



# 2022

## Report of the Minnesota State Capitol Preservation Commission

# State Capitol Preservation Commission

## Annual Report - January 15, 2022

As required by Minnesota Statutes 2018, section 15B.32, the State Capitol Preservation 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 the recommendations adopted by the commission, the comprehensive financial plan required, and any proposed draft legislation necessary to implement the recommendations of the commission. The report shall be filed by January 15th of each year.

**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.

## Capitol Preservation Commission Members

**Governor Tim Walz**

**Lieutenant Governor Peggy Flanagan**

**Attorney General Keith Ellison**

**Chief Justice Lorie Gildea**

**Senator Ann Johnson Stewart** for Senate Minority Leader Melisa López Franzen

**Senator Carla Nelson** for Senate Majority Leader Jeremy Miller

**Representative Andrew Carlson** for House Speaker Melissa Hortman

**House Minority Leader Kurt Daudt**

**Senator Tom Bakk**, Chair, Senate Capital Investment Committee

**Senator Sandy Pappas**, Ranking Minority Member, Senate Capital Investment Committee

**Senator David Senjem**

**Senator Ann Rest**

**Representative Fue Lee**, Chair, House Capital Investment Division

**Representative Dean Urdahl**, 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

**Merritt Clapp-Smith**, Executive Secretary, Capitol Area Architectural and Planning Board

**Amber Annis**, public member

**Jack Fraser**, public member

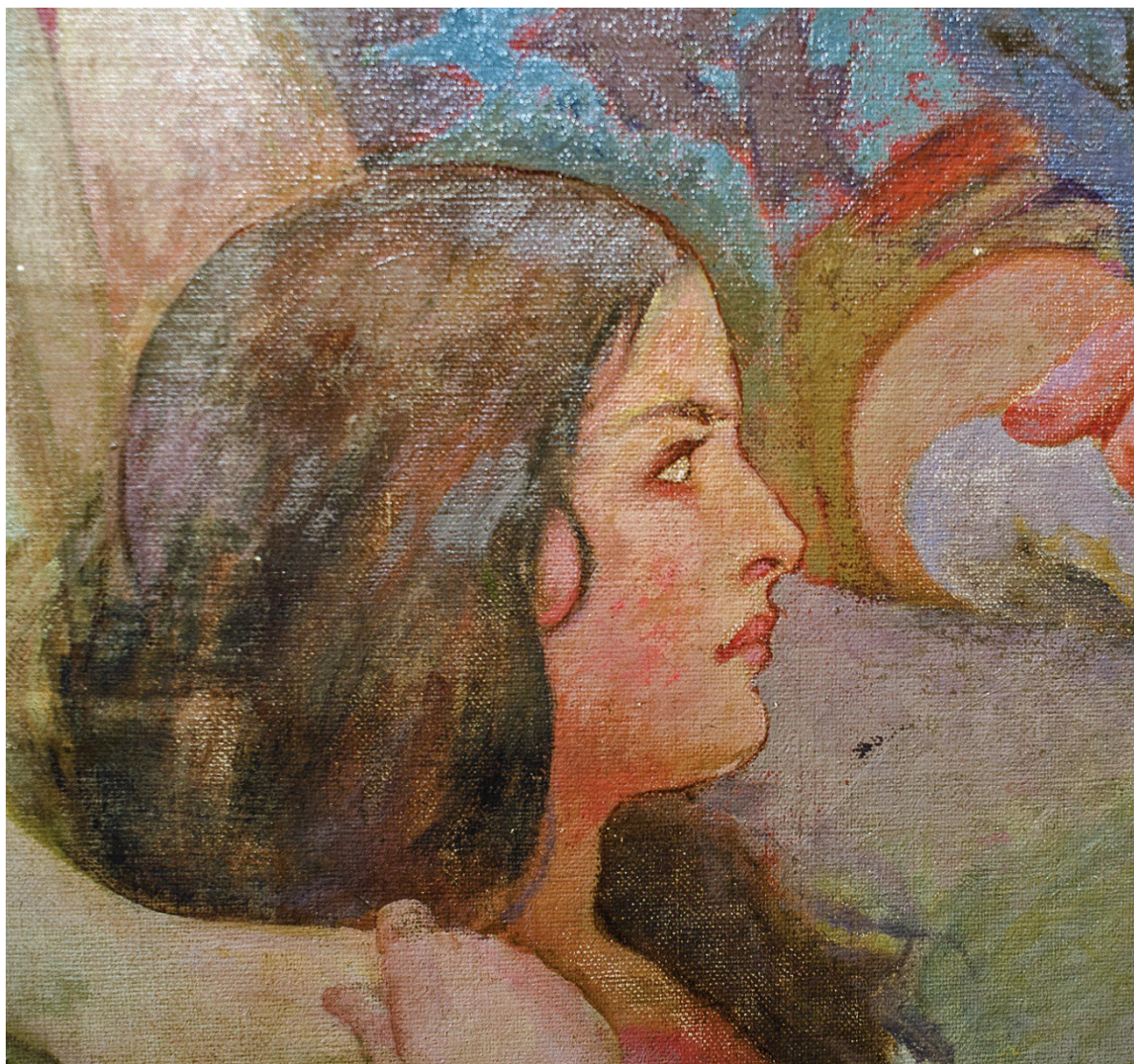
**Nathaniel Hood**, public member

**Mark Westpfahl**, public member

*Capitol Complex Facility Manager,*  
**Christopher A. Guevin, P.E.**

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Detail from *Minnesota: Granary of the World*, Senate Chambers.

# 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.
9. (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.



*The Quadriga catches the early morning sun on June 10, when the Capitol reopened to visitors.*

# Current Condition of the Capitol Building

The Capitol Restoration was substantially completed in 2016. In 2021 the Capitol Building remains in excellent condition with a Facility Condition Index (FCI) of 0.03<sup>1</sup>.

The Department of Administration's (Admin's) Facilities Management Division (FMD) staff continually monitor the building for damage, deterioration, and malfunctions to its building systems and infrastructure. Surfaces and finishes that experience normal wear and tear are repaired as necessary by FMD or contract trades. Additionally, they perform preventative maintenance activities on building components and 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.

