

CITY OF SAINT PAUL

HERITAGE PRESERVATION COMMISSION RESOLUTION

**FILE NAME: Memorializing the HPC decisions regarding the former 3M
Headquarters and the Memorandum of Agreement**

DATE: January 14, 2010

WHEREAS, the Saint Paul Port Authority (hereinafter, the "Port") is acquiring from 3M Company (f/k/a/ the Minnesota Mining and Manufacturing Company and hereinafter referred to as "3M") approximately forty-six acres of land (hereinafter, the "Property") within the area approximately bounded by East Seventh, Arcade, Forest, York and Earl; and

WHEREAS, at one time, the said Property was the site of 3M's world headquarters operations as well as the site of a large complex devoted to manufacturing 3M products; and

WHEREAS, the Port is acquiring the Property for redevelopment purposes and, to aid in that endeavor, the Port obtained from the United States Environmental Protection Agency (hereinafter, the "EPA") a "Brownfields Revolving Loan Fund" grant to further assist with and facilitate redevelopment of the Property; and

WHEREAS, Section 106 of the National Historic Preservation Act of 1966 requires, as set forth in 36 C.F.R. §§ 800.1(a) and 2(a), that whenever Federal funds are used, the Federal agency providing funds shall identify historic properties potentially affected by the undertaking using the Federal funds and assess the effects of the use of the funds on any historic properties and seek ways to avoid, minimize, or mitigate any adverse effect on historic properties; and

WHEREAS, pursuant to 36 C.F.R. § 800.2, a Section 106 process was begun for the Property and, as a part of the Section 106 process, the Port and this Commission, pursuant to 36 C.F.R. § 800.2(c) participated in the process; and

WHEREAS, the Section 106 process identified certain buildings within the boundaries of the Property that would be eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, the Section 106 process further provides, at 36 C.F.R. § 800.13(a)(1), that when historic properties are identified regarding undertakings utilizing Federal funds, that a so-called "Programmatic Agreement" may be substituted for the Section 106 process, provided, as set forth at 36 C.F.R. § 800.14(a), that the said Agreement is consistent with the purposes of the Section 106 process; and

WHEREAS, the EPA and the Minnesota State Historic Preservation Office (hereinafter, "SHPO") have proposed to substitute a Programmatic Agreement for the Section 106 review process for the buildings on the Property that are eligible for listing on the NRHP; and

WHEREAS, the Programmatic Agreement process further requires a separate "Memorandum of Agreement" (hereinafter, the "MOA") which contains, among other things, the agreed upon terms and conditions regarding adverse effects upon the historic properties identified as a result of the Section 106 process, see, 36 C.F.R. §§ 800.6(c) and 800.16(o). A copy of the MOA for the subject Property is attached hereto and incorporated herein by reference as Exhibit "A;" and

WHEREAS, the EPA, as permitted under 36 C.F.R. § 800.6(c)(2)(i), invited the Commission to be a "signing party" to the said MOA; and

WHEREAS, on December 3, 2009, the Commission duly took up the matter of the EPA's invitation; and

WHEREAS, in the course of the discussion of the EPA's invitation, the Commission notes that although the Section 106 process can advance historic preservation considerations through specific mitigation strategies, the Commission recognizes that there are limitations to the process and that it cannot always fully safeguard important historic properties from inappropriate alteration or complete loss; and

WHEREAS, the Commission also notes that the MOA described the process established by the Port to seek public input regarding the Port's proposal to rehabilitate the Property and that this process included the establishment of a 3M Community Advisory Committee, the establishment of a Historic Preservation Work Group, as well as participation in these processes by individual members of this Commission - and that throughout the process, historic preservation, given the broad range of interests regarding the Port's proposal to rehabilitate the Property, remained a core value of the public input process; and

WHEREAS, the Commission, mindful of the public input process, specifically notes that the "Development Principles" established by the 3M Community Advisory Committee incorporated certain language regarding the economic, social, environmental, and aesthetic values of historic preservation that are similar in spirit to the City's policies regarding historic preservation set forth in Leg. Code § 73.01(1-6) and, accordingly, the Commission considered whether to support signing the MOA based upon the following recommendation as set forth in the MOA which had been taken from the 3M Community Advisory Committee:

1. Recommendation number (3) states "Development Concept 7A (Exhibit A) depicts the results of several months of analysis of alternatives and consensus building. It should serve as the conceptual master site plan and guide the Port Authority's implementation efforts related to land use, job density, building reuse, site circulation and connectivity and public realm improvements. This Concept includes the demolition of buildings 2, 3, 4, 41, 42, 45 and the building 99 complex."

