

HOPKINS CITY COUNCIL

WORK SESSION

AGENDA

Tuesday, September 14, 2021

6:30 pm

Hopkins City Hall – Council Chambers

- 6:30 p.m. Reasonable Accommodation Process; Riggs
- 7:00 p.m. Update on Residential Curbside Organics Recycling Program; Stadler
- 7:30 p.m. 2022 Trunk Water Main Rehabilitation Project; Stanley
- 8:00 p.m. Community Notification of Development Projects; Elverum
- 8:30 p.m. TIF Spending Plan; Elverum
- Other
- Adjournment



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MEMORANDUM

DATE: September 9, 2021

TO: Honorable Mayor and City Council Members

FROM: Scott J. Riggs, City Attorney
Andrew M. Biggerstaff, Assistant City Attorney

RE: Reasonable Accommodation Process
Our File: HP145-78

This memorandum provides a general overview of the applicability of the federal Americans with Disabilities Act (ADA) and Fair Housing Act/Fair Housing Amendments Act (FHA) to reasonable accommodation requests. It is not intended to address or evaluate any specific situation.

I. The ADA generally

The ADA prohibits discrimination on the basis of disability. 42 U.S.C. § 12101. The relevant portion of the ADA prohibits discrimination by public entities, this includes local governments. 42 U.S.C. § 12131. The ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity.” 42 U.S.C. § 12132. This means that a local government cannot discriminate against an individual with disability in any rule, regulations, programs, or any other conduct by the local government. In regard to housing situations, when enacting the ADA., Congress found that “[h]istorically, society has tended to isolate and segregate individuals with disabilities, and . . . such forms of discrimination . . . continue to be a serious and pervasive social problem.” 42 U.S.C. § 12101(a)(2). Congress recognized that “[i]ndividuals with disabilities continually encounter various forms of discrimination, including . . . segregation.” 42 U.S.C. § 12101(a)(5). To further the goal of eliminating discrimination against the disabled, Congress stated that “the Nation’s proper goals regarding individuals with disabilities are to assure equality of opportunity,

full participation, independent living, and economic self-sufficiency for such individuals[.]” 42 U.S.C. § 12101(a)(7). In response to its mandate, the United States Department of Justice stated that “[i]ntegration is fundamental to the purposes of the [ADA].” 28 C.F.R. Part 333 35, App. A. § 35.130. This integration mandate is contained in 28 C.F.R. § 35.130, entitled “[g]eneral prohibitions against discrimination.” Under the ADA, individuals with disabilities are not entitled to preferential treatment and only equal treatment and access. 42 U.S.C. §§ 12101-12213.

When determining who is covered by the Act, disability under the ADA is defined as “(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” 42 U.S.C.A. § 12102(1). Individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. 42 U.S.C.A. § 12210. Congress amended the ADA in 2008, stating that the term “disability” was to “be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.” Pub. L. No. 110–325 § 2(b)(1), 122 Stat. 3553–3554 (2008) (ADA Amendments). Under post-2008 law, the ADA provides that a qualifying disability is any “physical or mental impairment that substantially limits one or more major life activities.” 42 U.S.C. § 12102(1)(A); 28 C.F.R. § 35.108(a)(1)(i).

II. The FHA generally

Similar to the ADA, the FHA states that no entity is allowed “[t]o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap”.¹ 42 U.S.C.A. § 3604. Courts have “a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream.” *Hovsons, Inc. v. Twp. of Brick*, 89 F.3d 1096, 1105 (3d Cir. 1996) (quoting *Helen L. v. DiDario*, 46 F.3d 325, 333 n. 14 (3rd Cir. 1995)). The FHA is to be broadly construed to effectuate the goal of eradicating housing discrimination. *Id.* at 1106. The FHA applies to most entities involved in renting, building, selling, lending, or regulating housing, including local governments. 42 U.S.C. § 3604 (5-8).

