

Minutes of the School Facilities Commission
State Library Conference Room
516 S. Greeley Highway
Cheyenne, Wyoming

January 23, 2007

Chairman Marsh called the meeting to order at 8:30 a.m.

Present: Commissioner Algier, Commissioner Carrier, Commissioner Ferris, Commissioner Gilpatrick, Commissioner Goodson, Commissioner McBride and Chairman Marsh.

Approval of Meeting Agenda

Chairman Marsh added one agenda item – Maximus Update.

Commissioner Gilpatrick made a motion to approve the meeting agenda as amended. Commissioner Carrier seconded the motion. Motion passed unanimously.

Approval of Previous Meeting Minutes

Commissioner Goodson made a motion to table the approval of the November 8, 2006 meeting minutes as presented. Commissioner Gilpatrick seconded the motion. Motion passed unanimously.

Chairman Marsh asked that a copy of the minutes from the Select Committee on School Facilities Commission be included with these minutes and then brought back for Commission approval.

Director's Report

Staffing Updates

- Director Shivler introduced Ken Daraie and Anna Hutchinson for the SFC staff. He advised the Commission that Lannette Cress was leaving the staff for another position within the state.

Legislative Updates

- Director Shivler asked that Mr. Michael O'Donnell provide a Legislative update. Mr. Michael O'Donnell went through house bills and senate files that pertain to the School Facilities Commission.
- Chairman Marsh advised the Commission that he visited with Mike Spearneck in Wellington Colorado. He stated the total project cost was \$11.7M for the school in Wellington with the same square footage compared to Fort Casper Elementary School that was approximately \$20M. He expressed the Commissions concern in regards to construction costs and the priority of District needs. He continued that

the Wellington facility was designed for 525 children compared to the SFC guidelines which were designed for approximately 400 children. He also commented that Director Shivler has always commented that the SFC guidelines are generous. Chairman Marsh stated a decrease may be looked at during the 2007 guideline review process.

2005/2006 Projects

- Director Shivler expressed his concern for the 2005/2006 projects scheduled to bid in late January & February. He continued that approximately \$1.2M remains in inflation account. The SFC has requested from the Legislature replenishment for the account. However, the SFC would not know if those funds are approved until March 1. The SFC has concerns about asking contractors to bid on projects when the SFC knows at this point that we can't fund the project. Director Shivler's recommendation is to put a hold on upcoming bids until we know what the Legislators decide. Commissioner Goodson requested a list of projects with the timeline, bid date, construction budget and architects estimate. Director Shivler informed the Commission that the information would be compiled and provided to the Commission.

Landscape Requirements – Laramie County School District No. 1

- Director Shivler reminded the Commission of conversation in the last meeting regarding the extreme landscape requirements by the City of Cheyenne. Director Shivler advised the Commission that he had spoke to Mr. Joe Moore of Homeland Security and Mr. Moore stated all the perimeter of the buildings should be kept clear of shrubbery and trees and any type of object that could allow a person to climb into the building. He provided this information in a letter to the SFC. Mr. Ken Burnett addressed this information with Mr. Mike Able of the Planning Department for Cheyenne. Mr. Able advised Mr. Burnett that he would make the SFC a partner in the planning of landscape guidelines and was aware of the security concerns.
- Chairman Marsh asked if there was any discussion regarding the issue with the stairs for the modulars. Mr. Burnett said there was no discussion of the stairs. Chairman Marsh asked if the District was reimbursed for the stairs. Mr. Tom Rooney replied that the District was reimbursed.

Crook County School District No. One - Hulett K-12 Old Building:

Director Shivler expressed his concern with the Town of Hulett and their financial ability to bring the old building up to standards and maintain. Additional discussions were held regarding the history of the towns request for this building.

Chairman Marsh requested Director Shivler send a letter advising the District that the funds allocated for demolition will be reverted back to the SFC if not used and will not be available in the future.

Maximus Update

Mr. Nancy Thomson and Mr. Stan Hobbs presented preliminary information to the Commission on the capabilities of Maximus.

