

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
CASE TYPE: Other Civil

State of Minnesota by Renovate 1558
Association,

Court File No.: _____

Plaintiff,

COMPLAINT

vs.

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

Defendants.

For its Complaint against Defendants the City of Saint Paul and the Saint Paul Public Library, Plaintiff Renovate 1558 states and alleges as follows:

INTRODUCTION

1. This civil action seeks to preserve the historic Henry Hale Memorial Library, Hamline Branch (also the “Library” and the “Hamline-Midway Library”) in the City of Saint Paul, located at 1558 Minnehaha Avenue West, from demolition.

2. Construction on the Hamline-Midway Library was completed in 1930. As a result of its historic significance, the Library is listed on the National Register of Historic Places.

3. In addition to its individual designations, the Hamline-Midway Library is part of a broader, significant historic context within the Saint Paul Public Library system. The Hamline-Midway Library is the only remaining Henry Hale Memorial Library, which was built to service communities that were too remote to effectively access the Saint Paul Central Library and the three Carnegie branch libraries completed in 1917.

4. The City of Saint Paul (the “City”) has acknowledged that it is required to participate in an environmental review process with the Minnesota Environmental Quality Board, including completing an Environmental Assessment Worksheet, *before* making a final determination that the Library will be demolished or taking any steps toward demolition.

5. Despite that acknowledgement, however, the City and the Saint Paul Public Library closed the Hamline-Midway Library effective May 28, 2023, and have announced that they will begin “decommissioning” the Library in preparation for demolition. Thus, it is plain that Defendants have no intention of waiting for the environmental review process to conclude or considering the environmental impacts of and alternatives to demolition, as required under Minnesota state law, before undertaking critical steps in furtherance of demolition—the course of action championed by the City, the Saint Paul Public Library, and Saint Paul Mayor Melvin Carter.

6. Absent judicial intervention, the City and the Saint Paul Public Library will continue circumventing the requirements of the Minnesota Environmental Policy Act (“MEPA”) and violating the Minnesota Environmental Rights Act (“MERA”). Left unchecked, Defendants will effectuate their desired outcome for the Library without regard for the State’s environmental review process. Their actions will cause this historical resource to be lost with no meaningful exploration of alternatives to destruction.

7. Plaintiff brings suit under MEPA and MERA for declaratory and injunctive relief to prevent the demolition and loss of the historic Hamline-Midway Library.

PARTIES

8. Plaintiff Renovate 1558 is an association formed for the purpose of protecting the historical Hamline-Midway Library from demolition.

9. Defendant City of Saint Paul is a Minnesota home rule city and the capital of the State of Minnesota.

10. According to the Saint Paul Public Library's website, Defendant Saint Paul Public Library is listed as the legal property owner of the Hamline-Midway Library.

JURISDICTION AND VENUE

11. This Court has jurisdiction over the claims asserted by Plaintiff under Minn. Stat. § 484.01 and Minn. Stat. § 116B.03. Temporary and permanent injunctive relief is authorized by MEPA, Minn. Stat. § 166D.04, subd. 13, MERA, Minn. Stat § 116B.07, and Minnesota Rule of Civil Procedure 65.

12. Venue is proper in this Court under Minn. Stat. § 116B.03, subd. 4 and Minn. Stat. § 542.01, because the Library, Plaintiff, and Defendants are located in Ramsey County, Minnesota, Ramsey County is also where the pollution, impairment, or destruction associated with the demolition of the Library will occur, and the causes of action alleged herein arose in Ramsey County.

FACTS

The Hamline-Midway Library

13. The Central Library in downtown Saint Paul and the three Carnegie branch libraries, all completed in 1917, were far enough away from the Hamline neighborhood that it was difficult for residents to reach them easily. Community input played a large part in persuading the Saint Paul Public Library to construct a library building in the Hamline neighborhood. By 1908, storekeepers along Snelling Avenue had volunteered to set aside space in their retail locations for "lending stations." By 1927, circulation numbers for the lending station designated as the

“Hamline Branch Library,” outpaced the 10-year-old Carnegie libraries, even though the “Branch” had just a tiny collection of books.

