

Minutes of the School Facilities Commission
1920 Thomes Avenue
Cheyenne, Wyoming
July 18, 2006

WEN Video

Chairman Marsh called the meeting to order at 9:03 a.m.

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

Approval of Meeting Agenda

Chairman Marsh deleted Agenda Item 2, Executive Session and Agenda Item 7(b), Johnson 1 Contingency Request.

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

Approval of Previous Meeting Minutes

Chairman Marsh suggested a minor change to the June 20, 2006 meeting minute's motion on page 5 of 10 under Paragraph 12.1.1 to read as follows:

Commissioner Gilpatrick made a motion that the Commission approve the Contract for Professional Architectural and Engineering Services, as amended, for immediate use subject to final approval by the Attorney General's Office and that the Commission require Districts use the Contract for all SFC funded projects and the Commission authorize the Director, in consultation with the District, to make non-material changes to the Contract on a project by project basis, subject to the review and approval of the Attorney General's office and subject to keeping the Commission informed of any and all changes made to the Contract.

Chairman Marsh also noted the word *meeting* was misspelled on the last page under Chairman Marsh's comments.

Commissioner Goodson suggested a change to the June 20, 2006 meeting minutes on page 6 of 10 under Standard A&E Fee Schedule Item 5 changed to read as follows: *All fees including reimbursable expenses shall be negotiated and included in the fixed fee.*

Commissioner Goodson made a motion to approve the June 20, 2006 meeting minutes as amended. Commissioner Gilpatrick seconded the motion; motion passed unanimously.

Director's Report

Director Shivler provided the following information to the Commission:

Building Assessment Training

FEA has been providing SFC staff with extensive field training. The goals are:

- Ensure, to the maximum extent possible, that all assessors will be uniformly evaluating and scoring each situation, so that a situation encountered in one district, is scored the same if encountered in another district.
- Ensure that the assessment tool accounts for situations that might be encountered, and to change the tool accordingly before assessors begin assessing educational facilities officially.
- Ensure that the data entry interface is compatible with database and Facility Focus module.
- Ensure that all data being transmitted from the field to the SFC office and database in a consistent, timely and reliable fashion.
- SFC staff will begin assessments in Districts the first week in August.

Upton Track Investigation

- *Existing site.* AVI recommends constructing a 6-lane track (as opposed to an 8-lane) on the existing site, but the size of the site will not allow bleachers. This configuration would be the most cost effective solution for this compact site to accommodate a new track facility. Based on AVI's report dated July 5, 2006, the conceptual cost estimate for construction of a 6-lane track is \$560,000.
- *Donated, District-preferred site.* A combination of donated and state property remains the preference of the School District. This site (adjacent to the school) would accommodate an 8-lane track, but would require extensive earthwork and would cost considerably more. However, the District is willing to share the increased cost with the SFC. The SFC will work with the District to establish updated costs for construction, using the SFC Standard Track Design.
- There is one other option on that site and that is to possibly acquire the use of different State land or additional State land and possibly put the track on a piece of property that doesn't have near as much elevation.

Alternative Delivery Methods

- SFC staff is working with Construction Management group, Wyoming Contractors Association, and the AG's office to develop standard language for a CMAR contract. This group will continue to meet to discuss the surrounding draft contract language. We hope to present standard contract language to the Commission for approval at the next Commission meeting.

Financial Report

Ms. Teresa Kunkel provided the financial report to the Commission as of June 30, 2006. She also informed the Commission that August 25, 2006 is the due date for the next budget.

New Business

Converse 1 – Land/Building Disposition Request

Commissioner Algier made a motion to approve the Land and Building Disposition form as requested by Converse County School District #1 per SFC Form #708 under Tab C. Commissioner McBride seconded the motion; motion passed unanimously.

Carbon 2 - Facility Plan

Commissioner Algier made a motion to table the Carbon County School District No. 2 agenda item as Director Shivler required additional time for review of the Facility Plan. Commissioner McBride seconded the motion; motion passed unanimously.

Teton 1 Request

Mr. Lance Johnson introduced Pam Shea, Superintendent of Teton County School District in Jackson. Ms. Pam Shea then introduced the District's new facility director, Kevin Thibeault.

