

**MEMORANDUM OF AGREEMENT  
AMONG  
THE ST. CLOUD VETERANS AFFAIRS HEALTH CARE SYSTEM,  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE,  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING  
WINDOW REPLACEMENT PROJECT AT BUILDINGS 3, 4, 8, 9, 29, AND CONNECTING  
CORRIDORS  
ST. CLOUD, STEARNS COUNTY, MINNESOTA**

**WHEREAS**, the St. Cloud Veterans Affairs Health Care System (SCVAHCS) at 4801 Veterans Drive in St. Cloud, Minnesota plans to replace the windows at Buildings 3, 4, 8, 9, 29 and associated Connecting Corridors (Undertaking); and

**WHEREAS**, the window replacement consists of the removal of the existing historic painted metal, divided-lite, windows and installation of new aluminum double-hung window units, finished with bronze Kynar 500 or Hylar 5000 (or equivalent), thermally broken frames, and thermally broken double-glazed glass units with historically compatible muntin patterns and profiles; and

**WHEREAS**, in accordance with 36 CFR § 800.3(a), SCVAHCS has determined that replacing the windows at Buildings 3, 4, 8, 9, 29 and associated Connecting Corridors (Project) is a federal action that meets the definition of an undertaking per 36 CFR § 800.16(y), is the type of activity that has the potential to cause effects on historic properties, and therefore is subject to review under Section 106 of the National Historic Preservation Act (NHPA) (54 USC § 306108) and its implementing regulations (36 CFR § 800 – Protection of Historic Properties); and

**WHEREAS**, in accordance with 36 CFR § 800.2(c)(1), SCVAHCS has consulted with the Minnesota State Historic Preservation Office (MN SHPO); and

**WHEREAS**, in accordance with 36 CFR § 800.4(a)(1), SCVAHCS, in consultation with the MN SHPO, has determined the Undertaking's area of potential effects (APE) as the SCVAHCS campus; and

**WHEREAS**, in accordance with 36 CFR § 800.4(b), SCVAHCS, in consultation with the MN SHPO, has identified the following properties within the APE for the Undertaking: Buildings 3 (Disturbed Patient Building), 4 (Subsistence Building and Attendants' Quarters), 8 (Recreation Building), 9 (Nurses' Quarters), 29 (Continued Treatment Infirmary Building) and associated Connecting Corridors, all of which are contributing resources to the St. Cloud Veterans Administration Hospital Historic District (Historic District), which is a historic property listed in the National Register of Historic Places (NRHP); and

**WHEREAS**, in accordance with 36 CFR § 800.2(c)(3), SCVAHCS has invited the St. Cloud Heritage Preservation Commission (HPC) to participate in consultation and the HPC has not responded to this invitation; and

**WHEREAS**, in accordance with 36 CFR § 800.2(d), SCVAHCS has provided the public with

information about the Undertaking and its effects on historic properties and has sought public comment and input and no comments were received; and

**WHEREAS**, in accordance with 36 CFR § 800.5(a), SCVAHCS, in consultation with the MN SHPO, has determined that the Undertaking will have an adverse effect on the Historic District due to the cumulative removal of historic materials and the alteration to significant character-defining features which qualify the historic property for listing in the NRHP; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a), SCVAHCS has modified the Undertaking and has designed the window replacement project in accordance with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Standards) in an effort to minimize the adverse effect on the historic property; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), SCVAHCS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, SCVAHCS, the MN SHPO, and the ACHP agree that the adverse effect will be resolved through execution of this Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(b)(2), and that the Undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

### **STIPULATIONS**

SCVAHCS will ensure that the following measures are carried out:

#### **I. MITIGATION MEASURES**

##### **A. Historic Marker**

Within one (1) year following execution of this MOA, SCVAHCS will reinstall the historic brass plaque "U.S. Veterans Hospital No. 101 St. Cloud, Minn. 1924" (Attachment A), which was originally located on one of the columns at the main campus entrance gate. The plaque was removed when the entrance gate was demolished. SCVAHCS will install the brass plaque in an appropriate, publicly accessible, interior hallway between Building 1 and Building 4, as detailed on Attachment B, along with a companion interpretive sign providing written narrative about the plaque and historic image(s), if available, of the plaque in its original location. SCVAHCS will notify the MOA signatories, once the installation has been completed.

