
Idaho State Capitol Commission

Official Minutes, November 18, 2009

A meeting of the Idaho State Capitol Commission was held on this date at the Capitol Annex, Senate Committee Room 204, Boise, Idaho. Chairman Andrew Erstad called the meeting to order at 9:30 a.m.

Attendees

Members Present:

Andrew Erstad

Stephen Hartgen

Sandy Patano

Evan Frasure

Dolores Crow

Mike Gwartney, Director, Department of Administration, Secretary/Ex-Officio Member

Janet Gallimore, Executive Director, Idaho State Historical Society, and Ex-Officio Member

Jeff Youtz, Director, Legislative Services Office, and Ex-Officio Member

Others Present:

Jan Frew, Executive Project Manager, Division of Public Works

Gary Daniel, Communications Liaison, Idaho State Capitol Commission

Becky Henke, Idaho State Capitol Commission/Department of Administration

Teresa Luna, Chief of Staff, Department of Administration

Tim Mason, Division of Public Works

Kelly Berard, Relocation Project Manager, Division of Public Works

Connie Smith, Fiscal Officer, Department of Administration

Brigitte Teets, Webmaster, Dept. of Administration

Robyn Lockett, Relocation Specialist, Legislative Services Office

Keith Petersen, Idaho State Historical Society

Michelle Lynch, Idaho State Historical Society

Vivian Otero-Epley, Idaho State Building Authority

Rep. Max Black, Idaho House of Representatives

Jack Lemley, Lemley+3D/I

Jim Mallon, Lemley+3D/I

Rich Banner, Lemley+3D/I

Pete Hedberg, Lemley+3D/I

John Emery, JHJV

Ray Limbonati, JHJV

Lonnie Bullard, JHJV

Ray Zunino, JHJV

Kevin Brown, JHJV

John Maulin, CSHQA

Melissa Vandenberg, Department of Administration

Joe Rutledge, Division of Public Works
Barbara Dorsey, Buy Idaho
Dave Wagers, Buy Idaho
Dale Peterson, Buy Idaho
John Miller, Associated Press
Carole Schroeder, Idaho State Capitol Commission

General Commission Business

Approval of Agenda as Amended

MOTION: Commissioner Gallimore moved to approve the agenda as published for the November 18, 2009 Capitol Commission meeting with the amendment of moving the Exhibit Guidelines & Buy Idaho Agenda Item to the beginning of the meeting. The second was by Commissioner Gwartney; the motion passed unanimously.

Approval of Minutes

MOTION: Commissioner Crow moved to approve the minutes from the October 21, 2009 Capitol Commission meeting as written. The second was by Commissioner Gallimore; the motion passed unanimously.

Exhibit Guidelines and Buy Idaho

Chairman Erstad referred to the October 21, 2009 Buy Idaho discussion and Commissioner Youtz distributed his written motion to begin the discussion.

MOTION: Commissioner Youtz moved concerning Buy Idaho Use of the Capitol Building; the second was by Commissioner Crow; the motion passed unanimously.

That pursuant to Idaho code 67-1602 (3), with the permission of the Senate Pro Tem and the Speaker of the House, the Buy Idaho organization be allowed to use the rotunda area of the first, third and fourth floors of the Capitol Building on a one year trial basis.

That pursuant to Idaho Code 67-1602 (2), with the permission of the Governor, the Buy Idaho organization be allowed to use the rotunda area of the second floor of the Capitol Building on a one year trial basis.

That pursuant to Idaho Code 67-1604, the Buy Idaho exhibit shall be in strict compliance on all four floors of the Capitol Building with the exhibit guidelines adopted by the Capitol Commission for exhibits on the fourth floor.

That pursuant to Idaho Code 67-1602 (1) the Department of Administration shall oversee the exhibit set-up and removal to protect and maintain the pristine condition of the newly restored Capitol rotunda areas, and ensure that all life safety issues are addressed concerning emergency entrances and exits, and will report back to the Capitol Commission at the next meeting after the Buy Idaho exhibit.

Note: This motion does not authorize permission to use the Garden level rotunda area, nor

Statuary Hall on the fourth floor nor the Public Lounge on the third floor.