The Act has a fairly extensive definition of “disability,” which has adopted the range of items generally used in other civil rights matters. The FHA defines a person with a disability as one who has a “physical or mental impairment which substantially limits one or more of such person's major life activities,” “a record of such impairment,” or who is

¹ While the Act uses the term “handicap,” modern sources have substituted the term “disability” which carries an identical legal meaning.

considered to have “such an impairment.” 42 U.S.C. § 3602(h)(1)-(3). This is very similar to the definition of disability in the ADA. It is currently unclear if alcoholism is always a disability under the FHA. *Compare One Love Housing v. City of Anoka*, No. CV 19-1252 (JRT/DTS), 2021 WL 3774567, at *8 (D. Minn. Aug. 25, 2021) and *City of Cambridge v. One Love Housing, LLC*, No. A20-1313, 2021 WL 2645519, (Minn. Ct. App. June 28, 2021). Because of the similarities between the ADA and FHA, Courts have determined that they can be analyzed in tandem. *Hinneberg v. Big Stone Cty. Hous. & Redevelopment Auth.*, 706 N.W.2d 220, 225 (Minn. 2005).

III. Application to municipalities

The ADA/FHA apply broadly to municipalities including with the direct rental of dwellings², municipal zoning codes³, municipal building codes⁴, the provision of housing⁵ and the funding of housing.⁶ Congress intended the FHA to “apply to state or local land-use . . . laws, regulations, practices or decisions which discriminate against individuals with handicaps.” H.R. Rep. No. 711, 100th Cong. 2d Sess. 18, reprinted in 1988 U.S.C.C.A.N. 2173, 2185. The House Report states that the law “is intended to prohibit the application of special requirements through land-use regulations . . . that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community.” *Id.*

There are two primary ways that a municipality can run into issues under the FHA/ADA with regards to communal living facilities. First, the municipality could pass a facially discriminatory law. 42 U.S.C. § 3604; 42 U.S.C. § 12132. Facially discriminatory laws are laws that treat individuals with disabilities different than the rest of the population or are seen as discriminatory. *Id.* Historically, Courts have upheld laws that limit the number of individuals in a properly so long as apply equally to everyone disabled and not disabled.

² *Evans v. UDR, Inc.*, 644 F. Supp. 2d 675, 678 (E.D.N.C. 2009)(upholding the denial of a reasonable accommodation of a prospective renter when the requested accommodation was not necessary to provide an equal opportunity).

³ *Essling's Homes Plus, a Minn. Corp. v. City of St. Paul, a Minn. Corp.*, 356 F. Supp. 2d 971, 977 (D. Minn. 2004) (stating that an accommodation to add a second kitchen was reasonable given the disability at issue)

⁴ *Summers v. City of Fitchburg*, 940 F.3d 133, 137 (1st Cir. 2019) (stating that a reasonable accommodation can apply to building codes but upholding the denial in this case when it was the request was at odds with the city’s sprinkler system safety requirements).

⁵ *Hinneberg*, 706 N.W.2d at 225 (affirming the denial of a reasonable accommodation to make Section 8 vouchers portable between counties because it was a fundamental alteration of the program)

⁶ HUD Notice PIH 2006–13(HA) at 4 (Mar. 8, 2006) (stating that there may be situations when a person with disabilities may need to have a reasonable accommodation of a higher government rent subsidy).

Oxford House-C v. City of St. Louis, 77 F.3d 249 (8th Cir. 1996). The second way that a municipality could run into ADA/FHA issues is by passing a facially neutral law, but then refusing to provide individuals with disabilities a reasonable accommodation.

IV. Why a municipality should create a reasonable accommodation process

A reasonable accommodation is a modification or alteration of an existing policy or procedure on the basis that the existing policy prevents a disabled individual the equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B). The ADA/FHA require that a municipality grant a reasonable accommodation when the accommodation meets the requirements under the ADA/FHA; refusal to do so constitutes prohibited discrimination. *Essling's*, 356 F.Supp.2d at 979; *Citizens for a Balanced City v. Plymouth Congregational Church*, 672 N.W.2d 13, 20 (Minn. Ct. App. 2003) (“failure to provide a necessary, reasonable accommodation is unlawful discrimination”). Municipalities should create reasonable accommodation processes so that they can have a legally defensible position if they deny the request.

