

WEBER COUNTY LIBRARY

BOARD OF TRUSTEES

**MINUTES**

Date: August 4, 2020

Board Members

In Attendance: Cynthia Mattson  
Diana Allison  
Sandra Crosland  
Kathleen Jensen  
Reed Spencer  
Spencer Stokes

Excused: Jim Harvey

Others in

Attendance: Lynnda Wangsgard, Library Director  
Phoebe Carter, Assistant Library Director  
Christopher Crockett, Deputy Weber County Attorney  
Julia Valle, Business Office Manager  
Evelyn Bertilson, Friends of the Library  
Marcia Harris, Library Development Board  
Jay Lems and Lisa Arnett, Prescott Muir Architects

Mattson called the meeting to order at 5:00 p.m.

Public Comments:

There were no public comments.

Approval of July 7, 2020, Meeting Minutes:

Mattson called for review of the July 7, 2020, meeting minutes, asking for comments or corrections.

Crosland asked for clarification of Harvey's statement concerning "completion of Library System."

Spencer explained the Commissioner was referring to the future construction of a new branch library to serve those living in northwestern Weber County, the only area not now served with a designated facility.

Allison moved approval of the minutes as distributed. Jensen seconded the motion.

Hearing no additional comments or requests for change, Mattson called for a vote.  
All voted in the affirmative.

### Commissioner's Report:

Harvey was excused and will make his report at a later date.

### Director's Report:

Wangsgard noted business was picking up with approximately 171,900 items borrowed during June and many people returning to the Library. Usage was at approximately two-thirds of that recorded during June a year ago.

The distribution of face coverings had been monitored closely in an attempt to manage the cost of providing masks to those who arrived without wearing this required protection. During the month of June, 5,600 masks were distributed. During July, that number had decreased to 2,600. The decrease was attributed to implementing suggestions from Board members, including encouraging the public to bring their own masks and putting Library stock out-of-site. It had also been helpful, Wangsgard noted, that the State and County were now requiring face coverings to enter government buildings as were many, many more businesses. There seemed to be a growing expectation among community members that engaging safely with others outside the home would require wearing a face covering. Masks and other supplies procured to open safely were being coded for possible reimbursement from a Federal CARES grant.

Crockett said many County departments, including the Sheriff's Office and the Library, have incurred costs as a result of serving the public in a coronavirus environment and they qualify for reimbursement from Federal funds. The first priority, however, is to respond to the needs of small businesses. Officials are mindful that, when the next grant installment comes, additional requests can be made for reimbursement.

In the meantime, Wangsgard noted in referring to the financial report, transfers can be made among line items to accommodate large purchases such as hand and surface sanitizers, nitrile gloves, and cough guards. She assured the Board that even with the added expense of preparing to open as safely as possible, the budget will be underspent at the close of the fiscal year as most of these items are now on hand and sufficient to last through the calendar year.

Spencer asked if there had been additional discussion with County officials concerning salary upgrades.

Wangsgard said the discussion will take place during budget meetings. Wangsgard will estimate the costs and present them during September, along with a recommended budget increase. If the Board approves the recommended budget, a formal salary survey will be conducted before year-end. Commissioners will then consider whether they will approve the additional appropriations to the salaries and benefits line items. This approval would likely come in December with adoption of the 2021 budget.

Spencer asked who will conduct the salary survey.

Wangsgard said it had been proposed that the survey be done jointly by the Library and the County Human Resources department. Updated job descriptions will be used to gather state and regional information. A survey of western states will be provided by the American Library Association.

Spencer said he wants employees to know that the survey is important and it is a Board priority.

Authorization to Procure Professional Architectural and Consulting Services:

Mattson welcomed Lems and Arnett. They had been invited to present Prescott Muir Architects' (PMA) response to a request for proposals (RFP) to "Consult, Design, Bid, Oversee, and Closeout Library Projects," including:

1. Completion of specifications, filing an insurance claim, and overseeing the selection and work of a general contractor in mitigating earthquake damage to five library buildings that occurred March 18, 2020.
2. Serving as the Library Board's architect and consultant on routine projects for a period of 60 months.

