

## CAAPB Board meeting approved minutes June 25, 2020

Board Members, Advisors and Staff present: Lt. Gov. Peggy Flanagan, Ann Buck, Kate Beane, James McClean, David Lanegran, Elaine Fink, Alicia Belton, Ted Lentz, Rep. Ray Dehn, Rep. Jerry Hertaus, Don Grundhauser, Sen. Sandy Pappas, Sen. Carla Nelson, Michael Bjornberg, Denita Lemmon, Tony Chevalier, Paul Mandell, Linda Spohr, Pete Musty

Others present: David Kelliher, Emmet Hedin, Jane Sidley, Sophie Leininger, Kris Schulze, Nash Pherson

Lt. Governor Peggy Flanagan called the meeting to order at 1:00 p.m. As Chair, the Lt. Governor read a statement detailing why a virtual meeting was necessary due to the health crisis and how, under the emergency declaration, the meeting would be conducted will all votes by roll call establishing a quorum as present. She also had CAAPB Architectural Advisors Tony Chevalier, Michael Bjornberg and Denita Lemmon introduced, as well as Staff.

Lt. Governor noted that Dr. Kate Beane was a new Board Member and Tony Chevalier was a new Architectural Advisor appointed by the State Arts Board. She then noted that the Board meeting would be conducted via MNIT Microsoft Teams, with the public viewing via live stream.

She next spoke to how much the world had changed since the Board last met on March 10. Covid 19 Pandemic, which has taken a toll on many, some personally, and George Floyd's murder, which has sparked a conversation nationwide on how to address systemic racism. While this conversation has been occurring for a long time, there is now an urgency and unity to this movement at this time, and statues and monuments commemorating our shared history that don't reflect the best of us have come down around the country, including here in Saint Paul. Our work on this Board comes at a crucial time, and we must work through it.

Three months ago, we'd planned to discuss the Sears site at the next meeting, and that discussion will still happen, as it is more critical now than ever, but with the demonstrations and unrest, and with the removal of the Columbus statue, we decided to have this conversation now that our State is having about representation about community and about a shared vision of our future together. She noted questions and confusion about process, and that there is no explicit CAAPB process on how commemoratives on the Capitol Grounds can be removed. We have lots of policies for other things, but there's a gap on the Capitol Grounds, referencing Exec. Sec. Paul Mandell and Historical Society's David Kelliher who will speak to what procedures do exist with regard to the Capitol Building and the Capitol Grounds, and how each is handled by respective bodies, as well as where the gaps are.

She acknowledged that the Board needs to build a robust, transparent and accessible public process for cases as we consider and re-consider choices we make. People need to know that they are listened to, and a way to assure them that they are heard, because this is their House. It may seem like a tall order and one that must happen, citing several success stories including Bemidji (with a statue of Chief Bemidji), and others like Reconciliation Park in Mankato, or the Clayton, Jackson, McGee Memorial Park in Duluth; examples of what can happen when Minnesotans come together and can be reflective. Our own CAAPB work on the Nellie Stone Johnson statue to be installed in the Capitol Building, is also an example of what is possible, expressing her appreciation to the Board for their work on seeing this addition through over these past few years, and expresses that she is looking forward to the discussions to come as an opportunity.

She noted that the discussion today is not intended to focus on the Columbus statue, but on the process regarding changes or removals of monuments so that after this work is done, people will know that they are seen, heard and valued; which will then lay the groundwork for the discussions to come.

The Chair then acknowledged with gratitude the service of Mary Ann Buck, who has been a Board Member since 1996, for twenty-four years. She has served on the Executive Council for that time and for the past few years, Chair of the Board's Comprehensive Plan Committee, also Vice Chair elected by this Board. Mary Ann will be receiving a certificate of appreciation signed by the Governor. When asked by the Lt. Gov., Mary Ann offered her own comments that has been her honor and true pleasure in accomplishing so much over the years for a Board that works on not just the Capitol Building, but the State grounds, the Comprehensive Plan and surrounding neighborhood as well.

The Chair next introduced the new Board Member, Dr. Kate Beane, of the MN Historical Society; appointed by the Governor. She is Director of Native American Initiatives at MNHS, working on engagement practices; she teaches Dakota History at Minneapolis College, serves as a Board Member Native Governors Center advisor of Indian Affairs Council. She is a citizen of Flanders Santee Sioux Dakota Tribal Nation. Dr. Beane spoke briefly of her background, then was sworn in by the Lt. Governor.

The Chair then noted the Minutes of the March 10, 2020 meeting. Rep. Dehn MOVED with correction of one typo on pg. 5. Board Member Alicia Belton SECONDED, and roll call was called, with Minutes of March 10 APPROVED.