There are two primary reasons why municipalities need reasonable accommodation processes. First, municipalities may be required to provide reasonable accommodations in a variety of situations including, but not limited to, the application process for a government program or building codes. *Compare Hinneberg*, 706 N.W.2d at 225 and *Essling's Homes Plus*, 356 F. Supp. 2d at 977. There is typically no other municipal application or procedure that can apply to such a wide variety of situations. Second, the criteria for granting a reasonable accommodation are different from exceptions typically made by municipalities. A reasonable accommodation request denial is reviewed to determine whether the request was reasonable and necessary. *Essling's Homes Plus*, 356 F. Supp. 2d at 977. In comparison, a variance denial is examined to determine if the denial was arbitrary or capricious. *VanLandschoot v. City of Mendota Heights*, 336 N.W.2d 503, 510 (Minn.,1983). The different standards applied means that there must be difference processes and considerations when considering a request.

V. Courts approach to reasonable accommodation litigation

The denial or modification of a reasonable accommodation request by a municipality is a decision that may be reviewed by a court. To prevail on an ADA/FHA claim of discrimination by claiming that a municipality refused to provide a reasonable accommodation, a group living operator must demonstrate that the accommodation requested is reasonable and necessary to afford a disabled person the equal opportunity to use and enjoy a dwelling. 42 U.S.C. §3604(f)(3)(B)). There are three requirements that an entity must fulfill to be entitled to a reasonable accommodation: (1) making a reasonable

accommodation request, (2) that meets the reasonable accommodation standard and (3) that is not unreasonable.

First, the organization requesting a reasonable accommodation must make a request to the municipality. *Oxford House-C* 77 F.3d at 249. The request must be clearly directed at the municipality and must ask for an accommodation or modification of a preexisting policy. *Id.*

Second, the request must be (a) linked to a disability related need (b) necessary to afford the plaintiff with an equal opportunity and (c) reasonable. *Hinneberg* 706 N.W. 2d at 226; *Huberty v. Washington Cty. Hous. & Redevelopment Auth.*, 374 F. Supp. 2d 768, 773 (D. Minn. 2005). A Minnesota District Court recently confirmed this standard. *City of Cambridge v. One Love*, No. 30-CV-18-778 (Minn. Dist. Ct. Sept. 21, 2020)(decision upheld on appeal on other grounds in *City of Cambridge*, 2021 WL at 1). Not all reasonable accommodation requests must be granted. For example, while it may be reasonable for a sober home operator to request an exemption from a zoning code definition of family, it is not reasonable to request an exemption from the maximum number of individuals who can safely live in a space. 42 U.S.C. § 3607(b)(1); *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 733, 115 S. Ct. 1776, 1781, 131 L. Ed. 2d 801 (1995).

Finally, if an entity can meet the reasonable accommodation standard, then the burden shifts back to the municipality to prove that the request was unreasonable. *Huberty*, 374 F. Supp. 2d at 773. When considering whether a request is unreasonable, courts look at whether there is a financial or administrative burden upon the municipality or fundamentally alter its zoning scheme. *One Love Housing*, 2021 WL at *12.

Currently, reasonable accommodations are a highly litigated issue in Minnesota, particularly as they relate to sober homes; there are three active litigation cases that all address a municipalities denial of a sober home's reasonable accommodation request: *One Love Housing*, 2021 WL at *8 (summary judgment decided in favor of the operator with potential appeal pending); *City of Cambridge*, 2021 WL at *8 (summary judgement decided in favor of the City, petition to the Minnesota Supreme Court pending); *Meraki v. City of Coon Rapids*, No. 20-CV-00203 (PJS/KMM) (pending cross motions for summary judgment).

VI. How to create a reasonable accommodation process

It is recommended that when creating a reasonable accommodation process, that the municipality incorporate the factors considered in the *Hinneberg* case. 706 N.W. 2d at 226. Using these factors, other municipalities have added the following relevant factors to their reasonable accommodation code provision:

- (a) Whether there is a qualifying disability;
- (b) Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling or to live in a particular neighborhood as a person without disabilities;
- (c) Whether the request is reasonable considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
- (d) The number, nature and extent of the requested accommodation in relation to the physical limitations of the building and site;
- (e) Whether the request would constitute a fundamental alteration of the City's regulations, policies, or procedures;
- (f) Whether the request would impose an undue financial or administrative burden on the City; and
- (g) Any other factor that may have a bearing on the request.

