

**Minutes of the School Facilities Commission**  
**1920 Thomes Avenue**  
**Cheyenne, Wyoming**  
**April 24, 2006**

**Conference Call/WEN Video**

Chairman Marsh called the meeting to order at 11:06 a.m.

Present: Commissioner Algier, Commissioner Carrier, Commissioner Gilpatrick, Chairman Marsh, Commissioner McBride and Director Shivler.

**Executive Session**

*Commissioner Carrier made a motion to convene into Executive Session. Commissioner McBride seconded the motion; motion passed unanimously.*

The regular meeting reconvened at 2:06 p.m. All Commissioners were present with the exception of Commissioner Goodson, who was excused.

**Approval of Meeting Agenda**

*Commissioner Ferris made a motion to add Permanent Rules as an action item and delete Standardized Track (Tab D). Commissioner Gilpatrick seconded the motion; motion passed unanimously.*

**Approval of Previous Meeting Minutes**

*Commissioner Carrier made a motion to table the March 20, 2006 meeting minutes until the May meeting; Commissioner McBride seconded the motion; motion passed unanimously.*

**Financial Report**

Ms. Teresa Kunkel provided an update on the funding for minor capital projects which the legislature made effective immediately. Ms. Kunkel advised the Commission and Districts that contracts for the approved minor capital projects would be distributed by the end of May.

**Legislative Update**

Ms. Donna Murray provided the following overview of the legislative issues which affected the School Facilities Commission:

- House Bill 73 – Enrolled Act 51, modifies the school facility planning process to coincide with the legislative and state budget process. The old five year plans were replaced by a new process which updates “facility plans” every other year on the odd numbered year.

The bill also clarified that districts may request administrative hearings on individual projects as well as facility plans.

- Senate 59 – Enrolled Act 13, modified the building condition assessment process by providing that the assessment occurs between those years dedicated to biennial facility planning activities. The assessments will be done by the SFC Staff.
- House Bill 135 – Enrolled Act 44, provides that the Commission shall allow for alternate design and construction delivery methods for the provision of design and construction services.

Ms. Murray also reviewed the Interim Studies which were ordered by the Legislature and which are being conducted in conjunction with Department of Education.

### **New Business**

#### **Fremont 25 Emergency Request**

Mr. Dave LaPlante provided the background information regarding termite damage to the ceiling in the Lincoln Elementary School gym. Mr. LaPlante stated the repairs included stabilization of the building and repair of beams and that all costs associated with the project were directly related to the repair of the building, removing students from the building, and providing food service to students as a result of the move.

Chairman Marsh questioned the high architectural fees for this project. Mr. LaPlante explained to the Commission that this project required the expertise of an out of state consultant as there are no consultants within the state who are versed in structural damage issues associated with termites.

***Commissioner McBride made a motion to approve the use of SFC emergency funds of \$103,854 for reimbursement of expended funds to Fremont County School District No. 25. Commissioner Algier seconded the motion; motion passed unanimously.***

#### **Permanent Rule Process, Chapter 6**

Ms. Donna Murray provided an overview of permanent rule-making process as well and how it interacts with the emergency rule-making process. Ms. Murray informed the Commission that allowing the staff to move forward with the permanent rule-making process was not an adoption of the proposed Chapter 6 as a permanent rule. The adoption of the rule would be brought before the Commission upon the conclusion of the 45 day comment period.

***Commissioner Gilpatrick made a motion to authorize the SFC Staff to proceed with the permanent rule-making process for Chapter 6 of the School Facilities Commission Rules and Regulations. Commissioner McBride seconded the motion.***

Commissioner Carrier inquired about the timeframe involved with this process and the availability of the proposed Chapter 6 for districts to review the proposed Chapter 6.

Ms. Murray stated the notice of intent will be filed within two weeks and will begin the 45 day public comment period at which time all interested parties will be able to make comment on the proposed rule. Ms. Murray also informed the Commission and Districts that the proposed Chapter 6 is located on the SFC website.

*Motion passed unanimously.*

### **2006 Meeting Schedule - May Meeting**

The next School Facilities Commission meeting will be in Cheyenne on May 15 & 16, 2006.

