

2021

Report of the Minnesota State Capitol Preservation Commission



January 15, 2021

Note to Readers: This report is limited to the Capitol Building and its physical components, surface finishes, and infrastructure only. It does not contain discussion or information about the artwork, artifacts or furnishings placed throughout the building.

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Table of Contents

Introduction.....4

Duties and Responsibilities of the Capitol Preservation Commission.....4

Current Condition of the Capitol Building6

Funding Recurring Maintenance and Minor Repair Activities8

2020 Maintenance Activities on the Capitol Building10

Continued Use of Project Funds.....11

Completed Maintenance and Repair Projects12

Future Maintenance and Repair Projects13

Projected Funding Needs14

Capitol Art Exhibit Advisory Committee.....14

Commission Members.....15



Introduction

In 2018, the legislature amended Minnesota Statutes 15B.32 Subdivision 2, Minnesota State Capitol Preservation Commission membership, creating an ongoing 24-member commission.

Membership was defined in statute as consisting of the:

- Governor, Lieutenant Governor, Attorney General, and the Chief Justice of the Supreme Court;
- Senate Majority Leader, two additional members of the Senate Majority and two members of the Senate Minority;
- Speaker of the House, two additional members of the House Majority and two members of the House Minority;
- Chair and ranking minority member of the House of Representatives committee with jurisdiction over capital investment and the chair and ranking minority member of the Senate committee with jurisdiction over capital investment;
- Commissioners of Administration and Public Safety;
- Historical Society Director and the Executive Secretary of the Capitol Area Architectural and Planning Board; and
- Four public members.

Duties and Responsibilities of the Capitol Preservation Commission

Per Minnesota Statutes 15B.32 Subdivision 6, the commission:

- (1) shall exercise ongoing coordination of the protection, risk management, and preservation of the Capitol building;
- (2) shall consult with and advise the commissioner of administration, the board, and the Minnesota Historical Society regarding their applicable statutory responsibilities for and in the Capitol building;
- (3) shall develop a comprehensive, multiyear maintenance and preservation plan for the Capitol building, review the plan periodically, and, as appropriate, amend and modify the plan. The plan shall identify and address the long-term maintenance and preservation requirements of the Capitol building and shall take into account the recommendations of the long-range strategic plan under section 16B.24;
- (4) shall develop and implement a plan to ensure a welcoming and accessible Minnesota State Capitol for all Minnesotans and visitors;
- (5) shall develop and implement a comprehensive financial plan to fund the ongoing preservation of the Capitol building;
- (6) shall provide annual reports about the condition of the Capitol building and its needs, as well as all activities related to the preservation of the Capitol building;
- (7) may solicit gifts, grants, or donations of any kind from any private or public source to carry out the purposes of this section. For purposes of this section, the commissioner of administration may expend money appropriated by the legislature for these purposes in the same manner as private persons, firms,

corporations, and associations make expenditures for these purposes. All gifts, grants, or donations received by the commission shall be deposited in a State Capitol preservation account established in the special revenue fund. Money in the account is appropriated to the commissioner of administration for the activities of clause (4), the commission, and implementation of the predesign plan under this section. Appropriations under this clause do not cancel and are available until expended; and

(8) shall approve a program of art exhibits to encourage public visits to the Capitol and to be displayed in a space in the Capitol building that is listed in section 15B.36, subdivision 1, before an exhibit that is part of the program can be displayed for two weeks or longer. When considering recommendations made under section 15B.36, the commission must approve or reject recommended exhibits as a whole and may not approve or reject individual pieces within a recommended exhibit. The approved program must address the proposed schedule, how it addresses adopted themes for art in the Capitol, and the type or types of artwork.

(b) By January 15 of each year, the commission shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state government operations, capital investment, finance, ways and means, and legacy finance regarding the maintenance and preservation needs of the Capitol building, including recommendations adopted by the commission, the comprehensive financial plan required under paragraph (a), clause (5), and any proposed draft legislation necessary to implement the recommendations of the commission.

Current Condition of the Capitol Building

The Capitol Restoration was substantially completed in 2016. In 2020 the Capitol Building remains in excellent condition with a Facility Condition Index (FCI) of 0.03¹.