##### **B. St. Cloud "Our History" Website**

Within two (2) years following execution of this MOA, SCVAHCS will add information specific to the history of the SCVAHCS campus to the St. Cloud VA Health Care System webpage "Our History" to educate the public.

- i. SCVAHCS will develop public educational material and upload the material to its existing "Our History" webpage or to a stand-alone webpage that is linked to the "Our History" webpage.
- ii. This public educational material will include an overview of the history and significance of the SCVAHCS campus, differentiating its history from the broader history of the Veterans Health Administration, for posting to the webpage. The webpage will also include an option to download the NRHP nomination and a map of the Historic District (interactive if possible) and include historic and current photographs of the contributing buildings and landscape features.
- iii. SCVAHCS will consider including a copy of the Master Plan and/or a list of recent federal undertakings that have been subject to Section 106 review on its website to better educate the public on how SCVAHCS is meeting its historic property stewardship responsibilities. If SCVAHCS deems inclusion of this information feasible and appropriate, SCVAHCS will post this information to the website.
- iv. SCVAHCS will submit the public educational material to the MN SHPO for review and comment. The MN SHPO will have a 30-day review and comment period starting from the date they receive the material.
- v. SCVAHCS will review comments provided by the MN SHPO and revise the content of the public education material accordingly.
- vi. SCVAHCS will submit the revised public education material to the MN SHPO for review and comment. Within thirty (30) days of receipt, the MN SHPO will notify SCVAHCS that either there are no outstanding issues with the revised public education material or provide direction for final revisions.
- vii. Within one (1) year after final approval, SCVAHCS will post the public educational materials on the SCVAHCS "Our History" webpage or to a stand-alone webpage that is linked to the "Our History" webpage.
- viii. SCVAHCS will notify the MOA signatories when the public education material is posted and made accessible to the public.

#### C. Historic Window Rehabilitation

SCVAHCS will retain the historic windows of Building 10 (Officers' Quarters) and within five (5) years following execution of this MOA, initiate the process to rehabilitate those windows in need of repair in conformance with the Standards, and complete the process prior to the expiration of the MOA (see Attachment C). As noted in the 2012 NRHP nomination, Building 10 is a contributing resource to the Historic District. Originally designated as the Officers' Quarters, it is currently being used as office space. Building 10 was constructed in 1924 as a two-story, eight-bay (w/d/w/w/w/w/d/w), side-gable duplex with Colonial Revival architectural elements. The windows throughout the duplex have multi-light, double-hung wood sashes, concrete sills, and soldier course brick lintels.

- i. SCVAHCS will ensure that one or more of its staff receive training on the repair of historic windows, such as the National Preservation Institute's online "Historic Wood Windows: A Primer" course, to increase SCVAHCS awareness of the importance of historic window retention, maintenance, and rehabilitation.
- ii. SCVAHCS will ensure that the historic window rehabilitation project is designed in accordance with the Standards.
- iii. SCVAHCS shall submit the historic window rehabilitation project to the MN

- SHPO for review and comment at or before 35% design and again at or before 95% design.
- iv. The MN SHPO will provide any comments on the 35% and 95% design within thirty (30) days of receipt. If no timely comments from the MN SHPO are received, SCVAHCS will move ahead with the design process as initially proposed.
  - v. SCVAHCS will provide written response to the MN SHPO on any comments received, indicating how the comments will be addressed in design development.
  - vi. SCVAHCS will seek MN SHPO concurrence that the final design meets the Standards resulting in a finding of "no adverse effect" to historic properties.
  - vii. Any disagreements about the design of the historic window rehabilitation will be resolved following Stipulation IV (Dispute Resolution).

**D. Meeting with Signatories**

Within one (1) year of execution of this MOA, SCVAHCS will convene a meeting with the signatories to this MOA, either in-person or via teleconference, to assess potential cumulative effects of projects undertaken in the past decade by SCVAHCS, discuss the feasibility of reevaluating the existing NRHP nomination to compare with current conditions, and discuss the utility of drafting a programmatic agreement to address routine operation and maintenance activities.

**II. ANTI-DEFICIENCY ACT**

SCVAHCS' obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. SCVAHCS will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs SCVAHCS' ability to implement the stipulations of this MOA, SCVAHCS will consult in accordance with the amendment and termination procedures found at Stipulations V and VI of this MOA.

