Today’s Presentation

Part 1 – Lt. Governor Peggy Flanagan

- Overview of the CAAPB
- Statutory Authority
- Background and Need

Part 2 – Carl Crawford and Dr. Gwen Westerman

- Public and Stakeholder Involvement
- Drafting the Rules

Part 3 – Merritt Clapp-Smith

- Reasonableness of the Amendments
## Hearing Exhibits

https://mn.gov/caapb/capitol-area/memorials-monuments/commemorative-works/#3

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Request for Comments <em>(October 11 to December 16, 2021)</em></td>
</tr>
<tr>
<td>B</td>
<td>Petition for Rulemaking <em>(N/A)</em></td>
</tr>
<tr>
<td>C</td>
<td>Proposed Rules and Revisor's Certification</td>
</tr>
<tr>
<td>D</td>
<td>Statement of Need and Reasonableness</td>
</tr>
<tr>
<td>E</td>
<td>Letter mailing SONAR to Legislative Reference Library</td>
</tr>
<tr>
<td>F</td>
<td>February 7, 2022 Notice of Hearing</td>
</tr>
<tr>
<td>G</td>
<td>Certificate of Mailing Hearing Notice as identified in SONAR</td>
</tr>
<tr>
<td>H</td>
<td>Certificate of Mailing Notice per Additional Notice Plan</td>
</tr>
<tr>
<td>I</td>
<td>Written Comments received by CAAPB on proposed rules</td>
</tr>
<tr>
<td>J</td>
<td>Chief ALJ authorization to omit part of proposed text <em>(N/A)</em></td>
</tr>
<tr>
<td>K</td>
<td>Other document or evidence to show compliance with law or rule</td>
</tr>
</tbody>
</table>
The Capitol Area Architectural and Planning Board

15B.03 Subd. 1 Membership.

- 1 Lt Governor as member and board chair
  *(Lt Governor Peggy Flanagan)*

- 4 members appointed by the Governor
  *(Dana Badgerow, Dr. Kate Beane, Alicia Belton and James McClean)*

- 3 members appointed by the Mayor of Saint Paul, with 1 being a local resident
  *(James Garrett, Don Grundhauser and Daniel Yang)*

- 2 MN House representatives appointed by the Speaker of the House

- 2 MN Senators appointed by the President of the Senate
  *(Senator Carla Nelson and Senator Sandy Pappas)*

**Staff:** Merritt Clapp-Smith, Executive Secretary; Peter Musty, Zoning Administrator and Principal Planner; Laura Dotson, Administrative Assistant

**Advisors:** Michael Bjornberg; Tony Chevalier; Denita Lemmon
The Capitol Area Architectural and Planning Board is responsible for:

• long-term planning and zoning decisions in the Capitol Area

• decisions about changes or improvements to commemorative works on the Capitol grounds

Commemorative works are monuments, memorials, or other artworks that commemorate a person, group, event, place, or topic.
Minnesota Statutes, Chapter 15B establishes the Capitol Area Architectural Planning Board, its responsibilities, and its operation.

Section 15B.03, subd. 6, gives the Capitol Area Architectural and Planning Board (CAAPB) the statutory authority to amend and adopt rules.

Minn. Stat. § 15B.05, subd. 3. requires construction activity in the Capitol area to be consistent with the Comprehensive Plan, and Minn. Stat. § 15B.05, subd. 5., identifies monuments as a form of construction.


2040 Comprehensive Plan for the Minnesota State Capitol Area (adopted March 2021), page 42:

“1.10. ...update the Rules Governing Zoning [Chapter 2400] to reflect changes to this Comprehensive Plan and updates to policies regarding Works of Art in the Minnesota State Capitol and Commemorative Works in the Minnesota State Capitol Area.”
Minnesota Rules Chapter 2400 Capitol Area Architectural and Planning Board Zoning and Design governs uses, form and design in the Capitol Area.

Part 2400.2015 Applicability and Scope: “No Capitol area building or structure shall be erected, converted, enlarged, reconstructed, or altered, and no Capitol area building, structure, or land shall be used for any purpose that is not in conformity with this chapter.”