The Department of Administration's (Admin's) Facilities Management Division (FMD) staff continually monitor the building for damage, deterioration and malfunctions to building systems and infrastructure. Surfaces and finishes that experience normal wear and tear are repaired as necessary by FMD and/or contract trades. Additionally, they perform preventative maintenance activities on building infrastructure systems as recommended in the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide* provided by JE Dunn, the contractor that completed the restoration. FMD custodians also clean and maintain surfaces, finishes and fabrics in accordance with the prescribed care schedule established by the manufacturers of those products.

Over the past year, the Capitol has been subject to unique conditions. As a result of the Coronavirus, day-to-day building occupancy has been greatly reduced. Most people who work in the building have been working remotely and public access has been limited to those who are escorted into the building to conduct state business. FMD staff have nonetheless carried on continual disinfection of high touch surfaces throughout the building as a public safety measure.

During periods of threatened civil unrest at or near the building, State Patrol officers and National Guard soldiers were temporarily stationed at the Capitol as a protective measure. Additionally, a temporary chain link fence was installed in May in order to provide a physical security enhancement to the operational and physical security measures already in place on the Capitol Complex. The fence provides the standoff distance necessary to protect the building from graffiti, rocks, bricks, paint, incendiary devices or other contraband brought to the Complex by protestors that could cause severe or irreparable damage to the building or harm its inhabitants. The fence will stay in place until the Commissioners of Admin and Department of Public Safety both agree that the threat of damage arising from rallies and protests has returned to a predictable and manageable level.

Since the publication of the last annual report, a complete inspection of the Capitol's outer envelope was performed. In general, exterior envelope conditions are substantially the same as reported last year. Only minimal progression of deterioration was observed in most cases. Of note, minor additional locations of deteriorated mortar, failed sealant, and a suspected location of moisture intrusion at the spiral staircase below the lighthouse level were identified. In most locations, the masonry and sealant deterioration is localized and sporadic and does not require immediate attention.

¹ The State of Minnesota uses the industry-standard FCI is the condition metric calculated for buildings. The FCI provides an excellent means for maintenance prioritization based on overall building conditions, and provides insight to problem areas, neglected building systems, and helps guide how maintenance should be prioritized when funds are limited. The FCI is primarily used to support asset management initiatives of federal, state, and local government facilities organizations. It is calculated by dividing the cost of building deficiencies by the current replacement value of a building.

Rating Scale:

Excellent = Building FCI < 0.05
Good = 0.05 < Building FCI < 0.15
Fair = 0.15 < Building FCI < 0.30
Poor = 0.30 < Building FCI < 0.50
Crisis = Building FCI > 0.50

Since the last report, minor mortar and joint sealant replacement took place at various locations as needed. Localized areas adjacent to doors and window frames, on the Loggia, and around the balusters on perimeter railings were all addressed. Localized areas of sealant on the west plaza and west plaza stairs were also replaced. A trench drain at the west Aurora Promenade hydraulic bollards was installed to help prevent them from freezing into place during the winter months. Additionally, the Guastavino tiles under the East Porte Cochere were re-sealed and tuck-pointed.

The interior finishes of the building largely continue to hold up well. However, there is some dulling of the marble and wooden railings in the Rotunda area. FMD consulted with the conservators at the Minnesota Historical Society and they determined that the disinfectant used to combat the Coronavirus (COVID-19) is causing the railings to become dull. They recommended resuming use of the in-stock less acidic disinfectant, a change which was immediately implemented. To date those are the only two materials/surfaces that have exhibited an unfavorable reaction to the continual disinfection underway in the building.

Premature peeling of the decorative paint is occurring in limited and localized areas. FMD has begun a decorative paint study to examine the paint that is peeling in the vestibules and over the East Grand Stair between the ground and first floors.

Funding Recurring Maintenance and Minor Repair Activities

Minnesota Statutes 16B.24 authorizes the Commissioner of Administration to operate and maintain the Minnesota State Capitol and state-owned buildings in the Minnesota State Capitol Complex, as well as any other state-owned buildings when advisable or practicable. Consistent with state statutes, Admin directly manages 16 buildings and 31 parking facilities on the 140-acre Capitol Complex and oversees enterprise real property and all state property leases.