Paul Mandell, Executive Secretary of the Capitol Area Architectural and Planning Board and on staff for thirty years, briefly explained some work the CAAPB has done since being created in 1967, including the Comprehensive Plan, several new buildings and memorials, restoration of the Capitol Building and so much more. David Kelliher, Director of Public Policy at the Minnesota Historical Society, a statewide organization, responsible for education and preservation, advice and tours of the Capitol. He cited his work on the Capitol Art Subcommittee with Brian Pease, Site Manager for the Capitol.

David referenced a matrix prepared by CAAPB and MNHS staff for this meeting, detailing roles and responsibilities of the two organizations along with the Administration Department for art and commemorative both inside the State Capitol Building and outside on the Capitol Grounds. He noted that this isn't about jurisdiction for space, which is decided between the tenants consisting of Legislative, Governor, AG, the Courts, and others in the building, along with the Administration Department as landlord.

He acknowledged existing gaps for works of art on the Capitol Grounds, then referenced the two key areas of MN Statutes, 15B for the CAAPB, 138 for the Historical Society; then noted that in looking at the matrix, the left column started with parts of the Capitol Building and worked out toward the Grounds, while the top of the grid reference the respective lines of authority – CAAPB, MNHS and Administration. Starting at the top of the left column, is the Capitol Building historic and ceremonial public spaces, where it's critical to stay true to the original vision and intent of Architect Cass Gilbert, worthy of preservation and one of the "three guiding principles of the recently completed Capitol Restoration Project," the People's House. CAAPB and MNHS share authority for review and approval of these key public spaces; the Rotunda, the Chambers, Governor's Reception Room and major public areas, including those key historic and ceremonial corridors. The Administration Department, as the landlord, is responsible for the critical upkeep and maintenance, and it's well done. Next in the matrix is the temporary exhibits in those new public spaces (approx. 40,000 sq. ft.) created during the restoration, predominantly the third floor east wing, basement including the new space directly below the Rotunda, and other corridors, excluding the Rathskellar (the historic dining room with murals on the

walls and ceilings). In these areas, CAAPB and MNHS are advisory, and art governed (and scheduled) by Administration, in coordination with the Capitol Preservation Commissions Capitol Art Subcommittee established in 15B more recently. Next are the minor interior spaces, corridors and offices where CAAPB, MNHS and Administration are all advisory to respective tenants. Then the Capitol Building exterior, with CAAPB and MNHS approval required while Admin., as landlord, is responsible for implementation, care and upkeep.

Lastly, are the Capitol Grounds, where the CAAPB “*must review and approve all changes,*” including for new commemorative works, site selection, design (through design competitions), and, for existing, any changes be it alteration, addition or removal. In the case of removal, MNHS is responsible for review and disposition (as well as ongoing upkeep of those on the grounds once installed) using best practices along with Administration as grounds keepers.

Senator Nelson raised a concern for approval regarding removal, stating that since the Columbus statue was ‘removed’ illegally on June 10, in the reference to removal, she suggested an addition ‘lawful’.

Lt. Gov. suggested that such a change would have to be a change to Statute, while this document, is merely a working document, noting that of course, statute itself can only be changed by the Legislature and Governor. That removal is not qualified currently in the actual statute as per the sixth footnote on the back of the matrix. The Senator suggested that perhaps the law should be updated.

Rep. Hertaus expressed appreciation for preparing this working document, but this Board meeting is focusing on process.

Rep. Hertaus noted that CAAPB is shown as the first step and asked if the grid reflects chronological nature, with the response was that it was not indicating order or sequencing of approvals but rather lines of authority.

David then referenced a point below the grid which cited two existing policies one “*Policy for Works of Art in the Minnesota State Capitol*” (rev. 2015), which addresses art in the Capitol Building, developed and regularly updated by both MNHS and CAAPB, and currently in review again, due to changes during the Restoration Project and with new spaces created and some changes to existing art in the building, by MNHS and yet to be updated by either party; so this is a work in progress. The second is “*Policy for Commemorative Works in the MN State Capitol Area*” (revised in 2012), a document of the CAAPB. Mandell noted that the Capitol Grounds, under the sole direction of the CAAPB, fully addresses how a memorial is added to the Capitol Grounds, noting for the public that there is a virtual tour and full listing of all memorials on the Capitol Grounds; as well as an inventory of all art in the Capitol Building available on the CAAPB website (mn.gov/caapb). He noted that this document explains step-by-step, how a memorial gets sited, designed and installed on the grounds. He added that for the most part, the memorials added on his watch since 1987, involved both private dollars and a State appropriation; and that on average, they take three to five years from original idea and discussion through to dedication, and costs at least \$450,000.

