

HENNEPIN COUNTY

MINNESOTA

FINAL COMMITTEE AGENDA

BOARD OF HENNEPIN COUNTY COMMISSIONERS PUBLIC WORKS COMMITTEE

TUESDAY, JANUARY 29, 2019

1:30 PM

Chair: Mike Opat, District 1

Vice-Chair: Angela Conley, District 4

Members: Irene Fernando, District 2

Marion Greene, District 3

Debbie Goettel, District 5

Jan Callison, District 6

Jeff Johnson, District 7

1. Minutes From Previous Meeting

- A. Minutes 1-15-2019

2. New Business

Routine Items

- A. **19-0040**

Amd 2 to Agmt A130068 with Waste Management of MN for disposal services, extending period to 02/28/21

Items for Discussion and Action

- B. **19-0039**

Acceptance of deeds from the City of Crystal for property located 6401 42nd Ave N (Rockford Road Library)

- C. **19-0041**

Neg Natural Resources Good Steward grant agmts to improve water quality, 02/05/19-12/31/20, total combined NTE \$57,975; neg Natural Resources Opportunity grant agmts to improve water quality, 2/5/19-12/31/21, total combined NTE \$400,000

- D. **19-0042**

Neg Amd 2 to Agmt A188878 with Kaplan, Kirsch & Rockwell, LLP to extend contract period through 5/13/19; no change to NTE

3. Old Business

- A. **19-0007**

Ratification of assignment of development agreement and acceptance of the conveyance of parking units within the Thor development on the SE corner of Penn Ave N and Plymouth Ave N in Minneapolis

- B. **19-0012 S2**

Negotiate 1 fall 2018 ERF grant agreements for cleanup of contaminated sites, various periods, total combined NTE \$415,184

HENNEPIN COUNTY

MINNESOTA

COMMITTEE MINUTES

BOARD OF HENNEPIN COUNTY COMMISSIONERS PUBLIC WORKS COMMITTEE

TUESDAY, JANUARY 15, 2019
1:30 PM

Chair: Mike Opat, District 1
Vice-Chair: Angela Conley, District 4

Members: Irene Fernando, District 2
Marion Greene, District 3
Debbie Goettel, District 5
Jan Callison, District 6
Jeff Johnson, District 7

Commissioner Opat, Chair, called the meeting of the Public Works Committee for Tuesday, January 15, 2019 at. All Commissioners were present with the exception of Commissioner Debbie Goettel, who was absent.

1. Minutes From Previous Meeting

A. Minutes 12-6-18

APPROVED

Commissioner Angela Conley moved to approve the Minutes, seconded by Commissioner Marion Greene and approved - 7 Years

2. New Business

Routine Items

A. 19-0008

Accept conveyance of property located at 2200 Plymouth Ave N, City of Minneapolis

CONSENT

Commissioner Irene Fernando moved to Consent, seconded by Commissioner Mike Opat and approved - 6 Years 1 absent: Goettel

B. 19-0009

Quit claim of easements and other property interests along Bottineau Blvd (CSAH 81) to the City of Robbinsdale (recd \$1)

CONSENT

Commissioner Mike Opat moved to Consent, seconded by Commissioner Marion Greene and approved - 6 Years 1 absent: Goettel

Items for Discussion and Action

C. 19-0010

Neg agmt PW 50-40-18 with MnDOT (state agmt 1031877) for rehabilitation of a bridge along Central Avenue (CSAH 101) over TH 12 in Wayzata (CP 2160600) (county NTE \$2,000,000-state aid)

CONSENT

Commissioner Jan Callison moved to Consent, seconded by Commissioner Jeff Johnson and approved - 6 Years 1 absent: Goettel

D. 19-0011

Negotiate Agmt PR00000783 with Robbinsdale Area Schools, to provide a school recycling project, 02/01/19-07/01/20, NTE \$15,000

CONSENT

Commissioner Mike Opat moved to Consent, seconded by Commissioner Marion Greene and approved – 6 Years 1

absent: Goettel

E. **19-0012**

Negotiate 10 fall 2018 ERF grant agreements for cleanup of contaminated sites, various periods, total combined NTE \$2,032,483

SEPARATED

After some discussion, Commissioner Marion Greene moved to pull out (separate) the agreement relating to Fort Snelling, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 absent: Goettel

19-0012 S1 Separated

Negotiate 9 fall 2018 ERF grant agreements for cleanup of contaminated sites, various periods, total combined NTE \$1,617,299

CONSENT

Commissioner Mike Opat moved to Consent, seconded by Commissioner Jeff Johnson and approved – 6 Yeas 1 absent: Goettel

19-0012 S2 Separated

Negotiate 1 fall 2018 ERF grant agreements for cleanup of contaminated sites, various periods, total combined NTE \$415,184

LAID OVER

Commissioner Jan Callison moved to lay over until the 1/29/19 Committee meeting, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 absent: Goettel

F. **19-0007**

Ratification of assignment of development agreement and acceptance of the conveyance of parking units within the Thor development on the SE corner of Penn Ave N and Plymouth Ave N in Minneapolis

CONSENT

Commissioner Irene Fernando moved to Consent, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 absent: Goettel

3. Adjourn

There being no further business, the meeting of the Public Works Committee for Tuesday, January 15, 2019 was declared adjourned at 2:07 PM.

Maria Rose
Clerk to the County Board

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0040

Item Description:

Amd 2 to Agmt A130068 with Waste Management of MN for disposal services, extending period to 02/28/21

Resolution:

BE IT RESOLVED, that Amendment 2 to Agreement A130068 with Waste Management of Minnesota for disposal services at the Burnsville Sanitary Landfill, extending the contract period from February 28, 2019 to February 28, 2021, be approved; that the Chair of the Board be authorized to sign the amendment on behalf of the county; and that the Controller be authorized to disburse funds as directed.

Background:

History: The county owns and operates the Hennepin Energy Recovery Center (HERC), which burns 365,000 tons of solid waste from county residents and businesses each year to produce energy in the form of steam and electricity. The county maintains contracts with metro area landfills for waste that cannot be processed for energy. This occurs during scheduled maintenance outages when waste is diverted from HERC to the county's Brooklyn Park Transfer Station or when oversized and bulky items are delivered to HERC that could cause a problem with the equipment if they are processed. The Burnsville Sanitary Landfill is the nearest landfill to HERC and is owned and operated by Waste Management.

HERC is one part of the county's integrated waste management system that emphasizes waste prevention, reuse, recycling and composting. The county's goal is to send zero waste to landfills and recycle 75 percent of waste by 2030. Processing waste to generate energy is environmentally preferable to landfilling and provides the opportunity to recover metal for recycling. Every effort is made to avoid landfilling waste.