Arnett noted that even with their long history with Weber County, they do not take this relationship lightly. They see themselves as collaborators who come to the table with a willingness to gain an understanding of user needs. They relish the opportunity to meet with stakeholders and translate their creative ideas and needs into documents. Successful projects result when clients share their expectations and are available to "walk up the ladder together" until the architect and contractor hand off the building to the owner and it demonstrates the design facilitates community needs. Weber County Library sets the example in this regard she said.

PMA brings 44 years of experience and history to their clients. The firm employs 20-25 architects, all graduates of an accredited master's degree program. PMA has a 25-year relationship with Weber County Library and an even longer association with others for whom they have completed institutional and arts projects. For example, they have worked with Zion Bank for 44 years, and have signature projects at Weber State University and the University of Utah. Their life science civic projects also have a direct impact on the community.

Arnett assured the Board that key clients are not taken for granted and are seen as the most challenging; PMA has a huge investment in these relationships and realizes these owners have higher expectations of the firm. They also expect PMA to have a greater and deeper understanding of the project and what is expected. She said Weber County Library representatives engage throughout the process and work is reviewed at every level. Collaboration is a constant and the forward motion that results produces an outcome that was greater than either may have expected.

While Lems had been with the firm 21 years, Lisa had been a part of all the Weber County Library projects the entire time, bringing even greater continuity to the relationship.

Lems focused on reviewing PMA's association and track record of working for the Library Board over the past 25 years, as well as honing in on their most recent response to the RFP.

He began his presentation by noting the Ogden Valley Branch (OVB) was the first forward thinking library in the state of Utah. It featured technology and areas for community engagement that, 25 years later, PMA and the Library are still building upon and working to enhance, coming full circle at this facility with expansion of the wastewater system and construction of the outdoor education center to facilitate even greater community use. Recent upgrades also brought the facility up to current standards of service by replacing clerestory lighting with LED to unify light color and save energy, replacing the circulation desk to accommodate new technology, and expanding and refreshing the children's area by taking out a wall and adding additional electrical and data service points. Construction of the outdoor education center brought the Branch the third evolution of the amphitheaters first constructed at Pleasant Valley Branch (PVB) and then improved upon at the Southwest Branch (SWB). This project will be completed with Saunders Construction this fall.

Working from the present time back to the beginning of that original association in designing and constructing the OVB, Lems referenced PMA's most recent work in completing an earthquake assessment report. Nothing too serious from structural standpoint was found, but the review certainly included damages that need to be addressed to ensure facilities retain their original value.

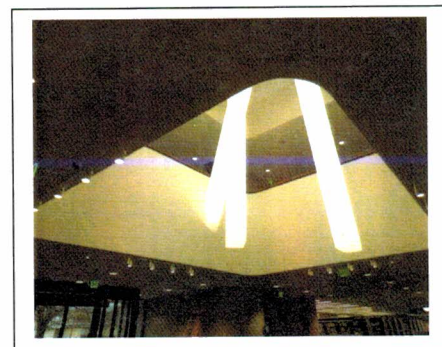
Other Library/PMA projects included:

2018. Assisted a donor in finding an artist of national prominence to create the Blue Sky sculpture at the Main Library. PMA designed the presentation pedestal, including lighting, and helped the builder and artist complete the installation. Completed with Wadman Construction.



2018. Facilitated design and installation of a lightning protection system at the SWB/HQ Library. Completed with R&O Construction.

2017. Facilitated design and installation of the lighted sculpture and glass exhibit case in the atrium of the Main Library. Completed with Wadman Construction.



2016. Designed, oversaw construction and the grand opening to the public of the Southwest Branch/ Headquarters (SWB/HQ) Library. Completed with R&O Construction.

2012. Assisted with the Library Board's capital campaign, including cost estimating for the upgrades at OVB, new SWB/HQ, and renovation of the Main Library and NOB. Worked with EDA architects and a nationally acclaimed programming team to benchmark these facilities.