Rep. Hertaus suggested that there is for removal, clarity, citing per statute CAAPB must approve any such changes and that if removed, MNHS according to the grid, is responsible for disposition,. Hertaus referenced a recent dispute over art in the Governor’s Reception Room, recognizing that all art can be controversial; and asked how MNHS operates. David cited the term ‘disposition’ in 138.68; applied to a work of art that the CAAPB decides shall be removed. Inside the building, MNHS has more recent experience with regard to both removal of two paintings from the Capitol as well as relocation of two paintings from the Governor’s Reception Room, citing the MNHS Executive Council and its subgroup, as well as the Capitol Preservation Commission’s Art Subcommittee, which held a dozen public hearing around the State, adding that both bodies addressed these changes to art in the building at the time.

Mandell then cited again MN Stat. 15B.08, Subd. 3 clearly states that CAAPB must approve all changes on the Grounds. Rep. Dehn acknowledged both CAAPB and MNHS roles and responsibilities, as well as the lack of clarity on how to remove items. Rep. Dehn cited the urgency as critical, noting his own experience as an architect in viewing history; but also the need to have a clear process for something that has never been asked before, that is, removing a piece of work; expressing his happiness in addition to the Lt. Gov. with the coming addition of Nellie Stone Johnson, though he acknowledged that there's likely to be some who object to that too.

Dr. Beane stated her sense that there had been, among those involved with the taking down of the Columbus statue, community discussion for some time and dissatisfaction at the lack of response, or at least clarity on how to go about changing things, especially for those traditionally underrepresented.

Senator Nelson again spoke to the need for process, as well as to Dr. Beane's points, citing the unique role the Lt. Governor can play. The Chair spoke of how for many in the community, that statue presented a false narrative, and true historical education is necessary; and that it is important to both get to a clear process and an inclusive society. Senator Nelson asked Exec. Se. Mandell to briefly explain how well the CAAPB process worked for a particular piece in the Capitol Rotunda for a plaque regarding the Spanish American War with inaccuracies and discriminatory remarks.

Mandell spoke to how originally the request for removal in the late 1990s, during a temporary exhibit for the plaque, a plaque that spoke of the number of Americans killed freeing the Philippines, to the gratitude of their Chief. After a lengthy process involving MNHS and the CAAPB, with the Philippine Study Group, revisions were made to the CAAPB policy, the end result was instead, to add a new plaque explaining that the Americans kicked out the Spanish and then the Philippine citizens had to fight to kick out the Americans in order to win their independence. Additionally, the so-called 'Chief' was actually a duly elected President. Now there are two plaques, that together, give the full and accurate story.

Lt. Governor Flanagan cited this as a situation where it's not always one case fits all. Mandell and Kelliher said they were done, while addressing gaps for removal of pieces in the grounds, as well as update of the policies for the inside of the Capitol Building. Mandell added that at the end of the meeting, an email and snail mail address will be posted for any public comments.

A question of exact status of the Columbus statue garnered a response that it is in a secure MNDOT/DPS location. Damage was estimated at \$154,000. As for the criminal investigation, it is ongoing.

Dr. Beane reminded all that for many communities, this can be a very emotional issue, and all need to be heard, which was reinforced by Board Member Belton.

Senator Pappas expressed her hope for a broader discussion of process. The Chair spoke to a more robust discussion of process. She acknowledged restrictions of Covid and the need to continue work on the Comprehensive Plan, so her intention is to create two working groups involving Board Members as well as members of the public. One will address process, policy and procedures, and the second will be a public engagement conversation on a shared vision of what the Capitol needs to look like, inclusively addressing history and sense of place, working off the result of the Capitol Preservation Commission and their Art Subcommittee.

At the same time, Historical Society Kevin Mayala of MNHS will be hosting a conversation on statewide context for memorialization and history. He referenced two works already on their website, the Columbus Statue and the Soldiers Memorial between the History Center and Cathedral, and going forward, conversation would take place statewide on contextualizing history and memorials.

Mandell closed by reminding all that in policies, relative to recent suggestions for Prince, memorials take time and money, and one standard that is applied is the test of time and statewide significance (generally allowing any particular subject to be memorialized to be dead for at least ten years). Lt. Gov. Flanagan closed in noting that since the Capitol was built, it could not have envisioned the large role of women in the government and that is a sign of the changing times. She also spoke of the decision to relocate the two pieces from the Governor's Reception Room, which then made sense but perhaps can be explored more fully; just as we acknowledge our real history that this land was originally Dakota and much of it built brick by brick by African Americans, people of color and indigenous people, and that we have an opportunity to tell our history in all its richness.

Sen. Pappas MOVED adjournment.

## Permanent Public and Civic Art in the State Capitol Building and Grounds

The matrix below defines review and approval and permitting roles related to introduction, modification, or removal of permanent works of art within the State Capitol Building and on the Grounds<sup>1</sup> of the State Capitol.