Current Request: This request seeks approval of Amendment 2 to Agreement A130068 with Waste Management of Minnesota for landfill services at the Burnsville Sanitary Landfill, extending the contract period from February 28, 2019 to February 28, 2021 at a disposal rate of \$37.70 per ton, plus all applicable state and local surcharges and taxes. As of December 31, 2018 the surcharges and taxes for the Burnsville Landfill totaled \$21.49 per ton. Since 2013, the county has delivered approximately 16,330 tons to the Burnsville Sanitary Landfill at a total cost of \$908,018.

Under the agreement terms, the county delivers waste to Waste Management's Burnsville Sanitary Landfill on an as-needed basis during HERC maintenance outages and when waste cannot be processed at HERC. The Burnsville Sanitary Landfill is one of the nearest landfills to HERC that is available to provide services.

Impact/Outcomes: Minnesota Statutes §473.848 restricts waste generated in the metropolitan area from being landfilled if waste processing capacity is available. The county complies with this statute by processing waste at HERC. In 2018, the county contracted with waste haulers to manage approximately 425,000 tons of waste. The county landfilled less than 1% of the waste received in 2018, while the rest was processed at either HERC or other waste processing facilities. The disposal services with Waste Management's Burnsville Sanitary Landfill will ensure the county is able to continue to effectively manage waste delivered to HERC and the Brooklyn Park Transfer Station.

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0039

Item Description:

Acceptance of deeds from the City of Crystal for property located 6401 42nd Ave N (Rockford Road Library)

Resolution:

BE IT RESOLVED, that Hennepin County accept deeds from the City of Crystal for the Rockford Road Library, located at 6401 42nd Avenue North, Crystal, Minnesota and legally described as:

Parcel 1 The northerly 333.00 feet of Lot 68, Auditor's Subdivision No. 324, Hennepin County, Minn., and the northerly 333.00 feet of Lot 69, Auditor's Subdivision No. 324, Hennepin County, Minn.

Parcel 2 The northerly 333.00 feet of Lot 67, except the easterly 131.2 feet thereof, Auditor's Subdivision No. 324, Hennepin County, Minn.

Parcel 3 The southerly 165.00 feet of the northerly 498.00 feet of Lot 68, and the southerly 165.00 feet of the northerly 498.00 feet of that part of Lot 67 lying west of the east 131.2 feet, Auditor's Subdivision No. 324, Hennepin County, Minn.

Parcel 4 The westerly 65.60 feet of the easterly 131.20 feet of the northerly 333.00 feet of Lot 67, Auditor's Subdivision No. 324, Hennepin County, Minn., except that part thereof which lies northerly of a line parallel with and 21.00 feet southerly of the following described line and measured at right angles thereto: Beginning at the northeast corner of Section 17, Township 118, Range 21; thence south along the east line of the northeast quarter of said Section 17 a distance of 1326.00 feet; thence north 88 degrees 20 minutes west a distance of 472.00 feet; thence south 89 degrees 53 minutes west a distance of 189.20 feet; thence south 00 degrees 07 minutes east a distance of 12.00 feet to the actual point of beginning of the line to be described; thence north 89 degrees 53 minutes east a distance of 98.49 feet; thence along a 02 degree 30 minute curve to the right (delta angle 04 degrees 32 minutes, tangent distance 90.71 feet) a distance of 181.33 feet; thence south 85 degrees 35 minutes east along tangent to the last described curve a distance of 100.00 feet and there terminating.

Parcel 5 That part of the easterly 65.6 feet of Lot 67, Auditor's Subdivision No. 324, Hennepin County, Minn., lying north of a line drawn parallel with and 459.00 feet south of the north line of the southeast quarter of the northeast quarter of Section 17, Township 18, Range 21, except the north 333.00 feet thereof.

Parcel 6 That part of Lot 69, Auditor's Subdivision No. 324, Hennepin County, Minn., lying north of a line drawn parallel with and 465.00 feet south of the north line of the southeast quarter of the northeast quarter of Section 17, Township 118, Range 21, except the north 333.00 feet of said Lot 69.

Parcel 7 The westerly 65.60 feet of the easterly 131.20 feet of that part of Lot 67 lying south of the northerly 333.00 feet thereof and north of the south line of the north 498.00 feet thereof, Auditor's Subdivision No. 324, Hennepin County, Minn.

Background:

History: In 1972, the land legally described above was purchased by Hennepin County from the City of Crystal for the construction of the Rockford Road Library located at 6401 42nd Avenue North. Deeds conveying the land from the city to the county were never recorded.

Current Request: Authorization to accept deeds from the City of Crystal for the land legally described in the Resolution for the Rockford Road Library, located at 6401 42nd Avenue North.

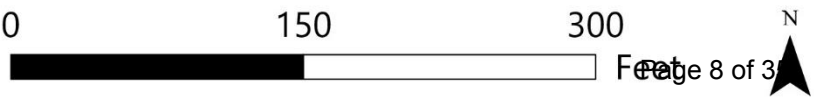
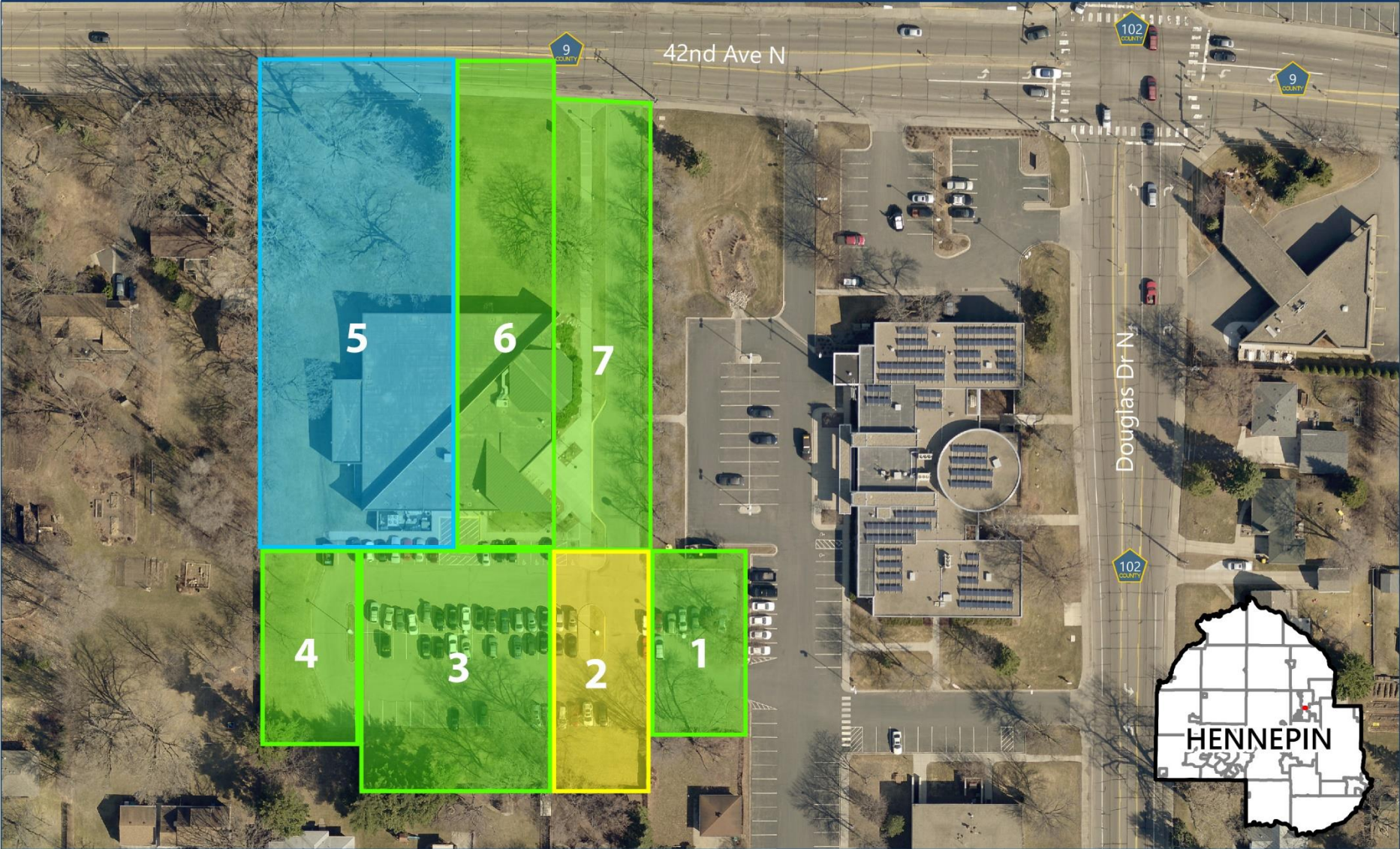
Impacts/Outcome: Acceptance of these deeds will document Hennepin County as the owner of the land occupied by the Rockford Road Library.