Ms. Shea explained this was the third time the Commission has reviewed the issue and thanked the Commission for their consideration. Ms. Shea further stated this will be the final draw request presented today and this will finalize the project.

She continued, there were three generator charges relating to this project which occurred early in the project. There were delays due to soil, after the foundation had been poured. This delay didn't allow for the block to start on time. The generators were for laying of the block for the middle school addition. It would have cost as much to bring in additional resources from Lower Valley Power and Light so the decision was made to rent the generator.

Mr. Johnson stated the SFC Staff recommends approval for the contingency request in the amount of \$116,705. Alternatively, if the Commission determines the final generator charges in the amount of \$12,020.57 should remain denied, SFC Staff recommends approval of a contingency request in the amount of \$104,684.43.

Commissioner Goodson stated these change orders were approved by the director and the Commission gave the Director that authority and the Commission shouldn't change it.

Commissioner Goodson made a motion to approve the use of the SFC contingency in the amount of \$116,705 for the Teton County School District #1 Jackson Hole Middle School Project. Commissioner McBride seconded the motion.

Chairman Marsh advised the Commission that the change in the painting subcontractor for \$7,300.00 was denied and not included in the current change order.

Ms. Teresa Kunkel provided an explanation of the change order summary sheet and what was included in the net amount.

Chairman Marsh stated that a new generator could have been purchased for less than what the change orders were for. The District should have looked at the situation more closely and been more efficient and possibly saved \$17,000. Chairman Marsh commented that this situation was not a good fiscal decision and in the future the District's Project Manager should be consulted for alternative methods.

The motion passed 5-1 - Commissioner Algier, Commissioner Ferris, Commissioner Goodson, Commissioner McBride and Chairman Marsh voted in favor while Commissioners Gilpatrick voted in opposition of the motion. Motion passed.

Chairman Marsh asked staff to ensure that numbers are reconciled so that spreadsheets and summaries match for ease in understanding and following.

Superintendent Shea expressed her appreciation to the Commission for their vote; however she did note their concern and criticism over the issue.

Reprioritizations

Ms. Nancy Thomson stated the SFC Staff was coming forward with fifteen (15) additional projects. The Districts and Project Managers were ready to move forward on these projects which are all non 1(i) projects. The packets included summary sheets and a scoring tool for each project.

Chairman Marsh questioned the use of asphalt and concrete for the Laramie County School District No. 2 bus loop scheduled for completion this year.

Mr. Merle Smith, Business Manger for Laramie County School District No. 2 clarified that only concrete would be used for the bus loop.

Commissioner Goodson requested an explanation of the last paragraph which is listed on each summary sheet.

Ms. Thomson stated the word "as" should be "has". She went on to explain the procedure used by the Project Managers to determine if a project should be reprioritized and what funds are available.

Commissioner Goodson asked what funds the staff has identified for specific projects.

Ms. Kunkel provided an explanation as to how the funds are identified for reprioritized projects.

Commissioner Goodson suggested a list be developed of projects that are not done due to reprioritization.

Chairman Marsh questioned the design fees for the track in Laramie County School District No. 2.

Ms. Thomson explained the costs are for siting and soils test of the standard track design and AVI would perform this task. The description was taken from the Five Year Plan and should have been changed.

Chairman Marsh asked if modulars were considered for Teton County School District No. 1 instead of renting office space.

Director Shivler stated the travel and set-up and take-down costs exceeded the cost of the modulars by 50%. However, he would look into the possibility of utilizing modulars instead of renting office space.

Chairman Marsh asked that the staff review the summary sheets closely to ensure accuracy as Uinta County School District No. 4 and No. 6 both stated that time was of the essence due in completing the project, however the Districts won't go to bid until next spring.

Further discussions were held regarding guidelines for administration buildings, life cycle costs of T-8 lights, roof replacements and the need for efficient planning.

Commissioner Goodson made a motion to approve funding the list of attached reprioritized projects as presented to the Commission today with the exception of Teton 1 - Rental of District Offices and that this project be reviewed to accommodate offices without spending state funds for rental fees. Commissioner Algier seconded.

Director Shivler provided the background information for the Teton request.

Ms. Pam Shea stated the District has taken an additional year and half to thoroughly review the design and wait on guidelines for administration buildings. She continued that the District is currently down sizing their administration building in anticipation of the move so the entire group is not renting offices.