In general, the funding required to operate and maintain state-owned buildings in the Capitol Complex comes through rents paid from the operating budgets of the state government entities that occupy that space. Lease rates are determined biannually by the Commissioner of Administration and approved by the Commissioner of Minnesota Management and Budget.

In contrast, the costs to operate and maintain certain legislative and other space defined in law is funded by a direct appropriation to the Commissioner of Administration, referred to as the “In-lieu of Rent” (ILR) appropriation. ILR-funded space is billed in the same manner and at the same rate per square foot as other tenant-occupied space in the same buildings.

More specifically, the ILR appropriation covers rent for:

- **Ceremonial Space** – Space in the Capitol Building such as the Rotunda, Governor’s Residence, ceremonial grounds, monuments, and memorials in the Capitol area.
- **State Services for the Blind** – Space occupied by State Services for the Blind to operate vending operations and convenience stores at eleven sites (M.S. 248.07 Subd. 7).
- **Rent Waived** – Space in the State Capitol Building, the State Office Building, or Veterans Service Building that is occupied by the House of Representatives, Senate, Revisor of Statutes, Legislative Reference Library, and Congressionally-chartered veterans’ organizations (M.S. 197.55 – 197.58). The newly created public areas in the restored Capitol are also included in this area.

The current funding model for building operations—lease rates for Executive branch agencies and ILR for legislative and related space—works well because it provides the budget consistency needed to plan for and implement routine operations, basic infrastructure maintenance, and expeditiously re-purpose space as needed to meet the changing and unique needs of the Legislative Branch. Additionally, because the ILR rate is set in the same manner as lease rates, it ensures transparency in both the lease setting and ILR appropriation request level.

The current ILR appropriation is \$9.891 million for FY 2021. Admin has requested \$10.515 million for FY 2022 and FY 2023. The ILR appropriation must remain fully funded to cover the costs to operate and maintain the larger and more robust mechanical systems throughout the building and to perform recommended inspections and related preventative maintenance. It also helps compensate for the increase in public spaces and associated usage in a non-COVID environment.

The ILR appropriation covers rent, which includes expenses such as utility charges, compensation for general maintenance workers and engineering staff, utilities, cleaning supplies and equipment, and routine maintenance and inspection of equipment and mechanical systems (elevators, fire alarm and sprinklers, etc.). It does not cover historic preservation or periodic needs for capital investment

necessary to maintain buildings, such as roof replacement, mechanical system upgrades or replacements, etc.

Roughly 50 percent of the ILR appropriation is allocated to the Capitol Building. The ILR appropriation will need to be adjusted periodically in order to allow for major maintenance items such as painting and caulking, as will the rent rates for the non-ILR space. Periodic bonding requests will also be necessary over time to ensure that repairs and asset preservation work such as stone repairs, tuck pointing, roof and system replacement can take place as needed.



Minnesota Capitol Rotunda, with the electrolier lit for the opening of the 2020 Legislative Session.

2020 Maintenance Activities on the Capitol Building

Preventative Maintenance:

Admin continues to focus on maintaining the Capitol building at a high standard to maximize its longevity. Over the past year, and during the pandemic, FMD operations and maintenance teams were on site every day performing preventative maintenance in accordance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide* completed by JE Dunn². Work typically consists of visual inspections, filter changes, pump and motor lubrication, belt alignment and tension adjustments, and test operation as required. Work is accomplished quarterly, semi-annually, annually or at custom intervals as prescribed by the maintenance plan.

The major systems that have received preventative maintenance include but are not limited to:

- Building Heating Ventilation and Air Conditioning Systems
- Roof and Rain Leader Heat Tape/Ice Melt Systems
- Electrical Systems (Life Safety Generator)
- Fire Detection and Alarm System
- Smoke Evacuation System
- Door Openers and Control Systems
- Lot N Barricades and Aurora Promenade Bollards

Service Maintenance:

Over the past year, the following service maintenance projects were accomplished on the infrastructure and finishes in accordance with the maintenance plan:

- Annual elevator shaft wall cleaning
- Semi-annual carpet cleaning
- Pigeon droppings removal at various areas around the building
- Touchup painting (non-decorative) throughout the building as needed
- Drapery and window treatment cleaning

Surveys and Studies:

Over the past year, Admin has also executed the following contracts to inspect and analyze major building components for wear and tear and to develop potential future maintenance and repair projects for the Capitol Building:

- Exterior wall, plaza, window, door, and roof inspection. This study partially generated the list of maintenance and repair projects on page 12 of this report.
- Decorative Paint Study and Plaster Assessment (currently underway)

In 2021, FMD intends to complete the following studies:

- Exterior wall, plaza, window, door, and roof inspection
- Quadriga Inspection

²JE Dunn, the construction contractor for the Capitol Restoration was required to submit this plan at project close, November 2016.