General Accounting Practices & Procedures

Mr. Tom Rowe of the State Auditors Office provided information to the Commission regarding the reporting of expenditures in the proper accounting period and that school Districts submit invoices by June 30. He further explained the classification of SFC expenditures under GASB 33.

Chairman Marsh asked that the SFC update the Business Managers during their annual meeting in February.

At 10:08 a.m., a 20-minute recess was taken. The regular meeting reconvened at 10:30 a.m.

680 Major Maintenance Reporting Process Update

Mrs. Teresa Kunkel provided the purpose for the report and the technical difficulties that are being addressed from moving the report to the internet.

Chairman Marsh asked Districts for feedback regarding the use of the report from the internet.

Mr. Jeremy Smith, Business Manager for Sheridan County School District No. 1 stated the report worked but he had to maneuver throughout several screens which was time consuming.

Mr. Curtis Barker of Sweetwater County School District No. 1 stated there were numerous issues with maneuvering in and out of various screen. He also suggested that we keep the same software from year to year.

Mr. Kirk Schmidt of Fremont County School District No. 1 commented that most reports are going to be web based and only done once a year.

Building Assessment & 2007 District Facility Plans

Ms. Nancy Thomson provided an update on the Building Assessment status. Ms. Thomson also stated that Ms. Donna Murray has been visiting the Districts and advising the Districts of the new process for the 2007 Facility Plans.

Administration Space Guidelines Update

Ms. Nancy Thomson provided the update on the sub-committee that was developed and went over the talking points conducted January 9, 2007.

She further explained the next step is to take the comments along with comments from Mr. Dave Teater to the next commission meeting for review.

Commissioner McBride stated the instructional facilitators need to be in the school and not the administration buildings.

Chairman Marsh asked for a delay in approving the administration space guidelines.

Mr. Kevin Mitchell stated issue with his 6-12 school and a month after it is opened it is stated that the facilitators should've been in the school; it's too late. Also, office space for technology personnel is an issue.

Chairman Marsh suggested that Kevin Mitchell talk with his architect and use the existing space (200 kids, 66,311 sq feet) to fit the facilitators.

Mr. Ken Daraie stated things are never as simple as they appear. Spoke about distant learner; technology issues and funding model are difficult to incorporate into any given situation. Mr. Daraie asked that the Districts and Commission be patient and understand that Mr. Mitchell's issue will be dealt with and leave the door open for more discussion.

Sub-Committee Process

Mr. Ken Daraie spoke to the concept of sub-committees and working towards collaborative effort with Districts. Mr. Daraie commented there is a great deal of talent and expertise within the Districts that can be utilized and those committees would include a fair representation of the constituency from around the state.

CMAR Contracts

Mr. Michael O'Donnell stated the Commission authorized the preparation of a new CMAR contract and that Mr. O'Donnell was tasked with reviewing those contracts, drawn from the AIA standards form contract that exist in the construction industry, and get back to the Commission with a recommendation and a modification of the AIA documents. He continued that he does have a draft contract and explained the issues around this contract. He advised that the addendum created for the AIA contract was 20 pages long.

Mr. O'Donnell stated he has the draft addendum ready and would like some school district personnel review and also work with a few architects to obtain a copy of the standardized AIA contract.

Discussions were held regarding the Guaranteed Maximum Price (GMP) and how to apply the GMP to the contract.

Big Horn 1

Mr. Kevin Mitchell introduced Mr. Bryan Lee, Big Horn County School District No. 1 Board Chairman. Mr. Mitchell then provided the Commission with information regarding the District's high school track project. He advised the Commission that designing and constructing a new 6-12 school in Cowley was a priority. There will be a track facility built at some location in the District. In 2003, they had approached the Commission about the need to have more than one track facility since Burlington H.S. and Rocky Mountain High School are 41 miles apart. Mr. Mitchell stated that with the possibility of the Commission's decision to build two tracks, the District is willing to reduce the size of the tracks because the high schools are smaller, but the need is the same as other schools in the State.