14. The Library was constructed with funds bequeathed by Henry Hale, a renowned judge and president of the library board who left a provision in his will in 1890 to build a library in Saint Paul. The bequest stalled for decades as the value of Hale’s estate was significantly diminished by the financial panic of 1893 and his wife and descendants kept control over his estate. The funds from Hale’s estate were finally released after a group of Hamline-Midway library advocates filed a lawsuit to effectuate Hale’s wishes and force construction of the library branch.

15. By 1929 there was sufficient money in the trust resulting from Hale’s bequest, with some assistance from the City’s budget, for the City to construct two libraries—the Hamline-Midway Library and the Merriam Park Branch Library. Given that these buildings were opened at the start of the Great Depression, the City’s budget was unable to supply them with a full complement of books and necessary furniture. Both communities raised enough money to provide the buildings with pieces until the City budget could begin to purchase appropriate library furniture. Both the Merriam Park Branch Library and the Hamline-Midway Library were dedicated as Hale Memorial Libraries.

16. Construction on the Hamline-Midway Library was completed in 1930 and its formal dedication as a public library was held on October 9, 1930.



17. The Hamline-Midway library features red brick and limestone facades, as well as diamond-paned windows, carved stone rosettes, wrought iron lanterns, and stone medallion, all examples of a modified Collegiate Gothic style of architecture.

18. After its October 1930 dedication, with the exceptions of closures associated with the COVID-19 pandemic, the Hamline-Midway Library has operated continuously as a public library.



Designation on the National Register of Historic Places

19. The Hamline-Midway Library was nominated for listing on the National Register of Historic Places (“National Register”) in 2022 by architectural historian Barbara Bezat, a former member of Saint Paul’s Heritage Preservation Commission.

20. As part of the nomination process, the application for the Hamline-Midway Library’s inclusion on the National Register was reviewed by the City of Saint Paul’s Heritage Preservation Commission (“HPC”) at its August 1, 2022 meeting. The HPC has the authority to support, oppose, or take no position on a National Register nomination. The HPC considered all three options, with motions to approve or oppose the nomination of the Hamline-Midway Library both failing. However, the motion to take no position on the nomination passed unanimously, allowing the nomination to move onto the State Historic Preservation Office (“SHPO”) for its consideration.

21. The HPC’s decision (or lack thereof) on the Library was unusual, as the body almost always supports National Register nominations.

22. Before SHPO could take action to formally consider the nomination, Saint Paul Mayor Melvin Carter directed that a letter be sent to SHPO over the signature of the HPC

supervisor stating that because the first motion to support the nomination of the Library to the National Register had failed, subsequent motions were allegedly “out of order.” The HPC supervisor claimed that “substitute staff for the meeting . . . erroneously suggested additional motions could be made,” when the HPC staff member at the meeting was actually an experienced, longtime employee of the HPC.

23. As a result of this letter, and one from Mayor Carter reiterating that members of the HPC had “voted not to support the nomination,” SHPO concluded that it was unable to take further action on the nomination to list the Hamline-Midway Library on the National Register.

24. That decision of the SPHO was subsequently appealed by applicant Bezat to the Keeper of the National Register on August 24, 2022. In a strongly-worded decision issued on October 11, 2022, the Keeper’s Associate Director, Joy Beasley, found that “the Preservation Commission did *not* make a recommendation that the property *not* be nominated to the National Register—in fact, the Preservation Commission expressly decided not to make a recommendation—and therefore the nomination should have been presented to the [SHPO] Review Board.” Beasley also directed SHPO to “present the nomination to the Review Board pursuant to 36 C.F.R. § 60.6(j), *et seq.*”

25. On November 15, 2022, over Mayor Carter’s continued objections and following public testimony, the State Historic Preservation Review Board voted 11-0 to support the nomination.

