



CITY OF **DOUGLAS** WYOMING

**SPECIAL CITY COUNCIL MEETING
July 7, 2025 – 12:00 PM**

Thank you for your cooperation in facilitating the public meeting process!

Reasonable accommodations for persons with disabilities who wish to participate in this public meeting shall be made upon request to the City Manager, at 307-358-3462

Council meetings are broadcast live on Cable Channel 9 and streaming live on the City of Douglas website

1. **Call to Order, Roll Call, and Pledge of Allegiance**
2. **Disclosures by City Council Members**
3. **Council Action Items**
 - a. **RFP Award: Douglas Community Center**
 - b. **Ordinance 1060: A Charter Ordinance of the City of Douglas, Wyoming, Repealing the Application of Wyoming Statutes §§ 12-4-201(d) and § 12-4-413(v) and (vi), and Related Statutory Limitations Within the Corporate Limits of the City, and Authorizing the Governing Body to Determine the Number of Retail and Bar & Grill Liquor Licenses to Be Issued Based on Local Conditions and Policy**
4. **Adjourn**

Monday, July 7, 2025

Call to Order at:

Meeting Adjourned at:



Agenda Item Report City Council – July 7, 2025

Item

RFP Award: Douglas Community Center

Responsible Staff Contact

John Harbarger

Recommendation

Approve the bid from GH Phipps Wyoming in the amount of \$16,256,301.00, that includes the base bid plus alternates, 01, 02, 03, 04, and 06 and authorize the City Manager to execute all documents.

Executive Summary

Background

Background:

The City of Douglas initiated a Request for Proposal (“RFP”) process, to select a General Contractor based on best fit. This method allows the City of Douglas (“City”) to identify and select the Contractor that is the best value. Following the published criteria within the RFP documents, the City’s assessment can establish a reasonable basis to conclude the Contractor has the following:

1. The Proposer’s qualifications including:
 1. Enough technical expertise, resources, and experience to complete the project according to the plans and specifications in a good and workmanlike manner.
 2. The financial strength to successfully complete the project and cover any warranty obligations.
 3. Will likely complete the project within the budget and on schedule.
 4. Suitable to work with and has a good professional reputation.
 5. Over-all strength of the Contractor and its perceived ability to perform.
2. Proposed costs.
3. Proposed schedule.
4. Comments to any Contract Documents circulated in connection with this RFP.
5. Responsiveness to this RFP.
6. Any other criteria deemed material by the City.

With the assistance of the Architect and Owner’s Representative, the advice of legal counsel, the City implemented the RFP process consistent with public procurement standards. Key elements included proper public notice of the opportunity, a mandatory pre-proposal meeting, a questions and answers period, issuance of addenda, and last day to receive proposals. On June 25th, 2025, we received submittals from four general contractors. Those responses were first reviewed for completeness and items determined material to the evaluation, but not included, were requested, and received. Next, the Owner’s Representative tabulated the information from the bid forms, reviewed the minimum requirements of the RFP (certificates of insurance, basic qualifications, ability to Bond, etc.) and of the project specific requirements including completion date, detailed Critical Path Method (“CPM”) schedule, and contractors proposed costs.

Relation to Budget:

The City has established a total project budget of \$28,000,000 for the project. Within the total budget, \$24,350,000 is budgeted for the cost of the contractor. All proposals submitted were considerably under budget. This is due to conservative cost estimating in the design phase as the result of an unsettled economic environment and a competitive local market. The chart below shows the price of each proposal and alternates that will be accepted. Alternate 05 – 2 Year Warranty will not be accepted.

Proposer	Base Bid	Alternates 01, 02, 03, 04, 06	Base + Alternates 01, 02, 03, 04, 06	Budget Delta
Sampson Construction	\$ 15,977,000.00	\$ 343,000.00	\$ 16,320,000.00	\$ 8,030,000.00
GH Phipps WY	\$ 16,040,762.00	\$ 215,539.00	\$ 16,256,301.00	\$ 8,093,699.00
Sletten	\$ 16,369,527.00	\$ 218,718.00	\$ 16,588,245.00	\$ 7,761,755.00
Dick Anderson Construction	\$ 17,012,000.00	\$ 511,100.00	\$ 17,523,100.00	\$ 6,826,900.00

The remaining monies leftover between the construction budget and proposal pricing will be reallocated within the budget to Owner’s Contingency to be utilized to cover unforeseen conditions.

Recommendation:

Through evaluation of these criteria, all firms appeared qualified, however the two most reasonably qualified firms were Sampson Construction and GH Phipps Wyoming. Pricing between the two proposers carries a spread of \$63,669.00 and is in line with other bidders. GH Phipps submitted the lowest price for Base Bid + Alt 01, 02, 03, 04,

and 06. Both included relevant reference projects, a well-qualified project team and met the insurance and bonding requirements of the project. The greatest differentiation between the two is the proposed schedule. GH Phipps indicated the project would be completed on 10/9/26, while Sampson indicated the project would be completed on 12/16/26.