Mr. Ken Daraie stated that the School Facilities Commission has worked on this issue, which is not unique to this District. Mr. Daraie believes there are some options for management of the project and suggested staff could come back with a recommendation at the next meeting.

Mr. Shivler stated that staff and the Commission should be cognizant that if the SFC allowed the two tracks there was a potential for 15 plus additional requests.

Converse 1 Request

Mr. Taner Norton provide the background information regarding the reallocation of funds for Douglas Middle School.

Commissioner McBride made a motion to approve the reallocation of \$72,000 for the Douglas Middle School design and approve funding the reprioritized project 0501-012-0100-08-005 as presented to the Commission today. Commissioner Gilpatrick seconded. Motion passed unanimously.

Sheridan 1 Request

Ms. Sue Belish introduced Mr. Tom Klepperich and Mr. Jeremy Smith. Ms. Belish advised the Commission of their request for additional funding to purchase 40 acres of land, which was approved in the five year plan for \$1.2 million.

Mr. Klepperich commented on the challenges during the past two years in locating a suitable piece of land for the South half of the Big Horn area.

Ms. Belish indicated that the difficulty has been so great that the District has even considered investigating condemnation and currently working with their attorney on that matter.

Ms. Belish advised the Commission that a realtor was hired and a 20 acre parcel and a 37 acre parcel were found that are adjacent to each other. The amount for these two parcels

exceeds the amount appropriated for the purchase of land. Ms. Belish further explained that aside from condemnation, the District feels they are running out of options.

Commissioner Goodson questioned if two (2) school buildings could be constructed on the 20 acres.

Conversation was held regarding the guidelines and the possibility of purchasing both parcels and selling the additional acreage and give the proceeds back to the School Facilities Commission.

Commissioner Marsh asked that the request from Sheridan 1 be placed on the February meeting agenda.

At 12:15 p.m., a recess was taken for lunch. The regular meeting reconvened at 1:15 p.m. with all members present.

Leased Facility Forms

Commissioner Carrier made a motion to approve the Leased Facility Notification Forms as requested by Uinta 1, Uinta 4 and Laramie 1 per SFC Form #703 under Tab K. Commissioner Goodson seconded the motion. Motion passed unanimously.

Laramie 1 Request

Mr. Ken Burnett provided an overview of the information presented at the previous meetings and reviewed the list of expenses requested by Chairman Marsh at the previous meeting.

Chairman Marsh questioned the expense of the steps and asked if the expense was adjusted from the lease as indicated on page two of the letter contained in the meeting packet.

Mr. Tom Rooney stated the reimbursement for the steps was applied to the lease and not taken off the expenses. He continued the only reimbursement was \$400 for each modular for each step for the two years. When the city rejected the steps the District built new steps that cost \$10,100.

Mr. Rooney indicated the cost to purchase the modulators was \$3,700 per modular and the District decided to lease.

Commissioner Carrier questioned whether or not the company would obtain the modulators when the lease expired.

Mr. Rooney stated yes.

Chairman Marsh asked for explanation of the \$30,000 for general contractors.

Mr. Burnett explained the \$30,000 was the cost in setting up the modulars and ensuring the modulars were functional after being set in place.

Commissioner McBride made a motion that when a District wishes to purchase or lease modular or prefabricated facilities, the District shall present its request to the School Facilities Commission staff and fully document the reasons for its request, the cost of the purchase or lease, and all other material items. No further action shall occur on the District's request until the matter has been presented to the School Facilities Commission for its decision on the request. Commissioner Gilpatrick seconded. Motion passed unanimously.

Chairman Marsh requested that additional information regarding the lease be brought to the next Commission meeting.

Commissioner McBride questioned if the District will request additional funds to remove the modulars.

Mr. Burnett answered he thought the lease states the company will come and pick up the modulars at no additional fees.

