

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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State of Minnesota by Renovate  
1558 Association,

Court File No. 62-CV-23-4097

Plaintiff,

vs.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

The City of Saint Paul and the  
Saint Paul Public Library  
Agency,

Defendants.

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**INTRODUCTION**

The parties tried this matter to the court May 14, 2024 through May 17, 2024. The City previously had moved the court for summary judgment. It alleged Renovate had failed to establish a prima facie violation of the Minnesota Environmental Rights Act (MERA”) in response to the City’s plan to demolish the Hamline Midway Library (“the Library”). Renovate disputed this, arguing that the library is a natural resource, and the City’s planned demolition would damage it irreparably. This court denied the City’s summary judgment motion on April 12, 2024. It found that Renovate had established a prima facie violation of MERA and scheduled the trial. The trial focused on whether the City could prove an

affirmative defense in response to the court’s finding of a prima facie violation of MERA.

Assistant City Attorney Anissa Mediger represented the City. Cicely Miltich and Holly Lechner represented Renovate. The court took this matter under advisement on August 2, 2024, following submission of the parties’ written arguments.

### **FINDINGS OF FACTS**

The Library was built in the 1930s. It was listed on the National Register of Historic Places in January 2023. (Pl. Ex. 324) The State Historic Preservation Office (“Preservation Office”) reviewed the application and found that the Library satisfied Criterion A of the National Register criteria. Criterion A includes “[p]roperty ... associated with events that have made a significant contribution to the broad patterns of our history.” 36 CFR 60.4(a). The Preservation Office’s submission identified “social history” and “education” as the areas of significance. (Pl. Ex. 324). It did not find that the Library satisfied Criterion C, which focuses on a property’s physical attributes. *See id.*; 36 C.F.R. § 60.4.

The City wants to demolish the Library and replace it with a modern facility that better meets the community’s needs for safety, accessibility, and programming. (Defendants’ Trial Brief (“Def. Br.”) at 1-2) Renovate opposes this plan. It argues the Library is a natural resource within the meaning of the

Minnesota Environmental Rights Act and that the City has failed to show it has no prudent and feasible alternative to demolition. (Plaintiff's Post-Trial Brief ("Pl. Br.") at 2).

### **The Design Options**

The City presented two options for the library. Option A involved rehabilitating the library; Option B involved razing the library and building a new one. (Def. Br. at 3, fn. 2; Def. Ex. 10, SPPL 01028-01046). The parties spent much time focusing on Option A but for different reasons. The City argues that Option A is not a prudent and feasible option, and demolishing the library is necessary for the health, safety, and welfare of the community. (Def. Br. at 2 - 16)

**Structural Engineer, Kent Jones** ("Jones") testified as an expert about these issues. (Tr. 32; Def. Ex. 184) The City retained him to assess the condition of the library's roof, walls, windows, and foundation, among other things. In other words, "issues related to the structure of the building or to the exterior envelope." (Tr. 33-34) He testified that he used a hydraulic lift to examine the entire exterior of the building, including the roof. His examination included the building's entire façade, which included everything above the sidewalk to the top of the parapet - masonry, windows, doors, and limestone features. (Tr. 37)

He testified that one of the structural concerns was the ceilings in two lower-level rooms on the east side of the building. They had deteriorated significantly

such that large pieces had fallen, exposing the steel reinforcement embedded in the concrete. The steel reinforcement was corroding from water leaking in through the concrete. (Tr. 42) Jones testified that without corrective action, the ceiling eventually would give way, which would cause damage to any surrounding mechanical equipment and piping material in the rooms. (Tr. 46).

He testified about two primary concerns regarding the façade of the library. He noted that the mortar of the exterior of the building had deteriorated and/or was missing in many areas. He noted as well that the foundation walls had no waterproofing barrier. These defects allowed significant water intrusion into the building. (Tr. 47-48) He observed water infiltrating through the west wall foundation of the auditorium and collecting on the floor. (Tr. 48-49; Def. Ex. 184, photo #97). The northwest wall revealed a large crack in the foundation that allowed water infiltration. (*Id.* at photo #100) Jones testified that unabated this water intrusion would erode the library's foundation and the plaster inside. He suggested that it probably had already, given its age, and this would lead to environmental concerns regarding mold growth. (Tr. 50)