ATTACHMENTS:

Description	Upload Date	Type
Rockford Road Library Map	1/10/2019	Map

Rockford Road Library Parcels 1-7

6401 42nd Ave N Crystal, MN 55427



HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0041

Item Description:

Neg Natural Resources Good Steward grant agmts to improve water quality, 02/05/19-12/31/20, total combined NTE \$57,975; neg Natural Resources Opportunity grant agmts to improve water quality, 2/5/19-12/31/21, total combined NTE \$400,000

Resolution:

BE IT RESOLVED, that the following agreements be approved to provide funding for the selected organizations in the 2019 grant cycle during the period of February 5, 2019 through December 31, 2020, for the Natural Resources Good Steward projects that will improve water quality; and during the period of February 5, 2019 through December 31, 2021 for the Natural Resources Opportunity projects that will improve water quality and stream habitat:

Good Steward grants

- PR00000843 with Fairway Woods Condominium Association, Inc., or affiliated entity, with the amount not to exceed \$24,750
- PR00000844 with Heidi and Dan Niziolek, or affiliated entity, with the amount not to exceed \$9,000
- PR00000845 with Nokomis East Neighborhood Association, or affiliated entity, with the amount not to exceed \$12,000
- PR00000846 with Schmidt Lake Improvement Association, Incorporated, or affiliated entity, with the amount not to exceed \$12,225

Opportunity grants

- PR00000847 with Mississippi Watershed Management Organization, or affiliated entity, with the amount not to exceed \$100,000
- PR00000848 with the City of Crystal, or affiliated entity, with the amount not to exceed \$100,000
- PR00000849 with Elm Creek Watershed Management Commission with the amount not to exceed \$20,000
- PR00000850 with Minnehaha Creek Watershed District, or affiliated entity, with the amount not to exceed \$32,500
- PR00000853 with Bull's Horn, or affiliated entity, with the amount not to exceed \$32,500
- PR00000854 with Northgate Academy Inc., or affiliated entity, with the amount not to exceed \$55,000
- PR00000855 with the City of Medina, or affiliated entity, with the amount not to exceed \$60,000; and

BE IT FURTHER RESOLVED, that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the agreements on behalf of the county; that the County Administrator be authorized to approve one 12-month extension of the agreements; that costs incurred by the grantees after the board approval date be eligible for reimbursement upon execution of the agreements; and that the Controller be authorized to disburse funds as directed.

Background:

History: Natural Resources grants provide financial and technical assistance to landowners and local governments that will implement projects to preserve and restore the county's natural resources and improve water quality. The Natural Resources grants have two options:

1. Good Steward grants are primarily for smaller projects that improve water quality, enhance natural areas and promote environmental stewardship to the community. This program requires a 25 percent funding match from the grant applicant.
2. Opportunity grants are ideal for larger projects seeking to leverage multiple funding sources. These grants are intended to help partners take advantage of opportunities to implement large projects that improve water quality or preserve, establish or restore natural areas.

The availability of the grants is promoted through city, watersheds and other natural resources partners, mailing lists, and the Environment and Energy Department's e-newsletter, *Green Notes*.

The county received 11 Good Steward grant requests totaling \$149,378.25 and 11 Opportunity grant requests totaling \$817,443. The request for proposals for the Good Steward grants was open for six weeks in October and November 2018. Opportunity grants requests were received between August and December 2018.

A committee consisting of county staff and external reviewers reviewed and recommended the requests. Requests were evaluated on the project's impact on reducing erosion, improving water quality, protecting groundwater resources, or protecting and/or restoring wildlife habitat; ability of the applicant to complete the project; and the applicant's interest in educating others about conservation topics. Opportunity grants were also evaluated based on the applicant's ability to leverage other funding from various sources, including Clean Water Land and Legacy Amendment funds, watershed districts, cities, and neighborhood associations.

Since 2013, the county has provided \$1,117,500 in Natural Resources grants for 47 projects that protect natural resources and improve water quality. Funding for these grants comes from the Solid Waste Enterprise Fund. Consistent with past practice this resolution delegates signature authority to the county administrator.

Current Request: This request is to authorize the County Administrator to negotiate Natural Resources Good Steward and Opportunity grant agreements with the following organizations for projects that preserve, protect or improve natural resources and water quality in the county:

Good Steward grants:

- Fairway Woods Condominium, Inc., Runoff and Erosion Control Project (Eden Prairie) - \$24,750. This project will divert the roof water from a condominium building into four rock swales which will flow into two rain gardens. In addition, four eroded areas will be regraded and restored with erosion control mats. Three of the areas will be reseeded to a lawn mix and one will be reseeded with a native prairie mix. This project will directly improve the water quality of Purgatory Creek, which is adjacent to the work.
- Dan and Heidi Niziolek, Winchester Pond Phase II Restoration Project (Bloomington) - \$9,000. In this phase, two additional rain gardens will be constructed within the watershed draining to this pond/wetland, and two additional floating islands will be installed in Winchester Pond to help filter pollutants. Along the shoreline, invasive species will be removed and native vegetation will be planted. This project will improve water quality in Nine Mile Creek and the Minnesota River.
- Nokomis East Neighborhood Association, Rain Gardens Project (Minneapolis) - \$12,000. This is a neighborhood-based effort to install up to 20 rain gardens on private property to filter stormwater and improve the water quality of Lake Nokomis and Minnehaha Creek.
- Schmidt Lake Improvement Association, Incorporated, Rain Gardens Project (Plymouth) - \$12,225. This is a neighborhood-based effort to install up to 15 rain gardens and native plant buffers on private

property to filter stormwater and improve water quality of Schmidt Lake.