Commissioner Gilpatrick expressed his frustration over not being advised of the total amount needed for the modulars.

Mr. Burnett apologized for the error and stated it would not happen again.

Chairman Marsh asked what the District would do with the children when the lease is up.

Mr. Rooney indicated that the District could remove two (2) modulars by next school year, but it is quite possible the District will have to keep the modulars longer than the two (2) years.

Chairman Marsh expressed his concern for the \$100,000 lease for the modulars and requested that the Commission be made aware of the total price at the beginning of a project. Chairman Marsh further expressed his frustration over how the project was presented to the Commission and the lack of information that was presented.

Mr. Burnett indicated that SFC Staff would like to establish some pre-approval criteria for modular construction due to the immediate need for modulars. The SFC staff would like to offer a Request for Purchase (RFP) for a list of approved modular suppliers for Districts to use as needed.

Laramie 2 Request

Mr. Ken Burnett introduced Ms. Margie Simineo and Mr. Meryl Smith. Mr. Burnett advised the Commission the District was requesting to purchase land for an elementary school. The District has identified land in a very close proximity to the high school in Pine Bluffs. The District would like to move forward with the purchase of the land for a

cost of \$275,000. Mr. Burnett stated the District's request was for \$440.00; the additional amount includes improvements, which are required, to the land by the current owner prior to the transfer of property.

Commissioner Gilpatrick questioned the high expense of the water line and wondered if this cost was due to replacement.

Commissioner Goodson stated the amount was high for six (6) acres as listed in the meeting packet.

Mr. Smith stated the request was for 10.1 acres and not six (6). Mr. Smith advised the Commission that the District plans to place a food service facility on the acreage and service both the elementary and high school.

Commissioner Carrier asked that geotechnical services be done on this site development to insure suitable property.

Ms. Simineo indicated that the District would include a geotechnical study as part of the environmental study.

At 1:50 p.m. Commissioner Gilpatrick made the motion to adjourn to Executive Session for legal counsel; Commissioner Goodson seconded the motion; motion passed unanimously.

At 2:00 p.m. the Commission concluded the executive session and reconvened the regular meeting.

Chairman Marsh indicated no action should be taken at this time.

Mr. Ken Daraie indicated the appraisal amount needs to match the purchase price. The appraisal is in order with the assumption that the upgrades will be completed. He also agreed with Commissioner Carrier's concern and advised that a more in-depth assessment or Phase I be completed.

Commissioner Gilpatrick made a motion to approve the land purchase if the appraisal is viable, improvements are necessary and the geo tech report shows the site is suitable. Commissioner Carrier seconded the motion. All Commissioners voted against the motion with the exception of Commissioner Carrier. Motion failed.

Chairman Marsh advised the District to work with the SFC Staff and Mr. Burnett to resolve the issue with the appraisal. Chairman Marsh stated the Commission was willing to hold a special meeting if necessary.

Natrona 1 Request

Mr. Dave LaPlante and Mr. Ken Burnett introduced Mr. Dennis Bay from Natrona County School District.

Mr. Bay provided a brief history to the Commission regarding the track request. He stated the District proceeded with a bid for a new track for Natrona HS with the guidelines adopted by the SFC in June 2005. He advised the bid came in over the \$515,000 allocated for the project on the Facility Plan. Mr. Bay further stated a moratorium was placed on all tracks statewide and last May the Commission adopted a new set of track guidelines. The District then redesigned a new track based on new guidelines. The District bid the track again on September, 28, 2006 and the bid was \$1,088,870. The District has approximately \$800,000 in minor capital construction projects that they would like to re-appropriate to make up the difference for the high school track project. Mr. Burnett stated that \$200,000 has already been expended for utilities.

Commissioner Carrier expressed concerns on the Minor Capital projects that were listed to be reallocated.

Mr. Bay stated the fire alarm system has been upgraded and is functional. He continued that although the boiler is 30 years old the District believes that the boiler will last at least another year. He commented that the District has waited for almost two years, to get a track.