Jones observed water intrusion through the walls in other areas of the library as well. He testified about water coming through the wall in the mechanical room, collecting on the floor in the boiler room. (Tr. 51-53) Jones testified regarding other defects. For example, he testified that the sealant and mortar between the

front steps to the building had deteriorated. He also noted that the ground had settled underneath the steps. These factors unabated would lead to the steps separating from the front of the building. (Tr. 60-61)

Among other things, Jones testified that a waterproof barrier was necessary for the foundation. He testified the City would need to excavate about six (6) feet on three sides and nearly (15) feet on the east side where the mechanical equipment is situated. It would have to relocate that equipment and the piping running from it to the interior. He testified also that the entire building would need tuck pointing with new mortar to prevent water intrusion. (Tr. 64-66)

Jones acknowledged on cross-examination that all the deficiencies he observed could be remedied if the City performed all the repairs needed. (Tr. 67) The court found Jones' testimony credible. The City and Renovate do not dispute the disrepair of the Library.

In addition to the physical condition, the City also argues the Library has no ventilation system, exacerbating health concerns and creating an unacceptable situation under the Minnesota Mechanical Code. (Def. Br. at 10) It uses standing ventilators in certain areas of the library that recirculate internal air. This was a problem during the pandemic, which led the City to close the Library for more than a year. *Id.*

**Licensed Architect, Christopher Laabs** (“Laabs”) testified about this issue and others. The City retained him as an expert for trial. (Tr. 169-71) He works for LSE Architects (“LSE”), the firm the City retained to provide predesign services relating to the Library. (Tr. 170-71) Laabs confirmed that the Library has no ventilation system but that the 2020 Mechanical Code requires one. (*Id.* at 176) He noted the Library did the best it could with temporary air filters, but they are loud, take up a lot of space, and can serve only as a temporary fix. He pointed out that the community room had a mold problem because of water infiltration into the walls. (Tr. 180)

Laabs testified that LSE and its architects did a predesign assessment of the building and that it was in exceptionally poor condition. (Tr. 178-79) He testified about significant code violations. This included public areas of the Library that were inaccessible, particularly for workers and patrons in wheelchairs. There are areas in the building from which those in a wheelchair could not exit safely. The building has no sprinkler system. (Tr. 179-80) Based on the Facilities Direction Report HGA Architects prepared, Laabs testified that the cost in 2020 to get the building in usable condition would be approximately \$3 million dollars. (Tr. 172-74) That would not include the addition reflected in the Option A concept his office designed. (*Id.* at 172-75)

Laabs testified about the process for creating Options A and Option B. He indicated this his firm created four iterations of concepts to get a sense of what the community valued. (Tr. 182-83)) They were not final designs developed for electrical, mechanical, or plumbing code compliance, or for programmatic needs. (Tr. 183) As Laabs put it, there was much more work to be done to make any of the concepts a viable building. (*Id.*) They presented these four concepts to the community for feedback. (Tr. 185)

He testified reviews were mixed but that preserving features of the library was a prevailing response. (*Id.*) Some of these features included the limestone archway on the front of the façade; “the acorn” - a small stone feature on the fireplace; and the stonework and woodwork from the fireplace. Laabs testified the firm whittled the four concepts down to Options A and B and incorporated some of these elements into them. (*Id.* at 186-87; Def. Ex. 10)

Laabs testified that his firm recommended Option B. (Tr. 188) He went on to testify about the significant hurdles the City would face with Option A. For instance, installing a ventilation system involves large ducts. Given the floor-to-floor height in the building, as well as other extant structures, the necessary placement of the ducts would make sections of the lower level fully inaccessible to staff and the public. He testified the Library would lose space on the main level as

well because the ducts could not be vented through the ceiling since it is tied directly to the structure of the building. (Tr. 189-90)

Laabs pointed out that the Library has an R-value (that is, resistance to thermal transfer) of 1.9. That is approximately ten percent of the current required energy codes. He testified the R-value is so low because none of the Library's walls are insulated. Even if the City insulated the interior walls – which apparently contravenes historical preservation standards – it would potentially create a condensation problem leading to mold growth. (Tr. 191) Notwithstanding these issues, Laabs testified that Option A could be built to meet building codes and provide greater accessibility. (Tr. 231-42) The court found Laabs testimony credible.