Opportunity grants:

- Mississippi Watershed Management Organization, North Columbia Golf Course Regional Best Management Practices Project (Minneapolis) - \$100,000. The project will modify the storm sewer and install regional water filtration and infiltration systems (likely including ponds, engineered soils, and native plantings) in the northern portion of Columbia Golf Course in Minneapolis. The practices will capture and treat stormwater from 600 acres that currently drains to the Mississippi River untreated. Ponds allow sediment to settle before the water is discharged, and allow some water to infiltrate instead of continuing on to the river. The project will remove 20 tons of total suspended sediments and 100 pounds of total phosphorus each year and infiltrate 6.7 million cubic feet of water per year. This project will improve the water quality of storm water entering the Mississippi River.
- City of Crystal, Crystal Becker Park Infiltration Project (Crystal) - \$100,000. This project will install a 72,000-square feet underground infiltration system in Becker Park. The project is designed to infiltrate the first half inch of stormwater runoff from 147 acres. The project will reduce total phosphorus to Upper Twin Lake, an impaired water, by 161 pounds annually and infiltrate 14.3 million cubic feet of water per year.
- Elm Creek Watershed Management Commission, Fish Lake Alum Treatment Project (Maple Grove) - \$20,000. This is the second year of a two-year treatment of Fish Lake with alum to reduce the internal phosphorus load in the lake by at least 310 pounds per year. This project is projected to result in Fish Lake meeting water quality standards for phosphorus for at least the next 20 years. It will also improve water quality in Elm Creek.
- Minnehaha Creek Watershed District, Arden Park Restoration Project (Edina) - \$32,500. This project includes a restoration of 2,150 feet of Minnehaha Creek that includes adding 230 feet of new stream and the removal of a 4-foot high dam. Additionally, stormwater from an 84-acre area will be treated in filtration structures and swales to remove 33 pounds of phosphorus and 1,800 pounds of sediment each year. The project will improve 6 acres of wetland to better filter and store stormwater, as well as improve habitat for wildlife. The project also restores 10 acres of woodlands by planting trees and managing invasive species. This project will directly improve water quality in Minnehaha Creek.
- Bull's Horn LLC (Minneapolis) - \$32,500. This project will install a rain garden, two 500-gallon cisterns and two permeable paver parking stalls to treat parking lot and roof runoff before it flows into the city storm sewer system. This project will improve water quality in Minnehaha Creek.
- Northgate Academy, Minneapolis Apprenticeship and Training Center, Stormwater Best Management Practices Project (Minneapolis) - \$55,000. During reconstruction of the building and parking lot, the owner will install a series of rain gardens that will be designed to treat stormwater before it reaches the city storm sewer system. The rain gardens have been designed for a 2.25 inch rainfall event and will reduce runoff water volume, phosphorus and sediments by 96 percent compared to current amounts. The stormwater practices at this site will be used as part of training program for careers in hydrology, civil engineering, soil science, horticulture and related topics. This project will improve water quality in the Mississippi River.
- City of Medina, Hickory Drive Stormwater Pond Project (Medina) - \$60,000. The city will construct a new stormwater quality pond and stabilize and reduce runoff to an existing gully during a street and utility improvement project. The project will remove 25 pounds of phosphorus per year. This project will improve water quality in Elm Creek.

The request is also for approval to reimburse costs incurred by the grantees after the board approval date and upon execution of the grant agreements.

Impact/Outcomes: The Natural Resources grants will provide funds to protect water quality and enhance

natural resources in Hennepin County. These grants will help implement stormwater best management practices, which include installing rain gardens and other features that use native plants and slow water movement to naturally filter and retain water. Other projects will convert impervious pavement to permeable pavers to reduce stormwater runoff. Some projects will undertake stream and shoreline restorations that will improve wetland, woodland, and stream habitat.

Funding these projects will leverage an additional \$12,557,319 from other funders for clean water work. Leveraged fund include grants from the Clean Water Fund (part of the Clean Water, Land, and Legacy Amendment), watershed capital spending, City contributions, and private contributions. The Natural Resources grants are a part of the county’s strategic approach to prioritizing, partnering and pursuing other funding sources to improve water quality and protect natural resources.

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0042

Item Description:

Neg Amd 2 to Agmt A188878 with Kaplan, Kirsch & Rockwell, LLP to extend contract period through 5/13/19; no change to NTE

Resolution:

BE IT RESOLVED, that the Hennepin County Board authorizes the County Administrator to negotiate Amendment 2 to Agreement A188878 with Kaplan, Kirsch & Rockwell, LLP for specialized legal services related to freight rail, extending the contract period through May 13, 2019, with no change to the not to exceed amount; that following review and approval by the County Attorney's Office, the Chair be authorized to execute the amendment; and that the Controller be authorized to disburse funds as directed.

Background:

History: Agreement A188878 with Kaplan, Kirsch & Rockwell, LLP provides specialized legal services related to freight rail, including federal regulatory matters and negotiating advice. Amendment 1 to Agreement A188878 increased the not to exceed amount from \$50,000 to \$100,000 (Resolution 18-0365).

The agreement is set to expire on February 13, 2019; however, the county anticipates continuing to need such services. Amendment 2 would extend the contract period by three months, from February 13, 2019 to May 13, 2019, with no change to the not to exceed amount of \$100,000.

Current Request: The request seeks authorization for the County Administrator to negotiate Amendment 2 to Agreement A188878 with Kaplan, Kirsch & Rockwell, LLP, extending the contract period through May 13, 2019.

Impact/Outcomes: This amendment will allow for continued services while the county conducts another procurement process.

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0007

Item Description:

Ratification of assignment of development agreement and acceptance of the conveyance of parking units within the Thor development on the SE corner of Penn Ave N and Plymouth Ave N in Minneapolis

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners ratifies the Assignment of Contract for Private Development Agreement A189073 with the Hennepin County Housing and Redevelopment Authority and accepts the direct conveyance of 420 parking units within the Thor development on the southeast corner of Penn Avenue North and Plymouth Avenue North, Minneapolis, legally described as Unit 2, Common Interest Community No. 2090, RAC Ramp Condominium, Hennepin County, Minnesota, from Thor HQ Holdings, LLC.

