# Request for City Council Committee Action from the Department of

### **Community Planning & Economic Development**

**Date:** April 20, 2010

**To:** Lisa Goodman, Chair, Community Development Committee Betsy Hodges, Chair, Ways and Means/Budget Committee

**Subject:** Environmental Remediation Grant Applications,

Spring 2010 Grant Round

#### Recommendation:

- Authorize application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for environmental remediation and/or investigation funding for the following projects: 3100 Excelsior Boulevard, Linden Hills and New French Bakery; and,
- Authorize application to the Metropolitan Council's Tax Base Revitalization Account [TBRA] Grant Program for environmental remediation and/or investigation funding for the following projects: 4<sup>th</sup> Street Flats, Linden Hills, New French Bakery, New Millennium Charter School, and North Loop Gateway; and
- 3. Authorize application to the Hennepin County Environmental Response Fund [ERF] for environmental remediation and/or investigation funding for the following projects: 4<sup>th</sup> Street Flats, 3100 Excelsior Boulevard, Broadway Green Apartments, J. Jerome Boxleitner Place, Linden Hills, New French Bakery, New Millennium Charter School, North Loop Gateway, SEMI [West Pond], and Trinity First Terrace;
- 4. Approve the attached resolutions authorizing appropriate City staff to submit the aforesaid applications to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program, the Metropolitan Council's Tax Base Revitalization Account [TBRA] Grant Program, and the Hennepin County Environmental Response Fund [ERF].

### **Previous Directives:**

4<sup>th</sup> Street Flats (1209 4<sup>th</sup> St. SE): None.

3100 Excelsior Boulevard: None.

Broadway Green Apartments (2022 W. Broadway Ave. N): None.

J. Jerome Boxleitner Place (165 Glenwood Ave. N.): On January 23, 2009, the City Council authorized the sale of 165 Glenwood Avenue to Community Housing Development Corporation [CHDC] or an affiliate for \$835,000. On July 17, 2009, the City Council adopted a Resolution approving Hennepin County HRA and AHIF financial assistance for various projects including the J. Jerome Boxleitner Project. On October 30, 2009, the City Council authorized CPED staff to execute a Memorandum of Understanding to Transfer an existing Emergency Shelter Facility at Secure Waiting Space (1000 Currie Avenue) to the new J. Jerome Boxleitner Project. On January 29, 2010, the City Council authorized CPED staff to execute an Amendment to the Redevelopment Contract between the City of Minneapolis and the CHDC regarding the J. Jerome Boxleitner Project.

<u>Linden Hills</u> (4242-4264 Upton Ave. S.): The submission of an application for a brownfield investigation grant was approved by the City Council in October of 2009. The acceptance of that grant was approved by the City Council in February of 2010.

New French Bakery (600 Kasota Ave. SE): None.

New Millennium Charter School (212 James Ave. N): None.

North Loop Gateway (217-229 W. Broadway Ave.): None.

**SEMI [West Pond]** (670 25<sup>th</sup> Ave. SE): On July 13, 2001, the City Council approved the SEMI Revised Master Plan and Alternate Urban Areawide Review (AUAR). On January 13, 2006, the City Council authorized entering into a Mississippi Watershed Management Organization (MWMO) Fund Agreement for \$2,000,000 and amended the 2006 general appropriation resolution accordingly. On February 6, 2009, the City Council authorized City staff to pursue the acquisition of portions of properties to be used for the 25<sup>th</sup> Avenue portion of the SEMI/University Research Park infrastructure. On March 27, 2009, the City Council authorized City staff to pursue the acquisition of properties to be used for Granary Road and adjacent pond portions of the SEMI/University Research Park infrastructure.

Trinity First Terrace (1115 E. 19<sup>th</sup> St.): None.