26. The nomination was then forwarded to the United States Department of the Interior for consideration.

27. Following consideration by the United States Department of the Interior, the Library was listed on the National Register of Historic Places on January 30, 2023.

28. The National Register is the “official list of the nation’s cultural resources worthy of preservation.” *See* State Historic Preservation Office, Minnesota Department of Administration (“SHPO”) website, available at <https://mn.gov/admin/shpo/registration/nrhp/> (last visited May 29, 2023). Properties on the National Register include “districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture and which possess integrity of location, design, setting, materials, workmanship, feeling, and association.” *Id.*

29. To be listed on the National Register, a property must satisfy established criteria. Inclusion on the National Register signifies that a property “has been documented and evaluated according to federal standards and listed in the National Register because it is significant in American history, architecture, archaeology, engineering or culture.” *See* SHPO website, available at <https://mn.gov/admin/shpo/registration/nrhp/nrfaqs/> (last visited May 29, 2023).

30. The Hamline-Midway Library meets these federal standards due to its significance in the areas of social history and education, given the strength of community involvement in bringing about its construction and the way in which the building served the community as a library and center for neighborhood activities for nearly a century. In particular, the Hamline-Midway Library was a product of Henry Hale’s donation, the work of women’s clubs, and the strong participation of the residents and businesses in the area for continued efforts to persuade the library system that their neighborhood was in need of a nearby, permanent library facility. As the population of the Hamline neighborhood grew rapidly from the 1880s to the early 1900s, neighborhood groups and clubs began to consider the need for a brick-and-mortar library in the area even before the Central library had been built in downtown Saint Paul. Beginning in the late

1890s, the discussions came primarily from residents who were organized for the effort by women in social clubs in the area.

31. The Minnesota Supreme Court has relied upon the federal standard for inclusion on the National Register to determine whether a “historical resource” qualifies for protection under MERA. *See State ex rel. Powderly v. Erickson*, 285 N.W.2d 84, 87-88 (Minn. 1979).

32. The Hamline-Midway Library’s satisfaction of the standards set forth by the United States Department of the Interior in connection with the National Register of Historic Places and the Minnesota Supreme Court establish that it is a protectible “historical resource” under MERA.

33. Seemingly undeterred by either the requirements of MERA or the inclusion of the Library on the National Register, Mayor Carver has continued to publicly proclaim that Defendants “remain resolved to deliver” a “brand new” library building after demolishing the existing Hamline-Midway Library.

Planned Demolition of the Hamline-Midway Library

34. In 2021 the Saint Paul Public Library submitted a proposal to the City’s Capital Improvement Budget Committee for an \$8.1 million investment in the Hamline Midway Library through the City’s 2022-2023 Capital Investment Budget Process. The request reflected the projected cost to demolish the Library and build a new one, despite a survey among local residents conducted by the Committee that ranked renovation of the Library as the highest priority, with “Rebuild of the Library” ranked overwhelmingly as the lowest priority.

35. Mayor Carter proposed, and the City Council ultimately approved, the \$8.1 million investment.

36. Although the Saint Paul Public Library paid only lip service to exploring possibilities for a renovation, under pressure from local residents, the City directed that both a

renovation and demolition/rebuild option be brought forward by LSE Architects for consideration by the public. Those designs were presented in April 2022.

37. However, without allowing interested residents to formally weigh in on which option they preferred, City “administration” officially decided in May 2022 to pursue only demolition and rebuilding, as reported on the Saint Paul Public Library’s website—and instructed LSE Architects to complete designs based on a plan to rebuild. <https://sppl.org/transforming-libraries/hamline-midway/> (last visited May 30, 2023).

38. On June 1, 2022, LSE Architects presented to the Saint Paul Library Board the \$8.1 million dollar proposal to build a new library on the land occupied by the Hamline-Midway Library.

39. Defendants have not demonstrated that their proposal to demolish the Hamline-Midway Library complies with the statutory standard set forth in MERA for the destruction of a protected historical resource, namely that there are no feasible and prudent alternatives to the destruction of the library. Minn. Stat. § 116B.04. subd. (b).