Background:

History: Hennepin County authorized the transfer of funds from the North Minneapolis Community Wellness Center capital project (CP 0031735) to the Hennepin County Housing and Redevelopment Authority (HCHRA) for property acquisition, environmental cleanup, and development and construction activities associated with the NorthPoint Health and Wellness Center Expansion project (Resolution 16-0277).

The HCHRA authorized Agreement A165726 with Thor Development Group, LLC, (Thor) or affiliate, for the development of the southeast corner of Penn Avenue North and Plymouth Avenue North by Thor as a mixed-use development consisting of office and street related retail space and a parking facility (Resolution 16-HCHRA-0028R1). As part of this agreement, the HCHRA purchased 420 parking units in the parking facility. Agreement A165726 allowed the HCHRA to convey the parking units and all the rights and obligations under the agreement to Hennepin County. Through the recording of a Common Interest Community (CIC) Declaration and CIC Plat, the 420 parking units were identified as Unit 2, Common Interest Community No. 2090. At the closing on August 2, 2018, in accordance with Assignment of Contract for Private Development Agreement A189073 between the HCHRA and Hennepin County, Unit 2 was directly transferred to Hennepin County by Thor, as opposed to Thor first transferring the parking to the HCHRA and then the HCHRA transferring the property to Hennepin County.

A companion board action request will be considered by the Hennepin County Housing and Redevelopment Authority Board.

Current Request: This request seeks the ratification of the Assignment of Contract for Private Development Agreement A189073 and acceptance of the direct transfer of Unit 2, CIC No. 2090 from Thor to Hennepin County.

Impacts/Outcome: This ratification and authorization recognizes the transfer of 420 parking units to Hennepin County.

HENNEPIN COUNTY

MINNESOTA

Board Action Request

19-0012 S2

Revised

Item Description:

Negotiate 1 fall 2018 ERF grant agreements for cleanup of contaminated sites, various periods, total combined NTE \$415,184

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate the following Environmental Response Fund grant agreements for the assessment and cleanup of contaminated sites, during a two-year period beginning on the date of execution:

- Agreement PR00000793 with Fort Snelling Leased Housing Associates I, LLLP or affiliated entity, with the amount not to exceed \$415,184;

BE IT FURTHER RESOLVED, that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the agreements on behalf of the county; that costs incurred by the grantees after the board approval date be eligible for reimbursement upon execution of the agreements; that the County Administrator be authorized to approve one 12-month extension of the agreements; and that the Controller be authorized to disburse funds as directed.

Background:

History: The Environmental Response Fund (ERF) helps revitalize sites by providing funding to assess and clean up contamination. This helps overcome barriers that added costs of environmental cleanup pose to site improvement or redevelopment. Cleaning up these sites reduces the risk to human health and the environment.

Minnesota Statutes, sections 383B.80 and 383B.81, authorize the county to collect a mortgage registry and deed tax for the purpose of establishing an environmental response fund. The board established the ERF in 1997 (Resolution 97-06-410R1) and authorized the grant program in 2001 (Resolution 01-615).

Projects supported by ERF grants provide a variety of community benefits, including creating affordable and moderately priced housing, supporting economic development, developing green space, and making infrastructure improvements. Many ERF grants address environmental contamination in communities with significant disparities in health, including low income areas and communities of color. Some of these sites become a catalyst for new development in neighboring areas, which can help address racial disparities in housing, employment and income.

As a major economic center for 150 years, the county has a concentration of contaminated sites. Much of this contamination was caused by chemical spills or improper disposal of hazardous waste prior to the existence of environmental regulations. These improper disposal practices of the past can still cause soil and groundwater pollution that present environmental risks today.

Since 2001, the county has awarded 386 ERF grants totaling \$53,967,304.

Current Request: This request is for County Administrator authorization to negotiate 1 ERF grant agreement with a total amount not to exceed of \$415,184.

In June 2018, the county solicited proposals from municipalities and nonprofit and for-profit developers. In an effort to maximize collaboration between funders, the timing of the ERF grant round coincides with additional contamination cleanup grant programs administered by the Minnesota Department of Employment and Economic Development and the Metropolitan Council.

A committee reviewed the grant applications and recommend funding 10 of the 13 project applications received. Applications were evaluated on project need; degree of contamination; how the project will address contamination; creation or preservation of affordable and/or moderately priced market-rate housing; how the project supports economic development; and the readiness of the project to proceed.

The fall 2018 ERF award recommendations are summarized as follows and are described in detail in the report, Environmental Response Fund fall 2018 funding recommendations.

ERF Projects:

- Fort Snelling Upper Post, Fort Snelling - \$415,184 for abatement costs associated with the renovation of existing structures into 42 units of affordable rental housing. (Grantee: Fort Snelling Leased Housing Associates I, LLLP)

This request also is for approval for grantees to incur costs after the board approval date, with reimbursements being paid upon execution of the grant agreements.

Impact/Outcome: The recommended ERF grant awards will fund asbestos and lead-based paint abatement and contaminated soil assessment and cleanup. This funding supports projects that create economic development by increasing the tax base, creating permanent jobs, enhancing green space, and creating affordable and moderately priced market-rate housing. The recommended grants provide for the renovation or construction of an estimated 452 affordable housing units. ERF grants help address environmental contamination in communities with significant racial disparities in health, and supports projects that help reduce disparities in housing, employment and income.

ATTACHMENTS:

Description	Upload Date	Type
ERF fall 2018 funding recommendations	1/2/2019	Backup Material

HENNEPIN COUNTY

MINNESOTA

Environmental Response Fund fall 2018 funding recommendations



Project for Pride and Living's Oxford Village site, located in Hopkins, received an ERF grant in the spring of 2015 for abatement of asbestos containing materials and lead-based paint, soil cleanup, and vapor mitigation. The ERF grant helped transform this once blighted site into 51 units of affordable housing.

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Overview

Background

The Environmental Response Fund (ERF) helps revitalize sites by providing funding to assess and clean up contamination. This helps overcome barriers that added costs of environmental cleanup pose to site improvement or redevelopment. Cleaning up these sites reduces the risk to human health and the environment.

ERF grants are used for a variety of activities that provide community benefit, including:

- Assessment and cleanup of soil and groundwater
- Evaluation and abatement of asbestos and lead-based paint

Since 2001, ERF has funded 386 projects totaling \$53,967,304. Minnesota Statutes, sections 383B.80 and 383B.81, authorize the county to collect a mortgage registry and deed tax for the purpose of establishing an environmental response fund. The board established the ERF in 1997 (Resolution 97-06-410R1) and authorized the grant program in 2001 (Resolution 01-615).

Applications and review process

A committee of nine staff from Environment and Energy, Community Works, and Resident and Real Estate Services reviewed the applications and made recommendations for funding. Applications were evaluated on project need; degree of contamination; how the project will address contamination; creation or preservation of affordable and/or moderately priced market-rate housing; how the project supports economic development; and the readiness of the project to proceed.

