
Idaho State Capitol Commission

Official Minutes

November 5, 2020

A meeting of the Idaho State Capitol Commission was held on this date in Room WW17 of the Idaho Capitol Building, Boise, and via teleconference. Commissioner Reynolds called the meeting to order at 11:30 a.m.

Attendees

Members Present:

Keith Reynolds, Director, Dept. of Administration (DOA), Ex-Officio Member, Commission Secretary
Eric Milstead, Director, Legislative Services Office (LSO) and Ex-Officio Member
Marilyn Whitney, Deputy State Superintendent of Public Instruction
Mary Symms-Pollot
Janet Gallimore, Executive Director, State Historical Society (ISHS), and Ex-Officio Member
Nancy Sue Wallace (via teleconference)
Representative Jason Monks (via teleconference)

Absent and Excused

Andy Erstad, Chairman
Senator Chuck Winder

Others/Staff Present:

Barry Miller, Deputy Administrator, Division of Public Works (DPW)
Steve Bailey, Deputy Director/CFO, DOA
Steve Olsen, Deputy Attorney General, Office of the Attorney General
Pat Donaldson, Administrator, DPW
Teri Kondeff, Deputy Director, LSO
John Maulin, CSHQA
Danielle Weaver, CSHQA
Lindsay Erb, Project Manager, DPW (via teleconference)
Michelle O'Brien, Special Projects Coordinator, LSO (via teleconference)
Maggie Smith, Analyst, LSO (via teleconference)
Tricia Canaday, Preservation Office, ISHS (via teleconference)
Diane Blume, Program Specialist, DOA

Approval of Minutes

MOTION: Commissioner Gallimore moved and it was seconded by Commissioner Wallace that the minutes of the August 12, 2020 Idaho State Capitol Commission meeting be approved as written. The motion passed unanimously.

Railings in House and Senate Galleries

This issue is before the Commission again today, Commissioner Reynolds said, after a situation that occurred in the Senate gallery during the recent Legislative Special Session. It was necessary for him to address a group of protesters from the front of the gallery and it became very apparent that an altercation could potentially put someone over the short railing. The Commission had expressed concerns of gallery safety in the past, but a solution had not been reached, he explained.

Mr. Miller provided a PowerPoint presentation illustrating the height of the railing at 24” with 5” gaps. The current Building Code stipulates that railings are to be 42” except in the front of gallery seating where it could be 26”. Additionally, the Code requires no more than 4” gaps.

CSHQA was asked to illustrate ideas to address the safety issue, he said, and one is to embed a rail on top of the plaster railing which would bring the height to slightly over 26”, complying with Code, but would probably not afford the desired protection. Another option is a simple 42” bronze rail attached to the aisle floor and extending above and along the plaster railing. Similar brass railings are utilized throughout the building, he pointed out. This solution does not address the 5” gaps, but the Division of Building Safety has indicated it would most likely accept this improvement.

The final option presented is a 42” glass guard with a bronze cap. From an operational standpoint, he said, this would be a maintenance issue due to fingerprints and smudges. Also, it would be difficult to clean the backside of the surface. Glass also reflects light, he pointed out, which at times would block sight into the gallery.

The State Historic Preservation Office and Architectural Historian reviewed the options, Commissioner Gallimore said. It would be their preference that the option chosen would have the least visual impact. Not favored is anything that interrupts or impacts the original fabric of the railing. A brass railing imbedded in the floor makes the most sense, she said, from a maintenance and safety standpoint.

Commissioner Whitney commented that safety in the galleries has long been a concern of hers and she supports the imbedded railing in the floor. Commissioner Reynolds conveyed Chairman Erstad’s preference is also the 42” single brass railing. Commissioner Wallace noted the 42” rail would also be of benefit for individuals who have difficulty walking.

Representative Monks noted that currently there is only 2’11” of aisle width and he questioned whether a railing installed in the floor would create an even narrower aisle and introduce a tripping

hazard. Mr. Miller agreed that the aisleway is narrow; however, there will be opportunities to address different options as part of the design process.

MOTION: Commissioner Gallimore moved and it was seconded by Commissioner Whitney that the Commission authorize the Division of Public Works to study and prepare plans for 42” brass rails to be embedded in the floor of both gallery aisles for a total amount not-to-exceed \$50,000. The motion passed unanimously.

Settlement of Pending Litigation State of Idaho v. Jacobsen Hunt Venture II, et al. (JHJV)

Mr. Olsen addressed the Commission to request authorization to expend money toward the remanufacture and replacement of all Rudy Art-manufactured glass in the Capitol Building.

The state entered into litigation over delamination of glass at the Capitol that was manufactured by Rudy Art Glass, he summarized. During litigation it was discovered that not only had the interior glass installed during the restoration project delaminate but also glass that was installed in the exterior dome prior to the renovation.

A resolution has recently been reached with JHJV, Rudy Art Glass, and D&A Glass (the glass installer), he explained. As part of the resolution, the state would receive \$368,000 from JHJV and \$35,000 from D&A Glass. In turn, upon authorization of the Commission, the state would pay \$768,800 to JHJV; therefore, the state’s net contribution would be \$365,800, not including the purchase of the glass by the state. That amount has yet to be determined, although an expert has estimated the total cost of repairing, replacing, and remanufacturing all glass at \$1,183,393. The difference between the total amount and the state’s share will be paid by JHJV and D&A Glass. The payment arrangement is based on the insurance company’s inability to pay monies directly to the state, he explained. The only other potential expense to the state would be if D&A Glass errors in measuring the glass pieces. In that case, the state has agreed to pay 5% of the cost to remanufacture that glass.

Under the settlement agreement, all work is to be done by November 15, 2021. As part of the settlement, Commissioner Reynolds explained, the state agreed to purchase the glass so JHJV would not be liable. Estimates received so far for the glass range from about \$100,000 to \$150,000, so the state’s total net contribution to the project could be close to \$550,000.

MOTION: Commissioner Milstead moved, and it was seconded by Commissioner Gallimore that the Commission authorize \$768,800 be paid to Jacobson Hunt Joint Venture in settlement for the glass replacement with the understanding that the state will receive \$368,000 from Jacobson Hunt Joint Venture and \$35,000 from D&A Glass as reimbursement, and that the Commission authorize expenditure of up to \$200,000 for the purchase of the replacement glass. The motion passed unanimously.

Other Business

Next Meeting Date

Commissioner Reynolds noted the next meeting of the Capitol Commission is scheduled for Wednesday, February 17th at 3:30 pm.

Adjournment

MOTION: Commissioner Whitney moved, and it was seconded by Commissioner Wallace that the November 5, 2020 meeting of the Idaho Capitol Commission be adjourned at 12:15 p.m. The motion passed unanimously.



Diane K. Blume, Program Specialist
Department of Administration