7.07		4" DOWNSPOUT (DS)
	PARAPET		4" X 4" LEADER WITH COLLECTOR HEAD
	PARAPET HT. X'-X" PARAPET HEIGHT FROM TOP OF PLATE		WALL SECTION TAG
	1/4" FT. X 12 SLOPE DIRECTION		EXTERIOR ELEVATION TAG
	RIDGE VENT 12" WIDE BASIS OF DESIGN AIR VENT, INC. SHINGLE VENT 8, 18 SQ. IN. / FT. NET FREE AREA		
	CONTINUOUS SOFFIT VENT BASIS OF DESIGN 1/4" MIN. OVER/UNDER 12.7 SQ. IN. PER LINEAR FOOT		

BLDG - KEY PLAN



Designed by: _____ Designer
 Drawn by: _____ Author
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/13/2022 1:52:44 PM

Issue for Pricing / Bidding: _____
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DESIGN DEVELOPMENT SET (06/03/2022)

SHEET CONTENTS
 OVERALL ROOF PLAN

SHEET NO.

A4.16

21180

	MATERIAL %	North (Lake Street)	WEST (Blake Road)	EAST	SOUTH
Primary	BRICK VENEER	25 %	20 %	21 %	20 %
	METAL PANEL	35 %	40 %	28 %	27 %
	CAST STONE	15%	10%	15 %	11 %
Secondary	FIBER CEMENT PANEL	25%	30 %	36 %	42 %

	NORTH	WEST	EAST	SOUTH
TRANSPARENCY OVER 2ND FL. %	30 %	34 %	30 %	32 %

Designed by: Designer
 Drawn by: Author
 Architect of Record: RYAN MCLEAN
 Date Plotted: 6/8/2022 11:09:42 AM

Issue for Pricing / Bidding:

Issue for Permit Application:

Issue for Construction:

Revisions

#	DATE	COMMENTS

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2 WEST ELEVATION
 3/32" = 1'-0"



1 EAST ELEVATION
 3/32" = 1'-0"

325 BLAKE RD N - BUILDING A
 325 BLAKE ROAD
 HOPKINS, MINNESOTA
 ALATUS, LLC

These drawings are for preliminary coordination only and not to be used for regulatory approval or construction.

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SHEET CONTENTS
 OVERALL EXTERIOR ELEVATIONS

SHEET NO.

A4.17a

21180

DESIGN DEVELOPMENT SET (06/03/2022)

	MATERIAL %	North (Lake Street)	WEST (Blake Road)	EAST	SOUTH
Primary	BRICK VENEER	25 %	20 %	21 %	20 %
	METAL PANEL	35 %	40 %	28 %	27 %
	CAST STONE	15%	10%	15 %	11 %
Secondary	FIBER CEMENT PANEL	25%	30 %	36 %	42 %
TRANSPARENCY OVER 2ND FL. %		NORTH	WEST	EAST	SOUTH
		30 %	34 %	30 %	32 %

Designed by:	Author	
Drawn by:	RYAN MCLEAN	
Architect of Record:	6/8/2022 10:57:26 AM	
Date Plotted:		
Issue for Pricing / Bidding:		
Issue for Permit Application:		
Issue for Construction:		
Revisions		
#	DATE	COMMENTS

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2 SOUTH ELEVATION
3/32" = 1'-0"



1 NORTH ELEVATION
3/32" = 1'-0"

325 BLAKE RD N - BUILDING A

325 BLAKE ROAD
HOPKINS, MINNESOTA

ALATUS, LLC

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SHEET CONTENTS
OVERALL EXTERIOR ELEVATIONS

SHEET NO.

A4.17

EXISTING	PROPOSED

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SUBMITTAL/REVISIONS

10/22/21	PUD SUBMITTAL
10/29/21	CITY RESUBMITTAL
11/08/21	CITY COMMENTS
11/15/21	CITY RESUBMITTAL
01/21/21	PRICING SET
03/30/22	GRANT APPLICATION
6/3/2022	DESIGN DEVELOPMENT
6/13/2022	CHECK SET FOR FRANA

PROFESSIONAL SIGNATURE

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

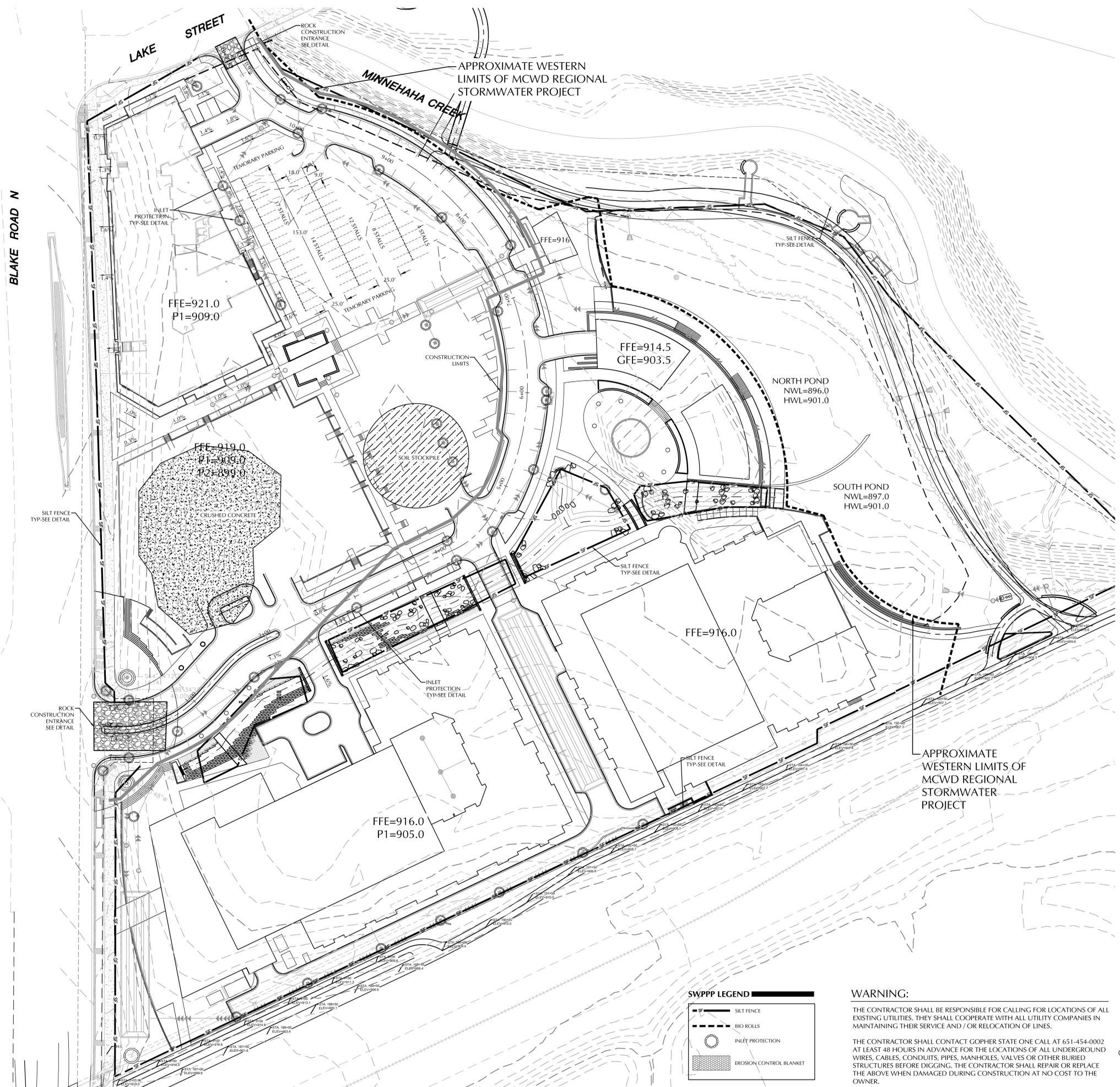
Michael J. St. Martin - PE
License No. 24440
Date 10-29-21

QUALITY CONTROL

Loucks Project No. 20503A
Project Lead MJS
Drawn By TRG
Checked By MKK
Review Date 10-29-21

SHEET INDEX

C1-1A-D	EX. CONDITIONS PLAN
C1-2A-D	DEMOLITION PLAN
C2-1A-D	SITE PLAN
C3-1A-D	GRADING PLAN
C3-2A-D	SWPPP PLAN
C3-3	SWPPP NOTES
C4-1A-D	SANIT. AND WATERMAIN
C4-2A-D	STORM SEWER
C8-1, 2, 3	DETAIL SHEET



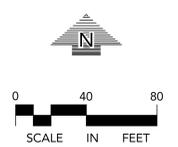
SWPPP LEGEND

	SILT FENCE
	BIO ROLLS
	INLET PROTECTION
	EROSION CONTROL BLANKET

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



CALL BEFORE YOU DIG
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

325 BLAKE ROAD N
HOPKINS, MN

ALATUS LLC

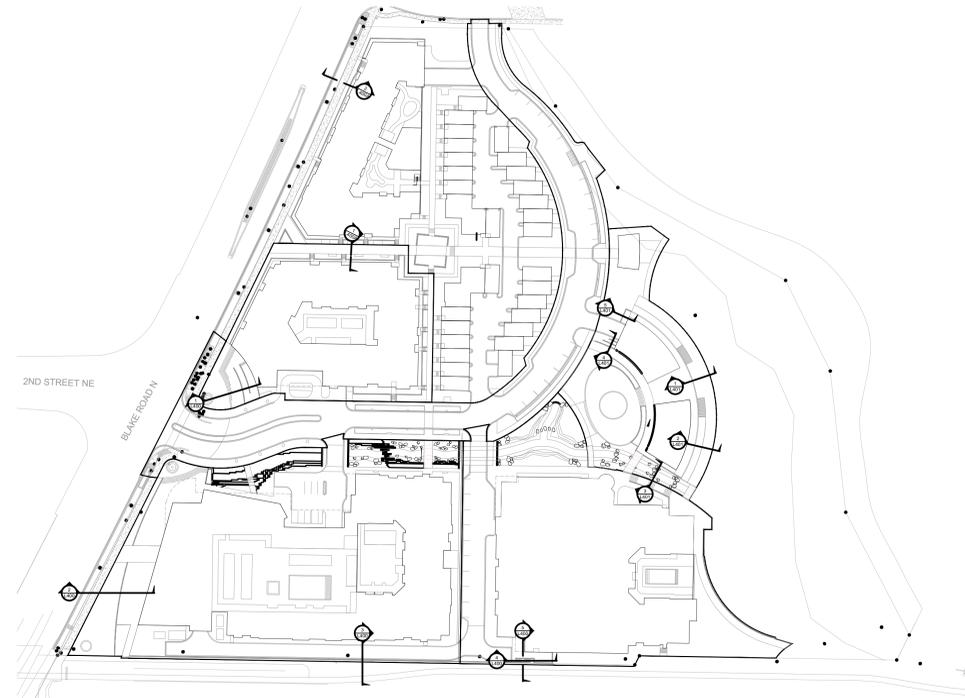
80 S 8th ST. STE. 4155
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KEY PLAN