40. Other libraries in the Saint Paul Public Library system, including the Riverview Library in the West Side neighborhood and the Hayden Heights Library in the Greater East Side neighborhood, are also currently outdated and in need of updates. The Riverview Library, like the Hamline-Midway Library, is listed on the National Register and there was no discussion of demolishing that building. The Hayden Heights Library is not listed on the National Register, and still there was no discussion of demolishing that building. Instead, both of those buildings will be renovated. The Hamline-Midway library is the only property that Defendants have indicated will be torn down. At the same June 1, 2022 meeting where the \$8.1 million rebuild of the Hamline-Midway Library was presented, the Saint Paul Library Board heard and had no issue with proposals

for a \$65,000 redesign of portions of the George Latimer Central library, a proposed \$4.4 million remodel of the Hayden Heights branch, and a \$5.5 million addition to the Riverview branch.

41. Previously, other historic libraries within the Saint Paul Public Library system, including the Saint Anthony Park Library that had many of the same issues identified by Defendants as the reason for the demolition of Hamline-Midway Library building—such as lack of access for users with disabilities—were successfully renovated rather than destroyed.

42. The City has also previously explored and approved options to save historical library buildings by selling them to nonprofit entities, while building new public library buildings on alternative sites. For example, several years ago the City built a combined library-recreation center for the Arlington Hills neighborhood and sold the longtime Arlington Hills Library to a nonprofit organization that now uses the space to house the East Side Freedom Library.

43. With respect to the Hamline-Midway Library, however, Defendants did not seriously consider any options to relocate the library to a new building and sell or repurpose the building at 1558 Minnehaha.

44. Contrary to Defendants' unsupported assertions that demolition is the only option, the City's hand-picked architectural firm brought forward a renovation design that it indicated was feasible from both an architectural and budget standpoint. Plaintiff itself also offered architectural renderings that would have allowed renovation by glassing in the front of the building, a technique used to modernize other libraries in Saint Paul, but which City officials also refused to consider.

45. Additionally, evaluations of the Hamline-Midway Library have not shown that the building presents any imminent public health or safety risks or that renovation would be unable to resolve the aspects of the building that are outdated or have not been properly maintained. Structurally the building is very sound. The roof and floor framing plans specify steel beams and

plates, with steel-reinforced concrete columns. It appears that the only problems are water intrusion damage in two places: the ceiling at the corner where one of the beams in a reading area joins the plaster ceiling and on the west wall of the basement where there has been water leaking from just above the foundation. A building assessment by the Saint Paul Public Library in early 2021 determined that the basement water problem resulted from a grading and paving problem and that structural members, including the concrete, were not affected.

The City Acknowledges That Environmental Review is Required

46. On February 6, 2023, a citizens' petition was submitted to the Minnesota Environmental Quality Board ("EQB") requesting that an Environment Assessment Worksheet ("EAW") be prepared pursuant to MEPA, for the proposed demolition of the Library. Among other concerns, the petition cited the irreplaceable loss of the only remaining Hale Memorial Library, poor environmental outcomes from inaccurate or incomplete information processes, and long-term impacts of unaccounted for carbon costs.

47. The purpose of an EAW is, among other things, to assess the environmental impacts of a proposed action and determine whether an Environmental Impact Statement ("EIS") must be prepared to evaluate alternatives.

48. On March 28, 2023, the City, as the Responsible Government Unit ("RGU") determined that an EAW was required for the "proposed demolition of the Hamline Midway Library," because the project contemplated the complete destruction of a property that is listed on the National Register of Historic Places. *See* Minn. R. 4410.4300, subp. 31.