	<i>Capitol Area Architectural and Planning Board</i>	<i>Minnesota Historical Society</i>	<i>Minnesota Administration Department</i>
<b>Capitol Building - Historic and Ceremonial Public Spaces</b>	<ul style="list-style-type: none"> <li>• Review and Approval</li> </ul>	<ul style="list-style-type: none"> <li>• Review, Final Approval</li> <li>• Care and upkeep</li> <li>• Disposition of removed monuments, memorials and works of art</li> </ul>	
<b>Temporary Exhibits inside Capitol Building Interior Public Spaces created with the 2017 renovation<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• Advisory</li> </ul>	<ul style="list-style-type: none"> <li>• Advisory</li> </ul>	<ul style="list-style-type: none"> <li>• Review and Approval (see State Capitol Preservation Commission<sup>3</sup>)</li> <li>• Care and upkeep</li> </ul>
<b>Capitol Building Interior minor corridors and offices (non-public)</b>	<ul style="list-style-type: none"> <li>• Review (advisory)</li> </ul>	<ul style="list-style-type: none"> <li>• Review (advisory)</li> </ul>	<ul style="list-style-type: none"> <li>• Review (advisory)</li> <li>• Care and upkeep</li> </ul>
<b>Capitol Building Exterior</b>	<ul style="list-style-type: none"> <li>• Review and Approval</li> </ul>	<ul style="list-style-type: none"> <li>• Review and Approval</li> </ul>	<ul style="list-style-type: none"> <li>• Review</li> <li>• Implementation</li> <li>• Care and upkeep</li> </ul>
<b>Grounds: Capitol Campus and Mall (excluding public streets)</b>	<ul style="list-style-type: none"> <li>• Concept approval</li> <li>• Site selection, design approval and permitting<sup>4</sup></li> <li>• For any and all changes, new or existing, review and approval (15B.08 subd. 3)<sup>5</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Advice on preservation</li> <li>• For monuments and memorials to be removed, review and final disposition (138.68)<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Care and Upkeep</li> </ul>

### Policy References

[Policy for Commemorative Works in the Minnesota State Capitol Area \(2012\)](#)

[Policy for Works for Art in the Capitol \(2015\)](#)

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- <sup>1</sup> **Grounds:** All spaces external to buildings on land held and administered by the State of Minnesota Department of Administration, within the Capitol Area, excluding public streets and other right-of-ways (such as John Ireland Boulevard, Dr. Reverend Martin Luther King Jr. Boulevard and Cedar Street). *(See map at right. State land is highlighted in blue.)*
- <sup>2</sup> **Capitol Building Interior Public Spaces created with the 2017 renovation:** “This section applies to art exhibits in the following spaces within the State Capitol: third floor east wing, the egress lobbies added as part of the Capitol restoration completed in 2017, the tunnels connecting legislative office buildings to the Capitol, room 104A of the Capitol, and the entire Capitol basement, excluding the historic Rathskeller, Governor's Dining Room, and Justices' Dining Room. Historic paintings located in Room 317A remain subject to section 138.68. The speaker of the house, president of the senate, and chief justice of the Minnesota Supreme Court may request the advisory committee to provide recommendations on art in their respective hearing rooms and other tenant spaces.” (MN Statute 15B.36, Subd. 1)
- <sup>3</sup> **State Capitol Preservation Commission:** “(1) shall exercise ongoing coordination of the protection, risk management, and preservation of the Capitol building; (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.” (MN Statute 15B.32, Subd. 6)  
**Capitol Art Exhibit Advisory Committee:** This advisory committee only address temporary art installations and has, to date, only had jurisdiction over room 317A.
- <sup>4</sup> **City of Saint Paul Role:** Three members of the CAAPB are mayoral appointees. The City of Saint Paul (Department of Safety and Inspections) is responsible for review and approval of all construction (building) permits when and where necessary. The City of Saint Paul has otherwise limited to no role (by statute) in the review and approval or permitting of public/civic art improvements in the State Capitol Building, Grounds, or other locations in the Capitol Area.
- <sup>5</sup> **CAAPB Statutory Authority:** “No substantial change or improvement may be made to public lands or public buildings in the Capitol Area without the written approval of the board.” (MN Statute 15B.08, Subd.3)
- <sup>6</sup> **MNHS Statutory Authority:** “The works of art in the public and ceremonial areas of the State Capitol are declared to possess historical value for the people of Minnesota. The Minnesota State Historical Society and the Capitol Area Architectural and Planning Board shall approve the design, structural composition, and location of all monuments, memorials or works of art presently located in the public and ceremonial areas of the State Capitol or which shall be placed in such public or ceremonial areas after June 4, 1971. No monument, memorial or work of art shall be relocated or removed from, or placed in such areas or altered or repaired in any way without the approval of the Minnesota State Historical Society. The Minnesota State Historical Society shall have final authority over the disposition of any monuments, memorials or works of art removed from the State Capitol or the Capitol grounds.” (MN Statute 138.68)