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SUBMITTAL/REVISIONS

10/22/21	CITY SUBMITTAL
10/29/21	CITY RESUBMITTAL
11/15/21	CITY RESUBMITTAL
1/19/22	PRICING SET

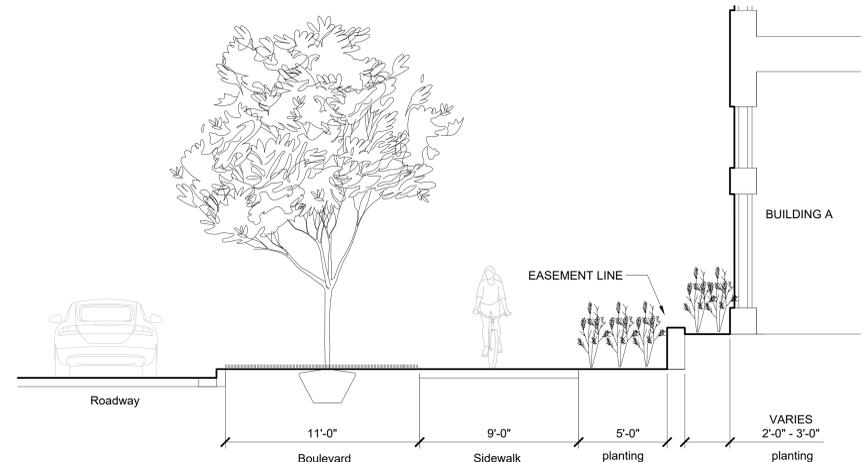
PROFESSIONAL SIGNATURE

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

QUALITY CONTROL

DF/ Project No.	19-199B
Project Lead	JM
Drawn By	AM/JH
Checked By	JM/TW
Review Date	

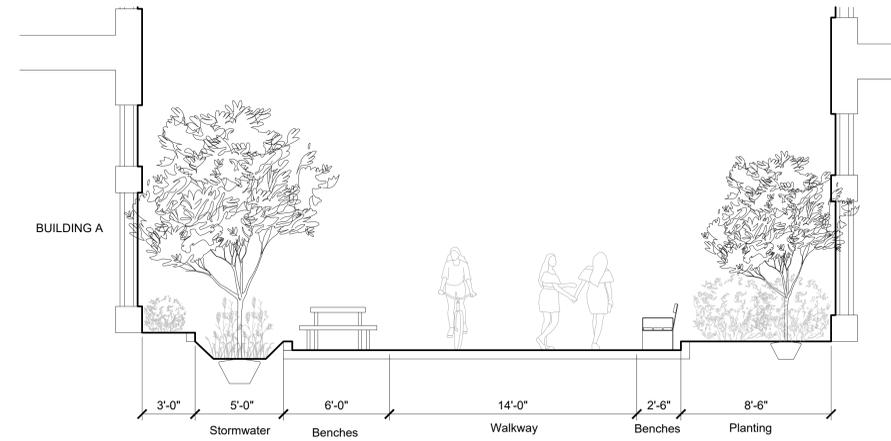
SHEET INDEX



SECTION J - BLAKE ROAD AT BLDG A

1/4" = 1'-0"

P-20 199B-10



SECTION H - EAST WEST SPINE

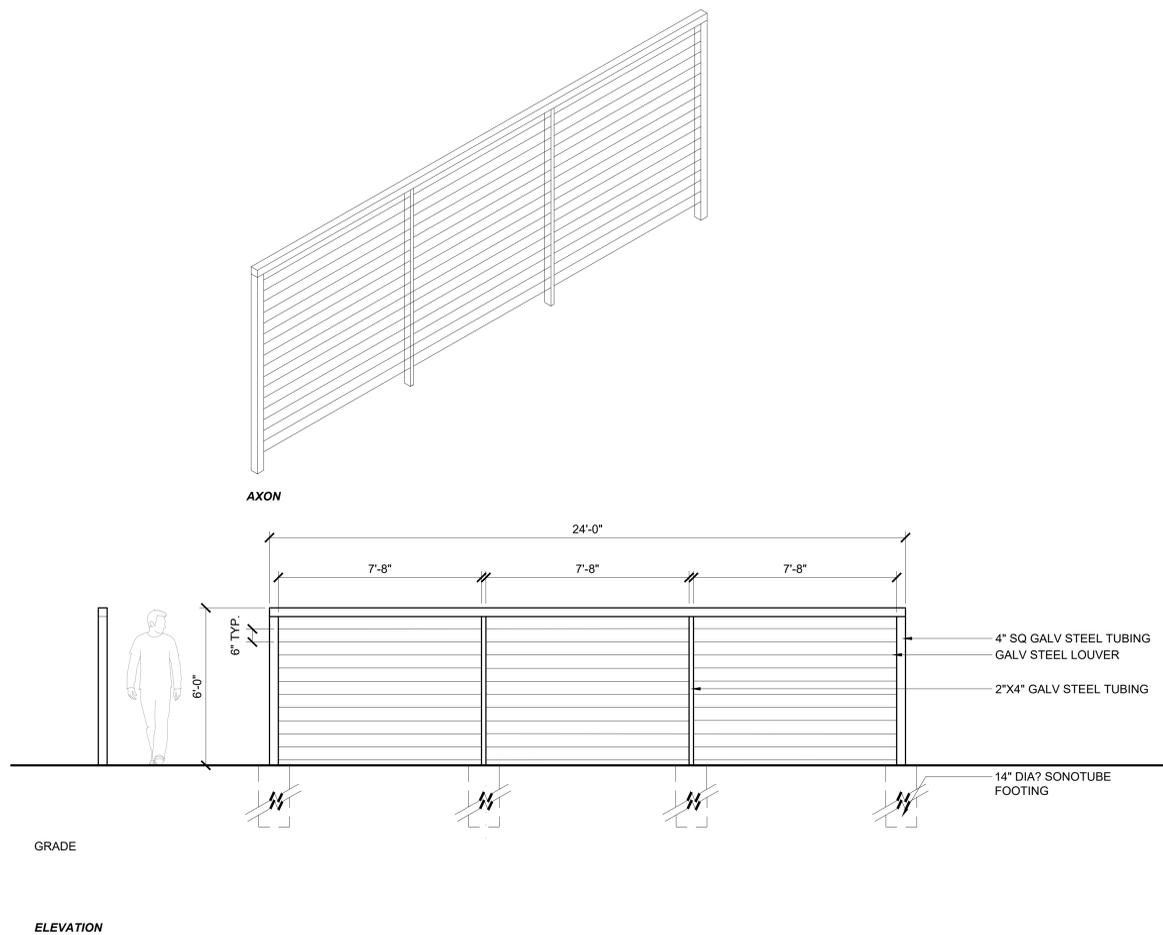
1/4" = 1'-0"

P-20 199B-31

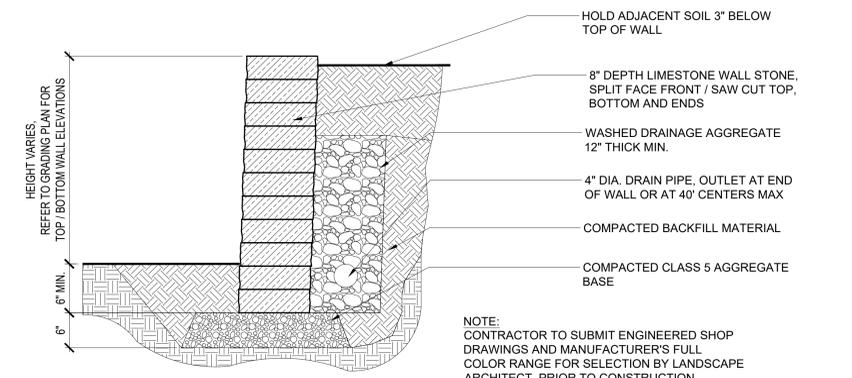
BUILDING A SECTIONS

L400A

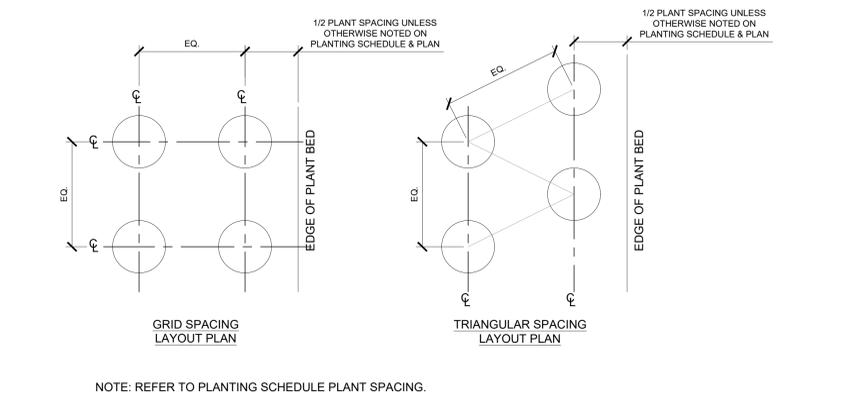
Plotfile: 06/10/2022 12:58:43:00 Projects\20-1998-325 Blake Road - Atlas\0 CAD\1 Models\BLDC AIA - 20-1998 - Details



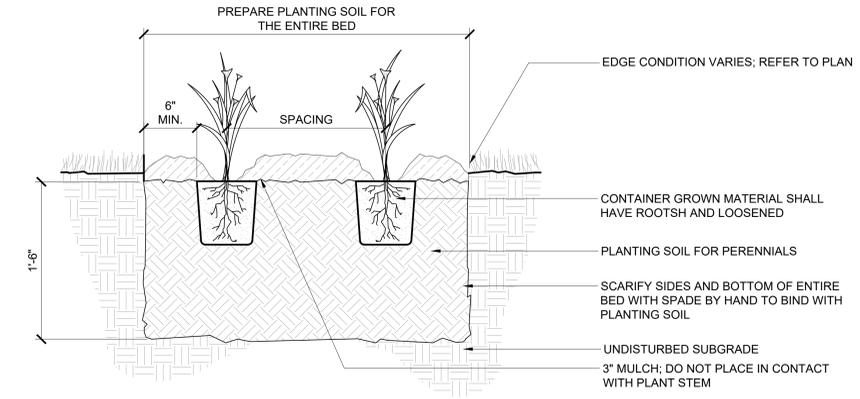
6 DETAIL - LOUVERED SCREEN FENCE
3/8" = 1'-0"
P-20 1998-17