49. To date, however, no EAW for the proposed demolition of the Hamline-Midway Library has been completed.

50. Indeed, the City indicated in May 2023, that it had hired a third-party consultant to complete the EAW. In a May 10, 2023 email from Josh Williams, Principal Planner in the City's Department of Planning and Economic Development, Mr. Williams indicated that he was anticipating that the EAW for the proposed demolition of the Library would not even be available for the 30-day public comment period until June 20, 2023, meaning that a final decision on adequacy/the need for an EIS would not occur until early to mid-August.

Defendants are "Decommissioning" the Hamline-Midway Library, Thwarting Ongoing Environmental Review

51. On May 4, 2023, however the City and the Saint Paul Public Library announced that the Hamline-Midway Library would close on May 28, 2023 and that they would begin the process of "decommissioning" the building in preparation for demolition.

52. Notably, Defendants did not identify any health or safety concerns as the basis for closing the Library. Instead, the only reason given for the closure and decommissioning of the Library is to take steps toward demolition.

53. For example, the Saint Paul Public Library website states that the Library's closure is for the purpose of "decommissioning of the existing library building ***as the process of building a new library continues.***" See <https://sppl.org/transforming-libraries/hamline-midway/#> (emphasis added) (last visited, May 29, 2023). Thus, it is apparent that the City and the Saint Paul Public Library have no intention of waiting to move forward with their preferred plan of demolishing the Library pending the results of the EAW, as is required under Minnesota law.

54. In fact, the City, the Saint Paul Public Library, and the Mayor have repeatedly and publicly broadcast that the closure of the Library and the decommissioning project are the first steps in moving forward with demolition and they will be moving forward with demolition without waiting for and regardless of the conclusion of the environmental review process.

55. In a May 4, 2023 news article regarding the Library's closure, Mayor Carter is quoted as stating "we are thrilled to be moving on next steps to deliver a brand new, state-of-the-art library for our community." Maureen Hartman, the City's interim library director was quoted as saying "we are deeply committed to building a new Hamline Midway Library." A City spokesperson also confirmed that demolition is still scheduled for this fall. *See* Josh Skluzacek and Alex Jokich, *St. Paul plans to demolish Hamline Midway Library; community members work to save it*, KSTP (May 4, 2023), available at <https://kstp.com/kstp-news/top-news/with-new-library-planned-st-pauls-hamline-midway-library-to-close-may-28/>. The President of the Friends of the St. Paul Public Library released a statement indicating that by "moving forward now" "construction on the new library can begin before the snow flies again." *See* Frederick Melo, *St. Paul: Hamline-Midway Library to close May 28, with demolition this fall. Historic preservationists: No.*, Pioneer Press (May 4, 2023), available at <https://news.yahoo.com/st-paul-hamline-midway-library-201400596.html>.

56. Defendants are preparing to demolish the Hamline-Midway Library imminently and will demolish the Library but for the intervention from this Court.

COUNT ONE – VIOLATION OF MEPA

57. Plaintiff realleges the allegations set forth in Paragraphs 1 through 56.

58. Where, as here, an EAW is required for governmental action, a project may not be started and a final governmental decision may not be made to grant a permit, approve a project, or begin a project, until a petition for an EAW is dismissed, a negative declaration on the need for an EIS is issued, an EIS is determined adequate, or a variance is issued. *See* Minn. Stat. § 116D.04, subd. 2b; Minn. R. 4410.3100, subp. 1.

59. In particular, MEPA prohibits governmental units from starting projects before the necessary review is complete. Minn. Stat. § 116D.04, subd. 2b. A governmental unit may not take “any action with respect to the project” if the “action will prejudice the ultimate decision on the project until a petition has been dismissed, a negative declaration has been issued, or until the final EIS has been determined adequate.” An action prejudices the ultimate decision on the project “if it tends to determine subsequent development or limit alternatives or mitigative measures.” Minn. R. 4410.3100, subp. 2.

60. The actions of Defendants in closing the Library and “decommissioning” it in preparation for demolition have and will continue to prejudice the ultimate decision on the project. Decommissioning the Library could foreclose other alternatives, such as renovating the existing building for continued use as a library or selling the existing building for renovation and use by a private entity while building another library for the Hamline neighborhood on a different parcel of land.