2009. Designed, oversaw construction and opening to the public of the Pleasant Valley Branch (PVB) in concert with Jacobson Construction. The PVB was patterned after OVB and incorporated what was learned during that project. Subsequently, the SWB incorporated lessons learned at PVB. PVB was the first LEED building north of Salt Lake City.

Prior to 2009. Involved in thinking about expansion of the Library System and helped lay groundwork and future plans for a multi-year capital plan.

Lems acknowledged that the purpose of PMA's presence at the Board meeting was to again talk about the future. Their most recent response to an RFP included a proposal to provide the same level of services, at a reasonable cost, to build upon the past and meet future challenges. The proposal was careful to be transparent and detail the amount of work that needs to be done and the quality result that is expected.

Lems noted the earthquake damage remediation work will be done in the same manner as was the installation of lightning protection at the SWB/HQ; that is, working in concert with the owner and contractor to complete the job without inconveniencing the public or distracting from service levels.

He proposed preparing the construction documents for all five buildings at one time in order to facilitate having the work done by one general contractor. This process will save time and money as well as ensure higher quality work. The documents will be prepared by first notating existing specifications and designing fixes that meet the same standard to ensure the facilities do not lose value to the public. The greatest challenge will be repairing cracks in the soffit at the Main Library.

PMA will oversee putting the package out to bid, meeting with potential contractors during the pre-bid walkthrough, where issues and expectations will be clarified and discussed. After the bids are received, they will assist in reviewing and scoring the proposals to ensure the comparisons are "apples to apples." They will prepare documents and assist in filing a claim with the insurance company and provide contract administration services, including assurances that staff and public have safe access to buildings while the work is being completed.

During oversight responsibilities, PMA will walk the building with the contractor to ensure the work being done meets the design specifications, prepare punch lists, and work to ensure at closeout that the Board gets the full value of the work called for in contract documents.

Lems presented a tentative timeline for completion of the project, stating that once a contract is in place, it will take 30 days to prepare the construction documents, including the design of a plan to accomplish all the work while the libraries are open to the public. The actual repairs will take about 36 weeks. He anticipated that getting a contractor and subcontractors on site could be challenging because the construction market is very competitive right now. The projected start time was November 1.

Lems called for questions.

Crockett asked if the Utah County Insurance Pool (UCIP) had been notified of the damages and the planned approach.

Wangsgard, said a UCIP representative had walked the building with PMA and their structural engineer and Bryan Baron had made them aware of the process the County must go through to secure an architect and contractor. Baron was communicating directly with UCIP.

Mattson thanked Lems and Arnett for their presentation.

Spencer reported on the selection recommendation committee meeting held the previous morning. Five different proposals were reviewed, each proposal was 15 pages in length.

The following committee members reviewed the proposals ahead of time and came prepared for discussion:

Reed Spencer, Library Board  
Kevin Wilson, Library Professional Property Manager  
Robert Armstrong, Senior Property Manager  
Jerry Chatterton, General Contractor  
Lynnda Wangsgard, Library Director

All five companies that responded to the RFP were competent. All had previously built beautiful facilities.

During deliberations, the review team provided perspectives from the point-of-view of on-going maintenance and repair, general contractor, and owner. Each person came prepared, and a lively discussion took place with little things becoming the big things as they drilled down and completed five different sections of a scoring sheet that had been provided by the County Purchasing Department. Those involved were determined to hire the right person, not just the right firm. The group reviewed past experience in working with architects and critiqued facilities that were included in their proposals, discussing how selecting right materials and working as a collaborative team had produced various results.

Mattson asked if PMA received the highest scores from the review board.

Spencer said they did.

Since there were no further questions of Spencer or the presenters, Mattson asked for a motion to approve entering into a contract with PMA for architectural and consulting services.

Allison made a motion to proceed. Crosland seconded the motion. All voted in the affirmative.

Proposal to Close Ogden Valley Branch August 21, 2020, to Accommodate Filming:

Mattson noted that this agenda item and the following one should be discussed together.

