

2023

Report of the Minnesota State Capitol Preservation Commission



State Capitol Preservation Commission

Annual Report - January 15, 2023

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
Senate Minority Leader Mark Johnson
Senate Majority Leader Kari Dziedzic
House Speaker Melissa Hortman
House Minority Leader Lisa Demuth
Senator Sandy Pappas, Chair, Senate Capital Investment Committee
Karin Housley, Ranking Minority Member, Senate Capital Investment Committee
Representative Fue Lee, Chair, House Capital Investment Division
Representative Dean Urdahl, Ranking Minority Member, House Capital Investment Division
Commissioner Alice Roberts-Davis Department of Administration
Commissioner Bob Jacobson 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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View of the Electrolier from the First Floor Rotunda, Minnesota State Capitol.

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. 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. As of the latest Facilities Condition Assessment (FCA), which was conducted in July of 2021, the Capitol Building remains in excellent condition with a Facility Condition Index (FCI) of 0.03¹. The next FCA will take place in 2024.

The Department of Administration's (Admin's) Facilities Management Division (FMD) continually monitors 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 2022, day-to-day building occupancy began to increase although it still remains lower than the Pre-COVID era. Most people with offices in the building no longer work remotely full time and are likely to work in the Capitol Building from occasionally to full time. The building is open to the public Monday through Friday from 8:00 AM until 5:00 PM and on Saturday from 10:00 AM until 3:00 PM. It is closed on Sundays. FMD has returned to pre-pandemic disinfecting protocols as recommended by the CDC. FMD has also reduced the number of hours the air handling equipment runs from 24 hours per day, as recommended by the CDC during the pandemic, to 16 hours per day when the building is occupied. Intake air settings have also been returned to automatic, or economizer mode from manual whereby the most efficient amounts of outside air are introduced into the building rather than the maximum amount as now recommended by CDC and the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). All air filters in the Capitol's heating, ventilation, and air-conditioning system continue to meet CDC recommendations, or better, for filtration of virus sized particles.

¹ 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

In general, the exterior envelope conditions are the same as was reported last year. Only minimal progression of deterioration (weathering) has been observed and there are a few additional locations of deteriorated mortar, failed sealant, and minor moisture transport through stone. In all locations, masonry and sealant deterioration is localized and sporadic. These areas will be incorporated into the cumulative exterior repair project that is scheduled to take place in 2023. The project, which is currently out for bids, will also address the issues that were identified by the past two exterior assessments which were conducted in 2020 and 2021. Grouping these items together into one project will make the work effort less disruptive to the capitol's occupants and more efficient and cost effective for the state.

The interior finishes of the building largely continue to hold up well. However, there was significant discoloration to the brass plated rails in the Senate Gallery and there was localized distressed plaster and paint throughout the building. The rails were re-plated during 2022 and repair of the interior plaster and decorative paint throughout the building was also completed.

Finally, work was completed to install impact resistant film on all ground and first floor entrances in order to help protect the building from forced entry.

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 22 buildings and 29 parking facilities. This includes the 16 buildings and 25 parking facilities on the 140-acre Capitol Complex. The department also 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 on the Capitol grounds.
- **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 public areas created during the Capitol restoration 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 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.

The ILR appropriation is \$10.515 million for FY 2023. Admin has requested \$11.129 for FY 2024 and FY 2025. The increase will help pay for the programmed maintenance necessary to preserve the restoration efforts and ensure good up-keep of the building. Since the ILR account is used for more than the Capitol, the increase will also pay for additional maintenance and repairs to the Capitol Ceremonial Grounds such as repair of the City overlook in Cass Gilbert Park. 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.

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 and 2022.

2022 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, while many continued to work remotely, 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.² 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 Systems
- Smoke Evacuation System
- Door Openers and Control Systems
- Lot N Barricades and Aurora Promenade Bollards
- Elevator Power and Pulley Equipment

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
- Touch-up painting (non-decorative) throughout the building as needed
- Drapery and window treatment cleaning
- Fixed furniture lubrication and tightening
- Elevator shaft wall cleaning
- Exterior Window Cleaning

Surveys, Studies and Design Initiatives:

During 2022, Admin completed a door egress study to determine the best approach to ensure maximum emergency egress without compromising security during non-emergency times. To incorporate the recommendations of the study, Admin plans to conduct a feasibility study in consultation the Minnesota Historical Society, the Capitol Area Architectural Planning Board (CAAPB) and with local fire code officials to modify the motion activated door controls and install different exit hardware on the exterior doors.

We've also completed a humidity control study that provided recommendations for better control and monitoring of humidity throughout the building. The recommendations included installing additional humidity sensors at various locations throughout the building and the installation of cooling and dehumidification equipment for the historic vestibules. Admin is in the process of advertising the project to complete this work in 2023.