Prepared by:	Kevin Carroll, Principal Project Coordinator			
Approved by:	Charles T. Lutz, Deputy Director, CPED			
	Catherine A. Polasky, Director of Economic Development			
Presenter in Committee: Kevin Carroll, Principal Project Coordinator, 612-673-5181				

### Financial Impact

X Other financial impact: There is no direct financial impact at this time. However, some of the grant requests have been identified as requiring a commitment of local match funds, to be provided in most cases by the developer or other non-City funding sources. The City of Minneapolis is sponsoring these grant requests, acting in some cases as a pass-through and conduit for environmental investigations and cleanup. Sponsoring these grant applications does not commit (or imply a commitment of) City funds as the required match. City staff time to administer pass-through grants does represent an uncompensated financial impact associated with this action. In a report to the Community Development Committee on April 6, 2010, staff recommended instituting administrative fees required of applicants to defray these staff costs.

### **Community Impact**

Neighborhood Notification:

<u>4<sup>th</sup> Street Flats</u> (1209 4<sup>th</sup> St. SE): The developer has asked to be placed on the agenda for the Marcy Holmes land use committee, but a date for its presentation has not yet been finalized.

3100 Excelsior Boulevard: None.

**Broadway Green Apartments** (2022 W. Broadway Ave. N): None.

<u>J. Jerome Boxleitner Place</u> (165 Glenwood Ave. N.): None.

<u>Linden Hills</u> (4242-4264 Upton Ave. S.): The developer has attended six meetings of the Linden Hills Neighborhood Council and has also met with the Linden Hills Business Association regarding the possible redevelopment of this site.

**New French Bakery** (600 Kasota Ave. SE): None.

**New Millennium Charter School** (212 James Ave. N): The developer made an initial presentation to the Harrison Neighborhood Association on March 11, 2010.

**North Loop Gateway** (217-229 W. Broadway Ave.): A communication explaining the proposed project was distributed to the Northside Residents Redevelopment Council on March 22, 2010. The project is on the agenda for the NRRC meeting on April 12, 2010.

**SEMI [West Pond]** (670 25<sup>th</sup> Ave. SE): The Southeast Economic Development (SEED) committee, comprised of neighborhood, business and institutional representatives, strongly supports City efforts to develop the proposed road and stormwater infrastructure.

<u>Trinity First Terrace</u> (1115 E. 19<sup>th</sup> St.): The developer met with the Ventura Village Neighborhood Association in November of 2009 and February of 2010.

City Goals: A Premier Destination, Enriched Environment

Sustainability Targets: Brownfield Sites

Comprehensive Plan: The proposed projects generally comply with the "land reclamation" and "providing a healthy environment" elements of the Minneapolis Plan.

Zoning Code: The proposed projects either are in compliance or will comply.

Living Wage/Business Subsidy Agreement:	Yes	No_X
Job Linkage:	Yes	No X

Other: Environmental remediation assistance is generally exempt from the City's Living Wage Ordinance and the State's Business Subsidy Act. However, any business that occupies a remediated site may be asked to sign a Job Linkage Agreement that includes five year hiring goals (with an emphasis on living wage jobs for Minneapolis residents) and seeks to connect the business with a neighborhood workforce organization.

### **Background/Supporting Information**

The ten projects and the eighteen related grant applications that are being recommended for submission to DEED, the Metropolitan Council and Hennepin County in the spring brownfield grant round are as follows:

	GRANTORS			
Project Name		Met	Henn.	Total
	DEED	Council	County	Grant
		TBRA	ERF	Requests*
4 <sup>th</sup> Street Flats		197,860	273,300	471,100
3100 Excelsior Boulevard	305,250		52,910	358,160
Broadway Green Apartments			50,000	50,000
J. Jerome Boxleitner Place			85,000	85,000
Linden Hills	271,200	23,504	23,504	318,208
New French Bakery	791,250	137,150	94,950	1,023,350
New Millennium Charter		110,000	110,000	220,000**
School				
North Loop Gateway		96,200	116,450	212,650
SEMI [West Pond]			250,000	250,000
Trinity First Terrace			20,000	20,000
TOTALS:	1,367,700	564,714	1,076,114	3,008,528

<sup>\*</sup>Amounts shown are based on pre-applications submitted to the City by March 16, 2010. The final amounts shown on grant applications submitted to the grantors by their respective application deadlines may differ, due to project cost updates prepared after March 16, 2010.