The recommended process is to have City staff, not the City Council, decide in the first instance whether a reasonable accommodation should be granted. A municipality should then provide an appeal process to the City Council. A process that begins with City staff making the initial decision may prevent a future Plaintiff from deposing every City Council member. *City of Cambridge* 2021 WL at *9 (not permitting the deposition of the City Council when a City staff member made the initial determination). At all stages, the municipality should focus on the FHA reasonable accommodation factors.

Unlike other land use decisions, Courts do not review reasonable accommodation requests on the land use record, so it is important that a municipality ask all potential questions during the application period. *One Love Housing*, 2021 WL at *8. Extensive applications are recommended and a list of potential questions are provided below.

VII. What questions can be asked related to disability status?

When an accommodation is requested, a municipality can request information about the relevant disability for two reasons: to verify the existence of the disability and to determine if the accommodation is necessary. *Joint Statement of the Department of Housing and Urban Development and the Justice Department: Reasonable Accommodations under the Fair Housing Act* (May 14, 2004), p. 18. The disability information must be kept confidential unless it is necessary to make the decision and/or required by law. *Id.* As you are likely aware, the Minnesota Open Meeting Law requires that any governing body must have all meetings open to the public. Minn. Stat. §§ 13D.01-13D.08. But a government entity also must not disclose data that is protected by the Minnesota Government Data Practices Act. Minn. Stat. §§ 13.02, 13.05.

In sum, a municipality may request information and supporting documentation necessary to make an evaluation. Some of that information may then be shared in a public meeting, but the information must be limited to what is necessary to make the determination and not run afoul of the Minnesota Government Data Practices Act.

VIII. Recommended questions to ask during the application process when an entity requests to increase the density of unrelated individuals

Requested accommodation:

1. What is the requested accommodation?
2. Are you requesting an accommodation from a preestablished system or rule? If yes, what code provision or rule are you requesting an accommodation from?
3. What will be the maximum number of residents in the house now and in the future?
 - o Please provide a map of where residents will be sleeping in the property.
4. Why are you requesting the stated accommodation?

Residents:

5. Identify the claimed disability or disabilities.
6. State all of the criteria and other requirements for potential residents to move into the house.
7. What is the full application process to live in the house?
8. Provide a list of current residents, identified by random number, with
 - o Date of sobriety
 - o Date of move-in
 - o Employment status (including school or volunteering)
 - o Number of hours a week taken up by education, work, or volunteering
 - o Number of recovery meetings attended each week
 - o Any disciplinary issues
 - o Stating if they have ever relapsed while living in the house
9. Are residents able to complete all major life activities (eating, seeing, reading, working, communicating, sleeping, walking, hearing, etc.)?
 - o If not, please provide a list of residents (identified by the random number articulated in # 8) that are unable to complete a major life activity and identify the major life activity that the resident is unable to perform. Please state what evidence you have that they are unable to complete a major life activity.

10. Why is the accommodation needed? Why can the house not operate based on its current set up or limitations?
 - Provide all additional documentation (specifically learned treatises and peer reviewed studies) that state why the requested disability is necessary in lieu of the currently permitted operation.
11. If applicable, state why a less intense accommodation will not meet the stated need.
12. What services are provided by the house? If any, please list all services.

Licensing of the property:

13. Is there an operator involved in the operation of the house?
 - Please state who and any relevant credentials.
14. Is the property licensed with any federal, state, or local agency?
 - If yes, explain.

Financial support:

15. Does the house receive funding from any government agency?
16. Without the requested accommodation would the house be financially self-sufficient?
 - Please explain.
17. Does the house operate as a single financial entity or is each resident responsible for their own finances?
18. Is the house asking for additional funding from any government entity?