### **Selling or Leasing**

In addition to testimony regarding the condition of the Library and the costs of Options A and B, the court also heard testimony concerning the prospects of selling or leasing the property. The cost of renovating the Library today is estimated at nearly \$3 million. (Def. Br. at 12) The county assessed the value of the property at \$679,000 for 2024 and \$656,000 for 2025. (*Id.* at 13; Tr. 381) Bruce Engelbrekt (“Engelbrekt”), Real Estate Manager for the City, testified that county assessments were reliable. He testified that the Library could be sold but that it would be difficult to do so. (Tr. 468) He testified as well that the city



attempted to sell the Arlington Library – another historic structure – but did not receive any bids. (Tr. 470; Tr. 381-82) Engelbrekt testified that the City ended up leasing the property for a dollar (\$1) a year and that the property will revert to the City when the lease expires. (Tr. 473) The court found his testimony credible.

The City’s Finance Director, John McCarthy (“McCarthy”), offered credible testimony that was consistent with the testimony from Engelbrekt. Among other things, he oversees the office that manages buying, selling, and leasing city property. (Tr. 380-81) He confirmed the City attempted to sell the Arlington Library but failed to find a viable buyer. *Id.* He testified the City leased the property to a nonprofit organization for one dollar (\$1) a year for 15 years. The lease is in its tenth year, and the Arlington Library will remain city property. (Tr. 382-83) And while the nonprofit is responsible for maintaining the property, it is apparently in better condition than the Hamline Midway Library. (Tr. 382, 110).

### **A New Location**

Public Library Director Maureen Hartman (“Hartman”) testified about the City’s concerns with purchasing property to build a new library. (Tr. 109-12) She testified she worked with the Real Estate Division of the City’s Financial Services Office to survey suitable options in the Hamline Midway area. (*Id.* at 111) The City considered and dismissed five options. Three of these involved displacing residents from lot sizes that would not accommodate a one-story building.

The other two were on University Avenue and ranged in price as high at \$1.5 million dollars. (*Id.*) Hartman testified she did not have that money and the locations were too close to the Rondo Library, a redundancy of services she did not believe was a good use of public money. (*Id.*) She also expressed safety concerns about the University locations, given their proximity to the light rail system. (*Id.* at 112) Hartmann admitted; however, that the City had already decided to demolish and rebuild the Library before the start of her five-month stint as interim Public Safety Director from November 2022 until May 2023. (*Id.* at 70-71; 113-14)

### **Safety Concerns**

Safety features were another factor involved in this complex decision-making process concerning Option A and Option B. Margaret Sullivan (“Sullivan”), principal of Margaret Sullivan Studios, testified as an expert for the City regarding best practices for library design relating to these two options. She testified that as a library designer, safety is a paramount concern. Designers incorporate different features to enhance safety for patrons and staff. Sullivan testified that “sight lines”; vibrancy or open spaces with significant activity; increased natural lighting; and “security and staffing touch points” that are adjacent to areas that can be closed, like bathrooms, increase security for the public and staff. (Tr. 335-37). She confirmed that the design in Option B provided these features. (Tr. 336-38, 344, 345) Sullivan testified on cross examination that

Option A also provided these features but to an appreciably lesser degree. (Tr. 360-64)

### **CONCLUSIONS OF LAW**

The court makes the following conclusions of law based upon the evidence in the record:

1. The City has shown that it has no feasible and prudent alternative to demolishing the Hamline Midway Library. Minn. Stat. § 116B.04; *State by Archabal v. County of Hennepin*, 495 N.W.2d 416, 422 (Minn. 1993); *State by Powderly v. Erickson*, 285 N.W.2d 84, 88.
2. The City has shown demolishing the Hamline Midway Library is consistent with and reasonably required for the promotion of the public's health safety and welfare. *Id.*

### **DISCUSSION**

A party may seek declaratory or equitable relief under the Minnesota Environmental Rights Acts (MERA) to protect natural resources from pollution, impairment, or destruction. Minn. Stat. § 116B.03. To prevail in a MERA case, a plaintiff first must establish a prima facie case that the defendant's proposed project will materially and adversely affect a protectible natural resource. *State by Schaller v. Blue Earth County*, 563 N.W.2d 260, 264 (Minn. 1997); Minn. Stat. § 116B.02, subd. 5. If the plaintiff carries its burden of proof, the defendant must

either rebut the prima facie case or demonstrate that it has no prudent and feasible alternative. It must show as well that the planned action is consistent with efforts reasonably necessary to protect the public's health, safety, and welfare, considering the state's paramount concern for natural resources. *Id.* at 264; *State by Powderly v. Erickson*, 285 N.W.2d 84, 88.