The timing of the ERF grant rounds coincide with contamination cleanup grant programs administered by the Minnesota Department of Employment and Economic Development (DEED) and the Metropolitan Council in an effort to maximize collaboration among the three funders.

Summary of award recommendations

Thirteen applications were received and reviewed. Although this report describes all 13 applications, the committee recommends awarding the following ten grants totaling \$2,032,483:

- **Checkerboard, Minneapolis** - \$290,000 for abatement costs associated with the construction of an estimated 125 affordable and 125 market-rate rental units, and retail space. (Grantee: City of Minneapolis)
- **City of Lakes Community Land Trust Homebuyer Initiated Program, Minneapolis** - \$200,000 for abatement costs associated with the rehabilitation of at least nine owner-occupied, permanently affordable (land trust), single-family homes. (Grantee: City of Lakes Community Land Trust)
- **Creekside at Van White, Minneapolis** - \$173,018 for contaminated soil cleanup associated with the construction of a new office building along Bassett Creek. (Grantee: City of Minneapolis)
- **Currie Park, Minneapolis** - \$165,474 for contaminated soil cleanup associated with park improvements. (Grantee: Minneapolis Park and Recreation Board)
- **Fort Snelling Upper Post, Fort Snelling** - \$415,184 for abatement costs associated with the renovation of existing structures into 42 units of affordable rental housing. (Grantee: Fort Snelling Leased Housing Associates I, LLLP)

- **Gateway Northeast, Minneapolis** - \$260,739 for contaminated soil cleanup and abatement costs associated with the construction of a mixed-use residential apartment complex comprised of 50 market-rate, 75 affordable rental units, and retail space. (Grantee: City of Minneapolis)
- **Lake Street Affordable Housing, Minneapolis** - \$222,236 for contaminated soil cleanup, demolition, and abatement costs associated with the construction of 111 affordable rental units and retail space. (Grantee: Lake Street Affordable Housing, LLC)
- **Minnesota Brownfields Gap Financing Program, countywide** - \$200,000 to continue the Brownfields Gap Financing Program, which provides small environmental assessment grants to government entities and non-profit organizations. (Grantee: Minnesota Brownfields)
- **Portland and Washington Mixed-Use Development, Minneapolis** - \$81,364 for contaminated soil cleanup and abatement costs associated with the construction of 240 market-rate and 90 affordable rental units, a fire station, and office/retail space. (Grantee: City of Minneapolis)
- **Robbinsdale Apartments, Robbinsdale** - \$24,468 for contaminated soil cleanup associated with the construction of 197 market-rate rental units. (Grantee: City of Robbinsdale)

Expected outcomes

The recommended ERF grant awards will fund asbestos and lead-based paint abatement and contaminated soil assessment and cleanup. This funding supports projects that create economic development by increasing the tax base, creating permanent jobs, enhancing green space, and creating affordable and moderately priced market-rate housing. The recommended grants provide for the renovation or construction of an estimated 452 affordable housing units. ERF grants help address environmental contamination in communities with significant racial disparities in health, and supports projects that help reduce disparities in housing, employment and income.

Other funding accomplishments

In addition to ERF assistance, county staff routinely conduct outreach and provide additional funding for contamination assessment to cities and nonprofit organizations in between ERF rounds. This funding comes from the county's other EPA grant funds proceeds pursuant to past agreements between the EPA and Hennepin County. The Hennepin County-administered EPA grant funds and the Minnesota Brownfields Gap Financing Program, funded through the ERF, have helped many organizations develop the environmental assessment information needed to submit applications to the ERF for cleanup funding.

Application summaries

Summaries of the individual applications received are enclosed with this report and include a description of each project and the funding rationale.

Key of acronyms

Americans with Disabilities Act (ADA)

Area Median Income (AMI)

City of Minneapolis Department of Community Planning and Economic Development (CPED)

Full Time Equivalent (FTE)

Hennepin County Transit-Oriented Development (HC TOD)

Minnesota Department of Employment and Economic Development (DEED)

Polychlorinated Biphenyls (PCBs)

Polycyclic Aromatic Hydrocarbons (PAHs)

United States Department of Housing and Urban Development (HUD)

United States Environmental Protection Agency (EPA)

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4500 France Apartments

Address: 4500 France Avenue S, 3905 and 3907 Sunnyside Road, Edina

Applicant: Orion 4500 France, LLC

Property owner: Orion 4500 France, LLC

Recommended award: \$0 (\$110,400 requested)

Award recommendation

The activities are eligible for funding; however, this project ranked low in comparison with other applications received. This project is expected to proceed without ERF assistance.

Previous ERF awards: None

Other funding sources

DEED: \$335,000 committed August 2018

Metropolitan Council: None

Economic development/housing impact

- Increases tax base
- Adds 42 market-rate units (one to two bedrooms at \$2,400-\$6,400/month)
- Adds 3 affordable rate units at 50% AMI

Site description

Four vacant buildings consisting of two commercial buildings that housed a former theater and dry cleaning operation and two single-family residences.

Contamination issues: Soil contaminated with various petroleum and non-petroleum volatile organic compounds. Groundwater and soil vapor contamination is also present.

Project plans: Demolish existing buildings and construct a new, mixed-use apartment building with commercial/retail space and underground parking.

Requested use of ERF grant: Funding for a portion of the soil cleanup and collection of additional soil samples.



Calhoun Towers

Address: 3404 and 3430 List Place, Minneapolis

Applicant: City of Minneapolis on behalf of Calhoun Towers LLC

Property owner: Calhoun Towers LLC

Recommended award: \$0 (\$272,492 requested)

Award recommendation

The activities are eligible for funding; however, this project ranked low in comparison with other applications received, and ERF funds previously awarded to the project in the spring 2018 ERF grant round have not been used.

Previous ERF awards: \$249,480 spring 2018

Other funding sources

DEED: None

Metropolitan Council: \$426,867.50 requested

Economic development/housing impact

- Increases tax base
- Adds 25 affordable rental units (studio to two-bedroom at 30%-60% AMI) and 100 market-rate rental units (studio to two bedroom at \$1,400 to \$2,400/month)

Site description

22-story residential apartment building surrounded by landscaped areas and surface parking.

Contamination issues: Soil contaminated with metals, PCBs, PAHs, and various petroleum and non-petroleum volatile organic compounds. Groundwater and soil vapor contamination is also present.

Project plans: Construction of a 125-unit apartment building and underground parking. This is phase C of the overall redevelopment project.

Requested use of ERF grant:

Funding for a portion of the soil cleanup costs.



Checkerboard

Address: 3716 Dight Avenue, Minneapolis

Applicant: City of Minneapolis on behalf of Checkerboard LLC

Property owner: Checkerboard LLC

Recommended award: \$290,000 (\$290,000 requested)

Award recommendation

The activities are eligible for funding; the recommended award is equal to amount requested in grant application.