During 2021, as a result of COVID-19, day-to-day building occupancy continued at lower levels. Most people who work in the building have continued working remotely and, for the first five months of the year, public access had been limited to those who were escorted into the building to conduct state business. In June, the building was once again opened to the public Monday through Friday from 8:00 AM until 5:00 PM. It remains closed on weekends. FMD staff have continued to disinfect high touch surfaces throughout the building as a public health measure. Additionally, FMD continues to run air handling equipment 24 hours per day, on days the building is open to the public and introduces the maximum amount of fresh air into the ventilation system in order to conform to the Center for Disease Control (CDC) guidelines for air circulation during the pandemic. All air filters in the Capitol's heating, ventilation, and air-conditioning system meet CDC recommendations, or better, for filtration of the virus.

During periods of threatened civil unrest at or near the building, State Patrol officers were temporarily stationed at the Capitol as a protective measure. The temporary chain link fence that was installed in May of 2020 was removed in June of 2021. A second temporary fence was installed in late August for 19 days in order to provide a physical security enhancement to the operational and physical security measures already in place on the Capitol Complex.

<sup>1</sup> The State of Minnesota uses the industry-standard FCI as the condition metric calculated for its 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 for 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 is less than 0.05

Good = Building FCI is between 0.05 and 0.15

Fair = Building FCI is between 0.15 and 0.30

Poor = Building FCI is between 0.30 and 0.50

Crisis = Building FCI over 0.50

Since the publication of the last annual report, a complete inspection of the Capitol's outer envelope was completed. 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 transport through stone was observed. In most locations masonry and sealant deterioration is localized and sporadic and does not require immediate attention, however portions will be considered as part of a cumulative project within the next five to seven years. A noteworthy area where mortar deterioration has progressed more aggressively is near the plaza area in the lower west entrance. This area will be repaired accordingly in 2022 and 2023.

During 2021, the paint on exterior windowsills was touched-up and in August the repair of the interior plaster and decorative paint began. To date work has been completed on the basement, ground, second, and third floors. Work will continue until the start of the 2022 legislative session when it will be suspended until after session adjourns sine die. The work is expected to be completed in September 2022. Other maintenance and repair items identified by the consultant's 2020 exterior assessment were deferred one year so that they can be included with the work identified in their 2021 report which is scheduled to be accomplished in 2022. Grouping these limited scope items from the 2021 work plan with the similar work in 2022 will make the work effort more efficient and cost effective for the state.

