



CITY OF SAINT ANTHONY VILLAGE

HOUSING AND REDEVELOPMENT AUTHORITY MEETING AGENDA

Tuesday, August 23, 2022 at 7:00PM

[Join Meeting via Zoom](#)

There is also a dial-in option available. Members of the public who wish to attend the meeting may do so in person.

- I. Call To Order
- II. Roll Call
- III. Approval Of Agenda
- IV. Consent Agenda
 - A. Approval Of HRA Meeting Minutes

Documents:

[HRA 08-08-2022.PDF](#)

- B. Claims

Documents:

[0824-22 HRA B.PDF](#)

- V. Public Hearings
- VI. General Policy Of Business Of The H.R.A.
 - A. Kenzie Terrace Land Update

Documents:

[BF 2266_GENERAL LIABILITY LETTER.PDF](#)

- VII. Staff Reports
- VIII. H.R.A. Commissioner Comments
- IX. Information And Announcements
- X. Adjournment

If you would like to request special accommodations or alternative formats, please contact the City Clerk at 612-782-3313 or email city@savmn.com. People who are deaf or hard of hearing can contact us by using 711 Relay.

Our Mission is to be a progressive and welcoming Village that is walkable, sustainable and safe.

1 CITY OF ST. ANTHONY
2 HOUSING AND REDEVELOPMENT AUTHORITY MEETING
3 AUGUST 8, 2022
4
5

6 **CALL TO ORDER.**

7
8 Chair Stille called the meeting to order at 7:35 p.m.
9

10 **ROLL CALL.**

11
12 Present: Chair Stille, Commissioners Jenson, Randle, Walker, and Webster.

13 Absent: None.

14 Also Present: Executive Director Charlie Yunker.
15
16

17 **I. APPROVAL OF August 8, 2022 H.R.A. AGENDA.**

18
19 Motion by Commissioner Jenson, seconded by Commissioner Webster, to approve the August 8,
20 2022 Housing and Redevelopment Authority Agenda as presented.
21

22 **Motion carried 5-0.**
23

24 **II. CONSENT AGENDA.**

25
26 A. H.R.A. Meeting Minutes of July 26, 2022.
27

28 Motion by Commissioner Randle, seconded by Commissioner Walker, to approve the Consent
29 Agenda as presented.
30

31 **Motion carried 5-0.**
32

33 **III. PUBLIC HEARINGS – NONE.**
34

35 **IV. GENERAL POLICY BUSINESS OF THE H.R.A.**

36
37 A. Kenzie Terrace Land Update.
38

39 Executive Director Yunker reviewed a report submitted by Ryan Spencer and Justin Messner of
40 WSB regarding Kenzie Terrace.
41

42 The environmental investigation performed by WSB discovered a petroleum leak at the site. The
43 leak was reported to the MPCA by the site owner (Interstate Development) in June 2022 and
44 issued MPCA leak #21760. The MPCA is currently going through the process of identifying the
45 responsible party (RP) for the leak. The RP is presumed to be the former gas station (Kenzie
46 Company Gas Station) that occupied the site. The MPCA will determine if the gas station is still
47 a viable business entity to pursue corrective actions against for the required follow-up leak
48 investigation, referred to as a limited site investigation (LSI). The goal of the LSI is to define the
49 extent/magnitude of the leak. The MPCA has 60 days to perform their RP search, which will

1 likely determine the former gas station entity no longer exists. Once complete, the MPCA will
2 issue a corrective actions letter to the owner stating an LSI is needed. The costs to perform the
3 LSI (up to 90%) are eligible for reimbursement via the MN Petrofund Program.
4

5 Interstate Development plans to voluntarily perform the LSI and pursue Petrofund
6 reimbursement. However, they would like to wait for the MPCA to issue the correction action
7 letter to start the LSI work to ensure the work will be eligible for Petrofund reimbursement. The
8 MPCA's corrective action letter is anticipated in August 2022. Therefore, extension of the due
9 diligence period to October 2022, is needed to obtain the corrective action letter, solicit bids for
10 the LSI, and possibly perform the LSI.
11