Previous ERF awards: None

Other funding sources

DEED: None

Metropolitan Council: \$600,000 requested

Economic development/housing impact

- Increases tax base
- Estimated 50 new FTE jobs
- Adds 125 affordable housing units (studio to three bedroom at 60% AMI) and 125 market-rate housing units (studio to three bedroom at \$1,000-\$3,000/month)

Site description:

Vacant grain silos and elevator building.

Contamination issues: Asbestos-containing materials are present on the exterior of the grain silos and will require abatement prior to demolition.

Project plans: Demolish existing grain silos and construct 250 units of mixed-income housing with 19,000 square feet of commercial retail space.

Requested use of ERF grant: Funding for a portion of the abatement costs.



City of Lakes Community Land Trust Homebuyer Initiated Program

Address: 3415 Morgan Avenue N, 3410 Oliver Avenue N, 4115 Emerson Avenue N, 3344 Columbus Avenue, 3429 5th Avenue S, 2914 Morgan Avenue N, 5158 Irving Avenue N, 4330 James Avenue N and 4332 14th Avenue S, all located in Minneapolis.

Applicant: City of Lakes Community Land Trust (CLCLT)

Property owner: Multiple private home owners; CLCLT is the land owner

Recommended award: \$200,000 (\$400,000 requested)

Award recommendation

The activities are eligible for funding; however, the recommended award is reduced to the estimated costs associated with nine specific property addresses identified in the application. This award amount is consistent with previous program support.

Previous ERF awards: \$225,000 fall 2017; \$230,000 fall 2016; \$115,000 fall 2015; and \$170,000 fall 2014; all for different addresses.

Other funding sources

DEED: None

Metropolitan Council: None

Other County Funds: HC TOD \$130,000 requested

Economic development/housing impact

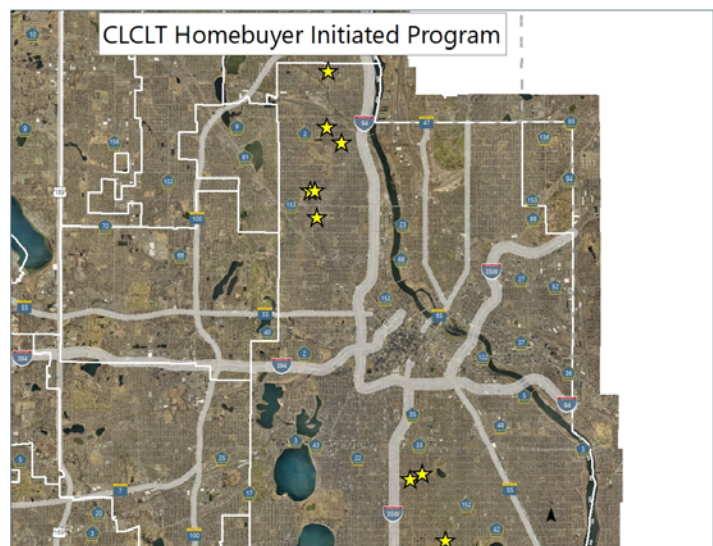
- Increases tax base
- Creation of permanently affordable, owner-occupied housing for families earning an average of 53% AMI

Site description

Nine residential, single-family homes in Minneapolis already owned in land trust arrangements by CLCLT plus an additional 11 currently unidentified homes to be purchased in 2019.

Contamination issues: Asbestos-containing building materials and lead-based paint.

Requested use of ERF grant: Funding for a portion of the abatement costs.



Creekside at Van White

Address: 210 and 212 Girard Avenue N, 1129 Second Avenue N, 1300 Chestnut Avenue W and 1311 Currie Avenue W in Minneapolis.

Applicant: City of Minneapolis on behalf of BCV LLC (Wellington Management, Inc.)

Property owner: City of Minneapolis, CPED / CP Rail

Recommended award: \$173,018 (\$173,018 requested)

Award recommendation

The activities are eligible for funding. The recommended award is equal to amount requested in the grant application.

Previous ERF awards: None

Other funding sources

DEED: \$538,374 requested

Metropolitan Council: \$551,683 requested

Economic development/housing impact

- Increases tax base
- Estimated 10 new FTE jobs
- Retains 350 FTE jobs

Site description

Long-vacant industrial/commercial properties.

Contamination issues: Soil containing debris and contaminated with petroleum, solvents, metals, and PAHs. Groundwater and soil vapor contamination is also present.

Project plans: Construct a 90,000 square-foot office building with flood plain and stormwater mitigation features.

Requested use of ERF grant: Funding for a portion of the soil cleanup costs.



Currie Park

Address: 1417 Fifth Street S, Minneapolis

Applicant: Minneapolis Park and Recreation Board

Property owner: Minneapolis Park and Recreation Board

Recommended award: \$165,474 (\$203,330 requested)

Award recommendation

The application requested assistance for a number of proposed activities, of which only contaminated soil disposal is eligible for funding. Therefore, staff recommends a reduced award of \$165,474.

Previous ERF awards: None

Other funding sources

DEED: None

Metropolitan Council: None

Economic development/housing impact

- Retains 5 FTEs

Site description

Four-acre public park with community center and surface parking in the Cedar-Riverside neighborhood.

Contamination issues: Soil containing debris and ash and contaminated with metals, PAHs, and petroleum compounds.

Project plans: Construction of a new splash pad, restroom facility, ADA compliant playground equipment, basketball court, parking lot and walk paths.

Requested use of ERF grant: Funding for a portion of the soil cleanup costs, abatement, and additional investigation sampling.



Fort Snelling Upper Post

Address: Unorganized Territory of Fort Snelling, Unincorporated Hennepin County

Applicant: Fort Snelling Leased Housing Associates I, LLLP

Property owner: Minnesota Department of Natural Resources

Recommended award: \$415,184 (\$415,184 requested)

Award recommendation

The activities are eligible for funding. The recommended award is equal to amount requested in the grant application.

Previous ERF awards: \$81,510 spring 2016 for assessment

Other funding sources

DEED: None

Metropolitan Council: None

Economic development/housing impact

- Increases tax base
- Adds 42 units of affordable housing (one to four bedroom units at 60% AMI or HUD Fair Market Rent)

Site description

Vacant military housing buildings associated with historical military base.

Contamination issues: Asbestos-containing building materials.

Project plans: Renovate select existing buildings to create 42 units of affordable housing. This is the first phase of the overall site redevelopment project.

Requested use of ERF grant: Funding for a portion of the abatement costs.



Gateway Northeast

Address: 2419, 2423 and 2435 Marshall Street NE; 30, 34, 38 and 44 Lowry Avenue NE, Minneapolis

Applicant: City of Minneapolis on behalf of CB LM Redevelopment Limited Partnership (in care of CommonBond Communities)

Property owner: CB LM Holding LLC

Recommended award: \$260,739 (\$260,739 requested)

Award recommendation

The activities are eligible for funding. The recommended award is equal to the amount requested in the grant application.