Approval of Location Agreement with Wholesome Films:

Mattson noted she, Burton, and Wangsgard had met with members of the production staff from a motion picture production company that proposed renting the Ogden Valley Branch to complete scenes for a movie they were filming. Because they requested permission to film in the Community Room and the northeast corner of the public service area, approval would require closing for one day. The company did not propose moving collections, but had asked to have furniture in these

areas removed so they could install sets. The Library would have at least two people on site to oversee use of the facility. All participants, including the two staff members, would be tested for COVID-19. The company had rented the hotel across the street from OVB and were using it as their base of operation.

Since the community would not have Library service on Friday, August 21, the day the filming would take place, it was proposed the \$1,500 rental fee be shared with the two schools that serve area residents: Valley Elementary and Snowcrest Junior High. A \$500 cleaning fee would be retained by the Library.

Allison asked what kind of film was being proposed.

Mattson noted it was a “family friendly” film, the details of which could not be shared publically at this time. The plot calls for the facility to be portrayed as an office building, not a library.

Stokes asked why it was proposed that the money go to the schools.

Wangsgard said the goal was to facilitate the new youth services staff in making a connection with the schools as they reopen and reengage students and parents in using the Library.

Spencer said he did not have a concern, but wondered if the funding could be earmarked for the school libraries.

Burton wondered if the money could be used to pay for school buses to bring students to the library on a field trip.

Crosland expressed concerns with the contract as it was written, noting it was more suitable for multimillion dollar productions and, as such, was filled with boilerplate clauses that did not address substantive issues unique to the use of the OVB. It is not appropriate for what we are being asked to do, she advised.

For example, Crosland noted, the contract should state the filming company has the obligation, not the right, to remove everything, including sets, upon completion of filming. This and other language fails to protect the Library and is not easy to understand. Another example in the text gave the company the right to return before February 28, if need be, but prorated their costs, and therefore the income to the Library for this second visit. The costs for cleaning and sanitizing would be the same for a second shoot as for the first and should not be prorated, she said. In addition, the Library is accepting responsibility for things that could lead to litigation, one of the most worrisome being an obligation to keep confidential details about the movie. A breach of this confidentiality, as detailed in the contract, could allow the company to say almost anything caused them irreparable harm and they could make any claim to make them whole. Worse, the claim would be settled by arbitration with the loser paying all legal fees.

Burton noted representatives of the filming company had been at OVB on a couple of occasions and shared the plot and stars in a manner that could be overheard by the general staff and, perhaps, members of the public. The word could already be on the street, she noted, as to what is planned.

Burton also noted the production staff had discussed the way in which they planned to use the facility while they were on site.

Crosland said the contract as written was very onerous and the Board should not approve it. The risk to benefit is out of line, she stated.

Mattson invited Crockett to go through the contract, paragraph by paragraphs, and lead a discussion on the meaning, liability, and ways in which it could be changed to address Crosland's concerns. In so doing, Crockett acknowledged the contract was filled with boilerplate provisions that he would expect to see in an agreement with 20<sup>th</sup> Century Fox. Nonetheless, he felt it could be serviceable with some added clarifications.

Crosland requested language be inserted to ensure the company is liable for a \$500 cleaning fee each time they use the facility.

During the ensuing discussion, Allison asked if this fee would be sufficient to also cover employee wages.

Wangsgard said it would not be sufficient. Employees would work their regular hours. No one would lose time or earn overtime.

Burton asked if a provision could be included that would allow the staff to stop them from doing something that might damage the facility, and to make it clear that staff would move things, not the production staff, and that they cannot affix anything to the walls.

Stokes suggested the rental fee be paid to the Library Development Fund, rather than it going directly to the schools. The Development Fund could then issue checks to the schools.

Stokes said he would like to know more about the company, the movie, and what they are doing, fearing they will take advantage because they have rented the space and what they are doing is expensive. He said they should be more forthcoming.

Mattson noted that they had shared the basic plot of the movie and who the featured actors/actresses will be. She asked Crockett if she could share that in a public meeting.

Stokes said that if she knows who the stars are and the basic plot, then he is okay with moving forward on the contract if amended to include the provisions discussed.

Mattson asked if they can't get a contract that is reasonable, should they proceed.

