



Capitol Area Architectural and Planning Board



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April 27, 2022

The Honorable Ann O'Reilly
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: Corrections to proposed rules language to clarify intent

Dear Judge O'Reilly:

I would like to request a few small revisions to clarify the intent of proposed rules governing Commemorative Artworks on the Minnesota Capitol Grounds; OAH Docket No. 65-9055-37789; Governor's Revisor's ID 04720.

These language revisions respond to questions you had about a couple of specific items in the proposed rules. Each is briefly addressed below with the requested language revisions.

Question 1: How do the Capitol Mall Framework Plan and the Comprehensive Plan relate to one another. Are they part of the same document or separate documents?

The "Capitol Mall Framework Plan" is referenced in the Comprehensive Plan, and key objectives of the plan are addressed in Chapter 2 of the Comprehensive Plan. However, the Capitol mall design guide that exists today, and is due for an update by 2025 as noted in Comprehensive Plan, is not called the "Capitol Mall Framework Plan." The "Capitol Mall Framework Plan" is the intended title of the document once it is updated. Since the names of the existing document and future updated document are different, it is not a consistent reference for the proposed rules. Therefore, references to the Capitol Mall Framework Plan should be removed from the rules. Chapter 2 of the Comprehensive Plan provides sufficient reference to key objectives of Capitol mall design to inform commemorative works decisions. The proposed rules should remove all references to the Capitol mall design framework, as follows:

Subpart 3.J. In accordance with Minnesota Statutes, section 15B.21, subdivision 3, the board must provide testimony to the legislature on any commemorative artwork proposal in the Capitol area seeking legislative authorization or appropriation of funding. The applicant may be asked to testify on behalf of the applicant's proposal. This testimony must address the proposal's alignment with the ~~design objectives of Capitol mall design framework and~~ the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference, is not subject to frequent change, and is available on the Capitol Area Architectural and Planning Board website.

Subpart 3.K. Using ~~design objectives and policies of the Capitol mall design framework and~~ the Comprehensive Plan for the Minnesota Capitol Area, incorporated by reference ~~under-in subpart 3.J., item G,~~ the board must initiate either an open solicitation for design proposals or a request for qualification process to select a designer or design concept through a design competition

Subpart 3.N. The selected designer must proceed with the schematic design and design development phases with regular working group reviews. After receiving approval by the executive secretary of the schematic design and design development phases, the project must proceed with construction documents and bidding under the guidance of the working group. Final approval of bid documents by the executive secretary must comply with the design framework document described in Subp.3.I, the Capitol mall design framework design objectives identified in the Comprehensive Plan for the Minnesota Capitol Area, and parts 2400.2040 and 2400.2703.

Subpart 4.F. The artwork must fit within the thematic organization of the Capitol grounds and design objectives identified the Capitol mall design framework in the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference in subpart 3.J, item G. The board must consider the site's relationship to other artwork and the Capitol.

Subpart 5.I. The size of the artwork must reflect the artwork's importance and adhere to design objectives identified in the Comprehensive Plan for the Minnesota Capitol Area, which is incorporated by reference in subpart 3.J, item G. Due to the limited open space on the Capitol grounds, the board must give preference to smaller commemorative artwork.

Question 2: What is the proposed language for Subpart 7.D.? There are small discrepancies in the language provided in the Response to Comments Letter and a version of the proposed rules that was submitted for review.

The inconsistencies were a typo. Below are the requested revisions to clarify the intent of Subpart 7.D. The intent is that at that stage in review of any commemorative works application, CAAPB would host one or more public meetings, and would identify on its webpage how people could provide comment for a period of at least 30 days. In addition, Subpart 3.D. language should match Subpart 7.D. language, which is accomplished with the revisions below:

Subp. 3.D. After the staff report is publicly released, the agency must ~~open a 30 day comment period~~ hold one or more public meeting(s), and provide an opportunity for input on the CAAPB website for at least 30 days, to gather public ~~comment input~~ on whether the application request for addition meets all of the conditions under subpart 2.

Subp. 7.D. After the staff report is publicly released, the agency must ~~provide a place on its website and~~ hold one or more public meeting(s), and provide an opportunity for input on the CAAPB website for at least 30 days, to gather public comment on whether the application request for modification or removal meets one or more of the conditions under subpart 6.

Thank you for the opportunity to address these corrections to the proposed rule language.

Merritt Clapp-Smith

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