Economic considerations alone will not satisfy the City's burden. *State by Archabal v. County of Hennepin*, 495 N.W.2d 416, 422 (Minn. 1993) “[I]n the absence of unusual or extraordinary factors, the trial court must enjoin environmentally destructive conduct if a feasible and prudent alternative is shown.” *Id.* at 423 citing *County of Freeborn by Tuveson v. Bryson*, 243 N.W.2d 316, 320 (Minn.1976). This is an extremely high burden for the City to meet. *Id.* In other words, would enjoining the City from demolishing the Midway-Hamline Library cause “community disruption...[of]extraordinary magnitudes.” *Id.*

MERA includes *historical resources* within the definition of natural resources, but it fails to define historical resources. Minn. Stat. § 116B.02. Instead, in making this determination, courts are directed to consider criteria used to designate buildings on the National Register of Historic Places. *Powderly*, 285 N.W.2d 84, 88 (Minn. 1979). The criteria outlined in the Code of Federal Regulations provides that “[t]he quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings,

structures and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association.”

36 C.F.R. § 60.4. The court also should consider the following factors regarding the nature of the resource:

- (a) Whether it is associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) Whether it is associated with the lives of persons significant in the past; or
- (c) Whether it embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (d) Whether the resource has yielded, or may be likely to yield, information important in history or prehistory.

*Powderly*, 285 N.W.2d at 88 (quoting 36 C.F.R. § 800.10(a)) (now codified in 36 C.F.R. § 60.4). These criteria are guidelines for the court to use; they are not mandatory. *State ex rel Fort Snelling Park Association v. Minneapolis Park and Recreation Bd.*, 673 N.W.2d 169, 175 (Minn. App. 2003).

The Library is a natural resource within the scope of Minn. Stat. § 116B.02. It was listed on the National Register of Historic Places in January 2023 under Criterion A. Pl. Ex. 324. The application referenced its “social history,” and the library’s role in “education” in the community. *Id.* It referenced as well the significance of community involvement in constructing the Library and the role it played in serving the community as a library and a meeting place. *Id.* It was not

recommended for the registry under criterion C, which addresses the physical distinctiveness of the building. *See id.*

Because the court ruled on summary judgment that Renovate met its prima facie burden, the trial focused on the City's burden to prove that it had no feasible and prudent alternative. The City also had to show that demolishing and rebuilding the library was consistent with efforts reasonably necessary to protect public health, safety, and welfare. Minn. Stat. § 116B.04; *Archabal*, 495 N.W.2d at 422; *Powderly*, 285 N.W.2d at 88. The City argues it has met this burden. Renovate argues the City has feasible and prudent alternatives to demolishing the library and rebuilding it. The crux of this case is whether rehabilitating and expanding the Library (Option A) is a feasible and prudent alternative to tearing it down and building a new one.

This court is unaware of any case law defining “feasible and prudent.” *Black’s Law Dictionary*, 12<sup>th</sup> Edition (2024), however, defines “feasibility” as “[t]he possibility that something can be made, done, or achieved, or that it is reasonable...” It defines prudent as “well thought out; thoughtfully planned or cautiously considered.” *Id.* Thus, the court will analyze the question at hand with an eye toward whether the City has shown that it has given due consideration to Option A and whether it is reasonable to pursue that course.

The journey precipitating this case started with the City submitting a proposal through its capital improvement budget process to renovate, expand or rebuild the Library. (Tr. 73–76; Def. Ex. 4) It is a competitive process amongst the city departments because they are vying for limited dollars. (Tr. 383-84) The library received approval for just over \$8 million dollars to either raze the Hamline Midway Library and build a new one or renovate it and add to it. (Tr. 385) Renovate suggests the City presented Option A as a viable alternative to demolition. (Pl. Br. at 11-12) The City argues Option A and Option B were only concepts, not final designs (Def. Reply Br. at 2; Tr. 187)