Minnesota Rules 2400.2705, Subp. 1 addresses standards for Commemorative works, monuments, or memorials.
CAAP Board initiated two commemorative works task forces in summer 2020:

- Public Engagement Task Force
- Decision Process Advisory Task Force

Learn more at: https://mn.gov/caapb/capitol-area/memorials-monuments/commemorative-works/task-force.jsp
Part 1 – Lt. Governor Peggy Flanagan
- Overview of the CAAPB
- Statutory Authority
- Background and Need

Part 2 – Carl Crawford and Dr. Gwen Westerman
- Public and Stakeholder Involvement
- Drafting the Rules

Part 3 – Merritt Clapp-Smith
- Reasonableness of the Amendments
Public Engagement Task Force

Task Force met 4 times, hosted 25 listening sessions throughout Minnesota, and had 344 respondents to an online survey.

Major Themes from public input

❖ Most people are proud of the Capitol
❖ Some people feel their communities are not reflected in its art, monuments and memorials
❖ Over half of respondents said they felt unwelcome at the Capitol
❖ Opinions varied on how to handle existing works that are controversial
Big Picture Priorities for the MN Capitol

Based on input to the task forces:

• Represent and include marginalized communities in the MN Capitol experience
• Focus on commonalities among Minnesotans when considering commemorative works
• Provide accurate and complete historical narratives that acknowledge invisibility, marginalization, or negative depictions
• Represent diverse experiences and communities in the works displayed at the Capitol
Decision Process Advisory Task Force

Charge to the Task Force

Provide recommendations to the CAAPB on how to best develop a decision-making process regarding the addition, alteration, or removal of monuments, memorials, and works of art on the Capitol grounds.

Task Force Activities

1. Convened 12 times in meetings open to the public.
3. Reviewed local, state, and national policies on commemorative artwork to identify common themes and language.
4. Consulted with CAAPB staff and MN Historical Society staff.
5. Drafted updated language for the addition of works and added language to address requests for modification or removal.
6. Prepared report (SONAR Exhibit 2) which included proposed rules language.
Recommendations Based on Work of Task Forces

**Major Task Force Recommendations**

- Update the policy for commemorative artworks
- Add processes to consider modification or removal of works
- Make application forms and FAQs publicly accessible and easy to find
- Review policy on a 10-year basis
- Review artworks collection on a 10-year basis, with public input
- Seek legislative appropriation for CAAPB to support implementation of the updated policy
Process Overview

To ADD a new Commemorative Artwork:
- Fill out the Addition Request Form

CAAPB Staff Review of Application & Notification
- If ALL conditions are not met, Staff will notify the Applicant that the application is declined
- The Applicant may resubmit or request further review by the CAAPB

CAAPB approval of application and site proposal
- Site Selection study and recommendation
- Design competition Funding
- Design Competition and Selection Process
- Design and Construction Funding
- Development of Design and Construction

To MODIFY an existing Commemorative Artwork:
- Fill out the Modification Request Form

CAAPB Staff Review of Application & Notification
- If ALL conditions are met Staff will notify the Applicant that the application will advance
- Site Selection study and recommendation
- CAAPB approval of application and site proposal
- Design competition Funding
- Design Competition and Selection Process
- Design and Construction Funding
- Development of Design and Construction

To REMOVE an existing Commemorative Artwork:
- Fill out the Removal Request Form

CAAPB Staff Review of Application & Notification
- If NO conditions are met Staff will notify the Applicant the application is declined
- The Applicant may resubmit or request further review by the CAAPB

Assemble Commemorative Artwork Review Committee
- Public Hearing and Comment Period
- Commemorative Artwork Review Report
- Final CAAPB Decision
- Implementation of Modification Decision
- Implementation of Removal Decision
Part 1 – Lt. Governor Peggy Flanagan
- Overview of the CAAPB
- Statutory Authority
- Background and Need

Part 2 – Carl Crawford and Dr. Gwen Westerman
- Public and Stakeholder Involvement
- Drafting the Rules

Part 3 – Merritt Clapp-Smith
- Reasonableness of the Amendments
Comply with and implement the 2040 Comprehensive Plan for the Minnesota State Capitol Area.

Excerpts from the 2040 Plan

“1.10. ...update the Rules Governing Zoning [Chapter 2400] to reflect changes to this Comprehensive Plan and updates to policies regarding Works of Art in the Minnesota State Capitol and Commemorative Works in the Minnesota State Capitol Area.”