**III. DURATION**

This MOA will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, SCVAHCS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

**IV. DISPUTE RESOLUTION**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, SCVAHCS will consult with such party to resolve the objection. If SCVAHCS determines that such objection cannot be resolved, SCVAHCS will:

- A. Forward all documentation relevant to the dispute, including SCVAHCS' proposed resolution, to the ACHP. The ACHP will provide SCVAHCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, SCVAHCS will prepare a written response that takes into account any timely advice or comments regarding the dispute

from the ACHP and signatories and provide them with a copy of this written response. SCVAHCS will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty 30-day time period, SCVAHCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, SCVAHCS will prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA and provide them and the ACHP with a copy of such written response.

C. SCVAHCS' responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **V. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with ACHP.

## **VI. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party will immediately consult with the other signatories to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated and prior to work continuing on the Undertaking, SCVAHCS must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account and respond to the comments of the ACHP under 36 CFR § 800.7. SCVAHCS will notify the signatories as to the course of action it will pursue.

## **VII. IMPLEMENTATION**

This MOA may be executed in counterparts, with a separate page for each signature. This MOA will become effective on the date of the final signature. SCVAHCS will ensure that each party to this MOA is provided with a complete copy, and that the final MOA, updates to attachments, and any amendments are filed with the ACHP.

Execution of the MOA by SCVAHCS, the MN SHPO, and the ACHP and implementation of its terms evidence that SCVAHCS has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

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AMONG  
THE ST. CLOUD VETERANS AFFAIRS HEALTH CARE SYSTEM,  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE,  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING  
WINDOW REPLACEMENT PROJECT AT BUILDINGS 3, 4, 8, 9, 29, AND CONNECTING  
CORRIDORS  
ST. CLOUD, STEARNS COUNTY, MINNESOTA

SIGNATORY:

ST. CLOUD VETERANS AFFAIRS HEALTH CARE SYSTEM:



BRENT A. THELEN, PhD  
Health Care System Director

12/7/2020

Date

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CORRIDORS  
ST. CLOUD, STEARNS COUNTY, MINNESOTA

SIGNATORY:

MINNESOTA STATE HISTORIC PRESERVATION OFFICE:

  
AMY H. SPONG  
Deputy State Historic Preservation Officer

12/15/2020  
Date

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CORRIDORS  
ST. CLOUD, STEARNS COUNTY, MINNESOTA**

**SIGNATORY:**

**ADVISORY COUNCIL ON HISTORIC PRESERVATION:**



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JOHN M. FOWLER  
Executive Director