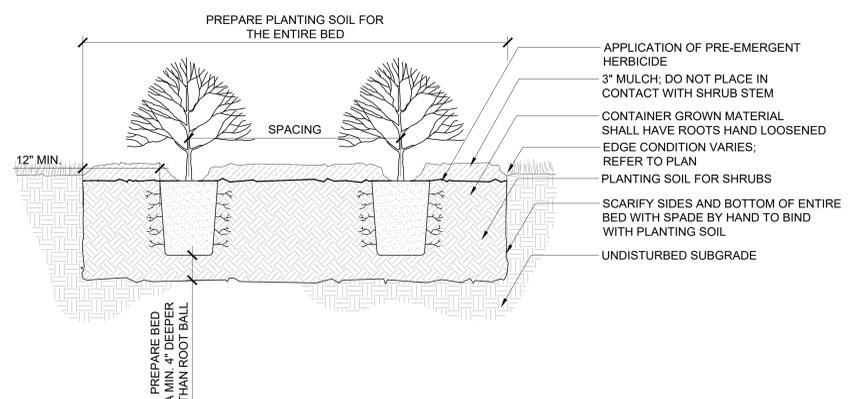
5 DETAIL - WALL TYPE 03, DRY-STACK LIMESTONE WALL
1" = 1'-0"
P-20 1998-202



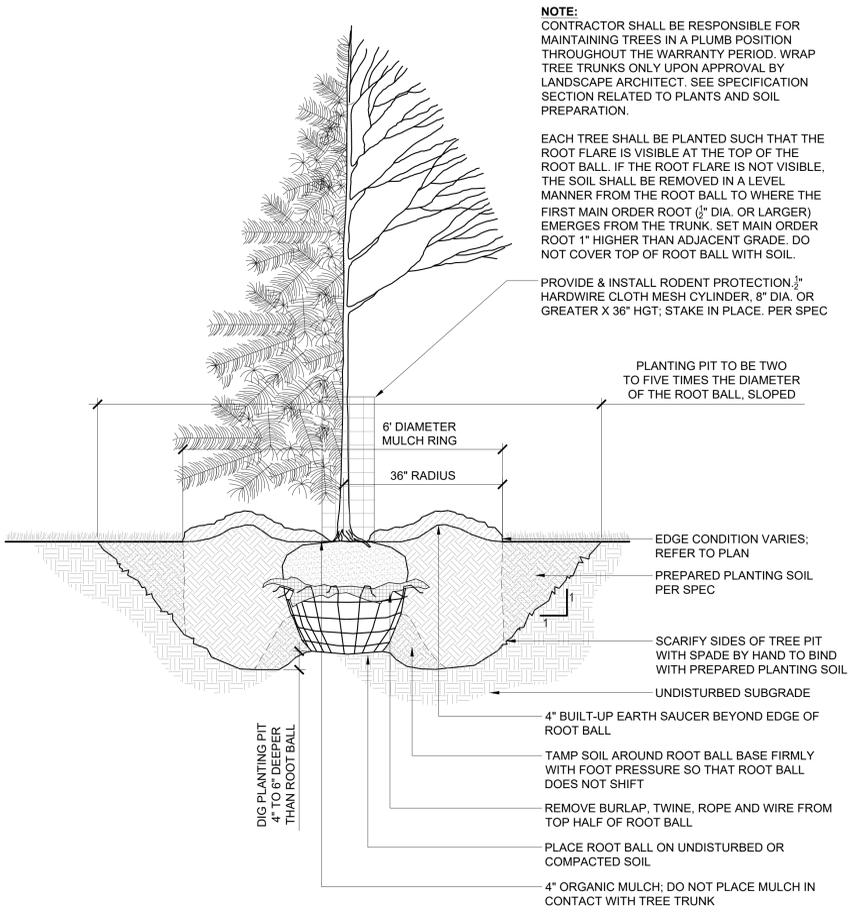
4 DETAIL - PLANT SPACING
3/4" = 1'-0"
P-20 1998-22



3 DETAIL - PERENNIAL PLANTING
1 1/2" = 1'-0"
P-20 1998-16



2 DETAIL - SHRUB PLANTING
1" = 1'-0"
P-20 1998-14



1 DETAIL - TREE PLANTING
3/4" = 1'-0"
P-20 1998-15

325 BLAKE ROAD N
HOPKINS, MN

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SUBMITTAL/REVISIONS

6/10/22	PUD RESUBMITTAL
---------	-----------------

PROFESSIONAL SIGNATURE
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

QUALITY CONTROL

DF/ Project No.	19-1998
Project Lead	JM
Drawn By	JH
Checked By	JM
Review Date	

SHEET INDEX

LANDSCAPE DETAILS

L500

325 BLAKE ROAD N, HOPKINS, MN

PARKING EASEMENT EXHIBIT

Phase 1(A): Building A LIHTC Building

Construction and Parking Easement, Future Phase 2: Buildings B and Townhouse Parcel

Phase 1(B): Buildings C, D, and E/Retail



- CONCRETE PAVING
- CONCRETE PAVING - VEHICULAR
- DECORATIVE CONCRETE PAVING
- CONCRETE UNIT PAVERS
- CONCRETE UNIT PAVERS - VEHICULAR
- PERMEABLE CONCRETE UNIT PAVERS
- PERMEABLE CONCRETE UNIT PAVERS - VEHICULAR
- LIMESTONE UNIT PAVERS
- LIMESTONE FLAGGING
- OUT LIMESTONE TIERED BLOCKS
- CRUSHED AGGREGATE

- LANDSCAPE
- LANDSCAPE PLANTING AREA
 - STORMWATER PLANTING AREA
 - TURF GRASS
 - DECIDUOUS TREE
 - ORNAMENTAL TREE
 - EVERGREEN TREE
 - DECIDUOUS SHRUB
 - EVERGREEN SHRUB
 - PERGOLA
 - WATER / WATER FEATURE

OVERALL SITE INFORMATION

SITE AREA:	643,486 sf
BUILDING FOOTPRINT:	224,881 sf (34%)
HARDSCAPE / IMPERVIOUS AREA:	165,165 sf (26%)
LANDSCAPE / PERVIOUS AREA:	123,297 sf (20%)
TREES:	218
SHRUBS:	3,368
GROUNDCOVER:	15,589 sf

325 BLAKE ROAD N
HOPKINS, MN

ALATUS, LLC

325 BLAKE ROAD N, STE. 1100
HOPKINS, MN 55303

DF/ **DAVID FRIEDER**
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Minneapolis, MN 55403

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Maple Grove, MN 55369
612.436.2888
www.davidfrieder.com

DATE: 08/20/2024

10/22/24 - CITY SUBMITTAL
10/22/24 - CITY SUBMITTAL

QUALITY CONTROL

CPY Project No.	19-1920
Project Level	6A
Drawn By	AMJ/21
Checked By	AMJ/21
Planner Date	08/21/24

OVERALL SITE PLAN

L1-1

From: [Nick Tolsma](#)
To: [Jan Youngquist](#)
Subject: [EXTERNAL] Blake Road Development
Date: Tuesday, June 14, 2022 7:40:12 PM

112 low income units.

187 mixed income units (which likely would become low income).

With the crime issues that currently exist between 169/Texas Ave & HWY 7/Excelsior... can the city manage patrolling the area frequently?

This seems like a poor idea.. I get it, the city will likely do it anyway but.. I now know I will not be planning to purchase my current rental property.



ZONING REGULATIONS UPDATE

Proposed Action: Move to adopt Resolution 2022-043, authorizing a first reading of Ordinance 2022-1180 Adopting the New Development Code of the City of Hopkins

Overview

Updating the zoning code is a key first step in implementing the 2040 Comprehensive Plan – Cultivate Hopkins - and is required by state law. The current zoning ordinance was adopted in the late 1970s and has been amended numerous times, which sometimes results in inconsistency with the rest of the code. It also lacks more modern user-friendly language, graphics and review processes. Because of this, it was decided to undertake a complete rewriting of the zoning code.

The team of James Duncan and Associates and Codametrics was hired in early 2020. The project was delayed due to Covid when it was not possible for the steering committee to meet in person, but after adjusting to virtual meetings, the work progressed.

There has been substantial community engagement throughout the process, as well as significant staff involvement. The proposed code reflects the vision for Hopkins, as set forth in the Comprehensive Plan and through community conversations. It reflects a shift from the existing conventional zoning regulations to a modernized hybrid zoning code that introduces form-based planning principles that focus on the way new development fits into the existing context while providing more flexibility in the use of property.

Primary Issues to Consider

- Background
- Summary of Changes from Existing Code
- Community Engagement
- Equity Analysis
- Community Comments
- Alternatives

Supporting Documents

- Resolution 2022-043 Authorizing a first reading of the Development Code Update
- Ordinance 2022-1180 Adopting the New Development Code
- Zoning Map
- Community Comments Received
- Draft Minutes of the May 31, 2022 Planning and Zoning Commission meeting

Kersten Elverum, Director of Planning & Development

Financial Impact: \$0	Budgeted: Y/N _N__	Source: Related Documents (CIP, ERP, etc.): Excess TIF
-----------------------	--------------------	--

Background

The 2040 Comprehensive Plan Update – Cultivate Hopkins served as the guiding document to update the City’s Planning and Zoning regulations. The vision of this plan is to cultivate the best elements of the Built, Natural, Social, and Economic Environments into a complete and sustainable community that is rooted in tradition, characterized by vibrant and unique places, physically and socially connected, and resilient to changing conditions. Based around principles of sustainability, resilience, equity, and complete and connected communities, it provides a framework for preparing for the future. The plan emphasizes retaining what is valued, while proactively addressing and welcoming change.

Kirk Bishop, James Duncan and Associates and Leslie Oberholtzer, Codametrics, were hired as the consultant team to lead the zoning regulations update. The staff lead was City Planner Jason Lindahl.

In May 2020, the Project Directions Memo [Wednesday-December-9-2020---Zoning-Update-Directions-Report-PDF \(hopkinsmn.com\)](#) provided the framework for the project. It described the general objectives, summarized the consultant team’s initial recommendations regarding the scope and direction to be pursued, serving as a road map for the creation of the updated zoning regulations. It was based on a comprehensive review of policy documents, initial discussion with the community and field work including a tour of Hopkins and its many neighborhoods. Rooted in the Comprehensive Plan – Cultivate Hopkins – and informed by this initial review, the following themes were identified:

- Promote sustainability and resiliency
- Accommodate higher density in appropriate locations
- Create new mixed-use zoning
- Increase housing options and choice
- Reclaim potential of R-1-A districts
- Protect and grow Mainstreet
- Address character and context
- Promote increased bikeability/walkability
- Promote environmental health goals
- Support employment growth and entrepreneurship

In addition to bringing zoning regulations into alignment with Cultivate Hopkins, the zoning regulations update also provided the opportunity to modernize the code and to address specific regulatory issues. These technical issues included:

- Transition to form-based regulations
- Improve organization and format
- Collect and consolidate
- Increase reliance on objective standards
- Clarify nonconformity regulations
- Update definitions
- Right-size parking requirements
- Focus on urban landscape practices
- Rethink planned unit developments

At their May 31, 2022 meeting, the Planning and Zoning Commission held a public hearing and considered the development code update. Three members of the public spoke during the public hearing. Each speaker

generally expressed support for the updated ordinance. Speakers stated that the code should encourage efficient land uses within the city, particularly by supporting duplexes and accessory dwelling units.

Summary of Changes from Existing Code

Due to the extensive nature of the document, it is difficult to summarize the changes from the current code. To assist in the comparison, the residential and mixed-use zones articles show the current code text in green within brackets to illustrate how the new code is different from the current. Other significant changes are detailed below:

Organization

The proposed development code is organized around 16 articles, combining subdivision and zoning regulations into Chapter 102 of the municipal code. The table of contents and numbering is intended to provide a framework that is adaptable for the future, allowing the addition of new regulations within the numbering system.