Chairman Marsh asked Director Shivler and staff to explore the option of using modulars for the District offices.

Commissioner McBride advised a two-story elementary school works well with the administration building on the 2nd floor.

Commissioner Goodson questioned how the rental amount was derived.

Ms. Shea answered that the estimation was from commercial real estate for two years.

Motion passed unanimously.

Chairman Marsh asked that SFC staff and the district to work together to find possible alternatives for this project.

At 10:30 a.m., a 10-minute recess was taken. The regular meeting reconvened at 10:40 a.m.

Chapter 6

Ms. Nancy Thomson provided the following background on the rule making process. On April 18, 2006 the Commission adopted a revised Chapter 6 under the emergency rulemaking process.

On April 24, 2006 the Commission approved the same revised Chapter 6 under the permanent rulemaking process and authorized SFC Staff to proceed with the permanent rulemaking process.

In accordance with the Wyoming Administrative Procedures Act, a notice of intent to adopt permanent rules was filed with the Secretary of State's office; published in the Casper Star Tribune and the Wyoming Tribune-Eagle; posted on the SFC website and sent to all districts and interested parties within the state.

The Wyoming Administrative Procedures Act requires agencies provide the public with 45 days within which to comment on the proposed changes. This 45 day time period begins on the first day the notice of intent to adopt permanent rules is published in the newspaper.

The 45 day comment period for changes made to Chapter 6 ended July 1, 2006.

In accordance with the Wyoming Administrative Procedures Act, the Commission must review and adopt or reject comments made by the public. The SFC received 2 comments on Chapter 6.

SFC Staff reviewed the comments and has determined the comments made are either sufficiently addressed within the existing language of other chapters of the Rules and Regulations of the SFC or that the comments made would be better addressed during the comprehensive review of the guidelines contained in Chapter 4 of the Rules and Regulations of the SFC as required by W.S. 21-15-115.

Commissioner Gilpatrick made a motion to reject the comments received on Chapter 6 and adopt Chapter 6 as revised and authorize SFC Staff to complete the permanent rulemaking process. Commissioner McBride seconded.

Chairman Marsh stated the comments were from Laramie 1 and the Wyoming School Boards Association and were attached in the meeting packet.

Ms. Thomson advised that the comments from Laramie 1 and the Wyoming School Board Association were regarding local enhancements and design guidelines and that they would like a different approach to these guidelines.

Ms. Tanya Hytek stated this would need a statutory change to change the rule.

Motion passed unanimously.

Public Comments

Ms. Sue Belish, Superintendent of Sheridan County School District No. 1 stated her District appreciated having the meeting on the WEN video and thought it was better than conference calls.

Commissioner Comments

Commissioner Gilpatrick stated the meeting was good and went quickly.

Commissioner Goodson agrees with the WEN video meeting. Commissioner Goodson further stated change orders are for unanticipated conditions that couldn't be foreseen during design and construction. Commissioner Goodson stated he has seen change orders for many things that don't fit in this category and that he didn't want to see such change orders again. Commissioner Goodson stated the Commission needs to stop using public funds to substitute planning by the districts.

Commissioner Algier agreed the WEN format was good.

Chairman Marsh commented on the payment request memos from Teresa Kunkel. He commended Teresa for her dedication to this process. He stressed the coordination and communication is crucial between the district, contractor and project manager for this process. He also stated the SFC will do their utmost to provide good customer service for those things in their control.

Chairman Marsh agreed with Commissioner Goodson in regards to change orders and stated he would work with the staff to send out a memo regarding change orders and how to address these issues.

Commissioner McBride concurred with comment from Commissioner Goodson on using state funds as a substitute for planning.

Commissioner McBride continued with an announcement that Annette Bowling is leaving his department to become Sr. Vice President for North Central Association in charge on Accreditation. She will maintain a part time office in Laramie and their focal point for accreditation and was selected nationwide. She will maintain an office in Tempe, Arizona.

Commissioner McBride announced Joe Simpson as her replacement.

Adjournment

*Commissioner McBride made a motion to adjourn the meeting at 11:00 p.m.
Commissioner Algier seconded the motion; motion passed unanimously.*