Operation of the property:

19. How long do residents live in the house? Is there a requirement? What happens if someone does not meet that requirement?
20. If the house is already in operation how many total residents live in the house since it began operation and how many months ago did it begin operation?
21. How many residents currently live in the house?
22. How do new residents find the house? Does the house advertise?
23. Do residents have access to the entire house including the kitchen, common areas, bathrooms, and all bedrooms?
24. Do residents share common duties like cooking and cleaning? Please explain.
25. Is there a home operator? If so, how many other similar properties do they operate? What is the size of the other properties?
26. Do the residents make decisions in a democratic manner? If there is a home operator, what decisions are made by the residents versus the home operator?

27. State all house rules or requirements for current residents.

28. Is there a written policy banning alcohol and controlled substance use and possession by house residents? Please provide a copy.

29. If there is a policy, please state the procedure that occurs when someone violates the policy. Are there ever any deviations from the policy?

Impact of the property on other surrounding uses:

30. Describe the effect the house will have on the neighborhood and surrounding properties.

31. What is the maximum number of cars on the property? Provide a parking map.

32. Are guests allowed on the property? Are there any limitations?

33. What hours do residents work outside the home? Do any residents work the night shift?

34. Do the residents have any shared transportation method? Shared car or bicycle?

Resident composition:

35. Are all current and future residents 18 or older?

36. Will the property be single gender? Explain.

IX. Conclusion

Local governments should be cognizant of their responsibilities under the ADA/FHA. It is recommended that municipalities create a reasonable accommodation process. That process should have the city staff make the first decision and then have an optional appeal to the City Council. The application process should be comprehensive and ask all of the potential information necessary to allow staff to make an informed decision. While this can be a thorny issue for municipalities to tackle, having the proper process can help prevent future litigation.



CITY OF HOPKINS

Memorandum

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

From: Pam Hove, Solid Waste Coordinator

Date: September 14, 2021

Subject: Update on Residential Curbside Organics Recycling Program

PURPOSE

Staff would like to update Council on the upcoming residential curbside organics recycling program. City staff are working with Republic to amend the current recycling contract to include the provision of residential curbside organics recycling collection for the same customers covered by that contract.

INFORMATION

Republic will provide this service at a rate of \$5.50 per dwelling unit per month. Because Hopkins is required by Hennepin County to make available the collection of residential curbside organics recycling, as with traditional recycling all customers will pay for the service whether they choose to recycle or not. Carts will be delivered by request. Effective January 2022, all Hopkins residential recycling customers will have a \$5.50 charge applied to their utility bill. This will cover the cost of the expanded service in the contract with Republic. The cost will increase annually at the same 3.5% rate as traditional recycling for the same contract term, expiring April 30, 2026

| | Year 1 (2021) | Year 2 (2022) | Year 3 (2023) | Year 4 (2024) | Year 5 (2025) |
|----------------|------------------|------------------|------------------|------------------|------------------|
| 30 Gallon Cart | N/A | \$5.50 | \$5.69 | \$5.89 | \$6.10 |

FUTURE ACTION

Staff intend to present for approval the amendment to the City’s contract with Republic at the October 5, 2021 Council Meeting. After which the new program will be promoted in City publications, online and at events. This will be a weekly collection, to take effect January 1, 2022.



Engineering Dept.

CITY OF HOPKINS

Memorandum

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

From: Nate Stanley, City Engineer

Date: September 14, 2021

Subject: 2022 Trunk Water Main Rehabilitation Project

PURPOSE

To present the results of the preliminary engineering report undertaken to investigate rehabilitation of the City's trunk water main system in the area of the Water Treatment Plant.

INFORMATION

In 2016, staff had an evaluation completed of various critical segments of water main around town and it was discovered that the trunk water main north of TH 7 had experienced significant deterioration and had exceeded its expected service life. This main is a critical line as it supplies water direct from the treatment plant to the distribution network. Since the existing pavement over these water mains was largely in good condition, a study focusing on trenchless rehabilitation methods was undertaken. The preliminary engineering report has been completed and a presentation has been prepared. Staff recommends advancing to final design and making the recommended improvements in 2022.

FUTURE ACTION

Final design will be completed this winter and staff will bring final plans and specifications back before council and ask for authorization to advertise for bids.