The uses allowed in various zones are presented in a table. The table includes uses permitted by right (●), uses permitted in the rear of the ground story or in upper floors (◐), uses allowed only with conditional use approval (◑), uses allowed only when limited to no more than 25% of the ground floor footprint (◒). A dash (-) in the use table identifies uses that are prohibited in a particular zone.

Residential Zones

Neighborhood zones have been renamed but have not been significantly revised from the current code. The N3-B zone, formerly R-1-A, has been revised slightly to reflect the general physical form of existing neighborhoods. Other changes include allowing duplexes in N3-B, NX1 and NX-2 neighborhoods with the same form as single-unit homes. The proposed ordinance was revised to include the Planning and Zoning Commission's recommendation to allow duplexes in the N3-A neighborhoods. The minimum lot size for a duplex home is now the same as for a single-unit home.

Secondary suites or ADUs (accessory dwelling units) are allowed in backyard cottages or in the main house in all neighborhood zoning districts. The following conditions apply to all ADUs:

- Allowed on N-zoned lots occupied solely by a detached house
- No more than one secondary suite per lot
- No additional parking required
- Owner must live in the principal or secondary suite
- Limited to 2-stories in height and 800 sf
- The proposed ordinance contains the Planning Commission recommendation modifying the requirement for deed restrictions recorded against properties where ADUs are built if that zone also allows duplexes.

Lastly, the proposed ordinance includes the Planning and Zoning Commission's recommendation to reduce the rear setback for detached garages with rear-facing doors from 20 feet minimum to 10 feet.

Mixed-Use Zones

Mixed-Use zones apply to four areas within the City. Zone names that include the –TOD (Transit-Oriented Development) suffix generally apply within a ¼ mile of the new light rail stations. Zone names that include the –D (Downtown) suffix occur within the downtown area or what is now generally classified in the current downtown overlay. Zone names that include the –N (Neighborhood) suffix are smaller in scale than the –TOD or –D locations and located closer to existing neighborhoods. Zone names with an –S (Suburban)

suffix apply along larger roads and have a more auto-oriented focus, allowing uses such as gas stations and drive-through facilities.

Building and Site Design

The proposed code identifies allowed building types by zone and uses illustrative examples and clear diagrams to help the user interpret the regulations. The building design Article 7 includes a series of design standards that apply to all mixed-use building types. These regulations use objective, measurable, standards that are easily administered and include such items as balconies, defined principal entrances, building façade variety and mechanical equipment location. The building design regulations are intended to address the Comprehensive Plan's urban design goals and the physical quality of buildings and their long-term value and durability. The regulations are also intended to help maintain and enhance the pedestrian experience and preserve the City's traditional form and scale.

The landscape and site design regulation of Article 8 include a series of design standards, fence and tree requirements for parking lots along streets, parking lot islands and trees, and buffer landscaping between different zones. The new landscape regulations are more specific and include tree preservation and replacement standards that are not in the code today.

Parking

Minimum off-street motor vehicle parking requirements have been reduced for many use types. The regulations have also been made more flexible by giving off-street parking credit for nearby public parking spaces and for project that provide indoor bike parking facilities for employees. Shared parking for uses with different time of peak parking demand is also allowed and encourages. Bicycle parking is required for most new uses under the proposed code.

New provisions are added requiring electric vehicle charging equipment in larger parking lots. Most other existing regulations governing parking, driveways and access were retained in the new ordinance.

Approval Process

The new code presents all of the development-related approval procedures in a single Article 13. Many of these procedures are set by state law but several changes were realized including to the City's approval and notification process to allow for more community input into development projects. Requirements for mailed notice of public hearings and neighborhood meetings are broadened from 350 feet to 500 feet. The new code requires notification of both property owners and occupants. There are also new requirements for posting notice signs for several procedures including rezonings. Diagrams and tables make clear what the process will be for different actions.

New streamlined (staff-approval) site plan procedures have been added for small projects with a floor area of 25,000 sf or less.

Community Engagement

The City Council established that public participation in the zoning regulations update process is vital to creating new zoning standards that reflect the vision, goals and policies of the 2040 Comprehensive Plan and the community at large. To this end, the City Council appointed a group of citizen and business owners from a wide variety of backgrounds to help guide the code development process and built in a series of on-going public engagement events to gather feedback from the general public. In addition to their formal role to help guide the code development process, members of this group were encouraged to be "Community Ambassadors" and serve as another informal channel to both provide information to the public and gather feedback.

The Zoning Regulations Update Project webpage served as the information hub for the zoning update process and included all information reviewed by the advisory group, opportunities for the public to provide feedback and up-coming opportunities for the public to participate in the process. Information was also provided in the City's email newsletters and on social media accounts (Facebook & Twitter).

Listening Sessions were held early in the process to gather public input used for updating the City's zoning regulations. Participants who represented employers, property owners, financial institutions, educators and other government regulators, were asked a series of questions designed to identify important issues for the City to consider when updating the zoning regulations. Feedback gathered during the listening sessions was shared with the members of the Zoning Regulations Update Working Group.

Throughout the process, a series of open houses were held. A virtual open house was held on February 10, 2021 via Zoom and Facebook Live. In person open houses were held on October 28, 2021 and April 26, 2022. The zoning code update was also shared at various community events including the Fire Department Open House and Hopkins Farmer's Market last fall.

Equity Analysis

Community feedback during the zoning code update process requested that the City conduct an equity audit of the draft zoning regulations. The City formed a Zoning Equity Subcommittee, which included several members of the Zoning Regulations Update Working Group as well as some community members at large. The Zoning Equity Subcommittee met over the course of four months to discuss how the zoning code update could advance racially equitable outcomes.

Goals related to equity from the Cultivate Hopkins 2040 Comprehensive Plan were sorted into topic areas. The Zoning Equity Subcommittee reviewed best practices for how communities across the country are approaching the work to reduce disparities in the context of zoning standards. The Zoning Equity Subcommittee offered recommendations for the proposed zoning standards as well as future policy areas for more exploration. Additional information can be found on the [Zoning Equity Working Group summary](#).

Where appropriate, staff integrated the recommendations into the draft zoning code. The following provisions of the zoning code were influenced by these recommendations:

- The introduction of form-based code design to develop a hybrid code which focuses on creating a mix of commercial and residential uses in areas that are planned for redevelopment and managing sustainable growth.
- New bicycle parking requirements in commercial, manufacturing and industry, civic and institutional, and residential (5+ units) developments.
- Increasing the required distance and recipients for notifications of development projects.
- Allowing Accessory Dwelling Units (ADUs) in all Neighborhood zones.
- Requirements for Electric Vehicle charging stations for off-street parking areas with 15 or more parking spaces.
- Parking credits/reductions for affordable housing, as well as for car-share and bike-share parking.

Additionally, the Zoning Equity Subcommittee made recommendations for policy areas that are not typically included in a zoning code that the City could explore in the future, which include:

- Consider the creation of sustainable development policy to be applied when a development seeks City financial assistance.
- Consider the creation of a policy which requires a sustainability or healthy building certificate such as LEED or another certification for buildings when a development receives City financial assistance.

- Consider the development of a tool such as an Equity Impact Analysis, Displacement Analysis, or other tool which staff and developers can use to understand the effects a project may have on the community.
- Explore the risks and benefits of having an Inclusionary Housing Policy that is tailored to the City of Hopkins.

The Planning and Zoning Commission's also recommended that the City Council pursue a process to review and possibly implement equity policies.

Community Comments

Under State law, adoption of a zoning code requires a public hearing and notification. The City of Hopkins published notice of the code adoption and public hearing in the Sun Sailor on May 19, 2022.

The City has also taken comments through the City's website. Prior to the Planning and Zoning Commission meeting comments from five individuals were received and are included as an attachment to this report. The comments were given to the consultants and they, along with City staff, prepared responses in a document which is also attached. As previously noted, the draft minutes of the Planning and Zoning Commission meeting are included as an attachment.

Alternatives

- 1) Voting to Approve. By voting to approve the first reading of Ordinance 2021-1180, this item will move forward for a second reading scheduled for the July 19, 2022 City Council meeting.
- 2) Voting to Deny. By voting to deny the first reading of Ordinance 2021-1180, this item will not move forward for a second reading scheduled for a July 19, 2022 City Council meeting. Should the City Council consider this option, it must also identify specific findings that support this alternative.
- 3) Continue for further information. If the City Council concludes that further information is needed, the items should be continued.

CITY OF HOPKINS
Hennepin County, Minnesota

RESOLUTION NO: 2022-043

**A RESOLUTION APPROVING THE FIRST READING OF ORDINANCE 2022-1180
AMENDING THE PLANNING AND ZONING SECTIONS OF CITY CODE BY REPEALING
AND REPLACING IN ITS ENTIRETY PART III – LAND DEVELOPMENT, CHAPTER 100 –
SUBDIVISIONS AND CHAPTER 102 – PLANNING AND ZONING**

WHEREAS, the City of Hopkins initiated an application to amend Part III of the City Code related to land development regulations by repealing and replacing in its entirety; and

WHEREAS, State Statute requires the City’s zoning and subdivision regulations be consistent with the Comprehensive Plan; and

WHEREAS, the goal of the land development regulations update is to create a new, modernized and user-friendly zoning code that will implement the vision, goals and policies of the 2040 Comprehensive Plan – Cultivate Hopkins; and

WHEREAS, the vision statement of Cultivate Hopkins is “Hopkins will cultivate the best elements of the Built, Natural, Social and Economic Environments into a complete and sustainable community that is rooted in tradition, characterized by vibrant and unique place, physically and socially connected and resilient to changing conditions”; and

WHEREAS, the zoning regulations are intended to establish the development standards to implement the community vision; and

WHEREAS, the draft zoning regulations were informed by community input and expertise of City staff and consultants; and

WHEREAS, the regulations further goals around equity, sustainability and increasing opportunities; and

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

1. That the amendment to Part III the City Code related land development regulations was initiated by the City of Hopkins;
2. That the Hopkins Zoning and Planning Commission, pursuant to published notice, held a public hearing on the application and reviewed such proposal on May 31, 2022: all persons present were given an opportunity to be heard; and,
3. That the written comments and analysis of City staff were considered.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hopkins hereby approves the first reading of Ordinance 2022-1180 amending the Planning and Zoning sections City Code by repealing and replacing in its entirety

Adopted this 20th day of June 2022.

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

CITY OF HOPKINS
Hennepin County, Minnesota

ORDINANCE NO. 2022-1180

**AN ORDINANCE ADOPTING THE NEW
DEVELOPMENT CODE OF THE CITY OF HOPKINS**

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

ARTICLE I. Authority. Minnesota Statutes, sections 415.02, 415.021, and 599.13 (collectively the “Act”) and the Hopkins City Charter, section 3.03 authorize the City of Hopkins (the “City”) to adopt and codify ordinances. The Act also provides that any ordinance included in a new city code, but not previously published, is sufficiently published if a substantial quantity of the code is printed for general distribution to the public.