Continued Use of Project Funds

In 2018, the Legislature (Laws of MN 2018, Ch. 214, Article 3, Sections 3 – 6) amended the Capitol Restoration funding authorization for 2013, 2014, and 2015 to allow the unspent portion of those funds to be used to cover the costs of other Capitol Mall related preservation work. The statute was also amended to extend the date by which the funds must be spent.

Notwithstanding Minnesota Statutes, section 16A.642, the bond sale authorization and appropriation of bond proceeds in this subdivision are available until December 31, 2022. The unspent portion of this appropriation, upon written notice to the commissioner of management and budget, is available to design, construct, and complete accessibility improvements to the Capitol grounds and repairs to monuments and memorials located on the Capitol complex.

Historical Summary of Capitol Restoration Appropriations:

- \$38.2 million in 2012
- \$109 million in 2013
- \$126.3 million in 2014
- \$32.924 million in 2015
- \$3.25 million in 2015 (Legacy Fund appropriations for Capitol art restoration)

There is \$2.4M in unallocated appropriations that expire on December 31, 2022.

Projects Recently Completed with Residual Restoration Funds:

Over the past year the following work elements funded with Restoration appropriations were completed:

- House Chamber – Installed and commissioned new microphones
- House Chamber – Finalized commissioning to refine lighting for session and non-session
- Capitol Mall- The most pressing repairs were made to 16 of the 23 memorials. Work consisted primarily of tuck pointing, paver repairs, caulking, polishing, resealing, repair of broken stonework, repair of structure supports, rust removal, repainting and landscaping as necessary.
- East Porte Cochere – Re-tuckpointed and sealed the Guastavino ceiling tiles.

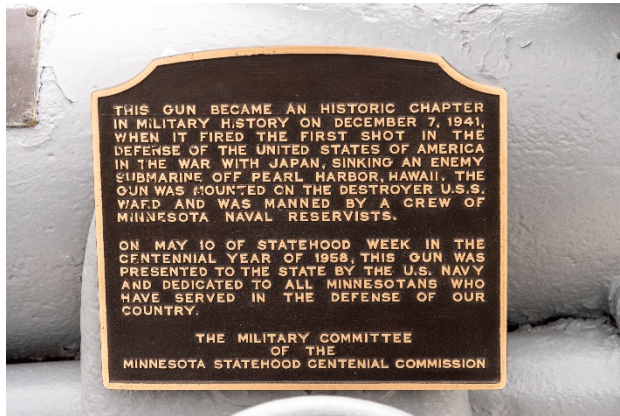
Upcoming Work Funded with Remaining Unobligated Capitol Restoration Funds

- Localized Restoration of Plaster and Decorative Paint. FMD will repair the plaster and repaint localized areas of distress throughout the building. The repair and repainting will be in accordance with the recommendations of the conservators completing the study currently underway.

Completed Maintenance and Repair Projects

FY2020:

Quadriga Survey and Repairs	\$27,879
Exterior Sealant and Tuck pointing	\$18,480
Installation of Bollard Trench Drain	\$22,750
	\$69,109



Repairs were made to 16 of the Capitol Mall's 23 memorials and monuments, including the USS Ward gun, the Minnesota Woman Suffrage Memorial, and the Minnesota Vietnam Memorial, below.