12/18/20

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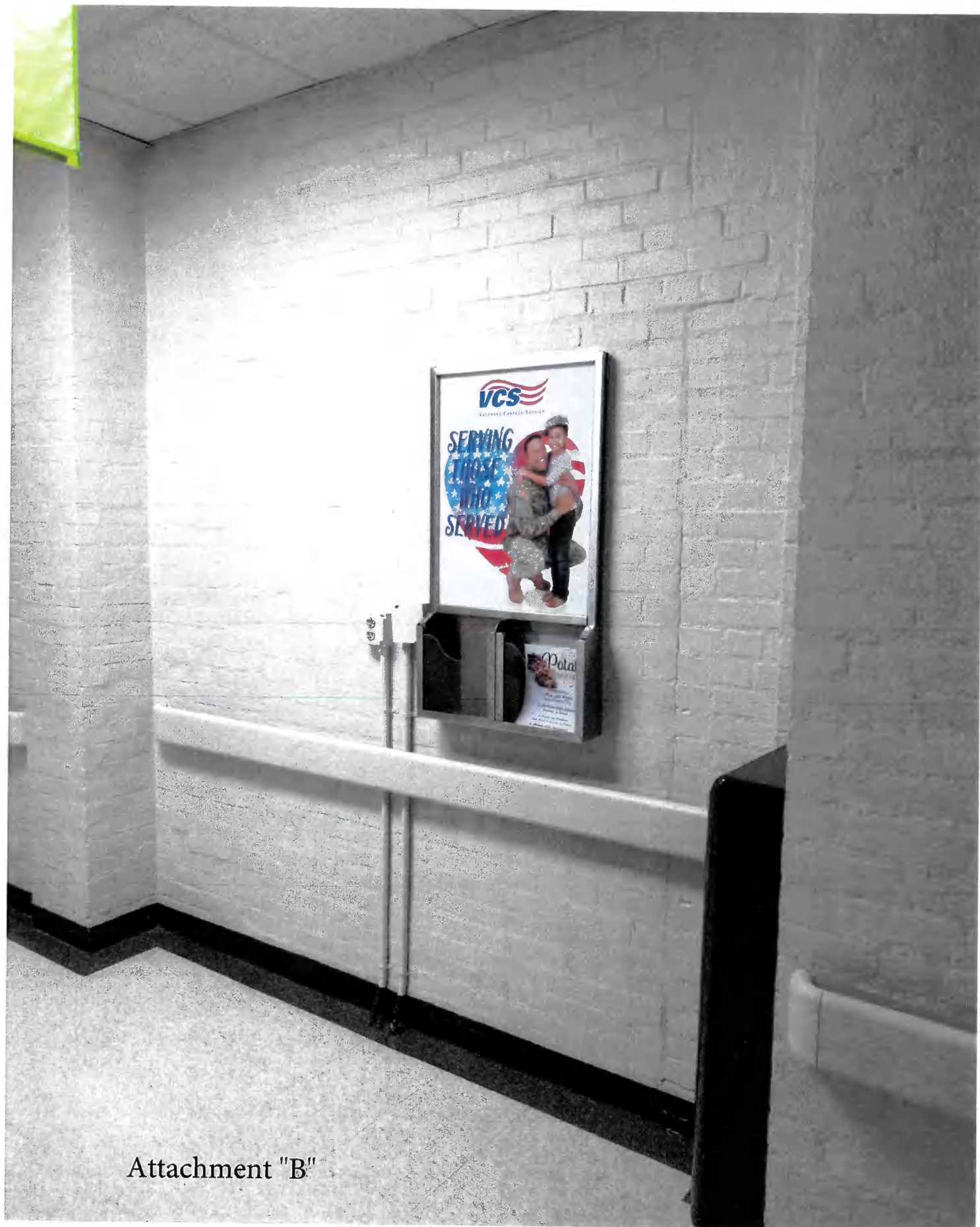
Date