ARTICLE II. Background. At the direction of the Hopkins City Council, City staff and consultants undertook an extensive process to review and update Part III of the Hopkins City Code, which generally regulates planning, subdivision, land use, and development in the City, with the understanding that once all amendments were finalized, they would be adopted and incorporated into the City’s code book. The general purpose of the update is to implement the City’s 2040 Comprehensive Plan, remove outdated and unnecessary text, reformat the chapter, and modernize the chapter to a more user-friendly document that conforms to current City policy, practices and state law, as necessary. The updated chapter has been prepared and it is the intent of this Ordinance to adopt said chapter, which is entitled The Development Code of the City of Hopkins (the “Development Code”). On May 31, 2022, a duly noticed public hearing was held by the Planning & Zoning Commission of the City of Hopkins (the “Planning Commission”) and, following said hearing, the Planning Commission recommended approval of the Development Code. A complete copy of the Development Code, which is attached hereto as Exhibit A, was presented to the City Council and the public together with this Ordinance and is further on file with the City Clerk and available on the City’s website.

ARTICLE III. Adoption. Pursuant to the City’s authority contained in Minnesota State Law, including but not necessarily limited to, the Act, and in the Hopkins City Charter, the Development Code, as attached hereto as Exhibit A, is hereby adopted.

ARTICLE IV. Copies. The City Clerk is authorized and directed to prepare sufficient copies of the Development Code for use by the City Council and City staff and for general distribution to the public in accordance with City policies regarding the distribution and availability of City documents. The City Clerk shall also keep an official copy of the Development Code in the office of the City Clerk and ensure that a copy is available through the City’s website.

ARTICLE V. Effect. The Development Code shall be controlling and shall supersede and replace previously adopted provisions contained in Hopkins City Code, Part III, which are hereby repealed as of the effective date of this Ordinance. Such repeal shall not affect: (i) any offense committed or penalty incurred under the previous code language; (ii) any rights vested prior to the effective date of

this Ordinance; or (iii) the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use; or vacating or setting the boundaries of streets or other public places. Furthermore, nothing in this Ordinance or the Development Code is to be construed to modify, abrogate or abridge: (i) the rights, duties, liabilities, privileges or immunities of the City; (ii) the qualifications or terms of office of City officers as they existed prior to adoption; or (iii) any special ordinance or franchise not embodied in the City Code. The Development Code is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

ARTICLE VI. General Penalty. Unless another penalty is expressly provided in the Development Code, every person convicted of a violation of any provision of the Development Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum permitted or required by law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided herein, unless another penalty is expressly provided elsewhere, shall apply to the amendment of any Development Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City Council may pursue other remedies, including without limitation, abatement of nuisances, injunctive relief and revocation of licenses or permits.

ARTICLE VII. Amendments. Duly adopted additions or amendments to the Development Code when passed in such form as to indicate the intention of the City Council to make the same part of the Development Code shall be deemed to be incorporated in the Development Code so that reference to the Development Code includes such additions and amendments.

ARTICLE VIII. Corrections. Given the size of this project and numerous amendments made as part of the updated Development Code, the City Council recognizes the Code may contain certain errors, such as cross-references to changed subsections, typographical errors, and other non-substantive matters that may be discovered once the Development Code is placed in use. The City Council hereby authorizes the City Clerk to work with the City Attorney, as necessary, to make any non-substantive corrections to the Development Code as may be needed upon discovery. Such corrected provisions shall be incorporated in and made part of the Development Code without further action by the City Council.

ARTICLE IX. Summary Publication. In accordance with Hopkins City Charter, section 3.03 and Minnesota Statutes, section 412.191, the City Council determines that publication of the title and a summary of this Ordinance would clearly inform the public of its intent and effect, and so City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

ORDINANCE NO. 2022-____

AN ORDINANCE ADOPTING THE NEW

DEVELOPMENT CODE OF THE CITY OF HOPKINS

On _____, 2022, the Hopkins City Council adopted Ordinance 2022-_____ which adopted a full rewrite of Part III of the Hopkins City Code regulating all planning, land use, subdivisions, and development within the City. City staff and consultants undertook an extensive process to review and update said regulations in order to (i) implement the City’s 2040 Comprehensive Plan, (ii) remove outdated and unnecessary text, (iii) reformat the chapter, and (iv) modernize the chapter to a more user-friendly document that conforms to current City policy, practices and state law, as necessary. Numerous substantive changes to the City’s prior land use regulations are contained within the updated text. Prior to adoption, a duly noticed public hearing was held by the Planning & Zoning Commission of the City of Hopkins, and a complete copy of the new chapter, entitled the “Development Code of the City of Hopkins,” was presented to the City Council and the public and was further on file with the City Clerk and made available for viewing on the City’s website.

Printed copies of the new Development Code of the City of Hopkins, as adopted by Ordinance 2022-1180, are available for inspection and general distribution to the public during regular business hours at Hopkins City Hall. It can also be viewed online through the City’s website, www.hopkinsmn.com.

ARTICLE X. Effective Date. This Ordinance and the Development Code, as presented to the City Council and the public and made available for inspection in accordance with law, shall be effective upon publication of the above summary (the “Effective Date”). Ordinances adopted after the Effective Date that amend or refer to the Development Code shall be construed as if they amend or refer to like provisions of said Development Code.

First Reading: June 20, 2022
Second Reading: July 19, 2022
Date of Publication: July 28, 2022
Date Ordinance Takes Effect: July 28, 2022

BY THE CITY COUNCIL

Patrick Hanlon, Mayor

ATTEST:

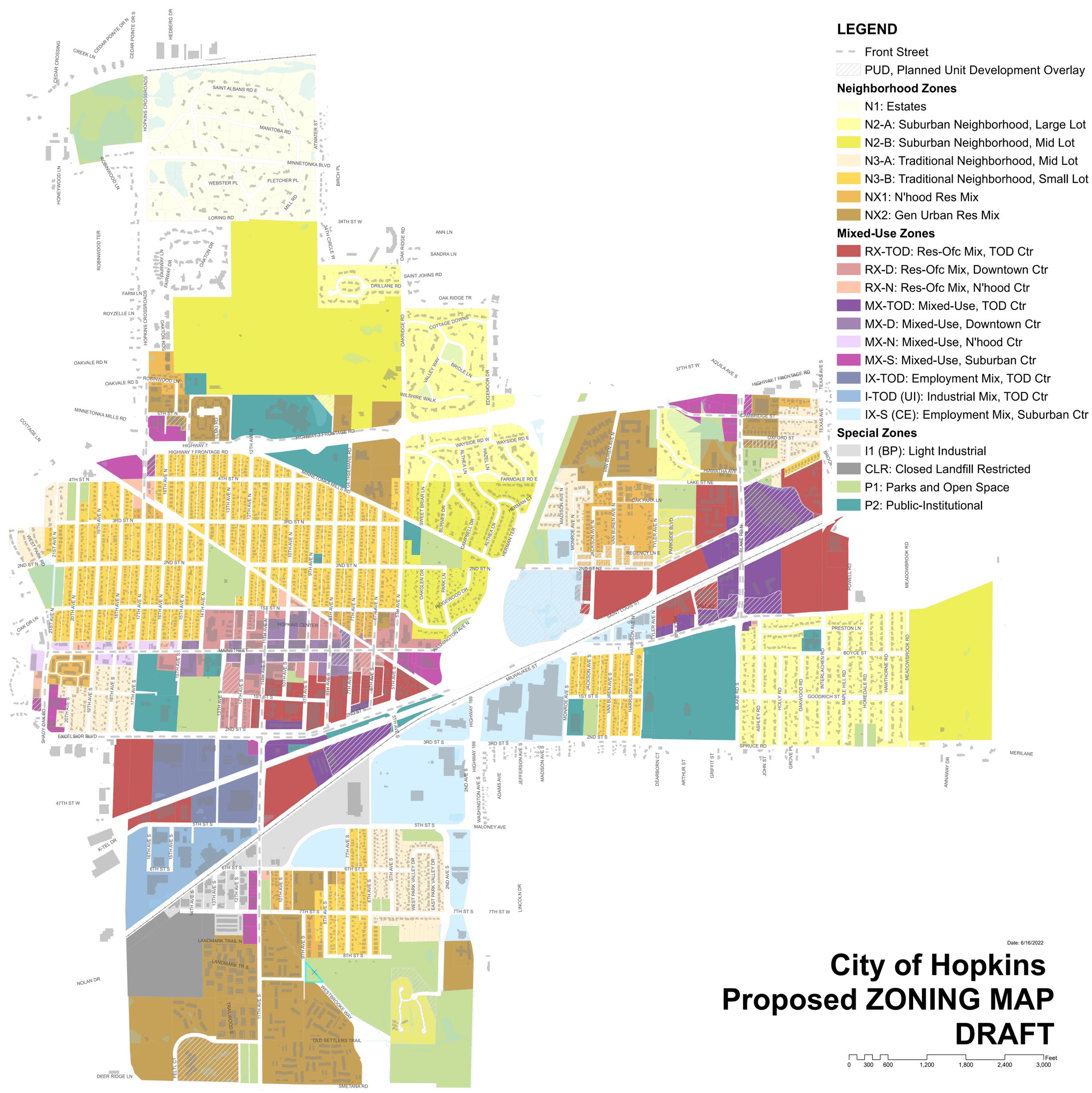
Amy Domeier, City Clerk

EXHIBIT A

[to be attached]

Available on the City Website:

<https://www.hopkinsmn.com/DocumentCenter/View/3836/Public-Review-Draft---Zoning-Regulations-PDF>

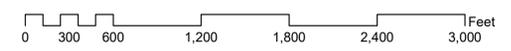


LEGEND

- Front Street
- [Hatched Box] PUD, Planned Unit Development Overlay
- Neighborhood Zones**
- [Light Yellow Box] N1: Estates
- [Yellow Box] N2-A: Suburban Neighborhood, Large Lot
- [Light Green Box] N2-B: Suburban Neighborhood, Mid Lot
- [Light Orange Box] N3-A: Traditional Neighborhood, Mid Lot
- [Orange Box] N3-B: Traditional Neighborhood, Small Lot
- [Dark Orange Box] NX1: N'hood Res Mix
- [Brown Box] NX2: Gen Urban Res Mix
- Mixed-Use Zones**
- [Red Box] RX-TOD: Res-Ofc Mix, TOD Ctr
- [Light Red Box] RX-D: Res-Ofc Mix, Downtown Ctr
- [Light Orange Box] RX-N: Res-Ofc Mix, N'hood Ctr
- [Purple Box] MX-TOD: Mixed-Use, TOD Ctr
- [Light Purple Box] MX-D: Mixed-Use, Downtown Ctr
- [Light Blue Box] MX-N: Mixed-Use, N'hood Ctr
- [Dark Purple Box] MX-S: Mixed-Use, Suburban Ctr
- [Dark Blue Box] IX-TOD: Employment Mix, TOD Ctr
- [Light Blue Box] I-TOD (UI): Industrial Mix, TOD Ctr
- [Light Blue Box] IX-S (CE): Employment Mix, Suburban Ctr
- Special Zones**
- [Grey Box] I1 (BP): Light Industrial
- [Dark Grey Box] CLR: Closed Landfill Restricted
- [Green Box] P1: Parks and Open Space
- [Teal Box] P2: Public-Institutional

Date: 6/16/2022

City of Hopkins Proposed ZONING MAP DRAFT



City of Hopkins
Public Comments and Responses on Public Review Draft Development Code

Josh Montgomery
202 9th Street

1. **Comment/Question:** EV vehicle parking requirements should require EV spaces to be priority spaces (after ADA Parking space). For example, the closest parking spot to the door is ADA, to be followed by EV parking spots, then general public.