Discussion included:

- Commissioner Youtz reviewed the statutes involved as well as the traditions and background of the use of the State Capitol.
 - The Speaker and the Pro Tem are agreeable with this arrangement with the stipulations of Buy Idaho following the Guidelines that the Capitol Commission drafted and approved, including no duct tape, no tacking things on the walls and no leaning things against the marble.
 - Under this motion Commissioner Gwartney and the Department of Administration will oversee the set up and take down and make sure the guidelines are followed and report back to the Capitol Commission meeting after the Buy Idaho event.
 - Commissioner Youtz said that it is a fine line between protecting the State Capitol investment and keeping the Capitol open and accessible to the public. He would like to keep the guidelines in place and work on an exception basis for Buy Idaho on a year-by-year basis.
 - He also reiterated that this motion does not include the Garden Level, Statuary Hall nor the Public Lounge on the third floor, but does allow Buy Idaho the same floors it has used in the past.
- Commissioner Crow said she stands by her comments from the last meeting concerning the chaos and clutter of Buy Idaho and believes this compromise is an excellent way to provide access and use of the State Capitol and yet protect the finishes from tape and wall tacks.
- Commissioner Hartgen asked for clarification about the report from the Department of Administration and if it will be a recommendation or just a report; Commissioner Youtz suggested a report.
- Commissioner Hartgen asked about the “pristine condition” verbiage and if it would be a year-by-year review. Commissioner Youtz said under his motion it will be a common sense standard overseen by the Department of Administration and a year-by-year decision by the Capitol Commission.
- Jack Lemley asked that the record be noted that the Capitol was on time and on budget and expressed his concern about damage at a cost significant to repair and suggested a contract to repair any damages from groups using the building. He objected to use of the Capitol without certainty of repair.
- Commissioner Patano asked if someone from the Department of Administration will oversee the Buy Idaho set up and take down. Commissioner Erstad explained that the Capitol Commission has approved Guidelines for Public Space Use at the Idaho State Capitol and its Grounds and Guidelines for Objects of Art, Memorials, Statutes and Exhibits and in both documents the Department of Administration is the managing entity as exhibits are set up and taken down. This will apply to any entity in the Capitol.
- Commissioner Gwartney said his staff will be there and that historically Buy Idaho has not caused any damage.
- Commissioner Erstad added that in the future he believes the Governor’s Office, the Department of Administration and the Legislative Leadership should make the decisions about issues such as Buy Idaho by using the Capitol Commission’s Guidelines and that the Capitol Commission can create the mechanism for this transition at another meeting. He foresees the Capitol Commission only meeting on a quarterly basis in the future.

- Commissioner Gallimore complimented Commissioners Youtz and Gwartney for this allowance for adaptability and said the first-time Capitol Curator position will be there all the time to make sure the building is preserved and that things are done properly.
- Commissioner Gwartney explained his aye vote on this motion, thanked Commissioner Youtz for his work, and emphasized that his vote does not prejudice or commit to a change in the Department of Administration’s position in overseeing the Capitol.
- Commissioner Youtz commented that this meeting is the last official function in the Capitol Annex until it is reopened in the future.

MOTION: Commissioner Hartgen moved to amend the motion, seconded by Commissioner Frasure, in the fourth paragraph after “pristine condition” to insert “pursuant to an appropriate liability contract”. The motion to amend failed to pass with one aye (Commissioner Hartgen) and six nays.

Discussion included:

- Commissioner Youtz cautioned against amending the motion without Commissioners being attorneys and the danger of being too technical and that groups can be managed within the existing framework.
- Commissioner Erstad said he is comfortable with the existing agreement form that the Department of Administration uses.
- Commissioner Frasure said he would prefer modifying Capitol Commission policies at a later meeting to deal with damage, perhaps including a deposit in the future.

Budget and Funding Issues

Revenue & Expenditures Report, *Connie Smith*

Ms. Smith referred to the FY 2010 Budget Worksheet and the FY 2010 Sources and Uses of Funds reports for the period ending October 31, 2009 during her presentation, both available to the Commission.

Ms. Smith reported expenditures against budget for the Capitol Income Fund (CIF) and the Permanent Building Fund (PBF), as follows:

	<u>October</u> <u>Expenditures</u>	<u>Total YTD</u> <u>Expenditures</u>	<u>FY 2009</u> <u>Balance</u>
Personnel Costs-PBF	\$ 17,274	\$ 50,765	\$ 125,627
IPTV Broadcasts	9,650		
Idaho’s Capitol for Kids	6,000		
Operating Costs-CIF & PBF	\$ 4,518	\$ 49,391	\$ 727,200
Total Expenditures-CIF & PBF	<u>\$ 16,741</u>	<u>\$ 66,132</u>	<u>\$ 317,168</u>