CITY OF HOPKINS

Memorandum

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

From: Kersten Elverum, Director of Planning & Development

Date: September 14, 2021

Subject: Community Notification of Development Projects

PURPOSE

The purpose of the City Council discussion is to update the City Council on changes made to our process and procedures for notifying the public of upcoming development proposals and seek Council feedback.

INFORMATION

Over the past few months there has been discussion about the City's notification process related to development projects. There have been suggestions made by the community and internal discussions around equity. These discussions have led to changes in how we are currently providing notification and what we plan to implement going forward.

Some of the changes we have made that can be codified as part of the new zoning code. Those include:

- Increasing the notification area from 350' (as required by State Statute) to 500'
- Notifying individual apartment units rather than simply the owner of the apartment building

An additional change that will be implemented with the next development project is the use of site signage to notify the community of a proposed development. It is also anticipated that this will become part of the formal notification process identified in the zoning code.

Staff will share other tools that have been tried recently including delivering flyers, door to door, to surrounding apartment residents and translation of project information in other languages, as well as other suggestions staff have heard from the community related to social media.

FUTURE ACTION

The recognition that past practice of community notification is not meeting today's expectations is not just happening in Hopkins, but rather it is something many communities are currently addressing. Discussions around community engagement in development activity will continue to happen and new ideas may emerge. Changes that require policy change will be brought forward for City Council adoption, including those changes that will be reflected in the new zoning code.



CITY OF HOPKINS

Memorandum

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

From: Kersten Elverum, Director of Planning & Development

Date: September 14, 2021

Subject: TIF Spending Plan

PURPOSE

The purpose of the City Council discussion on the TIF Spending Plan is to provide information on this action in advance of a public hearing on September 21, 2021 and subsequent action.

INFORMATION

The State Legislature amended the TIF law (the "Law") in 2021 to provide flexibility to cities to utilize unobligated TIF balances in existing districts to promote construction and job creation in their communities. Dollars expended under the Law do not count against the pooling limitations of the districts, which for the City/HRA's applicable districts, is 25% of the TIF collected over their respective terms.

The law allows HRA's/EDA's/cities to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities if it will create or retain jobs in this state, including construction jobs. In addition, they can make an equity or similar investment in a corporation, partnership, or limited liability company determined necessary to make construction of private development happen. The City's HRA has until December 31, 2022 to transfer the funds to another designated City/HRA fund, and the dollars must be expended by December 31, 2025. Any unused TIF dollars must be returned to the applicable TIF district after this date.

In order to implement this provision of the Law, the City and HRA are required to develop a Spending Plan (the "Plan") that identifies the TIF districts that will fund the projects and describe the projects to be assisted. In addition, the City is required to hold a public hearing on the Plan and if approved, staff will provide a copy to the Office of the State Auditor as required by the Law. A public hearing on the Spending Plan is scheduled for September 21, 2021.

The HRA has dollars available under the Plan for projects in TIF Districts 1-2, 2-9 and 2-11. The City/HRA are currently working with two developers on redevelopment sites in the City where construction of their projects requires assistance, and they would

meet the above referenced timeline for expenditure of the funds. Trilogy's proposed three-phase apartment and commercial development located at 1009 Hill Street and 8594 and 8490 Excelsior Boulevard requested assistance for demolition and environmental remediation. The HRA agreed to provide \$685,000 for Phase I (which will be provided under the Plan) and agreed to review future requests for Phases II and III.

In addition, Alatus is developing the site at 325 Blake Road and has requested TIF assistance for public improvements, site preparation, underground parking, affordable housing and other development costs related to construction of the residential and commercial uses. Once an actual TIF application is filed with the HRA by Alatus, the HRA may use dollars under the Plan to reduce the amount of TIF required under the new TIF District, thus potentially reducing the number of years of the TIF Note(s).

This information and recommendation has been provided by Stacie Kvilvang, Ehler's, as our financial advisor.

FUTURE ACTION

This item requires and public hearing, approval of the Spending Plan by the City and HRA and submission to the Office of the State Auditor.