Crockett said there is enough in the contract with these recommendations that he could protect the Board's interests. He recommended they approve the contract with the suggested changes as discussed.

Spencer moved acceptance of the contract with direction to Crockett to adjust where needed to accommodate the Board and staff recommendations, as discussed.



Stokes seconded the motion but offered an amendment to clarify that the revised contract include a \$500 cleaning fee each time they return, if they do; and the assurance that anything that is moved, used, or done be supervised and approved by Library employees.

Spencer accepted the amendment.

Mattson called for additional discussion. Hearing none, she called for a vote on the amendment to the motion. All voted in the affirmative.

She then called for a vote on the main motion. All voted in favor, with the exception of Crosland who voted against the motion.

Crockett indicated he would make the requested change in the contract and have them approved by the filming company. Wangsgard will place the contract on the County Commissioners' agenda for ratification.

#### Meetings Schedule and Distribution of Minutes:

Mattson recommended the Board prepare to be strong advocates for the Library, especially with a possible vote on the horizon to adjust the tax rate. They need to be armed with up-to-date details that can be communicated to the public so they will be happy to pay for enhanced services, she said.

To better inform themselves, Mattson requested that each Board member consider how the County's third place libraries are different from what many might expect of a more traditional public library, and then help the group prepare to communicate to others how this shared investment in a new generation of libraries can save costs to their personal budgets. To facilitate informing one another, she requested that each Board member drill down with employees in the library they use to become more aware of these non-traditional services and then take a turn presenting the value and cost savings during a Board meeting. She suggested these presentations need take only about five minutes and that staff could be asked to be on hand after the meeting to provide additional details and training.

Mattson volunteered to take the first spot on the September meeting agenda and will detail the Library's eMedia services. She noted that borrowing one Kindle eBook from the Library, rather than purchasing it outright, would save as much money as the proposed tax increase being discussed. She asked others to sign up for a presentation of their choice at subsequent meetings and help prepare the group to be stronger advocates.

Mattson also asked that the distribution of draft meeting minutes be sent out earlier in the month by way of email, giving the Board a longer period of time for review and reminding them of commitments. The proofed minutes should then be sent out, along with the agenda, later during the month as usual.

## 2021 Budget Preparation Update:

Wangsgard had not yet received budget preparation instructions from County officials, however, work was proceeding and a proposed budget will be available for Board review during the September meeting. It is anticipated the Board's budget will be due to the County Comptroller shortly thereafter.

Stokes said he is assuming Commissioners are going to propose a modest tax increase for the Library. He asked if that is still going to happen.

Wangsgard said she knew discussions were underway, but she had not yet heard what, if anything, is going to be proposed.

Stokes noted the Board missed a chance to spread the cost of a library in northwestern Weber County over their five year capital plan with the public vote that took place during 2013. There was something for everyone in the plan, except Farr West and Plain City residents. Had funding for this sixth branch been included, the bond would still have easily passed. At this point in time, he advised, the Board should consider what service enhancements could be included for those outside the northwestern area of the County in order to help gain countywide taxpayer support for expansion out west.

Wangsgard reminded the Board that the savings in the Library Fund balance is being used to balance the operating budget at this point in time; expenses are exceeding revenues. Without a healthy Fund balance, a tax increase will be imperative in order to maintain current service levels.

Spencer asked if the process of moving funding from the Library Fund to the Library Capital Improvement Fund will be part of the budgeting process.

Wangsgard said moving the funding is not necessarily part of the budgeting process, but it is a budgeting consideration.

Spencer asked if the public will be advised before it happens.

Crockett said he would have to confer with the Comptroller before he could respond.

Spencer said he was wondering if this transfer is going to be part of the package the Board considers in recommending the 2021 budget.

Wangsgard said the Board should be prepared to talk about this during the budget hearing. Asking for details of how it is proposed to fund the operational budget through 2021 if a surplus is not available upon which to draw. Law requires a Library Fund balance be maintained that is equal to three months of operating expenses. This rainy day fund should not be drawn upon during the year except to address emergencies.