Commissioner Carrier expressed his issues with roof replacements, joint expansion problems, and the air conditioner in computer rooms. He was concerned about the District's priorities.

Mr. Bay stated the District tried to identify projects that were the most advantageous and felt could be moved out. He continued the projects that Commissioner Carrier mentioned are projects that the District has identified at being at their useful life or approaching their useful life.

Commissioner Algier made a motion to approve the reallocation request for Natrona County School District No. 1. There was no second. Motion failed for lack of a second.

Additional discussion was held regarding the Districts priorities and the 2005/2006 budget limitations.

Mr. Daraie commented that the assumption the District is not prioritizing the needs effectively, and indicated that it's not fair to ask the District to prioritize. He continued that at some point the state has to trust Districts to conduct business properly and that the District does have constituents to answer to. Mr. Daraie continued that whatever decisions the Commission makes, there will be consequences.

Mr. Burnett stated he went through the list of minor capital projects and agreed with the Districts priority as presented today. He continued that the projects identified are projects the District will either tabulate for in the future or replace at a later time. Mr. Burnett

stated none of the projects on the list would have any adverse affects on the children in the District.

Commissioner Carrier expressed his appreciation to Mr. Daraie for his comments and stated that if the projects weren't complete this year that maybe these will be done next year.

Commissioner Gilpatrick made a motion to approve the reallocation request presented to the Commission today for Natrona County School District No. 1. Commissioner Algier seconded the motion. Commissioner Algier, Commissioner Carrier, Commissioner Ferris, Commissioner Gilpatrick and Chairman Marsh voted in favor of the motion and Commissioner Goodson and Commissioner McBride voted against the motion. Motion passed.

Laramie 2 Request

Superintendent Margie Simineo provided an update to the Commission on the demolition plans for Albin High School. She explained that the town of Albin has requested the school district either sell or give the town the old high school depending on whether the town can obtain funds to purchase from the Business Council in June, 2007.

Ms. Simineo advised the Commission that the Town of Albin had an engineer look at the building and provided an estimate of \$500,000 to make the building useable. She continued that if the Town of Albin does not purchase the building, the District will request \$92,000 to demolish the building.

Chairman Marsh asked if any major maintenance funds were currently being expended on the building.

Ms. Simineo answered no and advised that the building was not being used.

Mr. Burnett explained the additional need of the District. Existing project is to add an additional space, approximately 10,000 sq. ft. addition to the West Elementary School in Burns. Due to increase of children attending the facility, instead of building of new school, they would like the SFC to consider building a new school and open the facility plan and add as a new project. They wish to inform the Commission that they would like to open their facility plan and submit a new facility plan to the Commission for their review. The District had been advised that opening the plan now does not guarantee funds or approval and the District would have to open again in July.

Ms. Simeno and Mr. Meryl Smith presented information to the Commission on a request to open their facility plan for purchase of land and for a new elementary school in Burns instead of an addition that the District originally planned. The request was due to the huge influx of students within the District. The District would like to package a new elementary school in Burns with the new elementary school in Pine Bluff in order to save on costs.

Conversation was held regarding the additional modulars added to elementary and high school, enrollment numbers and the possible budget flexibility currently in Session. Chairman Marsh indicated that the District should work with the SFC Project Manager and Staff and advised the District that the Commission could not move forward with any approval as they were waiting on the legislative session approval of the budget.

Ms. Teresa Kunkel stated that there was no mechanism to add a project other than to open up the District's facility plan. Ms. Kunkel continued that at the end of the budget session the SFC will hopefully have the flex authority to add a project, but all will have to wait until March to see the decision.

Mr. Michael O'Donnell stated re-opening the District's facility plan at this time would involve more than just adding a project, it would require a district-wide review.

Commissioner McBride suggested the District take additional time and performs a more comprehensive review of their needs.