As a result of the review of the criteria, it is the recommendation of the Owner's Representative to consider GH Phipps Wyoming the Contractor offering the best value to the City.

Anticipated Timeline:

Based on current information, including GH Phipps proposed schedule, the below is the anticipated high-level summary of construction.

- 7/11/25 Contract Execution
- 7/15/25 Permit Issuance
- 8/8/25 Contractor Mobilization
- 8/26/26 Substantial Completion
- 10/9/26 Final Completion

Supporting Documentation

- Bid Tab - DCC Construction

Alignment to Strategic Doing (SD) and/or Other Plans

- SD Commitment
- SD Commitment Strategy
- SD Commitment KPI
- SD Outcome
- SD Outcome Strategy
- SD Outcome KPI
- 2014 Master Plan
- 2015 Downtown Master Plan

Budget/Fiscal Impact

- Fund/Department
- Project/Line Item(s)
- Budgeted Amount
- Anticipated Amount

Action Requested/Recommended Motion

Approve the bid from GH Phipps Wyoming in the amount of \$16,256,301.00, that includes the base bid plus alternates, 01, 02, 03, 04, and 06 and authorize the City Manager to execute all documents.

Attachments

1. Bid Tab - DCC Construction

DCC - GC Proposal Opening - 6/25/25 @ 3:00PM

Proposer	Base Bid	Alt 01	Alt 02	Alt 03	Alt 04	Alt 05	Alt 06	Base + Alternates 01,02,03,04,06
Sletten	\$ 16,369,527.00	\$ 22,213.00	\$ 63,010.00	\$ 44,528.00	\$ 50,094.00	\$ 165,000.00	\$ 38,873.00	\$ 16,588,245.00
GH Phipps WY	\$ 16,040,762.00	\$ 25,607.00	\$ 102,490.00	\$ 33,171.00	\$ 15,059.00	\$ 176,310.00	\$ 39,212.00	\$ 16,256,301.00
Sampson Construction	\$ 15,977,000.00	\$ 42,000.00	\$ 123,000.00	\$ 41,000.00	\$ 101,000.00	\$ 152,000.00	\$ 36,000.00	\$ 16,320,000.00
Dick Anderson Construction	\$ 17,012,000.00	\$ 24,700.00	\$ 146,500.00	\$ 89,600.00	\$ 14,800.00	\$ 168,000.00	\$ 235,500.00	\$ 17,523,100.00

*Not Accepted



Agenda Item Report City Council – July 7, 2025

Item

Ordinance 1060: A Charter Ordinance of the City of Douglas, Wyoming, Repealing the Application of Wyoming Statutes §§ 12-4-201(d) and § 12-4-413(v) and (vi), and Related Statutory Limitations Within the Corporate Limits of the City, and Authorizing the Governing Body to Determine the Number of Retail and Bar & Grill Liquor Licenses to Be Issued Based on Local Conditions and Policy

Responsible Staff Contact

JD Cox

Recommendation

Approve Ordinance 1060 on first reading.

Executive Summary

Proposed is a Charter Ordinance to exempt the City of Douglas from state-imposed population-based liquor license quotas under W.S. §§ 12-4-201(d) and 12-4-413(v)-(vi). These formulas produce inconsistent and inequitable results across Wyoming communities and fail to reflect Douglas' actual demand driven by workforce, tourism, and regional service. The ordinance would restore local discretion over license quantities while maintaining all existing qualifications and safeguards.

Background

Charter Ordinance 1060 would exempt the City from the population-based quota formulas set forth in Wyoming Statutes §§ 12-4-201(d) and 12-4-413(v) and (vi), which currently limit the number of retail and bar & grill liquor licenses a municipality may issue. These limits are calculated solely on a jurisdiction's census-based population, with no allowance for economic dynamics, workforce fluctuations, or regional service demands.

Douglas serves as a hub for southeastern Wyoming. Our local economy supports energy sector workers, tourism activity, and large regional events—each contributing to a regular and substantial increase in our effective population beyond what is reflected in official census figures. Despite this reality, the City is subject to the same formula-based licensing limits as other communities, regardless of context. This has resulted in an artificial cap on local economic development and entrepreneurial opportunity.

Wyoming is a home rule state. Under Article 13, Section 1(b) of the Wyoming Constitution, municipalities may adopt charter ordinances to exempt themselves from

statutes that are not uniformly applicable to all cities and towns. Courts in other home rule states, such as Kansas, have consistently upheld the authority of municipalities to enact such exemptions when state laws differentiate between communities based on population or classification.

The proposed Charter Ordinance would not modify any operational, enforcement, or disciplinary provisions of liquor law. It would not guarantee issuance of new licenses, nor eliminate Council discretion. Rather, it would allow the City to consider future license applications based on Douglas-specific conditions, economic priorities, and public interest—not a static formula designed without regard to local nuance.

Adopting this Charter Ordinance represents a thoughtful and lawful use of home rule authority, enabling the City to meet community needs, respond to economic opportunities, and govern with greater local flexibility and accountability.