The Minnesota Contamination Cleanup and Investigation Grant Program was established in 1993 to clean up contaminated sites and convert contaminated property into a marketable asset. The Department of Employment and Economic Development [DEED] is the administering state agency. Applications for the spring

<sup>\*\*</sup>Actual amount needed is \$110,000; Developer intends to apply to two different grantors for the full amount.

grant round are due by May 3, 2010. A local match equal to twenty-five percent of the project costs is required, of which twelve percent must come from non-tax increment local funds (typically provided by the developer). The amount that is potentially available to fund brownfield investigation and cleanup grants in the spring 2010 round is \$4.0 million, which includes up to \$250,000 for investigation grants. The legislature has designated that at least 35% of available funds be spent on remediating sites in Greater Minnesota unless sufficient applications are not received. This allows the grant program to assist with cleanup efforts statewide.

Enacted by the legislature in 1995, the Metropolitan Livable Communities Act designated the Metropolitan Council as the administrator of the Tax Base Revitalization Program. This program makes grants to clean up contaminated land for subsequent redevelopment, job retention, and job growth in areas that have lost some of their commercial/industrial base. Applications for the spring round of this program are due by May 17, 2010 (this program has a different deadline than the other two programs for this round only, due to a delay in finalizing revised grant criteria). No local match is required. The amount that is potentially available to fund brownfield grants in the spring 2010 round is projected to be \$2.5 million. The TBRA program reserves at least one-quarter of the funding available in each grant cycle for projects outside of the two core cities of Minneapolis and St. Paul, and restricts any one municipality from receiving more than half of the funding in any given round.

Hennepin County has been collecting mortgage registry and deed taxes for deposit into an Environmental Response Fund (ERF) and has awarded grants from that fund since the fall of 2001. The ERF is used for the assessment and cleanup of contaminated sites located within Hennepin County, with emphasis on affordable housing projects. Applications for the spring round of this program are due by May 3, 2010. Historically, Hennepin County has usually awarded a total amount in the \$1.0 - \$2 million range per grant round. Typically, about 50% of the available grant funds are awarded to projects within the City of Minneapolis, and the remainder is awarded to projects within suburban communities.

Projects assisted by these grants have, from their inception through the fall 2009 grant round, triggered more than an estimated \$1 billion in additional private investment in the City of Minneapolis.

**New Funding Requests for Spring 2010** 

	Grant Applications	Grant Funding Requested
DEED	3	\$1,367,700
Metropolitan Council	5	\$ 564,714
Hennepin County	10	\$1,076,114
TOTAL:	18	\$3,008,528

For the spring 2010 grant round, details regarding the City's pre-application process and related program requirements were provided to CPED project coordinators and potential applicants in February. Relevant information was posted on the City's website and distributed via email to the 600+ parties on CPED's Development

Notices Distribution List. Staff review of the submitted pre-applications included consideration of factors such as readiness to proceed with cleanup, removal of blighting influences, commitment of City funds, affordable housing, compliance with zoning requirements and comprehensive plan designations, and job creation. Eighteen pre-applications were received, all of which are being recommended for submission to the grantors.

Interactions with the three grantors during the last seven grant rounds have clarified and reinforced the fact that their internal processes for reviewing, scoring and ranking applications give no weight to any city's prioritization of the applications that it submits to the grantors. The analyses conducted by the grantors' staff, and the decisions that they make in awarding grants, are based on statutory criteria and adopted guidelines that do not include the (relative) preferences of municipal applicants. Accordingly, and in keeping with the practice that has been followed by the City in the last six brownfield grant rounds, the recommendation of City staff is that the City Council not rank or prioritize the applications that it authorizes staff to submit to the grantors on or by the May 3 (DEED and Hennepin County) and May 17 (Metropolitan Council) application deadlines.

### **Details of Proposed Projects:**

[This section of the report presents projects in alphabetical order. The summary descriptions were based upon information provided by the developers or by others familiar with the details of the projects in question.]