Previous ERF awards: None

Other funding sources

DEED: \$45,449 requested

Metropolitan Council: \$60,504 requested

Other County Funds: HC TOD \$515,700 requested

Economic development/housing impact

- Increases tax base
- 17 new FTE jobs
- Adds 50 market-rate rental units (studios range \$1,295 – 1,365); 75 affordable rental units (one, two, and three bedroom at 30-50% AMI)

Site description

Vacant single-family residential buildings and retail commercial building.

Contamination issues: Soil contaminated with petroleum compounds and metals. Asbestos-containing materials and lead-based paint need to be abated before current structures are demolished.

Project plans: Demolish existing buildings and construct 125 units of mixed-income housing and 13,500 square feet of retail space.

Requested use of ERF grant: Funding for a portion of the soil cleanup and abatement costs.



Lake Street Affordable Housing

Address: 410-414 West Lake Street and 2943-2945 Harriet Avenue

Applicant: City of Minneapolis on behalf of Lake Street Affordable Housing, LLC

Property owner: Standard Heating and Air Conditioning

Recommended award: \$222,236 (\$222,236 requested)

Award recommendation

The activities are eligible for funding. The recommended award is equal to amount requested in grant application.

Previous ERF awards: None

Other funding sources

DEED: None

Metropolitan Council: \$1.2M committed

Economic development/housing impact

- Increases tax base
- Adds 111 affordable rental units (efficiency to two bedrooms at \$495 - \$1,273/month; 30% to 60% AMI)

Site description

Two vacant commercial buildings.

Contamination issues: Asbestos-containing building materials. Soil contaminated with metals and PAHs.

Project plans: Construct a six-story mixed-use building comprised of 111 affordable housing units and 1,025 square feet of commercial/retail space and underground parking.

Requested use of ERF grant:

Funding for a portion of abatement, demolition, and soil cleanup costs.



Minnesota Brownfields Gap Financing Program

Address: County-wide, multiple addresses (to be determined)

Applicant: Minnesota Brownfields (501c3 nonprofit)

Property owner: Various (to be determined)

Recommended award: \$200,000 (\$250,000 requested)

Award recommendation

The activities are eligible for funding; however, there is a small amount of uncommitted funds remaining from previous fall 2017 ERF award, and project and applicant needs are anticipated to be similar to 2019. Therefore, staff recommends a reduced award of \$200,000. This award amount is consistent with previous program support.

Previous ERF awards: \$200,000 fall 2017; \$250,000 fall 2016; \$200,000 fall 2015; \$150,000 fall 2014; \$150,000 fall 2013; and \$150,000 fall 2013

Other funding sources

DEED: None

Metropolitan Council: None

Economic development/housing impact

- Will promote affordable housing and neighborhood level economic development.

Site description

The county established the Brownfields Gap Financing program in 2007 to provide timely funding for local units of government and non-profit organizations to address smaller-scope environmental issues for projects with limited budgets. Minnesota Brownfields, a non-profit organization, has administered the program since 2012. Projects requesting assistance from the program submit applications on a rolling basis and are evaluated and, if eligible, approved by Minnesota Brownfields and county staff.

Contamination issues: To be determined.

Project plans: To be determined. Historical projects have included green space, community gardens, recreation facilities, affordable housing, educational facilities, community centers, and neighborhood level economic development.

Requested use of ERF grant: Funding for continuation of the Brownfield Gap Financing program.

Portland and Washington Mixed-Use Development

Address: 240 Portland Avenue and 500 - 530 Third Street S, Minneapolis

Applicant: City of Minneapolis on behalf of Sherman Associates

Property owner: 500 South Third St Prop LLC and City of Minneapolis

Recommended award: \$81,364 (\$97,159 requested)

Award recommendation

The applicant's request included funding for disposal of uncontaminated (debris-containing) soils, which is ineligible. Therefore, we recommend a reduced award of \$81,364 to exclude ineligible costs.

Previous ERF awards: None

Other funding sources

DEED: \$440,468 requested

Metropolitan Council: None

Economic development/housing impact

- Increases tax base
- Estimated 16 retained FTE jobs and 10 new FTE jobs
- 90 affordable residential apartments (studio to two bedroom at 60% AMI or below) and 240 market-rate apartments (studio to two-bedrooms at \$1,513-\$3,300/month)

Site description

Minneapolis fire station and surface parking.

Contamination issues: Asbestos-containing building materials and soils containing debris and contaminated with metals and PAHs.

Project plans: Demolish existing fire station and construct one 22-story market-rate apartment building; one six-story affordable apartment building; a new fire station; 6,500 square feet of retail space; and six-story parking ramp.

Requested use of ERF grant: Funding for a portion of the abatement and contaminated soil cleanup costs.



RBC Gateway

Address: 30 Third Street S, Minneapolis

Applicant: City Minneapolis on behalf of United Properties

Property owner: City of Minneapolis

Recommended award: \$0 (\$272,489 requested)

Award recommendation

The activities are eligible for funding; however, this project ranked low in comparison with other applications received and is expected to proceed without ERF assistance.

Previous ERF awards: None

Other funding sources

DEED: \$1,092,395 requested

Metropolitan Council: \$781,222 requested

Economic development/housing impact

- Increases tax base
- Estimated 505 new FTE jobs; 1,000+ retained FTE
- Adds commercial space (office, hotel, retail/restaurant) and parking
- Adds 20 owner-occupied condominiums (\$950 per square foot - \$1M to \$9.6M per unit)

Site description

Surface parking lot.

Contamination issues: Soil, bedrock, groundwater and vapor contaminated with petroleum and non-petroleum compounds, PAHs, and metals.

Project plans: Construct 16 floors of office space, ten hotel guestroom floors, hotel amenities floors, four residential condominium floors, street level retail/restaurant, and three levels of underground parking.

Requested use of ERF grant: Funding for a portion of the soil and bedrock cleanup and post-construction vapor sampling.



Robbinsdale Apartments

Address: 3600 France Avenue N, Robbinsdale

Applicant: City of Robbinsdale on behalf of Inland Development Partners

Property owner: City of Robbinsdale and Excel II LLC

Recommended award: \$24,468 (\$28,577 requested)

Award recommendation

The applicant's request included funding for pre-demolition abatement costs, which are not eligible for market-rate residential projects. Therefore, a reduced award of \$24,468 is recommended.

Previous ERF awards: None

Other funding sources

DEED: \$ 184,438 requested

Metropolitan Council: \$250,003 requested

Economic development/housing impact

- Increases tax base
- Adds 197 market-rate rental units (studios to two bedrooms at \$1,252-\$2,498/month); supports city's goals of developing a greater range of housing choices

Site description

Commercial building with surface parking lot.

Contamination issues: Soil contaminated with petroleum and PAHs.

Project plans: Construct a five-story residential apartment building with underground parking.

Requested use of ERF grant: Funding for a portion of the soil cleanup costs.