Future Maintenance and Repair Projects

In accordance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide*, and as a result of the exterior surface inspection, the following projects are planned over the next five years, including projected costs:

FY2021:

Repair Balcony Sealant/Caulking	\$1,300
Repair Silicon Tape on Granite Gutters	\$600
Repaint Select Windowsills	\$10,500
Repair Sealant/Caulk on Granite Stairs	\$25,300
Repair Plaster and Decorative Paint	\$500,000*
Other Exterior Maintenance	\$84,000
Total projected costs	\$621,700

FY2022:

Repair Roof Catwalk Support Penetrations	\$18,600
Repaint Door Sills	\$30,300
Replace Sealant at Granite Stairs	\$25,300
Refinish gallery seat wood components	\$26,250
Other Exterior Maintenance	\$84,000
Total projected costs	\$184,450

FY2023:

Sealant Repairs as needed	\$125,370
Miscellaneous/ Random Tuck-Pointing of Exterior Walls	\$1,050
Replace Lantern Windows	\$28,400
Repair Quadriga Roof Tile Mortar	\$4,200
Tuck-pointing of Plaza Curbs on Grade	\$27,000
Other Exterior Maintenance	\$84,000
Total projected costs	\$270,020

FY2024:

Miscellaneous/Random Roof Tuck-Pointing	\$2,100
Tuckpoint and Seal Vertical Masonry on Quadriga level	\$800
Decorative Paint Professional Cleaning	\$65,000
Other Exterior Maintenance	\$84,000
Total projected costs	\$151,900

FY2025:

Miscellaneous/Random Plaza Tuck-Pointing	\$13,400
Repaint Exterior Windows	\$2,500,000
Other Exterior Maintenance	\$84,000
Total projected costs	\$2,597,400

In addition to the programmed repairs mentioned above, Admin will continue with preventative maintenance and cleaning schedules in accordance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide*.

*Unobligated Restoration funds will be used for this work

Projected Funding Needs

Admin has the funding needed for FY2021 to ensure compliance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide*, ensure the Building's longevity, and to protect the significant investment of taxpayer dollars in the Capitol Restoration. The appropriate level of ILR funding is needed to meet these commitments.

It is expected that Admin will request an additional increase to the ILR budget in future fiscal years to cover the cost to paint the exterior of the windows and other maintenance items. Additionally, bonding requests will be necessary to cover asset preservation and repair work.

The Capitol Preservation Commission shares this information in order to inform decision making, continue adequate stewardship of the Capitol Building, and ensure the longevity of the restoration effort completed in 2016.

Capitol Art Exhibit Advisory Committee

On February 3rd, 2020. The Capitol Art Exhibit Advisory Committee issued a Request for Proposals for art installations in the Capitol's 3rd floor gallery. The deadline for submissions was March 20, 2020 – just after the Capitol was closed to the public due to the Covid-19 outbreak. Over 60 proposals were received.

Admin is holding the submissions until it can be determined when the Capitol will reopen to the public. When details are known, the submitters will be contacted to determine if there are changes to their submissions and dates of availability. Once adjustments are incorporated into the proposals, the Committee will conduct an in-person public meeting to discuss and make recommendations for exhibits to the Capitol Preservation Commission.

One 2020 exhibit did open before the shutdown. *Minnesota Landscapes* opened on February 12 with a well-attended and successful reception organized by members of Outdoor Painters of Minnesota, (OPM.) It remained on display through the Capitol closure. All art works were deinstalled and returned to their contributors with the assistance of the OPM on June 15th.





Capitol Preservation Commission Members

Governor Tim Walz

Lieutenant Governor Peggy Flanagan

Attorney General Keith Ellison

Chief Justice Lorie Gildea

Senate Minority Leader Susan Kent

Senator Carla Nelson *for Senate Majority*

Leader Paul Gazelka

House Speaker Melissa Hortman

House Minority Leader Kurt Daudt

Senator David Senjem, *Chair, Senate Capital*

Investment Committee

Senator Sandy Pappas, *Ranking Minority*

Member, Senate Capital Investment Committee

Senator Warren Limmer

Senator Ann Rest

Representative Mary Murphy, *Chair, House*

Capital Investment Division

Representative Dean Urhdahl,

Ranking Minority

Member, House Capital Investment Division

Representative Tou Xiong

Representative Paul Torkelson

Commissioner Alice Roberts-Davis

Department of Administration

Commissioner John Harrington

Department of Public Safety

Kent Whitworth, *Executive Director, Minnesota*

Historical Society

Paul Mandell, *Executive Secretary, Capitol*

Area Architectural and Planning Board

Public member - Vacant

Public member - Vacant

Public member - Vacant

Public member - Vacant