4<sup>th</sup> Street Flats (1209 4<sup>th</sup> St. SE)

Projected Metropolitan Council TBRA Request: \$197,860 Projected Hennepin County ERF Request: \$273,300

This 0.80 acre property is the site of the former Heart of the Earth school. The developer, Doran Companies, intends to raze the school and construct a 5-story, 100-unit apartment building with two levels of underground parking. The Heritage Preservation Commission approved the developer's demolition application on April 6, 2010. The appeal period for that decision will end on April 16, 2010. If federal funds are involved in the project, a Section 106 review of the property will also be required. Future Planning review of the project will likely require rezoning, and potentially other land use applications (to be determined). Sufficient evidence of "project readiness" seems to exist. Doran will be the developer and builder, and the owner and manager of the completed project. Doran indicates that it is ready to proceed with construction as soon as decisions are made on its brownfield grant applications. Grant funds, if awarded, would be used for asbestos abatement, lead paint abatement and soil remediation.

### 3100 Excelsior Boulevard

Projected DEED Request: \$305,250

Projected Hennepin County ERF Request: \$52,910

This 0.46 acre property is the site of a former flower shop and greenhouse. The developer, 3100 Excelsior Boulevard LLC, intends to demolish an existing wood structure on the site and expand a vacant 2400 square foot masonry building to 3900 square feet, for potential office and/or commercial uses. The property owner has had an initial conversation with Community Planning staff, but land use applications have not yet been submitted. The site is on a Commercial Corridor and in the vicinity of a "Major Retail Center" as designated in the Comprehensive Plan. The redevelopment of the flower shop will be an improvement for

the area. Long term, more intense redevelopment may be desirable because the site is located near a future Southwest Light Rail Station. Sufficient evidence of "project readiness" seems to exist, based (in part) on the fact that construction financing has been obtained and the developer is ready to proceed as soon as the availability of remediation grant funding has been confirmed, after which a four month construction schedule is envisioned. Grant funds, if awarded, would be used primarily for asbestos abatement, lead paint abatement and soil remediation.

### **Broadway Green Apartments** (2022 W. Broadway Ave. N.) *Projected Hennepin County ERF Request: \$50,000*

This 0.33 acre property is currently a vacant lot. The developer, Legacy Management and Development, intends to construct a 51-unit apartment building (including 10 units considered affordable at 50% AMI). The Planning Division has indicated that the proposed project is an appropriate land use, and is of an appropriate scale, with respect to the City's policy and regulatory frameworks. It is considered a high priority project for the North Sector. Although unresolved questions still exist regarding project financing, the project will not be able to move forward until more is known about the site's environmental conditions. Seeking grant assistance is therefore a logical step. Grant funds, if awarded, would be used primarily for an environmental site assessment and the preparation of a Response Action Plan.

### <u>J. Jerome Boxleitner Place</u> (165 Glenwood Ave. N) *Projected Hennepin County ERF Reguest: \$85,000*

This 1.15 acre property is the site of a planned 7-story building with 251 overnight shelter beds and 85 permanent housing units. The developers are Community Housing Development Corporation and Catholic Charities. A determination was made that the proposed project is "not inconsistent with the Minneapolis Plan" during the land sale process. A proposed zoning ordinance amendment that is required for the project is currently under review. City Planning Commission approval of the project will likely require rezoning, a conditional use permit for the height of the structure, conditional use permits for the supportive housing and the overnight shelter, setback variances, and a site plan review. Sufficient evidence of "project readiness" seems to exist. Nearly \$14 million of funding has been committed to the project. The completion of the financing arrangements and the closing on the acquisition are planned for this summer. Remediation funds, if awarded, would be used primarily for soil remediation.

<u>Linden Hills</u> (4242-4264 Upton Ave. S)

Projected DEED Request: \$271,200

Projected Metropolitan Council TBRA Request: \$23,504 Projected Hennepin County ERF Request: \$23,504

The developer, Linden Hills Redevelopment LLC, intends to demolish an existing Famous Dave's restaurant and a two-story office building on this 0.87-acre site and then construct a new five-story building that would include one floor of ground floor commercial space, one floor of office space and three floors of residential units (either 74 rental units or 36 condos). The developer has had initial conversations with both Community Planning and Development Service staff, but land use applications have not yet been submitted. The redevelopment project is within a Neighborhood Commercial Node and is generally consistent with the policies found within the Comprehensive Plan. It is likely that several land use applications (a rezoning, variances, conditional use permits) will be needed. This project sought and successfully obtained a Hennepin County ERF investigation grant in the fall 2009 brownfield grant round. The developer has indicated that uncertainty regarding a funding source for required cleanup activities is currently one of the primary impediments to progress, and that resolving that issue will make it possible to proceed with the finalization

of construction financing and a project schedule. Grant funds, if awarded, would be used primarily for soil remediation.