Response: *The proposed ordinance mandates the provision of EV supply equipment in large parking lots and requires that such spaces be located "in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles." This is thought to be a reasonable approach that balances the needs of property owners, EV owners, and the general public. It also allows for flexibility in locating EV spaces.*

2. **Comment/Question:** Figure 2.60-B Traditional House Parking Keynote #4 is incorrectly labeled as front setback. It should read #13. Regarding #13 - the note about 20 ft. min setback off any façade with garage door should not be a requirement if the garage door faces the alley. It should remain 3' min facing the alley. Perhaps adding a new line and separating "Side Setback" and "Rear Setback". I can't think of a good reason to leave it 20'. It is essentially REQUIRING two more parking spaces for a use that does not require more parking spaces. And adds 400 SF min of impervious material to the lot.

Response: *Thank you for your keen eye on the diagram numbers – they have been corrected.*

The minimum 20-foot setback requirement for alley-facing garage doors is an existing regulation that has been carried forward from the current code. Based on discussions with staff, this regulation reflects the fact that alleys throughout the Avenues are typically only 10 feet in width, whereas a "standard" alley is usually 18-20 feet in width. The constrained width of existing alleys makes ingress and egress from alley-facing garages very difficult. The 20-foot setback also accommodates vehicle parking on the driveway leading the garage, without any part of the vehicle blocking the alley. It is important to note that the 20-foot setback applies only to alley-facing garage doors. In practice, most alley-accessed garages are side-entry and are only required to be setback 3 feet from rear lot lines.

3. **Comment/Question:** 102-610.(b).(4).a - says "accessory buildings... may not exceed 2 stories in height ...102.620.i says backyard cottage (ADU's) limited to 1.5 stories. I thought the reality of ADU's would mostly be above garages. Therefore should 102.620.i be 2 stories?

Response: *The maximum (1.5-story) height limit for backyard cottages and other accessory buildings is intended to ensure that such structures are subordinate to the principal building on the lot, with a scale that does not create adverse visual or privacy impacts for neighbors. The proposed height limit would still allow ADUs above garages, as long as the second level is within the roof.*

4. **Comment/Question:** The existing Zone R1A allowed 2 family dwellings (duplex) as a permitted use. The proposed zoning code has changed this to N3-B but does NOT allow a duplex. It only allows "Secondary Suites" also known as an "Attached ADU". Not a two family home, also known as duplex.

- A. EXISTING - you can have a duplex, not required as an owner occupant, no size restriction on the units, and no deed restrictions required.
- B. PROPOSED Secondary Suite - requires an owner occupant, limits the size of the internal second unit, and requires a deed restriction. Where did the good old fashioned duplex go? Please get rid of the restrictions (size, owner occupancy, and deed restriction) of the "secondary suite" in N3-B zones or add language allowing duplexes as currently, without these newly added restrictions

Response: This comment is based on a misinterpretation of the draft code. The N3-B zone does, in fact, allow duplexes (two-unit houses) that comply with the traditional house building regulations of Sec. 102-260. Moreover, the new code will allow two-unit houses on more lots than the existing code because the minimum lot area requirement is being reduced from 6,000 square feet to 5,000 square feet.

- 5. **Comment/Question:** ADU or backyard cottages. Two things - 1. exterior material, trim, and roof pitch that matches the main house should not be a requirement of an ADU.
 - A. IMHO, the design of a backyard cottage should not be limited to the form, style, or cladding, or the existing house as proposed. There is a real opportunity to embrace high quality design and another character of these unique buildings. I propose striking 102-620.i.1 / 2 / and 3. They are not required for Outbuildings, 102-630, which could be the same physical structure as a backyard cottage. Only difference is the cladding and roof pitch?
 - B. What delineates a backyard cottage from an outbuilding besides the exterior cladding and roof pitch. Does a backyard cottage has a kitchen? May want to look at what the difference really is? having a sink, range, and fridge? I think one could argue that having a hand sink and beer fridge does not make my garage a backyard cottage that needs a deed restriction.
 - C. Please get rid of the deed restriction. The City is trying to encourage a mix of housing but then punishes the property owner with a deed restriction. Have the owner provide a notarized Declaration that gets filed with the zoning administrator. That is how I was approved for an ADU on the west coast. I can provide an example of the Declaration if requested. Additionally, deed restrictions increased racial inequality in our state. Lets not unknowingly make the same mistake. What happens if the use changes? What happens if the new owners don't want or use the ADU in a manner that required the deed restriction. It would unfairly burden property owners down the line. How do you get it removed from the deed if the ADU is no longer an ADU? Get rid of the deed restriction.

Response: The proposed regulations for backyard cottages and secondary suites (accessory dwelling units) were the subject of much discussion by the project work group and are generally consistent with practices observed in other jurisdictions. Our research suggests that deed restrictions, binding on current and future owners, are a near universal requirement of ADU regulations. Such recorded instruments (sometimes referred to as "declarations of restrictions of occupancy") are not thought to represent a significant impediment to ADUs. It is also important to note that these sorts of deed restrictions have no relationship to race-based or racial deed restrictions.

6. **Comment/Question:** The city must support mixed-income housing. I am disappointed that the city did take advantage of this opportunity to include more regulations to help meet the affordable housing needs of our city. The inclusion of outbuildings and cottage dwellings will not provide the level of housing needed. There simply will not be enough new housing through this ordinance to meet the need. The 50% reduction in street parking has more potential to increase housing stock for working families. I would encourage the city to consider more incentives of this nature, including increased height of buildings, and building materials.

Response: The development code identifies where various types of development can occur and prescribes the form of the buildings within the different zones. The proposed code allows for more multifamily housing, at greater densities (and heights) in many areas of the city. In addition, it allows ADUs in all residential zones and expands opportunities for duplexes in several neighborhoods. Overall, the code allows for the creation of 1000's of new housing units. Following the laws of supply and demand, the cost of housing should moderate with the production of new housing.

The code does not directly control the value of buildings constructed or the rents/sales prices that can be charged. Incentive and regulatory policies controlling affordability must be considered as policies separate from zoning. While it is acknowledged that building material requirements have some effect on building cost and affordability, the intention of this code is to ensure sustainable construction through long-lasting materials, while also complementing the existing quality and design of existing development.

Nathaniel Merrill
125 12th Avenue South

7. **Comment/Question:** I absolutely support this update to the zoning code. I'd like to confirm that the single family houses on the 100 block of 12th Avenue South would be treated as N3-A/B, is that true? Currently these single family homes are zoned R-6. Is the N3-A/B the front setback from the centerline of the road or the curb? (I fully support the reduction in space dedicated to front lawns)

Response: The 100 block of 12th Avenue South between 1st St South and Excelsior Blvd is zoned RX-D, consistent with the R-6 zoning currently in place. The building types allowed are the General and Row buildings in sections 102-380 and 102-390 of the new code (Article 3 – Mixed-Use Zones). All front setbacks and build-to zones are measured from the front lot line, which typically lies near the back (building side) of the public sidewalk.

8. **Comment/Question:** I would first like to say that I am strongly in favor of the inclusion of ADUs in all residential zones. I think this is a great first step towards building gentle density in the city and expanding housing options. I think the code should expand which zones allow duplexes and triplexes - these housing types should be allowed in N-2A and N-2B zones. While walking in the Avenues neighbor- hood, you have to really take a second glance at duplexes to notice they are there. They do not clash with the character of the neighborhood at all, and I don't believe they would in the N-2A and N-2B zones.

I am also in favor of the Zoning Equity Subcommittee's recommendation that native and low-water plantings should be required, as part of an effort to reduce water usage.

Regarding the allowing of home-based businesses, I would encourage the city to consider what measures it could take to allow corner stores in residential areas. Because these types of stores usually just serve local nearby residents, they don't greatly increase traffic, and they allow those nearby residents to use their vehicles less frequently, as they can accomplish some of their errands close by.

Lastly, I am in favor of abolishing mandatory minimum parking standards citywide. I believe with the combination of light rail coming to Hopkins, the fact that the city parking garage is usually underutilized, and given the city's walkability and climate goals, this would be a prudent measure. I am happy to see parking standards reduced and maximums being put in place.

Response: The proposed development code does allow duplexes in N-2A and N-2B zones. Duplexes or two-unit houses must comply with the traditional house building type regulations, a requirement that is intended to ensure that new two-unit houses blend seamlessly into the physical fabric of existing neighborhoods.

The draft code and new zoning map follow the city's newest comprehensive plan, defining zones and locations for zones based upon the plan. A neighborhood-scaled mixed-use zone (MX-N) is included in the new code specifically for the western end of Mainstreet. In the future, this zone could be applied within areas, through the standard rezoning process.

Larry Hiscock
302 7th St S

9. **Comment/Question:** I am writing today to again raise concerns regarding the City of Hopkins development processes and Zoning Code Draft. The development process and draft zoning code favors property owners and places unnecessary burden and risks on our neighbors that rent their homes or lease their business spaces. Concerns and suggested reforms provided over the past 4 years regarding the implicit bias in the development process and zoning code have been consistently dismissed and excluded from meaningful consideration in the zoning code update.

The consistent dismissing of basic process improvements resulted in the unnecessary chaos and hardship experienced by local businesses impacted by the Trilogy redevelopment. The hardship and public backlash could have been avoided by conducting a simple equity impact assessment or by addressing concerns submitted in the Environment Assessment Worksheet the year prior. Since then, only superficial changes have been made regarding posting a sign and extending public notification. Both changes are largely performative, continuing to place the burden on groups of people historically not reflected in the City priorities.

Thankfully business owners and neighbors worked together to soften the blow and mitigate the burden experienced by small business and BIPOC owned businesses. None of the concessions were offered prior to the community coming together. Sadly, the zoning consultant, Duncan Associates was not charged with identifying zoning code improvements that would put in place structures that would respect the humanity and well-being of our neighbors that do not own their property.

It is critical that the City Council take the following actions:

1. Direct City staff make changes to the draft zoning code to take into consideration the well-being of neighbors that rent and lease.
2. Make it clear to Hopkins Park Plaza management and ownership that the City Council expects to see a respectful plan for tenants and that there should be no interference with resident efforts to convene and work with technical support organizations. This has not been a problem but is common.