The City hired LSE for predesign and design work related to the Hamline Midway Library project. (Tr. 172) As part of this process, LSE created four conceptual iterations of the library. The City presented these concepts to the community to get feedback. (Tr. 182-85) They were not final designs developed for electrical, mechanical, or plumbing code compliance, or for programmatic needs. (Tr. 183) The reviews were mixed but the prevailing response was that the City should preserve features of the Library. (Tr. 185.) Some of these features included the limestone archway on the front of the façade; “the acorn” - a small stone feature on the fireplace; and the stonework and woodwork from the fireplace. (Tr. 186) LSE took this feedback and whittled the four concepts down to Options

A and B and incorporated some of these elements into them. (*Id.* at 186-87; Def. Ex. 10)

The court finds that both options were presented only as concepts. They were not the final product. But the court does find that the process that led to Option A and Option B, as well as the decision to present them to the community for feedback, reflected due regard for the interests of the Hamline Midway community and whether proceeding with Option A would be a prudent course of action. In other words, it was “well thought out; thoughtfully planned or cautiously considered.” *Black’s Law Dictionary*, 12<sup>th</sup> Edition (2024).

LSE recommended Option B. (Tr. 188) And for the reasons discussed below, the court finds that Option A is not a reasonable course to pursue. The testimony of the City’s structural engineer was undisputed. Jones testified regarding “issues related to the structure of the building or to the exterior envelope.” (Tr. 33-34; Def. Ex. 184) He examined the building’s entire façade, which included everything above the sidewalk to the top of the parapet - masonry, windows, doors, and limestone features. (Tr. 37)

He testified that one of the structural concerns was the ceilings in two lower-level rooms on the east side of the building. They had deteriorated significantly such that large pieces had fallen, exposing the steel reinforcement embedded in the concrete. The steel reinforcement was corroding from water leaking in through the



concrete. (Tr. 42) Jones testified that without corrective action, the ceiling eventually would give way, which would cause damage to any surrounding mechanical equipment and piping material in the rooms. (Tr. 46).

He testified about two primary concerns regarding the façade of the library. He noted that the mortar of the exterior of the building had deteriorated and/or was missing in many areas. He noted as well that the foundation walls had no waterproofing barrier. These defects allowed significant water intrusion into the building. (Tr. 47-48) He observed water infiltrating through the west wall foundation of the auditorium and collecting on the floor. (Tr. 48-49; Def. Ex. 184, photo #97).

The northwest wall revealed a large crack in the foundation that allowed water infiltration. (*Id.* at photo #100) Jones testified that unabated this water intrusion would erode the Library's foundation and the plaster inside. He suggested that it probably had already, given its age, and this would lead to environmental concerns regarding mold growth. (Tr. 50) Jones observed water intrusion through the walls in other areas of the Library as well. He testified about water coming through the wall in the mechanical room, collecting on the floor in the boiler room. (Tr. 51-53)

Jones testified regarding other defects. For example, he testified that the sealant and mortar between the front steps to the building had deteriorated. He

also noted that the ground had settled underneath the steps. These factors unabated would lead to the steps separating from the front of the building. (Tr. 60-61)

Among other things, Jones testified that a waterproof barrier was necessary for the foundation. He testified the City would need to excavate about six (6) feet on three sides and nearly (15) feet on the east side where the mechanical equipment is situated. It would have to relocate that equipment and the piping running from it to the interior. He testified also that the entire building would need tuck pointing with new mortar to prevent water intrusion. (Tr. 64-66)

Jones acknowledged on cross-examination that all the deficiencies he observed could be remedied if the City performed all the repairs needed. (Tr. 67) Although he testified these deficiencies could be repaired, the court is not persuaded that this is a feasible or “reasonable” course to pursue. This begs the question of whether the Library’s designation on the historic registry is paramount to the court’s analysis. The court denied the City’s motion for summary judgment because the Library is on the historic registry. That is a fact.

The City provided no authority supporting the proposition that the court should examine the reason for the listing. And at the summary judgment stage, the nonmoving party is entitled to all reasonable inferences. *Beaulieu v. City of Mounds View*, 518 N.W.2d 567, 571 (Minn. 1994); *Johnson v. Minnesota Historical Society*, 931 F.2d 1239, 1244 (8th Cir. 1991). Thus, the court found

Renovate met its prima facie burden. The court is not obliged; however, to take that same deferential approach at trial. In the context of considering the feasibility or reasonableness of Option A, the court will not ignore the reasons for the Library's listing on the historic registry. The court finds the Supreme Court's decision in *Archabal*, 495 N.W.2d 416, instructive.