Ms. Smith reported two additional appropriation items in the FY 2010 Budget Worksheet, as follows:

	<u>October</u> <u>Expenditures</u>	<u>Total YTD</u> <u>Expenditures</u>	<u>FY 2009</u> <u>Balance</u>
Security Cameras and Equipment	\$ 20,606		\$ 26,894
Idaho Capitol Gift Shop/Lic. Pl. fees	\$44,000		\$ 0

Subtotal FY 10 Expenses	64,606	\$662,594
FY 2010 Unallocated Appropriation	\$ 98,621	\$ 181,503

(as covered later in the meeting) Addressing the FY 2009 Sources and Uses of Funds spreadsheet as of October 31, 2009, Ms. Smith reported total available funds are:

<u>Income Fund</u>	<u>Permanent Building Fund</u>	<u>Capitol Furnishings Fund</u>
\$ 1,939,431	\$ 302,578	\$ 248,758*

*The balance of the Capitol Furnishing Fund shown on the Sources and Uses of Funds spreadsheet includes accumulated earnings and the transfer of \$5 Million to the general fund.

The total cash balances after liabilities are:

<u>Income Fund</u>	<u>Permanent Building Fund</u>	<u>Capitol Furnishings Fund</u>
\$ 885,031	\$ 31,260	\$ 0

The estimated market positions, as of September 30, 2009 are:

<u>Income Fund</u>	<u>Permanent Building Fund</u>	<u>Capitol Furnishings Fund</u>	<u>Endowment Fund</u>
\$ 929,559	\$ 0	\$ 0	\$ 16,085,273

Capitol Restoration Updates

Project Status, Jan Frew

We're done (applause)

Ms. Frew referred to Jim Mallon for status of the last month. He summarized October work, as follows:

- Outstanding Activities to be completed:
- We have almost completed marble installation in the Garden Level with some additional historic marble replacement we found
- We are completing installation of wire glass with a few contract administration items remaining
- We are completing final connections and testing of telecommunications and security systems
- We have almost completed the South side exterior activities; on the North side we are still installing some landscaping which was delayed by the fire protection pressure relief valve and an underground vault for the pressure reducing valve that we have finished.

Discussion included:

- Commissioner Erstad asked for confirmation that all of the items remaining on the punch list are not life safety issues, not substantial or significant, just touch ups.
- Mr. Mallon confirmed; he said the elevator inspections will occur tomorrow which is the final inspection and if there is a problem, workers will have time before the Legislature starts.

Budget Review, Jan Frew

Ms. Frew referred to the Program Budget Summary on page 18 of the Lemley+3D/I October 2009 Program Report. The project is budgeted at \$127,500,000, including contractor contingency. The following are the totals of the project contracts:

<u>Current Budget Amount</u>	<u>Contract Amount</u>	<u>Paid to Date</u>
\$127,500,000	\$ 126,146,653	\$ 109,659,336

- Ms. Frew explained that once all of the potential change orders are factored in, the final figure should be \$125 million, which is within the overall budget goal and under the \$127 million figure.
- She referred the Commissioners to page 19 which lists all of the major vendors and their current contract amounts and payments made to date.
- Commissioner Hartgen asked if there are any last minute change orders.
- Ms. Frew said yes, there are potential change orders but even factoring them in, her best estimate at this point is that the Capitol Restoration will remain within the \$125 million.

Schedule Update, *John Emery*

Mr. Emery said that everything Jim Mallon mentioned that is remaining are all modifications or change orders which is why they have taken as long as they have. The elevator is completely done and the delay has been because the keys to two different types of elevators needed to be the same. The other item workers are completing is the flow test using the pressure reducing valve and there appear to be no problems. He explained that by contract they have until January 29 to complete the punch list. He complimented the Department of Public Works and the architects and suggested that all review the contracts since they value engineered almost \$20 million out of the building to bring it within the budget that the State required. This necessitated reducing some finishes although everything turned out extremely well anyway. He has told the contractors they need to be out by December 18. The following problems are what the workers are completing:

Governor’s Office	Workers will install the final carpet over a two-day period after it arrives on January 4. The first one the factory sent was too small, and the second one was always considered to be temporary. The third one will have all of the required accents.
New Dining Room	Designer Floors pointed out that the wood joints it installed did not line up correctly and it will replace the floor once the wood acclimates.
Wire Glass	There are only a few manufacturers in the country and workers have replaced all delaminated panels; as the company sends the replacement glass workers will install the correct glass.