Attachment "A" Original Brass Plaque

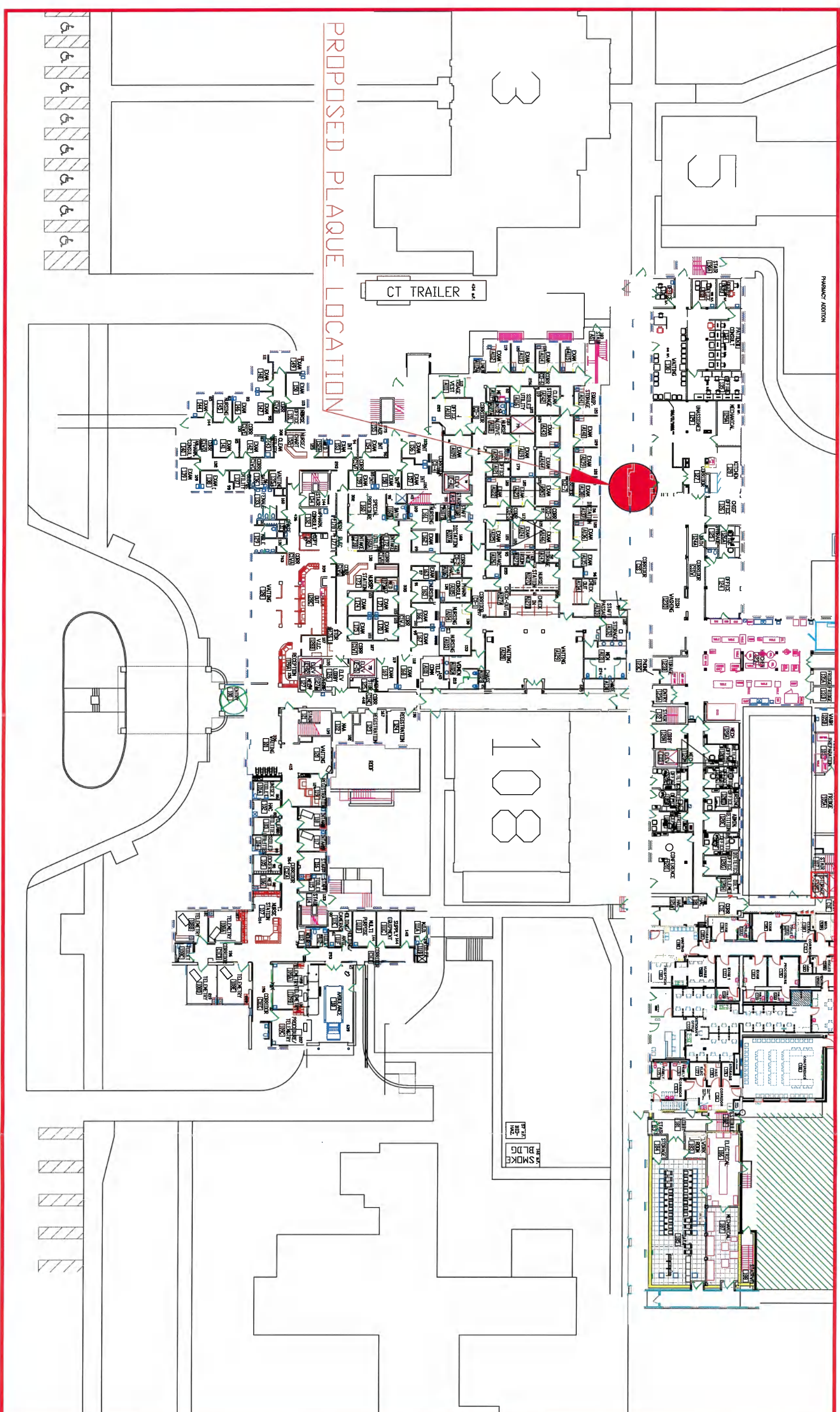


U.S. VETERANS  
HOSPITAL  
NO. 101  
ST. CLOUD, MINN.  
1924



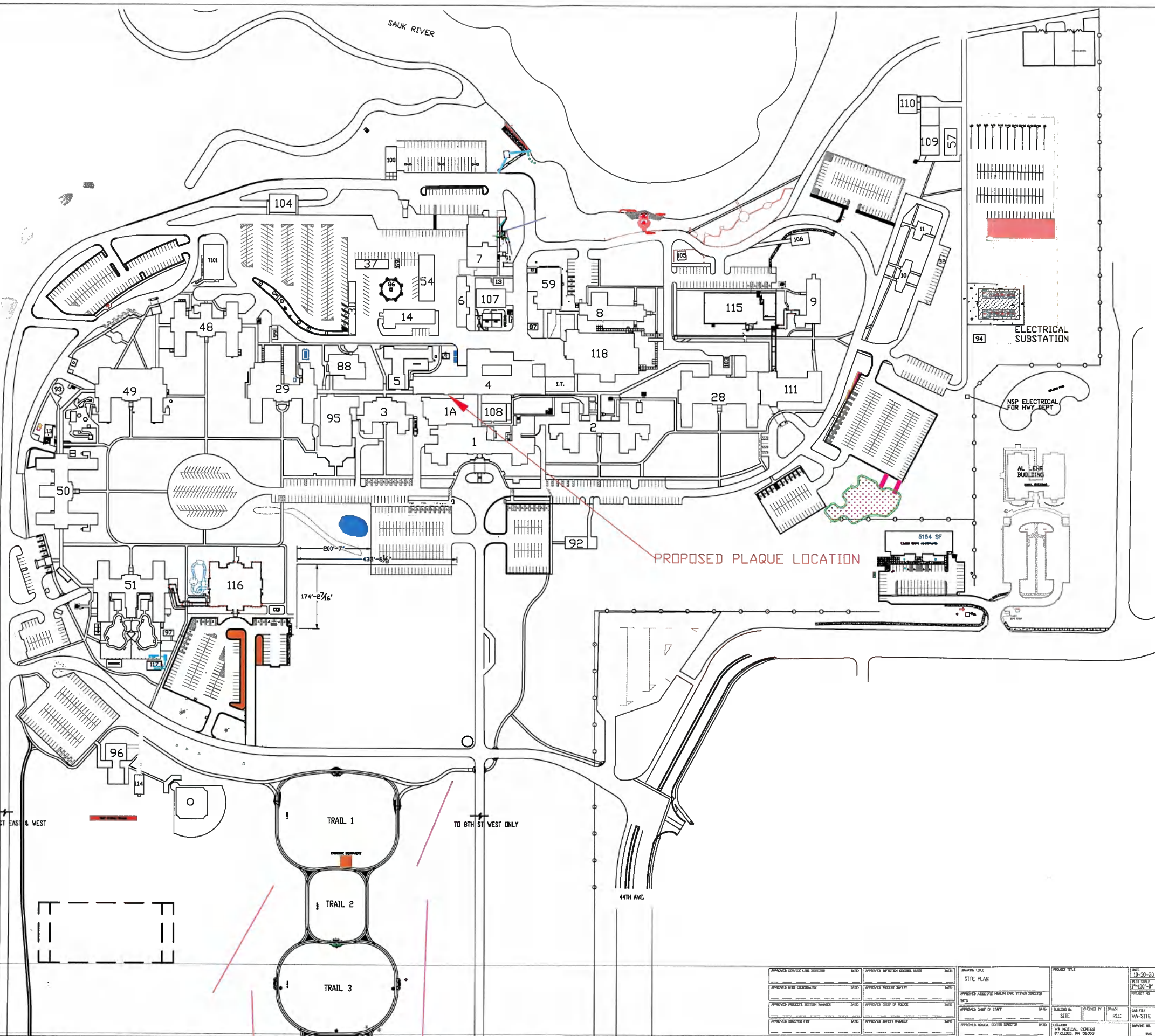
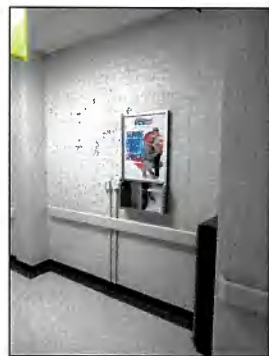
Attachment "B"