CMAR Contract

Commissioner Gilpatrick made a motion that the School Facilities Commission approves *use of AIA documents A121 and A201 in CMAR contracts only if the Addendum To Revised AIA Documents A121 And A201 adopted on this date is appended to those documents by the contracting parties.*

It is further the policy of the School Facilities Commission that architectural and engineering contracts for CMAR projects shall be in the form approved by State's Counsel.

It is finally the policy of the School Facilities Commission that the term "guaranteed maximum price" as set forth in W.S. 16-6-701 shall include a contingency percentage to be determined by the construction manager, the school district, the architect and the School Facilities Commission, which contingency shall in no event exceed five percent (5%).

Motion seconded by Commissioner Carrier. Motion passed

Mr. Michael O'Donnell advised the Commission that the motion is the addendum and should become part of the formal record as of today. He continued that the approved project in Fremont 6 - Pavilion can move forward.

Public Comment

Mr. Kirk Schmidt of Fremont County School District No. 1 questioned the cost of construction in Wyoming and the differences between Cheyenne and other cities throughout the state. He asked if the SFC had a break out of these costs.

Mr. Schmidt also questions what the process was for reallocation of funds from one District to another District.

Director Shivler commented on the new system utilizing the budgeted funds based upon statewide needs assessment.

Mr. O'Donnell answered the 05/06 budget does not have the ability to reallocate out of District, only within the District. Mr. O'Donnell continued in the 07/08 budget there was now authority to take unused funds out of the District and distributed across the State on a priority schedule established by the Commission. He further continued that the 07/08 supplemental budget will completely abandon the project-based approach and move to a fund-based approach, which is then distributed based on a priority schedule established by the Commission.

Mr. Schmidt asked if the process will be conducted by the Commission or an administrative function by the staff.

Mr. O'Donnell answered that it is a combination of both.

Mr. Kirk Schmidt stated that he was advised that the South Elementary School funds were reallocated to another project in another District. He commented that his District thought they had funds for a project and now the funds were not available.

Mr. O'Donnell stated there is an assumption that the funds that are identified with a project in the 07/08 are an entitlement to the District.

Director Shivler stated that the SFC Staff would look further into Mr. Schmidt's situation and provide him with an answer.

Mr. Tom Ridder, Chairman of the Board for Fremont County School District No. 1 commented on the District's need to open their current facility plan. He informed the Commission that the District had completed a full analysis of their facility needs and would like the Commission to review so the District could move forward with the revised plan as the board has expressed frustration over the process during the last twelve months. Mr. Ridder also expressed his appreciation for the work the Commission performs.

Mr. Kevin Thibeault of Teton County School District expressed his thankfulness to the Commission and Lance Johnson for the Districts administration space and air handler unit.

Mr. Dennis Bay of Natrona County School District expressed his appreciation to the Commission for the high school track. Mr. Bay commented on the need for additional funds for a 2005/2006 project that came in over budget.

Mr. Craig Beck of Fremont County School District 25 expressed his appreciation towards Director Shivler and commented on how the Wyoming Schools Districts are so fortunate.

Commissioner Comments

Commissioner Ferris expressed his appreciation towards the District and commented on how the Commission and District have grown.

Commissioner Gilpatrick commented on his excitement to have a Ken Daraie join the School Facilities Commission and how sorry he was to see Director Shivler leave.

Commissioner McBride advised the District's that the Commission does not wish to micro manage the Districts. He expressed his frustration with making decisions based on inadequate information much like the track in Natrona. Commissioner McBride voted against the track just due to inadequate information and concerns with other project not being completed.

Commissioner Algier commented on the need to investigate the cost of renovation which is less than new construction due to the rising construction costs.

Chairman Marsh welcomed Mr. Daraie and announced that he would step down as chairman when Director Shivler leaves. He informed all the Commission Gilpatrick has agreed to fill the vacancy. He further stated that it has been a challenge to do what was best for the children of Wyoming especially with the high construction costs.

Commissioner Ferris made a motion to adjourn the regular meeting and convene into Executive Session at 3:40 p.m. Commissioner McBride seconded the motion. Motion passed unanimously.