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

Admin design consultants completed the design for the exterior repair work that was identified during the previous exterior studies and listed in the 2022 Capitol Preservation Report to be completed in 2022 and 2023. All of that work will now be completed in 2023. As of the writing of this report, the project is posted for contractor bidding. Admin plans to issue the notice to proceed for the work to the selected contractor in early 2023 with work beginning immediately at the end of the 2023 legislative session.

The planned water intrusion test for the dome's spiral stairwell originally planned for 2022 will now be completed as part of the exterior repair project in 2023 because there will be rigging and or scaffolding in place in that area for other repairs that will lend themselves to use for conducting the water intrusion test. Any repairs deemed necessary as a result of the test will be completed as part of the 2023 exterior repair project.

An inspection of the Quadriga was not completed in 2022 as planned and is now scheduled for 2023.

In 2023, FMD intends to complete the following studies:

- Quadriga Inspection

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 was approximately \$1.9M in unallocated appropriations that expired on December 31, 2022.

Projects Recently Completed with Residual Restoration Funds:

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

- Localized Restoration of Plaster and Decorative Paint (\$1.6M)
- Restoration to the Reflecting Pool and Granite Entry Marker at the Vietnam Memorial (\$96.7K)
- Re-plate Brass Handrails and Repair Rotunda Marble Balcony Rails (\$100K)

Completed Maintenance and Repair Projects

2022:

Repair Plaster and Decorative Paint*	\$1,564,643
Re-plate Brass Handrails and Repair Rotunda Marble Balcony Rails*	\$100,060
Install Protective Film on Entry Door Windows	<u>\$47,018</u>
	\$1,711,721

* Funded with residual Restoration Project Funds

Multi Year Maintenance and Preservation Plan

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:

Year

2023

Estimated Cost

Repair Balcony Sealant/Caulking	\$24,350
Repair Silicone Tape on Granite Gutters	\$23,625
Repaint Select Window Sills	\$37,700
Repair Sealant/Caulk on Granite Stairs (non-plaza)	\$49,400
Repair Mortar Near West Plaza Entrance	\$73,000
Repair Roof Catwalk Support Penetrations	\$42,400
Repaint Loggia/Balcony Door Sills	\$68,400
Replace Sealant at Granite Stairs (All Plazas)	\$25,700
Install Humidity Control Devices and Sensors	\$752,000
Replace Lantern Windows	\$51,400
Repair Quadriga Roof Tile Mortar	\$27,200
Tighten Finial Ladder	\$48,000
Tuck-pointing of Plaza Curbs on Grade	\$50,000
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$110,000
Total Projected Costs	\$1,383,175

2024

Exterior Wall, Plaza, Window, Door and Roof Inspection	\$30,000
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$110,000
Total Projected Costs	\$140,000

2025

Miscellaneous/Random Plaza Tuck-Pointing	\$22,540
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$121,800
Total Projected Costs	\$144,340

2026

Miscellaneous/Random Roof Tuck-Pointing	\$4,340
Tuckpoint and Seal Vertical Masonry on Quadriga level	\$1,120
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$121,800
Total Projected Costs	\$127,260

2027

Decorative Paint Professional Cleaning (Interior)	\$95,200
Repaint Exterior Windows	\$5,000,000
Other Exterior Maintenance (Spot Joint and Sealant Repairs All Areas)	\$121,800
	<hr/>
	\$5,217,000

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 2023 to ensure compliance with the *Capitol Restoration Regular Maintenance Activities & Budgeting Information Guide*, to ensure the building's longevity, and to protect the significant investment of state funds into the Capitol Restoration.

Admin has requested \$11.1M for ILR in FY 2024 and FY 2025. The additional \$614K increase will help pay for the programmed maintenance necessary to preserve the restoration efforts and ensure good up-keep of the building. Since the ILR account is used for more than the Capitol, the increase will also pay for additional maintenance and repairs to the Capitol ceremonial grounds such as repair of the city overlook in Cass Gilbert Park. 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 aid in the decision-making process, to continue adequate stewardship of the Capitol Building, and to ensure the longevity of the restoration effort completed in 2016.

Capitol Art Exhibit Advisory Committee

The Capitol Art Exhibit Advisory Committee met on June 13th to discuss and vote on art exhibit proposals for the 3rd floor display gallery. A total of 58 proposals were submitted and 38 were considered suitable for the gallery space. Of the 38 considered, seven were selected based on their ability to tell Minnesota Stories and engage the audience to:

- Reflect on Minnesota history
- Understand Minnesota government
- Recognize the contributions of Minnesota's diverse peoples
- Inspire citizen engagement; and
- Appreciate the varied landscapes of Minnesota

All seven were presented to the Capitol Preservation Commission and approved for display.

The Minnesota Historical Society has now assumed the role of managing the exhibits for the display gallery.