**New French Bakery** (600 Kasota Ave. SE)

Projected DEED Request: \$791,250

Projected Metropolitan Council TBRA Request: \$137,150

Projected Hennepin County ERF Request: \$94,950

This 5.3 acre property will be redeveloped by Bridal Veil Bakery LLC d/b/a New French Bakery to expand its current commercial operations. Freezer space and new loading docks will be added to the existing building. The bakery intends to initially lease the building and then purchase it prior to commencement of the expansion. (The New French Bakery was previously considering new construction on a City-owned site at 2600 Minnehaha Avenue, but several large product contracts have necessitated the near-term occupancy of an existing building.) An industrial use simply occupying an industrial building wouldn't require Planning review; however, an expansion would probably be subject to site plan review at a minimum. The proposed industrial use is likely to be consistent with City guidance documents such as the Industrial Land Use and Employment Policy Plan. Although construction financing has yet to be finalized, the owner/develop expects to be able to do so if grant assistance can be secured for the projected remediation costs, which are substantial. The owner/developer is strongly motivated to acquire the property and commence the expansion as soon as possible in order to accommodate product demand. Grant funds, if awarded, would be used primarily for soil remediation.

New Millennium Charter School (212 James Ave. N) Projected Metropolitan Council TBRA Request: \$110,000

Projected Hennepin County ERF Request: \$110,000

This 5.1 acre property is the former site of Leef, a commercial launderer. The developer, Land Ho LLC, intends to remodel the existing 88,000 square foot commercial building and convert it into a Hmong school. The developer has met with CPED management, but land use applications have not yet been submitted. The site is within the study area of the Bassett Creek Valley Master Plan, and the future land use for the site adopted in that plan is residential. A school is a conditional use in the R5 zoning district, so a conditional use permit will need to be sought. While the Planning Division does not have a formal position on the project at this time, planners have indicated that a school could serve as an appropriate interim use until the market brings about the implementation of the future land use plan or a use supportive of the future high density residential. Currently, the primary impediment to progress is uncertainty regarding environmental conditions. Investigation grant funds are therefore being sought to conduct an environmental site assessment and prepare a Response Action Plan. It is anticipated that cleanup funds will be sought in a future grant round, and that project financing and a renovation schedule can be finalized when the availability of remediation funding has been confirmed.

North Loop Gateway (217-229 W. Broadway Ave. N.) Projected Metropolitan Council TBRA Request: \$96,200 Projected Hennepin County ERF Request: \$116,450

This 0.58 acre property is the former site of BJ's Liquor Lounge. The developer, Land Ho LLC, intends to retain and renovate about 50% of the existing building and add 12,500 square feet of new commercial space. This project has recently submitted development applications for City Planning Commission approval. The determination of comprehensive plan consistency will be made as part of that development review. At the predevelopment meeting, the developer was informed that the project is not fully consistent with the intent of the West Broadway Alive plan in two ways: a) it introduces new retail businesses outside

of the commercial core area of West Broadway, and b) it is a low-density development in a part of West Broadway where higher density is desired. The land use objective in this part of West Broadway is high density office. The project is inconsistent with the site's existing zoning in that the Pedestrian Oriented Overlay District requires a minimum of 2 floors of development along West Broadway. The development would have a mostly one floor frontage along West Broadway. A variance to this zoning requirement has been requested. The developer has the property under contract and has indicated that the redevelopment of the site can proceed as soon as decisions are made on its requests for remediation assistance. The construction schedule envisions project completion in the fall of this year. Grant funds, if awarded, would be used for asbestos abatement, lead paint abatement and soil remediation.