“1.4. Continue ongoing examination of the current understandings and policies surrounding art, representation and placement in the Capitol allowing for increased discourse about current representation of images, statues and monuments in the Capitol Building and on the Capitol Mall.”
Expand Representation of Minnesota History

"[The Minnesota Capitol] did not seem to reflect all of Minnesota’s vibrant communities. More the history of the 1800s.”

"Showcase the breadth of Minnesotans. Every person who walks through the doors should feel pride.”

- respondents to CAAPB survey on commemorative works
Works on MN Capitol Grounds and Year Installed

1) 1912 Albert Johnson
2) 1928 Knute Nelson
3) 1931 Christopher Columbus
4) 1949 Leif Erickson
5) 1958 Floyd B. Olson
6) 1982 Monument to the Living
7) 1985 Charles Lindbergh
8) 1992 MN Vietnam Veterans Memorial
9) 1995 Peace Officer’s Memorial
10) 1995 Roy Wilkins
11) 1998 MN Korean War Veterans Memorial
12) 2000 Transportation Worker Memorial
13) 2000 MN Woman Suffrage Memorial
14) 2007 MN WWII Veterans Memorial
15) 2010 MN Workers Memorial Garden
16) 2012 Minnesota Fallen Firefighters
17) 2012 Hubert H. Humphrey
18) 2015 Military Family Tribute
19) 2016 Special Forces in Laos Memorial
Allow the Body of Works at the Capitol to Evolve

“It can be expected that calls for new memorials will come in the future; however, installation of further commemorative works should balance the primacy of maintaining the open space of the Capitol Mall along with the importance of including commemorative works that are representative of all Minnesotans.”

- 2040 Comprehensive Plan for the Minnesota Capitol Area (page 34)

“History is dynamic.”

Respondent to CAAPB survey on commemorative works...
General Reasonableness – Clarity and Access

Improve Clarity and Accessibility

1. Better information and transparency about who is responsible for making decisions regarding commemorative artwork and how the decisions are made.

2. Written process and standards that are easy for people to find and understand.

3. Explicit opportunities for public input during commemorative artwork review.


“If you are going to provide diversity at the capitol, also include it in the decision-making process.”

“Artworks and/or their contextualization should change with advice from historians and communities of color.”

- respondents to CAAPB survey on commemorative works
2400.2040 DEFINITIONS.

2400.2703 STANDARDS FOR COMMEMORATIVE ARTWORK.
Subpart 1. Guiding principles for commemorative artwork.
Subp. 2. Conditions for adding new artwork.
Subp. 3. Application and review process for new artwork.
Subp. 5. Criteria for design of new artwork
Subp. 6. Conditions for modification or removal of an existing artwork.
Subp. 7. Application and review process for modification or removal of artwork.
Subp. 8. Criteria for modification of an existing artwork.

2400.2705 STANDARDS FOR CIVIC AND INSTITUTIONAL USES.
Subpart 1. Monuments, memorials, and commemorative artwork structures must be approved for placement, under, modification, or removal according to part 2400.2703 and Minnesota Statutes, section 15B.05, subdivision 3.
17 New Definitions

**Seven (7) definitions** are words or terms that already exist in chapter 2400 but are not defined. They are common words but have specific meaning as used in the context of chapter 2400.

Subp. 19b. Capitol grounds. This term is used in Minnesota Statute 15B and in Minn. R. 2400 but is not geographically defined. Since the geography of where these rules apply is important, it is prudent to outline in a definition. The added definition describes an area that is smaller than the “Capitol Area” and larger than the “Capitol mall.” All three terms are proposed for use in part 2400.2703.

**Ten (10) definitions** are words or terms that would be added to chapter 2400 under the proposed rules. They are common words but have specific meaning in the context of the proposed part 2400.2703.