The interior finishes of the building largely continue to hold up well. However, there is some discoloration to the brass plated rails along the ramp in the Senate Gallery. FMD will re-plate or replace the rails as soon as continual disinfection of highly touched surfaces is no longer necessary.

As a result of the Decorative Paint Study completed last year, FMD has initiated a Humidity Study for the Building in order to determine if yearly humidity levels, and variations thereof, may be the cause for the paint and plaster distress. The recommendations rendered from the study will be incorporated as appropriate.

FMD has also commissioned a door egress study in order to develop an acceptable alternative to the automatic unlocking of all of the doors in the vestibules when someone enters them from inside of the building. Currently motion sensors signal to unlock all vestibule doors when someone enters the vestibule. This protocol was developed to facilitate rapid and unhindered egress during a fire or other in-building emergency. However, this same protocol also allows for unauthorized access through any of the vestibule doors once the motion detector is tripped. This presents a significant security vulnerability during periods of civil unrest outside of the Building. FMD will work with consultants, the Fire Marshal, the Minnesota Historical Society and the Capitol Area Architectural and Planning Board to develop an acceptable alternative for this protocol.

Finally, FMD contracted with JEDunn, the construction company that restored the Capitol, to install impact resistant film on all ground and first floor entrances in order to help protect the building from forced entry. This work will be completed by early 2022.

# 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 on 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 on 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 category.

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 ILR appropriation is \$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.

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, minor repairs, 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 wholesale 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 widespread 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.



*Decorative paint was touched up where needed in 2021.*

# 2021 Maintenance Activities in the Capitol

## Preventative Maintenance:

Admin continues to focus on maintaining the Capitol building at a high standard to maximize its longevity. Over the past year, and continuing through 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 Dunn.<sup>2</sup> 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:

- Lighting Control Systems
- 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:

- Semi-annual carpet cleaning and hard floor resurfacing
- Pigeon droppings removal at various areas around the building
- Touchup painting (non-decorative) throughout the building as needed
- Drapery and window treatment cleaning
- Fixed furniture lubrication and tightening
- Elevator shaft wall 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 will continue to contribute to the list of maintenance and repair projects on page 12 of this report.
- Door Egress Study (currently underway)

In 2022, FMD intends to complete the following studies:

- Exterior wall, plaza, window, door, and roof inspection
- Quadriga inspection
- Water intrusion test for East and North Plaza service entry stairs
- Water intrusion test for the dome's spiral stairwell

<sup>2</sup> JE Dunn, the construction contractor for the Capitol Restoration was required to submit this plan at project closeout in 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 \$875K in unallocated appropriations that expire on December 31, 2022.

## Projects Recently Completed with Residual Restoration Funds:

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

- Localized Restoration of Plaster and Decorative Paint (\$1.3M).

## Upcoming Work Funded with Remaining Unobligated Capitol Restoration Funds

Installation of humidity control equipment or other mechanical modifications necessary to eliminate any humidity control issues as recommended by the on-going humidity control study. This work will facilitate the longevity of the decorative paint restoration throughout the building. Admin may request a language change to the statute if necessary, to utilize the funds for this work.

# Completed Maintenance and Repair Projects

## **2020:**

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

# Future Maintenance and Repair Projects

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

## 2022 Capitol Preservation Report Project List

### 2022

Repair Balcony Sealant/Caulking	\$1,350
Repair Silicone Tape on Granite Gutters	\$625
Repaint Select Window Sills	\$14,700
Repair Plaster and Decorative Paint (Underway)*	\$1,269,400
Repair Sealant/Caulk on Granite Stairs	\$26,400
Repair Mortar Near West Plaza Entrance	\$50,000
Repair Roof Catwalk Support Penetrations	\$19,400
Repaint Loggia/Balcony Door Sills	\$45,400
Replace Sealant at Granite Stairs (All Plazas)	\$2,700
Apply Impact Resistant Film on Main Doors	\$85,000
Refinish Gallery Seat Wood Components	\$26,250
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$87,000
<b>Total Projected Costs</b>	<b>\$1,628,225</b>