### **SEMI [West Pond]** (670 25<sup>th</sup> Ave. SE)

Projected Hennepin County ERF Request: \$250,000

This 2.9 acre parcel will be the site of a new stormwater pond that is needed to handle surface water runoff from the area of the planned intersection of Granary Road and 25<sup>th</sup> Avenue SE within the Southeast Minneapolis Industrial redevelopment area. This project will help implement a portion of the SEMI Master Plan. Any required Planning approvals are likely to be granted. Sufficient evidence of "project readiness" seems to exist, based (in part) on the fact that this phase of the overall infrastructure development in question is planned for 2010-2011 and funding will be provided through a combination of committed sources -- State of Minnesota, Mississippi Watershed Management Organization, City (TIF) and MSA funds. Grant funds, if awarded, would be used primarily for soil remediation.

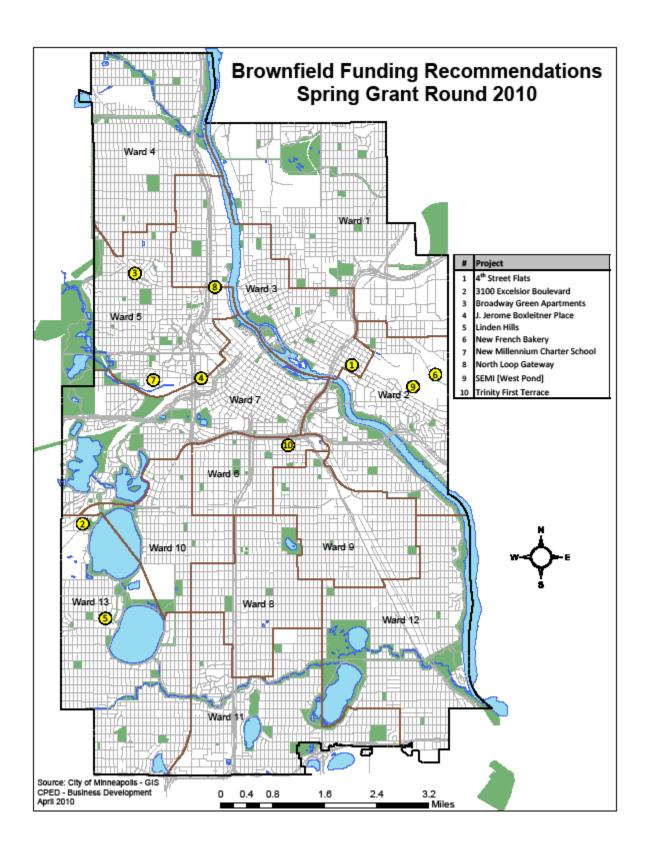
### **Trinity First Terrace** (1115 E. 19<sup>th</sup> St.)

Projected Hennepin County ERF Request: \$20,000

This 1.43-acre site is currently a parking lot with frontage on Franklin Avenue. The developer, Lutheran Social Services, intends to construct a new 5-story building with 53 rental units and 45 stalls of underground parking. This site is on a Commercial Corridor identified in The Minneapolis Plan for Sustainable Growth, and is located about ½ mile from the Franklin Avenue Transit Station. Both designations make the site generally favorable for multifamily housing. Rezoning will likely be required, and the proposed 5-story height will require a conditional use permit. In addition to site plan review, other land use applications may be required. None have been applied for, to date. The progress of the project will be contingent upon determining the nature and extent of any site contamination. Investigation grant funds are being sought to conduct an environmental site assessment. Remediation grant funding, if needed, will be sought in a future grant round. The finalization of funding commitments by late 2010 and the commencement of construction in the spring of 2011 are envisioned.

### **Proposed Project Locations:**

The map that appears on the following page identifies the location of each of the proposed projects.



# Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by May 3, 2010, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 3100 Excelsior Boulevard, Linden Hills and New French Bakery; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of the City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

## Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: 4<sup>th</sup> Street Flats, Linden Hills, New French Bakery, New Millennium Charter School, and North Loop Gateway; and,

Whereas, the City intends to act as the legal sponsor for the abovereferenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by May 17, 2010, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of the City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

## Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be submitted to Hennepin County on or by May 3, 2010, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 4<sup>th</sup> Street Flats, 3100 Excelsior Boulevard, Broadway Green Apartments, J. Jerome Boxleitner Place, Linden Hills, New French Bakery, New Millennium Charter School, North Loop Gateway, SEMI [West Pond], and Trinity First Terrace; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By the City Council of the City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.