In *Archabal*, the county failed to show that it had no prudent feasible alternative to razing the historic Armory to build a new jail. *Id.* at 425-26 It was built in 1935, and the court described it as "one of the best examples of the WPA Moderne style of architecture in the country today." *Id.* at 418. The Hamline Midway Library was not on the registry because of its architectural distinctiveness. And unlike the Armory, it was not on the registry when the City decided to demolish and build a new one. (Def. Br. at 4) The plaintiff, *Archabal*, was the Director of the Minnesota Historical Society. The State Historical Preservation Office in this case approved demolition of the Library and the City's mitigation efforts. (*Id.*; Def. Ex. 29) *Archabal* testified that the Armory was structurally sound. Jones testified that portions of the Library were not. (Def. Br. at 4)

In addition to the physical condition, the City also argues that it has no ventilation system, exacerbating health concerns and creating an unacceptable situation under the Minnesota Mechanical Code. (Def. Br. at 10) It uses standing ventilators in certain areas of the library that recirculate internal air. This was a

problem during the pandemic, which led the City to close the library for more than a year. *Id.* The testimony of the licensed architect regarding this issues and others was undisputed.

Laabs confirmed that the Library has no ventilation system but that the 2020 Mechanical Code requires one. (Tr. 176) He noted the Library did the best it could with temporary air filters, but they are loud, take up a lot of space, and can serve only as a temporary fix. Laabs testified that installing a ventilation system involves large ducts. Given the floor-to-floor height in the building, as well as other extant structures, the necessary placement of the ducts would make sections of the lower level fully inaccessible to staff and the public. He testified the Library would lose space on the main level as well because the ducts could not be vented through the ceiling since it is tied directly to the structure of the building. (Tr. 189-90) Additionally, Laabs pointed out that the community room had a mold problem because of water infiltration into the walls. (Tr. 180) He testified that LSE and its architects did a predesign assessment of the building and that it was in exceptionally poor condition. (Tr. 178-79)

He testified about significant code violations. This included public areas of the Library that were inaccessible, particularly for workers and patrons in wheelchairs. There are areas in the building from which those in a wheelchair could not exit safely. The building has no sprinkler system. (Tr. 179-80) Based on

the Facilities Direction Report HGA Architects prepared, Laabs testified that the cost in 2020 to get the building in usable condition would be approximately \$3 million dollars. (Tr. 172-74) That would not include the addition reflected in the Option A concept HGA designed. (*Id.* at 172-75)

The evidence revealed other significant hurdles the City would face with Option A. It was undisputed that the library has an R-value (that is, resistance to thermal transfer) of 1.9. Laabs testified that represents approximately ten percent of the current required energy codes. He testified the low R-value stems from the fact none of the Library's walls are insulated. And even if the City insulated the interior walls – which apparently contravenes historical preservation standards – it would potentially create a condensation problem leading to mold growth. (Tr. 191)

Despite the myriad of issues, Laabs testified that Option A could be built to meet building codes and provide greater accessibility. (Tr. 231-42) But again, the question of feasibility implicates the question of reasonableness. *Black's Law Dictionary*, 12<sup>th</sup> Edition (2024). The court remains mindful of the extremely high burden the City must meet. *Archabal*, 495 N.W.2d at 423. The need to show unusual or extraordinary factors supporting its plan to demolish the Library. *Id.* Here, the court finds the Library has deteriorated to such an “unusual and extraordinary” extent that the cost and effort needed to refurbish it would not be a

reasonable course of action for the City to pursue. This is particularly true considering that Option B preserves some features of the Library community members wanted to keep. (Tr. 186) This option also pays homage to the Library’s “social history” and significance in “education” as the Preservation Office noted in nominating it for the historic registry. (Pl. Ex. 324). But cost is not the only consideration for the court. *Archabal*, 495 N.W.2d at 422.

Public safety also factors into evaluating a feasible course for the City. Its library design expert testified that “sight lines”; vibrancy or open spaces with significant activity; increased natural lighting; and “security and staffing touch points” that are adjacent to areas that can be closed, like bathrooms, increase security for the public and staff. (Tr. 335-37). She confirmed that the design in Option B provided these features to an appreciably greater extent than Option A. (Tr. 336, 338, 344, 345, 360-64).