Chairman Erstad complimented Mr. Emery for doing a fabulous job and said it is excellent that the Jacobson Hunt Joint Venture and the entire team along with Jan Frew and the Department of Administration have worked so well together. Mr. Emery thanked Jan Frew and her team because he said it was a team effort and this cooperation was why they were able to finish two months ahead of time. Ms. Frew invited Mr. Emery to introduce his team and said she will present the Substantial Completion Certificate at the small celebration following the Capitol Commission meeting.

Other Design & Construction Elements

Relocation Project Update, *Kelly Berard*

Ms. Berard reported that to date she and Robyn Lockett have supervised about 20 truck loads of new and historic furniture moving back in the Capitol. Legislative Services will move in the weekend of November 20 – 22 and be open for business on November 23. The fence will

remain until the end of December. All State of Idaho staff will be instructed to enter either through the tunnel or through the North side first floor where there will be a security guard. All visitors will be required to enter through the North side first floor and sign in with the security guard. They will still bring trucks in the South side as everyone moves in. On Monday, November 23 the State will activate the security system and workers will need card access for before and after hours.

Discussion included:

- Commissioner Patano said Shows Etc. will bring in and take out Rededication Celebration equipment on January 9, and that Jefferson will not be open on January 9 for that reason.
- Ms. Frew suggested that working with ACHD and setting up temporary barriers on January 9 will be the best plan.

Public Outreach, Art & Culture

Rededication Celebration Update, *Sandy Patano*

- Commissioner Patano said the Idaho Capitol Celebration Committee is recruiting volunteers who will help direct traffic in the building on January 9 and also on January 7 and 8 at the evening receptions. The receptions will start at 5:00 PM and end at 7:30. Most of the entertainment will take place outside the State Capitol with a string quartet in the Capitol. More than 300 youth will perform at the Capitol.
- Artist Paul Brown has agreed to paint another watercolor and it may be on the cover of the Rededication program. The committee is working on the program.
- Staff sent out the electronic e-invites and more than 300 people have already committed to come to the Rededication. Committee volunteers will prepare and mail the formal invitations the second week in December. The Pro Tem and Speaker have asked their fellow legislators to help identify retired legislators in their districts and they will share their lists with the committee. The committee will invite contractors and workers and their families to the reception on Thursday evening and invite legislators on Friday evening. The committee has invited constitutional officers to preside over the two evenings.
- Commissioner Patano has solicited contributions to help pay for the festivities and she will report more fully at the next Capitol Commission meeting.
- The committee has met with the State Library Association and will distribute the book *Ida Visits the Capitol* (with bookplates in them and a seal on the cover) to each library in the state, both a hard bound copy for the library to keep and several paperbacks for library distribution to children in the town. Each library will participate in an event during a two week period focused on the State Capitol.
- Commissioner Patano asked Rep. Max Black to show the fiddle carved from the Harrison tree. Rep. Black explained that local fiddle maker Frank Daniels carved the oak fiddle and that most fiddle and violin makers do not use oak but this fiddle has still placed in a national contest. He wants to make sure that the fiddle is used in the future and is contemplating how to donate it to the State.
- Commissioner Patano said that the Capitol will provide a donation box so that people may donate if they wish.

Questions for Commissioner Patano included:

- Commissioner Hartgen asked if the committee was able to access the PERSI list of retired employees. Commissioner Patano said that PERSI officials were unwilling to release labels or a list but that it will place the e-invite on its website.
- Commissioner Youtz confirmed that the gift shop will be up and running for the Rededication Ceremony.

Arts, History and Culture Committee Report, Janet Gallimore

Commissioner Gallimore shared the revised ground floor plan with some minor refinement of the sub-themes. She explained the Text Review Process to review the content of the panels. Workers will install the exhibits the week between Christmas and New Years.

Discussion included:

- State Historian Keith Petersen said he appreciates the comments he has received and Commissioner Patano thanked him for writing the text to the Program.
- Commissioner Gallimore suggested a Catapult3 Prefabrication Studio tour after the December meeting.
- Commissioner Hartgen asked about the modification of the exhibit plan and Commissioner Gallimore said one panel copy will change slightly.

Commissioner Gallimore reviewed that the State Historical Society is sponsoring a number of programming events in the spring and summer to extend the memory of the opening of the Capitol including a student photography exhibition and the May Archeology and Historic Preservation Month which is focused on the Capitol.