Subp. 50a. **Modification.** "Modification" means a process that changes the meaning, character, appearance, or interpretation of an artwork. Modification includes:
A. relocation: the movement of an existing artwork to a different location in the Capitol area;
B. structural modification: the addition, removal, or alteration of any physical aspect of an artwork; or
C. recontextualization: the addition of interpretive material to an artwork, such as additional signage.
Guiding Principles for Commemorative Artwork

A. Commemorative artwork on the Capitol grounds must reflect the state's diverse history and people.

B. The [CAAP] board must:

(1) provide for public input, public access, and transparency in making decisions about commemorative artwork on the Capitol grounds;

(2) consider the historic, architectural, and artistic integrity of the Capitol building; and

(3) review existing commemorative artwork as needed or every ten years to:
   (a) gather public input regarding the commemorative artwork collection;
   (b) ensure that the artwork in the commemorative artwork collection meet the standards and intent of parts 2400.2040 and 2400.2703.

C. All decisions about commemorative artwork must account for the historic, architectural, and artistic integrity of the Capitol building and grounds.
Conditions for Adding Artwork

Must meet all conditions...

1. Documented public support
2. Lasting statewide significance for the people of Minnesota
3. Respectful of diversity of Minnesota’s people
4. Provides rich experience to broaden understanding of Minnesota’s shared history, heritage, and culture
5. Subject of the Work, if an individual, must:
   • have historic significance
   • be renowned and admired by Minnesotans
   • been deceased at least ten years
   • have lived in geography of MN for at least 5 years
Conditions for Modification or Removal

Must meet one or more of the following conditions...

1. Sustained, overwhelming, and documented public objection to the Work;
2. Work does NOT meet the Guiding Principles and/or Criteria of this policy;
3. Work has serious faults in construction and/or requires extreme maintenance such that State cannot properly care for or store the Work;
4. Site for the Work is no longer safely accessible to the public, or is due to be demolished; OR
5. Significant changes in the use, character, or design of the site require re-evaluation of the relationship of the Work to the site.

Public sentiments vary on how to handle existing works on the MN Capitol grounds. Here are two comments from a survey hosted by CAAPB:

“Artworks and/or their contextualization should change with advice from historians and communities of color.”

“Try hard not to wipe out history needlessly or sanitize it only for political correctness.”
Application Steps & Criteria for Additions

Subpart 3. Application and review process for new artwork

Subpart 4. Criteria for determining location of new artwork

Subpart 5. Criteria for design of new artwork
Application Steps & Criteria for Modification and Removal

Application must identify how commemorative work proposal meets the guiding principles, conditions and criteria in the rules.

Application reviewed by CAAPB staff, advisors, a committee, professional experts, members of public, and the CAAP Board.

Funding for the work must be secured by the applicant from private, public or philanthropic sources.
### Evaluation Criteria for Modification

<table>
<thead>
<tr>
<th>A. More welcoming and engaging</th>
<th>B. Embrace historical complexity and encourage dialogue</th>
<th>C. Social/cultural context when artwork was added</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Increase awareness of the history and experiences of marginalized communities</td>
<td>E. Incorporate views of all interested groups and their collective history</td>
<td>F. Increase understanding of Minnesota history</td>
</tr>
<tr>
<td>G. Enhance sense of belonging for all Minnesotans and encourage social activity at the space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H. Commemorate things important to Minnesota history</td>
<td>I. Respect original artistry, supporters, and subject of the work</td>
<td>J. Seek to achieve historic truth and justice for people not or misrepresented</td>
</tr>
<tr>
<td>K. Acknowledge evolving social values and contemporary viewpoints</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Evaluation Criteria for Removal

Proposed in Minn. Rules 2400.2703, Subpart 9

<table>
<thead>
<tr>
<th>A. Community feedback collected at public meetings</th>
<th>B. Misrepresents history, intimidates, or adversely affects a group of people</th>
<th>C. Understand how and why the work was added to the MN Capitol grounds</th>
<th>D. Quality of the artwork and reputation of the artist</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Availability of funding to remove the work</td>
<td>F. Degree to which removal of work would visually detract from the Capitol grounds</td>
<td>G. Form and condition of the work and its compatibility with the other works</td>
<td>H. Accessibility, safety and context of the site, with and without the work</td>
</tr>
<tr>
<td>I. Legal, financial and regulatory considerations of removal</td>
<td>J. Structural issues or hazards that may require swift attention</td>
<td>K. Appraised value of the work</td>
<td></td>
</tr>
</tbody>
</table>
Concluding Remarks
Thank You

Capitol Area Architectural and Planning Board

https://mn.gov/caapb/
capitol-area/memorials-monuments/commemorative-works/