Why This Is Important:

Adopting this Charter Ordinance is a proactive step to ensure Douglas can meet future opportunities on its own terms. It allows the City to respond more flexibly to business interest, public demand, and community development goals—rather than being bound by a rigid and outdated formula that fails to reflect how our city actually functions. In doing so, it strengthens our position to support local entrepreneurship, encourage investment in hospitality and tourism, and better align policy decisions with Douglas’ identity as a growing, service-oriented community.

Alignment to Strategic Doing (SD) and/or Other Plans

- SD Commitment
- SD Commitment Strategy
- SD Commitment KPI
- SD Outcome
- SD Outcome Strategy
- SD Outcome KPI
- 2014 Master Plan
- 2015 Downtown Master Plan

Budget/Fiscal Impact

- Fund/Department
- Project/Line Item(s)
- Budgeted Amount
- Anticipated Amount

Action Requested/Recommended Motion

Approve Ordinance 1060 on first reading.

Attachments

1. Charter Ordinance 1060 - Liquor Licensing

CHARTER ORDINANCE NO. 1060

A Charter Ordinance of the City of Douglas, Wyoming, Repealing the Application of Wyoming Statutes §§ 12-4-201(d) and § 12-4-413(v) and (vi), and Related Statutory Limitations Within the Corporate Limits of the City, and Authorizing the Governing Body to Determine the Number of Retail and Bar & Grill Liquor Licenses to Be Issued Based on Local Conditions and Policy

WHEREAS, the City of Douglas, Wyoming, is a home rule municipality governed by Article 13, Section 1(b) of the Wyoming Constitution, which grants cities the power to determine local affairs by charter ordinance; and

WHEREAS, W.S. § 12-4-201(d) and W.S. § 12-4-413(v) and (vi) impose population-based quota formulas on retail and bar & grill liquor licenses, respectively, resulting in widely inconsistent allocations across similarly situated communities—e.g., Glenrock, Wheatland, Casper and Douglas all receive different license counts based solely on minor variations in population, despite similar or greater demands driven by regional workforce, tourism, and economic activity; and

WHEREAS, these quota systems fail to reflect local realities such as transient population surges, energy-sector activity, tourism growth, or regional service roles that swell a community's effective population beyond census counts; and

WHEREAS, the arbitrary and outdated nature of the quota system has created a patchwork of inequities across the state, where some communities are unable to meet market demand while others underutilize license allocations—impeding local economic development and stifling entrepreneurship; and

WHEREAS, the Governing Body of the City of Douglas finds that the number, location, and character of liquor license establishments within the City—including retail and bar & grill licenses—are matters of distinctly local concern, requiring flexibility to respond to community needs and priorities; and

WHEREAS, the above statutes are not uniformly applicable to all cities and towns in the State of Wyoming because the statutes treat cities and towns differently based upon population; and

WHEREAS, the Governing Body seeks to responsibly restore local authority in a manner that balances economic opportunity, community values, and the City's ongoing commitment to public health, safety, and responsible alcohol regulation;

CHARTER ORDINANCE NO. 1060

Now, Therefore, Be It Ordained by the Governing Body of the City of Douglas, Wyoming:

Section 1: Repeal of Statutory Quota Provisions

Pursuant to Article 13, Section 1(b) of the Wyoming Constitution, the City of Douglas hereby exempts itself from the provisions of the following statutes limiting the number of particular liquor licenses the City may issue:

- a. Wyoming Statute § 12-4-201(d) – population-based quota formula for retail liquor licenses
- b. Wyoming Statute § 12-4-413(v) and (vi) – population-based quota formula for bar & grill liquor licenses

Section 2: No Right to License Created

This Charter Ordinance does not create a right to any license, nor require the City to issue a license upon application. All license decisions shall remain discretionary and subject to local policies, procedures, and Council judgment.

Section 3: Effect on Other Statutory Provisions

This ordinance shall not modify or repeal other applicable Wyoming statutes governing license qualifications, operational requirements, disciplinary procedures, enforcement, transfer or revocation. It solely affects the number and local authority to issue licenses.

Section 4: Publication and Effective Date

This Charter Ordinance shall be published in full in the official newspaper of the City of Douglas, Wyoming once each week for two consecutive weeks. It shall take effect sixty-one (61) days after the date of final publication, provided that no referendum petition is filed with the City Clerk within thirty (30) days following the final publication, pursuant Article 13, Section 1(c) of the Wyoming Constitution.

PASSED on 1st reading the _____ day of July, 2025.

PASSED on 2nd reading the _____ day of July, 2025.

PASSED, APPROVED AND ADOPTED on 3rd and final reading this _____ day of July, 2025.

City of Douglas, Wyoming

Kim Pexton, Mayor

Attest:

Devon Litzsinger, Deputy City Clerk

Published: _____ Douglas Budget

CHARTER ORDINANCE NO. 1060

ATTESTATION

I, Devon Litzsinger, the Deputy Clerk of the City of Douglas, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

Devon Litzsinger, Deputy City Clerk