### **Commissioner Comments**

Chairman Marsh addressed the memo that was sent out on his behalf which denied several district requests to be placed on the agenda to request reprioritization of specific projects. Chairman Marsh further discussed the need for a process in order to accomplish the flexibility provided for and intended by the legislature in the 2006 budget footnote.

Chairman Marsh stated the reason for the denial to be on the agenda was because the SFC Staff was creating a process for the reprioritization, and that until such time as the reprioritization process was created and implemented, the Commission could not take action on specific projects. Chairman Marsh indicated SFC Staff may complete the reprioritization process by the May meeting at which time projects could be brought forward. Chairman Marsh indicated the May meeting will be scheduled for two days to provide additional time to all districts to speak on behalf of the projects they would like to have reprioritized. He thanked the districts for their diligence and apologized for any misunderstanding which may have occurred.

Ms. Murray commented on the diligent work of the SFC staff in reprioritizing these projects and their desire to have this process completed by the next meeting.

### **Public Comments**

#### **Park 6 - Cody**

Mr. Bryan Monteith addressed the Commission and stated the district came before the Commission with three requests in March and only one, the land purchase for the Sunset Elementary School, was of great concern to the district at this time. Mr. Monteith advised the Commission that the district made a conditional purchase agreement with a property owner which had a deadline of May 15, 2006. Mr. Monteith stated that if funds for the purchase are not available prior to this date the district will incur a penalty.

Director Shivler informed the Commission, the land purchase was a 1(i) project and designated in the Five Year Plan for \$515,000. Director Shivler stated that the District could move forward with the purchase of the land up to the amount contained in the Five Year Plan but that any additional amount would need to be paid by the District and then possibly reimbursed by the Commission once the reprioritization process is complete.

Commissioner Marsh questioned whether two appraisals for the land purchase had been obtained and then determined he would work with the SFC Staff regarding this issue.

#### Park 1 - Powell

Ms. Mary Jo Lewis asked if the reprioritization criteria could be posted on the web site. She also indicated her district is waiting for A&E funds for Southside Elementary School project.

Ms. Nancy Thomson stated the SFC is still on hold for expending funds for projects not on the 1(i) project list and that there is no guarantee action will be taken at the May 16, 2006 Commission meeting.

#### Natrona 1 – Casper

Mr. Mark Antrim advised that he has been working with Teresa Kunkel regarding the land acquisition for a project in his district and that he hoped the project would not be by the reprioritization process.

#### Big Horn 2 - Lovell

Mr. Dan Coe advised the Commission of three capital construction projects he has been developing for reprioritization. Mr. Coe indicated he had been working with Dave LaPlante on the following projects for consideration within the reprioritization process: a new track, replacement roof on elementary school, and replacement playground and driveway.

Mr. LaPlante stated the projects can not be done during school and are scheduled to go to bid on April 30, 2006. The District is seeking approval to go to bid.

Additional discussion was held on whether the projects were 1(i) priority and the need to get the reprioritization criteria in order by the May 15 Commission Meeting.

#### Campbell 1

Mr. Boyd Brown thanked Ken Burnett and John Efta for the visit last week and expressed his appreciation for their efforts.

Discussion was then held regarding progress of the standard track design and when the Commission may lift the moratorium. Chairman Marsh mentioned that approximately \$140,000 was spent on the track in Lovell prior to the moratorium and the district can not move forward until the design is approved.

Hot Springs 1 - Thermopolis

Mr. Ray Schulte advised the Commission the re-bid for Ralph Witter Elementary school was scheduled for Thursday, April 27, 2006. Mr. Schulte indicated the first bid conducted last spring was over budget and the District is projecting this bid will be over budget as well. He stated the project has a June 1, 2006 start date and if the District waits until the May 15 Commission meeting for Review and Analysis fund approval, it risks losing contractors.

Ms. Murray indicated that if needed, a special meeting would be scheduled. She requested all SFC Project Mangers work with their assigned Districts and advise the SFC Director if a special meeting is needed.

**Adjournment**

*At 3:15 p.m. Commissioner McBride made a motion to conclude the regular meeting. Commissioner Gilpatrick seconded the motion; motion passed unanimously.*

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Michele Semones, Executive Assistant

Approved by:

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Jeff Marsh, Chairman