

Roof Depot – City of Minneapolis background timeline:

February 13, 2023: The District Court denied EPNI a Temporary Restraining Order to block the demolition of the Roof Depot building, stating that EPNI failed to show that demolition would cause harm to the community.

February 3, 2023: The Minnesota Court of Appeals determined that the City of Minneapolis had properly and thoroughly completed a voluntary Environmental Assessment Worksheet (EAW)—a form of environmental review to assess risks to air quality, water quality, human health, and more—such that it was not necessary for the City to conduct a further environmental.

January 2023: The Minneapolis City Council approved the contract for demolition of the Roof Depot building at the site of the proposed Hiawatha Campus Expansion Project. The Minneapolis City Council and Mayor also unanimously approved an amended settlement offer to EPNI, in which, among the things outlined above, the City further agreed to:

- dedicate additional time from the City’s Tree Coordinator to plant and maintain trees, and maximize tree planting on EPNI-designated green spaces, in the East Phillips neighborhood thru 2030;
- dedicate additional time from the City’s traffic calming program to the East Phillips neighborhood thru 2029;
- retain a third-party fleet electrification advisory service thru 2030 and prioritize vehicle electrification at the Hiawatha Campus; and
- hold at least quarterly community meetings to discuss and solicit feedback on pending site design options, brainstorm solutions to site concerns, and create recommendations for future opportunities such as solar energy projects, emissions monitoring, public health initiatives, and plans for the training center.

December 2022: the Court heard arguments from the parties on EPNI’s motion and took the motion under advisement.

October 2022: EPNI filed a Motion for Temporary Restraining Order, which they asked the Court to prevent the City from demolishing the Roof Depot building until the litigation was complete. The City responded to EPNI’s motion in October.

August 2022: EPNI still had not responded to the MOU. The City nevertheless agreed to another mediation session with EPNI, with the same Court-recommended Mediator from April. The City again brought its legal counsel, representatives from the Mayor’s office, Public Works, Property Services, and other departments, and a Council person. Again, while negotiations were ongoing, and while the City was in the process of gathering specific information that EPNI had requested, EPNI walked out of the mediation and ended the mediation without explanation.

August 2022: The City’s experts finalized a Response Action Plan and Construction Contingency Plan (“RAP/CCP”), which subsequently was approved by both the Minnesota Pollution Control Agency and the Minnesota Department of Agriculture. Another City-retained expert prepared a Project Manual and Drawings for the demolition (the “2022 Demo Specs”), based on the regulator approved RAP/CCP.

- In the professional opinion of the City’s outside expert, the “proposed demolition and soil remediation activities for the Project can be conducted safely if the City and its selected

contractors perform the work in accordance with the MDA/MPCA-approved RAP/CCP, the 2022 Demo Specs, and any subsequent addendums issued by the City.” The City is committed to adhering to the MDA/MPCA-approved RAP/CCP, the 2022 Demo Specs, and any addendums thereto, and would not undertake the Roof Depot demolition absent this state regulatory approval.

June 2022: The City Council unanimously passed a Memorandum of Understanding that awards exclusive development rights to the East Phillips Neighborhood Institute (EPNI) for a three-acre urban farm. EPNI has until March 13, 2023 to respond to the City’s offer. **Even if EPNI declines, three acres of the site will be made available for community use.** The MOU covers many of the concerns that have been raised by community among other things, the City agreed to:

- grant EPNI exclusive development rights to the 2.8 acre community site, at no cost, with the goal to transfer title to that property to EPNI (assuming it can meet its statutorily-required obligations to, among other things, demonstrate a “public purpose” for use of the land);
- remediate and/or encapsulate contamination on the site, including arsenic in the soil, on the entire property, including the 2.8 acre community site, with all costs to be borne by the City;
- ensure the Project will meet or exceed regulatory requirements and improve water quality in the watershed;
- ensure all buildings on the site will be built solar-ready, with the potential ability to be future community solar gardens;
- include a community bicycle repair station within the overall city campus plan;
- construct an “Outreach and Training Facility” on the City’s portion of the public works yard site; and
- following remediation, permit EPNI to lease the community site for seasonal community garden use for a nominal fee of \$1 annually, which includes the City installing basic infrastructure (e.g., water access, garden shelter, lighting) on the community site.

April 2022: The City participated in the first mediation with EPNI. The Mediator the parties selected was specifically recommended by the trial Judge and is highly respected as one of the preeminent mediators in the State. The Mediator agreed not to charge EPNI for his time. The City brought its legal counsel, the Deputy City Attorney, representatives from the Mayor’s office, Public Works, Property Services, and other departments, and a Council person. EPNI failed to have all of its board members present. At approximately 1 p.m., and while negotiations were still ongoing, EPNI ended the mediation, stating that they needed certain questions answers, but that they would need to time to compile those questions.