No.	BUILDING SCHEDULE
1	OUTPATIENT CLINIC
2	CHEMICAL DEPENDENCE
3	F.M.S. & DENTAL
4	DIETETICS & ADMINISTRATION
5	PHARMACY
6	UTILITY SHOPS
7	BOILER HOUSE
8	AUDITORIUM/RECREATION
9	DOMICILIARY-POLICE
10	DSS
11	BUSINESS OFFICE/CONTRACTING
13	ENGINEER STORAGE
14	SUPPLY WAREHOUSE
28	MENTAL HEALTH
29	AUDITORIUM RELEASE OF INFORM
30	SUPPLY & ENGINEER STORAGE
32	THREE CAR STORAGE
48	ADHC-NURSE EBL
49	COMMUNITY LIVING CENTER
50	COMMUNITY LIVING CENTER
51	COMMUNITY LIVING CENTER
54	STATION GARAGE
57	CWT
59	LAUNDRY
69	STORAGE
86	WATER TOWER
87	PUMPING STATION
88	CHAPEL
91	BOILER BUILD/DOWN PUMPHOUSE
92	V.F.W. RECREATION-DR. REID BLD
93	A.L.A. RECREATION
94	ELECTRIC METER HOUSE
95	CANTEEN
96	RECREATION
97	GENERATOR
99	GENERATOR
100	ENGINEERING STORAGE
103	GENERATOR
104	SUPPLY WAREHOUSE
105	STORAGE
106	GAME FARM
107	ENGINEERING STORAGE
108	PHARMACY/TELEPHONE
111	MENTAL HEALTH
112E	GENERATOR
112V	GENERATOR
113	GENERATOR
114	GENERATOR/PUMP HOUSE
115	MENTAL HEALTH
116	REHABILITATION
117	GENERATOR
118	KITCHEN



APPROVED SERVICE LINE DIRECTOR	DATE	APPROVED SAFETY CHAIRS	DATE	APPROVED TITLE	DATE	PROJECT TITLE	DATE
APPROVED TITLE COORDINATOR	DATE	APPROVED PATIENT SAFETY	DATE	APPROVED ASSOCIATE HEALTH CARE SYSTEM DIRECTOR	DATE	10-30-23	10-30-23
APPROVED PROJECTS SECTION MANAGER	DATE	APPROVED CHIEF OF POLICE	DATE	APPROVED CHIEF OF STAFF	DATE	17-1007-04	17-1007-04
APPROVED QUALITY PM	DATE	APPROVED SAFETY MANAGER	DATE	APPROVED MEDICAL SUPERVISOR	DATE	VA-SITE	VA-SITE