61. Plaintiff is entitled to a declaratory judgment that the actions of Defendants in decommissioning the Library without awaiting the completion of the environmental review process violate MEPA. Plaintiff is also entitled to temporary and permanent injunctive relief, requiring the City and the Saint Paul Public Library to cease all activities and actions that prejudice ultimate decisions on the project and work to foreclose alternative and mitigation measures for the Hamline-Midway Library.

COUNT TWO – VIOLATION OF MERA

62. Plaintiff realleges the allegations set forth in Paragraphs 1 through 61.

63. MERA provides that:

The legislature finds and declares that each person is entitled by right to the protection, preservation, and enhancement of air, water, land, and other

natural resources located within the state and that each person has the responsibility to contribute to the protection, preservation, and enhancement thereof. The legislature further declares its policy to create and maintain within the state conditions under which human beings and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed. Accordingly, it is in the public interest to provide an adequate civil remedy to protect air, water, land and other natural resources located within the state from pollution, impairment, or destruction.

Minn. Stat. § 116B.01.

64. “Natural resources” protected by MERA include historical resources. Minn. Stat. § 116B.02, subd. 4.

65. MERA allows any person within the state, or any organization with members in the state, to maintain an action in the name of the State of Minnesota for declaratory or equitable relief for the protection of natural resources located within the state. Minn. Stat. § 116B.03, subd. 1.

66. As a property listed on the National Register of Historic Places, the Hamline-Midway Library is a protectable natural and historical resource under MERA. Minn. Stat. §§ 116B.01 and 116B.02, subd. 4.

67. Defendants plan to imminently demolish the Hamline-Midway Library, contrary to MERA’s command to protect and preserve our State’s natural and historical resources. Minn. Stat. § 116B.01.

68. Defendants have not met their burden of proof under MERA that historic resources may be destroyed only if it is demonstrated that there is no feasible and prudent alternative to destruction, and that economic factors alone shall not justify destruction of historic resources. Minn. Stat. § 116B.04(b).

69. If Defendants are permitted to carry out their plans, the Hamline-Midway Library will be destroyed in violation of MERA, Minn. Stat. § 116B.03, and this historic resource lost to Plaintiff, its members, and the State of Minnesota.

70. Plaintiff is entitled to a declaratory judgment that demolition of the Hamline-Midway Library violates MERA. Plaintiff is also entitled to temporary and permanent injunctive relief preventing Defendants from demolishing the Hamline-Midway Library or taking any further actions in preparation for demolition.

PRAYER FOR RELIEF

WHERE, Plaintiff Renovate 1558 Association requests relief as follows:

- A. A declaratory judgment that Defendants' "decommissioning" of the Hamline-Midway Library in preparation for demolition constitutes a violation of MEPA;
- B. A declaratory judgment that demolition of the Hamline-Midway Library, a historical and natural resource, constitutes a violation of MERA;
- C. A permanent injunction precluding Defendants, and all persons acting in concert with them, from demolishing, or making further preparations to demolish the Hamline-Midway Library;
- D. A temporary restraining order and temporary injunction restraining Defendants, and all persons acting in concert with them, from making final governmental decisions, taking actions prejudicing alternatives and mitigation measures, and engaging in construction in furtherance of the demolition of the Hamline-Midway Library.
- E. A temporary restraining order and temporary injunction restraining Defendants, and all persons acting in concert with them, from demolishing, or making

preparations to demolish the Hamline-Midway Library during the pendency of this action;

- F. An order awarding Plaintiff its costs and attorneys' fees incurred in this action, as available by law; and
- G. Any other relief the Court deems just and equitable.

Dated: June 1, 2023

LATHROP GPM LLP

/s/ Cicely R. Miltich

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that, pursuant to Minn. Stat. § 549.211, subd. 3, sanctions may be imposed by this Court if it determines that Minn. Stat. § 549.211, subd. 2 has been violated.

Dated: June 1, 2023

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