The following are examples of what could have been included in the \$100,000 contract with Duncan Associates and City Staff with your direction can incorporate:

1. Follow Arlington County's example of having a zoning code section dedicated to affordable housing: Arlington County has an entire section in their Form Based Code dedicated to affordable housing creation and preservation. This includes using form-based code as an incentive, requirement, processes, etc. I am attaching the PDF of the section for reference as an example of what is possible when the well-being of renters is prioritized. We of course would have measured tailored to our area. For \$100,000 and 2 years, we should have received something comparable.

2. Amend the draft zoning code to include the requirement of a tenant relocation plan: Arlington County also requires a Relocation Plan be drafted and submitted to the County. This would remove the ambiguity and lessen the burden on tenants. We currently have time to work with residents of Hopkins Park Plaza, however the next time there might not be anytime. This is a simple measure that could be acted upon now.
3. Include an Equity Impact Assessment requirement similar to the Environmental Impact Assessment in the Zoning Code: There are a variety of tools that can be used and added at a later date. A basic Equity Impact Assessment would provide a framework to have a structured and constructive public conversation on the impacts of a development. Similar to an Environmental Impact Assessment, it would not by itself necessarily block a development. However, it would identify who is burdened and potential mitigation measures. I have attached a sample document from the City of Madison as a reference. The City of Hopkins would still need to continue its planned equity work. In the meantime, a future perfect equity framework that might be completed in 2-5 years should not be used as an argument to block present day quality improvement. In fact, a basic Equity Impact Assessment process would contribute to a quality final product.

Change in the City of Hopkins is inevitable. Our current and draft zoning code invites chaos, hardship and added burden on our neighbors experiencing the greatest level of vulnerabilities.

We can make change humane if we choose to. We can have a zoning code and development processes that in many cases advance equity and mitigate harm if we choose to.

Response: There are many points made in these comments that staff does not agree with, including that the code invites chaos and is fundamentally inhumane. There are, however, two main recommendations that can be responded to:

Tenant relocation plan. Historically, relocation benefits have been regulated by the Uniform Relocation Assistance and Real Property Acquisition Act (1970) ("URA") was passed by the U.S. federal government in 1970. It was intended to ensure fair compensation and assistance for those whose property was compulsorily acquired for public use under eminent domain law. Aside from instances where displacement occurs directly from government action, tenant leases and established property rights law is the determining recourse. Where there is no legal standing for relocation benefits, a city has limited authority to require relocation assistance as part of a land use approval.

The City of Hopkins did adopt a tenant protection ordinance that gives some very limited protection of rent increases when an affordable apartment development is sold and purchased by a new owner. The City will continue to explore tenant protections as this area of work evolves on a regional and state level and may bring recommendations forward for separate tenant protection policies, not embedded in the zoning code.

Where financial assistance is offered to a developer, the City has the ability to require more of a developer in the area of tenant relocation but the actual use of city funds has to meet standards of community benefit over individual gain. Each development has its own set of conditions and legally-binding agreements that need to be considered.

Equity Impact Analysis. *The comment compares a requirement of an equity impact analysis to the requirement for an Environmental Impact Assessment (EIA). The comparison needs to take into account that the requirement of Environmental Impact Assessments began in the 1960s, as part of increasing environmental awareness, and was formalized with the enactment of the National Environmental Policy Act (NEPA) in 1969. An EIA is prepared to estimate the effects of a proposed development or construction project based on technical evaluations that are intended to contribute to more objective decision making.*

Comparatively, equity impact analysis tools are relatively new and are not mandated or guided by Federal or State government. The use of an equity tool to review or regulate development is an evolving area of work with very limited use by city or state organizations at this time. Zoning codes do need to have specific and legally-defensible requirements that are not subjective in nature. The use of an equity assessment has not evolved to the point there are such measurements.

Hopkins is a relatively small city with limited resources to undertake the development of new tenant protection and/or equity regulations that would likely be tested through legal challenges. That does not mean that there cannot be policies around the use of equity tools as part of development review as the City continues to learn from best practices from around the region and nationally, and applies them to Hopkins unique set of development objectives. It is staff's opinion that conversation will take time and it is not in the city's best interest to delay the adoption of the zoning regulations until the issues can be fully explored and the legal parameters and administrative procedures adopted into policy.

**HOPKINS PLANNING & ZONING COMMISSION
SPECIAL MEETING PROCEEDINGS
MAY 31, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a special meeting of the Hopkins Planning & Zoning Commission was held on Tuesday, May 31, 2022 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Chairperson Stiele called the meeting to order with Commission Members White, Dyrland, Terrill, Wright and Sedoff attending. Also present was Youth Member Searles and Director of Planning and Economic Development Kersten Elverum.

ADOPT AGENDA

Motion by Sedoff. **Second** by Wright.

Motion to Adopt the Agenda as presented.

Ayes: All.

Nays: None. Motion carried.

COMMUNITY COMMENT

None.

CONSENT AGENDA

Motion by White. **Second** by Dyrland.

Motion to Approve the Consent Agenda

1. Minutes of the March 22, 2022 Planning & Zoning Commission Meeting

Ayes: All.

Nays: None. Motion carried.

PUBLIC HEARINGS

1. 2022-07 Zoning Regulations Update

Director of Planning and Economic Development Kersten Elverum presented an overview history of the zoning regulations update to date and introduced the consultants for the zoning update, Kirk Bishop and Leslie Oberholtzer, who provided a comprehensive summary of the final draft code. The consultants walked through some of the notable changes in the code including future land use plan, land use classes and the different zones, principal uses, accessory uses and structures, home occupations, parking and mobility, procedures, and next steps in the approval process.

Commissioner White commented that the recently acquired parcel located at 11524 Excelsior Blvd which had been part of a land swap with the City of Minnetonka was not added to the new proposed zoning map. The consultants responded that they would work with staff to include it in the final map.

**HOPKINS PLANNING & ZONING COMMISSION
SPECIAL MEETING PROCEEDINGS
MAY 31, 2022**

Commissioner Sedoff commented on the code allowing group living in neighborhoods instead of by a conditional use permit process. Ms. Elverum responded that state statute prohibits putting restrictions on those facilities. Ms. Sedoff questioned the difference between small and large facilities. The consultants stated small being six or fewer and large being seven to sixteen. Commissioner Terrill provided additional information on the licensing process for group living facilities. Director Elverum followed up on duplexes and asked the consultants to further clarify the changes made in the new draft code.

Chairperson Stiele opened the public hearing.

Aaron Osowski, resident at 2062 Mainstreet, encouraged the Commission and Council to look into expanding the zones that allow duplexes and expressed support for Accessory Dwelling Units (ADUs).

Luke Slindee, resident at 130 8th Ave N, supports updating the zoning code more frequently as the city changes. Mr. Slindee also asked that the area around the Shady Oak Transit Station be reconsidered to maximize residential and commercial opportunities, and to consider rezoning the Oak Ridge golf course to a traditional neighborhood zone to allow for potential future redevelopment and added density.

Josh Montgomery, resident at 202 9th Avenue North, commented on changing the current 20 foot setback requirement for alley facing garages to 3 feet, further clarification on what is considered an accessory dwelling unit, and removing deed restrictions on properties with secondary suites/backyard cottages.

Regarding some of the comments received, Mr. Bishop responded that the garage setback requirement is driven by the existing 10 foot alley constraint and to accommodate turning movements of vehicles. There is an opening for discussion on not requiring deed restrictions in zones that already allow duplexes or two principal dwelling units.

Motion by Sedoff. **Second** by Terrill.

Motion to close the Public Hearing.

Ayes: All. Nays: None. Motion carried.

Commissioner Terrill commented on the deed restrictions hindering opportunities for people to build wealth as property owners. Commissioner White agreed with not requiring deed restrictions in zones that already allow duplexes or multi-family dwellings. Commissioner Sedoff questioned if a maintenance facility was still planned for the Shady Oak Transit Station. Director Elverum responded that currently there is a

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rail support facility proposed for the station area which is smaller building than the previously proposed maintenance facility. Staff has been working with the project office on a redesign of the parking area at the station that would reduce the surface parking to 500 stalls which will provide for more development opportunities.

Mr. Slindee questioned what the 500 parking stalls would be serving. Director Elverum responded that the parking is primarily for commuters. Mr. Slindee asked who would be paying for the road connections from 17th Avenue. Director Elverum responded that it was included in the project and is not coming out of city funds. The project intends to deem a large portion of the area as excess and sell for private development.

Commissioner Sedoff shared additional comments in favor of the previously discussed changes to the deed restriction requirements, garage setbacks, and increased notification standards. Commissioner Wright requested duplexes be allowed in the N3-A zone and that the new code is used as an opportunity to both preserve the character of the neighborhoods and increase access and remove barriers to those neighborhoods. Commissioner White commented against allowing duplexes in all neighborhoods and requested clarification on the motion to be made.

Commissioner Wright provided additional comments regarding duplexes and types of housing. Responding to a question from Commissioner Terrill regarding duplexes decreasing property values, Ms. Oberholtzer stated that design can have an impact on the character of a neighborhood. The N3-A zone does not have a maximum width on houses and if duplexes were expanded into that zone additional requirements would likely need to be considered. Additional discussion included recommending further discussion on equity policies not typically included in a zoning code.

Motion by White. **Second** by Sedoff.

Motion to Adopt Resolution 2022-03, recommending the Hopkins City Council approve an ordinance amending the Planning and Zoning Section of the City Code by repealing and replacing in its entirety Part III – Land Development, Chapter 100 – Subdivisions and Chapter 102 – Planning and Zoning, Article 6, 102-620(o) Deed Restrictions to include the language “not applicable to N3-B, NX-1, and NX-2 zones”.

Ayes: Sedoff, White, Stiele

Nays: Dyrland, Terrill, Wright. Motion failed.

Motion by Wright. **Second** by None.

Motion to Adopt Resolution 2022-03, recommending the Hopkins City Council approve an ordinance amending the Planning and Zoning Section of the City Code by repealing and replacing in its entirety Part III – Land Development,

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Chapter 100 – Subdivisions and Chapter 102 – Planning and Zoning, including language adopting two unit homes in the N3-A zone.

After further discussion between the Commissioners regarding the motion, Director Elverum suggested a motion be made that includes all of the discussion points made during the meeting that received general support from the Commission.

Motion failed due to lack of a Second.

Motion by Sedoff. **Second** by Terrill.

Motion to Adopt Resolution 2022-03, recommending the Hopkins City Council approve an ordinance amending the Planning and Zoning Section of the City Code by repealing and replacing in its entirety Part III – Land Development, Chapter 100 – Subdivisions and Chapter 102 – Planning and Zoning with modifications to expand duplexes in the N3-A zone, reduce rear setback requirements for alley facing garages and removing the requirement for deed restrictions in zones where two unit dwellings are allowed.

Ayes: Sedoff, Terrill

Nays: Wright, White, Dyrland, Stiele. Motion failed.

Motion by Wright. **Second** by Terrill.

Motion to Adopt Resolution 2022-03, recommending the Hopkins City Council approve an ordinance amending the Planning and Zoning Section of the City Code by repealing and replacing in its entirety Part III – Land Development, Chapter 100 – Subdivisions and Chapter 102 – Planning and Zoning with further modifications to expand two unit homes in the N3-A district with additional requirements, reduction of rear setback in alley facing garages to 10 feet with input from Public Works, removing deed restriction requirement against properties where two unit dwellings are allowed, and recommend pursuing a process to explore the adoption of equity subcommittee recommendations as standalone policies or future zoning amendments.