The court has also considered the efficacy of selling or leasing the property or building a library in a different location. The evidence reflected that these were not viable options. The cost of renovating the Library today is estimated at nearly \$3 million. (Def. Br. at 12) The county assessed the value of the property at \$679,000 for 2024 and \$656,000 for 2025. (*Id.* at 13; Tr. 381) Real Estate Manager Engelbrekt testified that county assessments were reliable. He testified

that the Library could be sold but that it would be difficult to do so. (Tr. 468) The City had some experience with this.

Engelbrekt testified that the City attempted to sell the Arlington Library – another historic structure – but did not receive any bids. (Tr. 470; Tr. 381-82) Engelbrekt testified that the City ended up leasing the property for a dollar (\$1) a year and that the property will revert to the City when the lease expires. (Tr. 473) Finance Director McCarthy confirmed Engelbrekt’s experience. (Tr. 380-81) He testified the City attempted to sell the Arlington Library but failed to find a viable buyer. *Id.* He testified the City leased the property to a nonprofit organization for one dollar (\$1) a year for 15 years. The lease is in its tenth year, and the library will remain city property. (Tr. 382-83) And while the nonprofit is responsible for maintaining the property, it is apparently in better condition than the Hamline-Midway library. (Tr. 382, 110).

The court also considered whether the City could build a new library in a different location. The evidence presented at trial did not support this option. Public Library Director Hartman testified she connected with the Real Estate Division of the City’s Financial Services Office to survey suitable options in the Hamline Midway area. (Tr. 109-12) She said the City considered and dismissed five options. Three them involved displacing residents from lot sizes that would not accommodate a one-story building. This was not a feasible option. (Tr. 111)

The other two were on University Avenue and ranged in price as high at \$1.5 million dollars. (*Id.*) This was too expensive, and the locations were too close to the Rondo Library, a redundancy of services Hartman did not believe was a good use of public money. (*Id.*) She also expressed safety concerns about the University locations, given their proximity to the light rail system. (*Id.* at 112)

Hartmann admitted; however, that the City had already decided to demolish and rebuild the Library before the start of her five-month stint as interim Director from November 2022 until May 2023. (*Id.* at 70-71; 113-14) But that also means the decision to demolish the Library was made before it was listed on the historic registry in January 2023. (P. Ex. 324; Def. Reply Br. at 3-4). The timing of the decision does not negate the evidence that building the library in a new location in the Hamline Midway area was not a feasible option.

The evidence reflects that renovating the Library and adding additional space was possible. But feasibility must incorporate the concept of reasonableness. *Black's Law Dictionary*, 12<sup>th</sup> Edition (2024). Would it be reasonable for the City to displace residents to build a new library? Would it be reasonable to situate a library in an area that raises greater safety concerns? Would it be reasonable to spend millions from the public coffer to refurbish a library that will have a limited capacity to serve community needs now and into the future? All to save three sides of the façade of a building while stripping its interior of anything resembling the



period in which it was built. (Def. Reply Br. at 10) A façade that did not contribute to the Library’s placement on the historic registry in the first place. This court finds the evidence does support Option A as a feasible option.

The court must now determine whether the City’s plan to demolish the Library and build a new one in its place (Option B) is consistent with efforts reasonably necessary to protect the public’s health, safety, and welfare, considering the state’s paramount concern for natural resources. *Id.* at 264; *State by Powderly v. Erickson*, 285 N.W.2d 84, 88. There is no question the extraordinary deterioration of the Library, unabated, poses a significant risk to public health, safety, and welfare. Those risks include mold exposure, poor air quality, falling structures, illicit and nefarious activities, and collapsing ceilings, along with the consequences of any attendant mechanical damage. Tr. 33-34; 42-49; 50-53; 60-67; Def. Ex. 184; Tr. 172-76; 179-80; 191; Def. Br. at 10; Tr. 335-38; 344-345, 360-64. The court finds the City’s plan is consistent with public safety and the state’s paramount concern for its natural resources. Features of the Library will be replicated in the new one, including an interpretive exhibit, prominently displayed, extolling the significance of its “social history” and “education,” the very reason it was placed on the historic registry. (See Pl. Ex. 324)

**IT IS HEREBY ORDERED:**

1. The City may demolish the Hamline Midway Library in consultation with the Minnesota State Historic Preservation Office. Minn. Stat. § 138.665, Subd.

Dated: October 31, 2024

**BY THE COURT:**

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Stephen L. Smith  
Judge of the District Court