12 Subsequently, the city enrolled the site into the MPCA Brownfield Program to obtain eligible
13 contamination liability assurances. The site was issued Brownfields #BF0002266. The MPCA
14 will issue a General Liability Letter (GLL) related to the discovered petroleum impacts.
15 However, the GLL cannot be issued until after the RP search has been completed. Therefore,
16 extension of the due diligence period to October will also allow time for the GLL to be
17 issued/obtained prior to site purchase.
18

19 **V. STAFF REPORTS – NONE.**

20
21 **VI. H.R.A. COMMISSIONER COMMENTS – NONE.**

22
23 **VII. INFORMATION AND ANNOUNCEMENTS – NONE.**

24
25 **VIII. ADJOURNMENT.**

26
27 Chair Stille adjourned the meeting at 7:40 p.m.
28
29

30 Respectfully submitted,
31 Debbie Wolfe
32 *TimeSaver Off Site Secretarial, Inc.*
33

34
35 ATTEST: _____
36 City Clerk
37

Chair

Vendor Number	Payee	Check Number	Check Issue Date	Amount
10461	EHLERS & ASSOCIATES, INC.	47692	08/24/2022	3,015.00
12778	NORTHWEST ASSOCIATED CONSULTANTS INC	47693	08/24/2022	6,820.80
13197	PRATT CONSTRUCTION INC	47694	08/24/2022	40,247.18
Grand Totals:				<u>50,082.98</u>

August 15, 2022

VIA EMAIL

Charlie Yunker
Saint Anthony Village
3301 Silver Lake Road Northeast
Saint Anthony, MN 55418-1667

RE: Petroleum Tank Release Liability
Kenzie Company Gas Station, 2534 Kenzie Terrace, Saint Anthony (Hennepin County), MN
MPCA Site ID: LS0021760 (BF0002267)
MPCA Billing ID: 252302
PIN: 0702923230015

Dear Charlie Yunker:

Under Minn. Stat. § 115C.021, subd. 1, a person is responsible for a release from a tank if that person owned or operated the tank any time during or after the release. If a person comes into possession of property where there has been a release after the tanks have been removed that person is not a responsible person under the statutory definition and the Minnesota Pollution Control Agency (MPCA) cannot order that person to take corrective action under Minn. Stat. § 115C.

Liability is further limited for lenders. Minn. Stat. § 115C.021, subd. 4, provides that a mortgagee is not responsible for a release from a tank solely because the mortgagee becomes an owner of real property where the tank is located through foreclosure or receipt of a deed in lieu of foreclosure.

This letter represents the views of the MPCA and is based on information disclosed to the MPCA as of the date hereof. Depending on your circumstances, it may or may not be construed as releasing any person from liability under state or federal laws. If you have questions concerning your particular situation, the MPCA recommends that you discuss your concerns with your legal counsel.

If future development of the Site or the surrounding area is planned, it should be assumed that petroleum contamination is present. Property with petroleum contamination to soil or groundwater may cause risks to future occupants. The Brownfields staff can assist with environmental risk and development plan review, and will review, approve, and/or modify your plan for property development. If contamination is encountered during future development work, the MPCA should be notified immediately.

This letter is subject to the disclaimers found in Attachment A. If you have any questions about the contents of this letter, please contact Jayme Hammond, Project Manager, at 651-757-2615 or jayme.hammond@state.mn.us.

Charlie Yunker
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August 15, 2022

Sincerely,

Jayne Hammond

This document has been electronically signed.

Jayne Hammond
Environmental Specialist
Remediation Division

JH:df

Attachment

cc: Ryan Spencer, WSB & Associates (w/attachment) (electronic)

Disclaimers

Kenzie Company Gas Station

MPCA Site ID: LS0021760/BF0002267

PIN: 0702923230015

1. Reservation of authorities

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release or create an imminent and substantial danger to public health and welfare.

2. No MPCA assumption of liability

The MPCA, its Commissioner, and staff do not assume any liability for any release, threatened release, or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter based on current information

All statements, conclusions, and representations in this letter are based on information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion, or representation and to take any appropriate action under their authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer regarding use or development of the property

The MPCA, its Commissioner, and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer regarding investigative or response action at the property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.