WHEREAS, although the Commission regrets that buildings 2, 3, 4, 41, 42, 45, and the building 99 complex would be subject to removal under the MOA, and that other aspects of the MOA specifically limited the period of time under which the Port would be obligated to market the remaining building on the Property according to Development Concept 7A, the Commission understands that Development Concept 7A is based upon a public input process and the 3M Main Plant Campus Reuse Study and is of the opinion that the reuse potential of the remaining historic buildings - buildings 1, 14, 20, 21 and 24 - could increase significantly because the MOA could serve to focus reuse on a smaller, more manageable core of historic structures; and

WHEREAS, the Commission, having considered the invitation of the EPA to sign the MOA, and having considered the adverse effects on the historic properties discovered on the Property as indicated in the MOA, entertained a motion to accept the EPA's invitation and sign the MOA - subject to the condition that Stipulation No. 2 of the MOA will state "that evaluation will also include the identification of a potential for a smaller core district," which motion, upon a vote of 4 in favor, 2 against and 1 abstention, was passed; and

WHEREAS, upon passage of the motion noted in the previous paragraph, a second motion was made to recommend the following additional considerations in connection with the implementation of the MOA, as set forth below, and that motion was thereafter unanimously adopted by the Commission:

1. That the Port Authority pursue the establishment of a smaller National Register Historic District. The establishment of a smaller National Register Historic District, as opposed to a few individual National Register sites, not only has a greater ability to leverage historic investment tax credits to offset adaptive reuse costs but provides a more meaningful historic context and honors the value of historic preservation that was prioritized during the community advisory process.
2. That Council Members Bostrom and Lantry confirm a replacement HPC member to the 3M Community Advisory Committee, given the former member resigned during the end of the community process.
3. That in addition to the public meetings, design workshop, and committee meetings previously hosted by the Port Authority, the Port Authority continue to seek and consider the views of the public regarding the Project and its effects on historic properties through on-going consultation with entities such as the Community Advisory Committee (CAC) and/or other forums. Such consultation shall continue through July 31, 2014, and include HPC representation.

NOW, THEREFORE, BE IT RESOLVED, that the Heritage Preservation Commission does hereby, based upon the motions recited above and made at the Commission's meeting of December 3, 2009, regarding the invitation to sign the said MOA for the Programmatic Agreement between the EPA and SHPO for the redevelopment of the said 3M Property acquired by the Port for rehabilitation purposes:

1. Accept the invitation to sign the said MOA subject to the condition that that Stipulation No. 2 of the MOA is redrafted to state "that evaluation will also include the identification of a potential for a smaller core district;" and
2. That in connection with the said MOA that the following considerations are made in the implementation of the MOA:
 - A. That the Port Authority pursue the establishment of a smaller National Register Historic District. The establishment of a smaller National Register Historic District, as opposed to a few individual National Register sites, not only has a greater ability to leverage historic investment tax credits to offset adaptive reuse costs but provides a more meaningful historic context and honors the value of historic preservation that was prioritized during the community advisory process.
 - B. That Council Members Bostrom and Lantry confirm a replacement HPC member to the 3M Community Advisory Committee, given the former member resigned during the end of the community process.
 - C. That in addition to the public meetings, design workshop, and committee meetings previously hosted by the Port Authority, the Port Authority continue to seek and consider the views of the public regarding the Project and its effects on historic properties through on-going consultation with entities such as the Community Advisory Committee (CAC) and/or other forums. Such

consultation shall continue through July 31, 2014, and include HPC representation.

AND BE IT FINALLY RESOLVED, that a copy of this resolution memorializing the decision of the Commission in this matter shall be provided to the Saint Paul City Council, the Saint Paul Port Authority, the Minnesota State Historic Preservation Office and the federal Environmental Protection Agency, Region 5.

MOVED BY	Igo
SECONDED BY	Meyer

IN FAVOR	10
AGAINST	0
ABSTAIN	0