Ayes: Terrill, Sedoff, Stiele, Wright

Nays: White, Dyrland. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Director Elverum introduced Ryan Krzos as the new City Planner for Hopkins.



CITY OF HOPKINS

Memorandum

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

From: Kersten Elverum, Director of Planning & Development

Date: June 20, 2022

Subject: Theater Site Redevelopment

PURPOSE

The purpose of the discussion at the June 20, 2022, City Council meeting is to continue the conversation regarding the public assistance needed to advance the redevelopment proposal from Enclave Companies for the former Hopkins Cinema 6 site. Enclave has refined their project proforma and discussions with staff regarding the use of the municipal parking ramp have led to a determination of the assistance needed.

No specific action is necessary by the City Council for this item but Enclave is seeking expressed support for financial assistance and dedicated parking spaces in the adjacent public ramp. They have indicated that without this support, the project will not be able to move forward under current condition and terms.

INFORMATION

Since the Hopkins Cinema 6 closed as a result of the Covid epidemic, there have been discussions about a redevelopment of the site into a mixed-use, retail and apartment development first by The Beard Group, and then by Enclave Companies. Terms of the site purchase and current market conditions pose challenges to making a development feasible. The developer presented the latest concept drawings and site plan, discussed a proposed parking solution that utilizes the City-owned parking ramp and described the financial gap in their project proforma at the April 12, 2022, work session. Since that time they have refined their proforma and have come to a bottom line financial assistance request of \$1,250,000 or 2.9% of the project costs. They have also concluded they need 40 additional parking stalls and have proposed to lease them from the City of Hopkins in the municipal parking ramp.

The project includes the construction of 150 residential apartments, 150 parking stalls and retail space on the first floor facing Mainstreet. It also includes costs for renovating the existing retail space and outdoor patio area for Thirty Bales.

Public Financial Assistance

The developer has not completed a formal application for public financial assistance/tax increment financing, but the project proforma has been reviewed by the City's financial advisor, Stacie Kvilvang from Ehler's, and based on current terms, project assumptions and construction pricing, she has determined the financial assistance ask is reasonable. Stacie Kvilvang will be at the City Council meeting to answer any questions the City Council may have regarding the need for assistance.

Staff and our advisor have attempted to limit possible financial assistance to a one-time forgivable loan utilizing excess TIF from District 2-11, rather than from a new funding source such as tax abatement. It is likely that the assistance will be phased over two years and based on actual costs incurred. The categories of eligible expenses to be reimbursed up to the maximum of \$1.25 million include \$750,000 for demolition, \$350,000 for exterior improvements to the existing retail and \$150,000 for outdoor public space improvements. If demolition costs are less than \$750,000 the forgivable loan would be reduced dollar for dollar.

The developer will be required to complete the formal application for public financial assistance before any additional review or legal work is completed.

Parking Commitment in the Municipal Ramp

Enclave is asking for 40 overnight parking spaces in the City's municipal parking ramp for up to 20 years. They propose paying the same rate as Gallery Flats is currently paying, \$55.56 per permit per month, for the first year. The rate would increase 3% per year thereafter starting in year two.

The agreement would mirror the Gallery Flats agreement with the following terms:

- Management company buys the block of permits through the City of Hopkins. Residents purchase individual permits through the management company
- Permits give a nonexclusive right to use unassigned parking spaces
- Owner also pays a pro rata share of property taxes and special assessments for the spaces
- Owner must carry comprehensive general public liability insurance covering their use of the ramp
- Owner is responsible for any damage done to the ramp by their tenants
- Owner agrees to hold the City harmless from any liabilities arising from the use of the ramp by residents

The main difference in these two arrangements would be the long-term commitment that Enclave is requesting to lock-in the private residential use for up to 20 years. They have indicated that a long-term commitment is necessary for project financing. Enclave has acknowledged that all of the 40 spaces may not be needed and has agreed to provide City staff a report of actual use in order to conduct an annual review of need. The agreement would have an initial 5-year term with three 5-year extensions guaranteed to the owner.

There are 380 total spaces in the municipal ramp that was built to support commercial uses in the downtown. It is currently underutilized most of the time but does serve as the parking for the Hopkins Center for the Arts, the Wells Fargo building and event/peak hour parking for the downtown. It is unknown what impact the Bear Cave Brewing business, and other new businesses will have on the ramp going forward.

FUTURE ACTION

If the City Council is supportive of the request for financial assistance and parking commitment the project will move through the land use approval process. Enclave will be asked to complete an application for financial assistance and staff will begin working on the Development Agreement and Parking Agreement, as we work through the land use approvals including site plan, conditional use permit and planned unit development rezoning. It is anticipated that the approvals would come to the City Council at the August 1, 2022, City Council meeting.

Indicating support for public assistance for this project is in no way giving support for the land use applications. That is a separate application and approval process.



**Amendment to Spending of American Rescue Plan Act Funds
Community Safety Working Group Recommendation**

Proposed Action.

Staff recommends that the Council approve the following motion: Move to approve the proposed allocations recommended by the Community Safety Working Group.

Overview:

In April 2022, Council approved a spending plan related to the City’s ARPA funds with an allocation of \$500,000 for Community Safety with \$260,000 going for a police officer (two years) and \$240,000 set aside for Community Safety and Mental Health initiatives. The City brought together public, private and community stakeholders to take a comprehensive approach to creating community and public safety solutions. The Group was asked to align on a goal, put together proposals, review outside resources and partnership opportunities and make a recommendation to Council about the use of the ARPA Funds allocated for community safety.

The group is recommending the following allocations:

- Youth Based Mental Health Social Worker - \$145,000
- Sanneh Foundation, embedded Tutor-Mentors at HHS - \$40,000
- West Metro Youth Collaborative Pilot - \$20,000
- Micro Grants for Community Safety - \$10,000

Total recommendation: \$215,000 (under allocated amount of \$240,000). A summary of the projects is provided below along with information related to the working group. Group started meeting in February and finalized their recommendation in May. If approved, project work will be on-going related to the projects until 12/31/2024 (ARPA Deadline).

Supporting Information:

Youth Based Mental Health Social Worker - \$145,000

Similar to the City’s current embedded Hennepin County social worker who focuses on adult behavioral health, the community would benefit from a position focused directly on the youth. Goal is to connect the resources between the agencies serving our youth (School, County, Police/City) and resources/partners to best serve the needs of youth.

Cost	Leveraging Opportunities	Timeline
Total Estimated \$240,000 (2 year pilot) City ARPA 60% \$145,000 *Est. Hennepin County - 40% or \$95,000	Position would work for Hennepin County, be embedded in the Hopkins Police Department and work with School District to provide interconnected services focus on youth mental health.	2022-2024 School Year

*Funding still being discussed with Hennepin County. City would fund one year if County is not able to commit to their portion.

Sanneh Foundation embedded Tutor/Mentors at HHS - \$40,000

Support embedded tutor-mentors at HHS for the 2022-2023 school year via the Sanneh Foundation’s Dreamline program - an academic intervention program serving low-income, under-performing students in public middle schools and high schools.

The communities hit hardest by the pandemic right now are overwhelmingly low-income, highly-mobile, and food-insecure. Dreamline will embed three tutor-mentors (i.e. Coaches) at HHS to provide services on-site to students identified as most in need of intervention, whose teachers and administrators have identified as failing or near failing, and whose academic futures are in the greatest jeopardy.

The majority of these students come from communities of color and speak numerous languages, including but not limited to: English, Hmong, Spanish, and Somali. Dreamline coaches provide enhanced academic intervention, culturally specific social-emotional support, and academic assistance. The goal is to increase these students' academic performance, to improve school connectedness, and to develop leadership and relationship skills, so that they are empowered to positively contribute to their school and the Hopkins community.

Cost	Leveraging Opportunities	Timeline
Total Estimated \$150,000 Sanneh Foundation - \$30,000 Hopkins Schools – \$80,000 City ARPA \$40,000 (proportionate to population of Hopkins youth compared to district youth)	Dreamline coaches could collaborate with City of Hopkins and community volunteers to provide midday and afterschool mentoring opportunities with Hopkins High School students.	2022-2023 School Year

West Metro Youth Collaborative - \$20,000

Support the need to establish a multijurisdictional collaborative led by and with youth to build positive mentorship and social opportunities for youth in the West Metro. This collaborative will invite nonprofit organizations, government agencies, schools, and youth leaders to an advisory council in order to share knowledge, eliminate service silos, and identify gaps in youth programming.

Like the Brooklyn Bridge Alliance, the collaborative will rely on a Youth-led Participatory Action Research model. As youth are experts in their own lives, a summer pilot program will provide a small group of high school students (10-25) with the tools and frameworks to conduct research into the conditions that negatively affect them and their peers. Participants will brainstorm potential solutions and present both their findings and recommendations to the advisory board at the end of summer.

Their research and the discussions amongst the advisory council will establish the structure of the West Metro Youth Collaborative.

Cost	Leveraging Opportunities	Timeline
Total Estimated \$60,000 Hennepin County- \$20,000 Hopkins Schools – \$20,000 City ARPA \$20,000	This organization would bring together the City of Hopkins, Hopkins Schools, Hennepin County, Met Council, and area nonprofits to more holistically serve our youth, young adults, and their families and avoid duplicating efforts.	Summer 2022- 2023

Community Safety Micro Grants - \$10,000

Develop a one-time micro grant program to provide grants up to \$1,000 to the community lead initiatives focused on address community safety. Grant requests could include: funds for food resources for community gathering(s), speaker or facility fees for hosting an event. The possibilities are endless and would empower the community and see what they come up with for ideas.

Cost	Leveraging Opportunities	Timeline
Total Estimated \$10,000 City's ARPA \$10,000	Giving an opportunity for the community to give feedback and help prioritize community safety.	Fall 2022 - 2024

Group Approach to Community Safety:

The group recognizes the need for multi-faceted approaches that are trauma informed, anti-racist, community relationship centered, mental health focused, and aligned to meet the needs of the community, especially youth in a way that disrupts school to prison pipelines where they exist.

Membership of Working Group:

Special thank you to those who volunteered time on the working group. Participants included:

Molly Cummings, Met Council Representative
Jen Westmoreland Bouchard, School Board Chair
Rhoda Mhiripiri-Reed, Superintendent
Alex Fisher, Community Education Director
Chris LaTondresse, County Commissioner
Jessica Oaxaca, District Director
Elizabeth Warner, Executive Director Park Nicollet Foundation
Dan Narr, Executive Director ICA
Dominique Pierre-Toussaint, Community Relations Manager ICA

Tracie Stanton, Executive Director Resource West
Patrick Hanlon, Mayor
Gerard Balan, Council Member
Mike Mornson, City Manager
Ari Lenz, Assistant City Manager
Brent Johnson, Police Chief
Erik Husevold, Police Captain
PeggySue Imihy Bean, Management Analyst
Nick Bishop, Finance Director



Nick Bishop, Finance Director