Commissioner Gallimore proposed that the Capitol Commission fund additional copies of a special edition of *Idaho Landscapes* that will feature the Idaho State Capitol. State Historian Keith Petersen handed out copies of a previous issue and explained that a special edition of *Idaho Landscapes* would be excellent to sell at the Capitol gift shop. Idaho State University, Boise State University and the University of Idaho contribute to *Idaho Landscapes*. Normally the State Historical Society prints 2,000 copies of it and is requesting \$18,895 for 10,000 copies to be sold in the gift shop.

Discussion included:

- Commissioner Patano would like a hard bound book about the State Capitol and suggested putting a hard cover on *Idaho Landscapes* and remove the date. Mr. Petersen said this would be better as a journal, with the date removed, and suggested investigating a hardback book in the future.
- Commissioner Youtz asked about timetable; it would be available July 3, the 120th anniversary of statehood.
- Chairman Erstad suggested that Keith Petersen come back at a future time with a hardbound book proposal.
- Commissioner Patano said she does not want this to be an either/or proposition and that the option of a hardbound book remain viable. She also asked about the current funding

of *Idaho Landscapes*.

- Mr. Petersen said most of the funding is from the State Historical Society with some in-kind partnerships with Boise State University and Idaho State University.
- Commissioner Hartgen asked what the cost is to produce 2,000 copies and a breakdown of the price points; Mr. Petersen said it is about \$10,000 for a general run and that it charges \$8 per copy.
- Commissioner Gallimore said that the revenues go back into the production of the next issue. The *Idaho Landscapes* journal production does not result in a profit and the staff time of the Historical Society, Boise State University, and Idaho State University is pro bono.
- Commissioner Youtz suggested License Plate funds for this project and he enthusiastically supports the publication.
- Chairman Erstad asked if there is a time crunch to decide today and Mr. Petersen said there is a time issue because he needs to line up authors and work with Mr. Daniel for photographs.
- Chairman Erstad said he believes the gift shop can sell 10,000 units and that the Governor's Office may purchase some the books from the Capitol gift shop for gifts.

MOTION: Commissioner Gallimore moved to approve the production of a Special Edition of *Idaho Landscapes*, the final approval of the budget and the number of copies to come in December, 2009. The second was by Commissioner Crow. The motion passed with six ayes and one nay (Commissioner Hartgen).

Discussion included:

- Commissioner Hartgen said for 12,000 copies it comes out to \$15.74 per unit and that it is too expensive to sell it and plan to make a profit and he would like more information.
- Chairman Erstad said he has not considered this as a mission to make a profit and instead it should be to tell people about the State Capitol. It doesn't bother Chairman Erstad if this is a loss leader or if the Gift Shop is not tremendously profitable; it is there to serve citizens instead of making a profit.
- Commissioner Gallimore said that the State Historical Society like the rest of the State of Idaho is trying to maximize every dollar and save everywhere it can. The Society has improved this popular culture publication from the former *Idaho Yesterdays* which is more scholarly and is on line. She would like to dedicate an issue of *Idaho Landscapes* to the State Capitol.
- Commissioner Patano said since July is the 120th anniversary of Idaho's statehood, the state will have more travelers and this will be good to commemorate it and it should sell.

Meeting Schedule, *Chairman*

Regular meetings are tentatively scheduled for 9:30 a.m. on the third Wednesday of each month:

- December 16 (tentative), at the JR Williams West Conference Room
- January 9 (tentative) to collect all Commissioners prior to the Rededication Ceremony
- January 20 (tentative) Flex Room WW 17, State Capitol
- Resume quarterly meeting schedule (April 21)

Discussion: Commissioner Patano invited the Commissioners to both the Thursday and Friday receptions and at the Friday reception the committee will invite all prior Commissioners as well.

New Business:

- Commissioner Gallimore reviewed a letter from Joseph Jordan concerning a tea serving set that Governor Jordan received from State employees and that the Jordan family would like to donate to the State and are concerned where it will be housed. Commissioner Patano said that the Governor's Office has requested that the tea serving set be kept in the Governor's Ceremonial Office.
- Commissioner Gallimore said that in regard to Representative Black's concern about the donated violin; perhaps this can go in the Education Collection at the State Historical Society which is a collection that is meant to be used.
- Commissioner Crow said she will miss the December meeting and wishes everyone a Merry Christmas.

Adjournment

MOTION: Commissioner Youtz moved to adjourn the meeting. The second was by Commissioner Crow; the motion passed unanimously. The meeting adjourned at 11:35 p.m.

Carole Schroeder, Communications Coordinator