### 2023

Replace Lantern Windows	\$28,400
Repair Quadriga Roof Tile Mortar	\$4,200
Tighten Finial Ladder	\$25,000
Tuck-pointing of Plaza Curbs on Grade	\$27,000
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$87,000
<b>Total Projected Costs</b>	<b>\$171,600</b>

### 2024

Decorative Paint Professional Cleaning (Interior)	\$68,000
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$87,000
<b>Total Projected Costs</b>	<b>\$155,000</b>

### 2025

Miscellaneous/Random Plaza Tuck-Pointing	\$16,100
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$87,000
<b>Total Projected Costs</b>	<b>\$103,100</b>

### 2026

Miscellaneous/Random Roof Tuck-Pointing	\$3,100
Tuckpoint and Seal Vertical Masonry on Quadriga level	\$800
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$87,000
<b>Total Projected Costs</b>	<b>\$90,900</b>

\*Unobligated Restoration funds are being used for this work.

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*.

## Projected Funding Needs

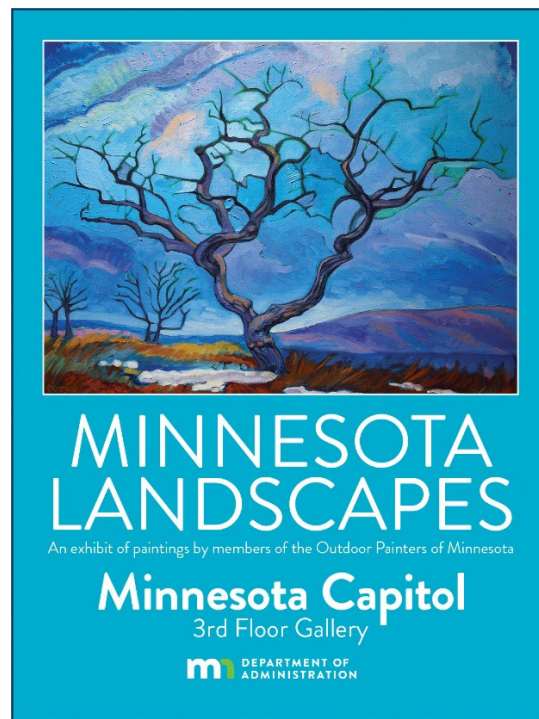
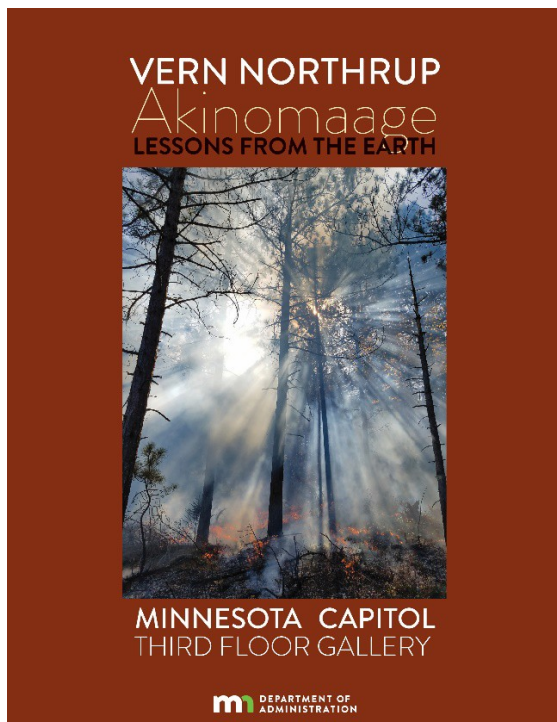
Admin has the funding needed for FY 2022 and FY 2023 to ensure compliance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide*, ensure the Building's longevity, and to protect the significant investment of state funds into the Capitol Restoration.

It is expected that Admin will request increases 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

The Capitol Art Exhibit Advisory Committee did not meet in 2021 given continued reduced visitation to the Capitol due to COVID-19. The Committee will meet in the first quarter of 2022 to make a determination on proposals received by the Committee for public art exhibits in the Capitol's third floor gallery.



In 2019 and early 2020, the Capitol Art Exhibit Advisory Committee presented two successful exhibits. Covid-19 and periodic closures of the Capitol due to security concerns has delayed consideration of new exhibits for the present.