

WEBER COUNTY LIBRARY

BOARD OF TRUSTEES

MINUTES

Date: February 4, 2020

Board Members

In Attendance: Diana Allison
Sandra Crosland
Reed Spencer
Spencer Stokes

Board Members

Excused: Jim Harvey
Kathleen Jensen
Cynthia Mattson

Others in

Attendance: Lynnda Wangsgard, Library Director
Phoebe Carter, Assistant Library Director
Julia Valle, Business Office Manager
Deborah Smith, Pleasant Valley Branch Manager
Bryan Baron, Deputy Weber County Attorney
Evelyn Bertilson, Friends of the Library

Allison called the meeting to order at 5:00 p.m., inviting those present to walk the building with Smith. Smith reviewed the service areas and answered questions about the building and grounds during the tour.

Public Comments:

There were no public comments.

Approval of January 7, 2020, Meeting Minutes:

Allison asked if there were corrections or additions to the minutes. Hearing none, she called for a motion of approval. Crosland moved approval; Stokes seconded the motion. All voted in the affirmative.

Commissioner's Report:

Harvey had a scheduling conflict and was unable to attend the meeting.

Director's Report:

The annual output measure statistics were reviewed, noting 26,655 hard copy items were cataloged and added to the collection. Wangsgard explained that this number is indicative of all new items available to the public. Each year a larger percentage of new acquisitions are procured in eBook formats that do not require cataloging. Highlights from the annual statistical summary included:

- Library cards issued: approximately 22,000
- Materials borrowed: approximately 2,500,000
- Library visits: approximately 1,075,000
- Public help/reference transactions completed: approximately 829,000
- Programs/classes: approximately 3,600; attendance approximately 94,000
- Meetings held in libraries: approximately 4,683; members of the public attending approximately 113,098

Wangsgard offered a quick overview on progress made to date in startup for the new fiscal year.

The flexible meeting and training calendar was complete and copies were provided to those in attendance. Priorities in each of the seven management areas had been established and utilized in completing employee performance plans, which had been uploaded to the County. Two hot-button priorities included facilitating the 2020 Census and assisting with voter registration. Wangsgard announced that libraries will not be utilized as polling places for the primary election in March. Only 1,000 voters went to the polls during the last election, preferring to take advantage of the option to vote-by-mail. In order to save resources, the County Clerk will consolidate polling places and open one, large, centrally located polling place for the primary election.

Valle reported on a semiannual book and surplus property sale that was scheduled for February 29 in the Black Box Theatre at the Southwest Branch. A second sale is planned for August.

Library Journal's Selection of the Main Library as a 2019 "Landmark Library":

Weber County's Main Library was recognized by *Library Journal (LJ)* in the December 16, 2019 issue, as a "Landmark Library." Six winners and four honorable mentions were selected in this national competition, celebrating projects that set new standards for library design. <https://www.libraryjournal.com/?detailStory=Weber-County-Main-Library-Weber-County-Library-System-UT-New-Landmark-Libraries-2019>.

This third annual call for entries was open to any public library in the United States and Canada that completed new construction, expansion, or significant renovations between January 1, 2016 and March 1, 2019. A panel of judges from the architecture, design, and library fields, along with an *LJ* editor, reviewed applications and selected buildings that demonstrated excellence in (1) community engagement in design, (2) sustainability, (3) functionality, (4) innovation, (5) beauty and delight, and (6) a focus on how libraries are co-creating with their communities to inform the design of building projects. <https://www.libraryjournal.com/?detailStory=Future-Flexible-New-Landmark-Libraries-2019>.

Emily Puckett Rodgers, space design and assessment librarian at the University of Michigan, noted that [these libraries] “shine through as landmarks for others to use as a benchmark.” Writing for *LJ*, Rodgers also noted:

Originally constructed in 1968, the Weber County Main Library in Ogden, UT, is recognized by Preservation Utah as an exemplar of New Formalist design and mid-century modern architecture. In 2012, when the library initiated the renovation process, the team sought to meet contemporary needs and provide significant structural updates while preserving its historic significance. Illustrating that re-investment in historic designs can yield sustainable and functional results, the project reclaimed 110,000 square feet by relocating administrative functions to another building and adding 5,000 new square feet for public use. “Carefully planned and designed with significant public input, the library supports a variety of programs reaching diverse users, ranging from inner-city school children to researchers at nearby Weber State University,” says Robert Herman of EDA Architects. Designed to LEED Gold standards, the renovated library features a café, makerspace, art gallery, immersive digital gaming space, and a 200-seat multipurpose space. Structural upgrades include seismic reinforcement, LED fixtures, and acoustically perforated gypsum board that simulates the original ceilings. Expanded and updated restrooms are ADA compliant and offer all gender options and lactation rooms. A new entrance that opens to the adjacent park improves pedestrian access, creating a user-centered experience.

Pleasant Valley Branch: Development Fund Library Site Acquisition and Disposition of Title:

Wangsgard distributed ownership information for the five Weber County Library properties and provided background, detailing how ownership was acquired.

Main Library.

The property upon which the Main Library sits is owned by Ogden City Corporation, and was leased to the Weber County Library Board of Trustees in 1967 in order for the Board “to operate a library or libraries for the use and benefit of residents of Ogden City among others.” At this time, all assets of the Carnegie Free Library Board of Trustees were transferred to the Weber County Library Board of Trustees.

There was an Addendum to the Lease Agreement between Ogden City and the Weber County Library Board in 2017, expanding the amount of property made available for parking.

Original Southwest Branch Library.

Roy City deeded the property, upon which the original Southwest Branch on 4800 S was constructed, to the Library Board of Directors in 1975. The building and property was traded for the building site of the new Southwest Branch/Headquarters Library in 2014.

North Branch Library.

North Ogden City deeded the property upon which the North Branch was constructed to the Weber County Library Board in 1982.

North Ogden City deeded the property to the south of the Library that is used for parking to Weber County Corporation in 2017.

Ogden Valley Branch Library.

Huntsville Town deeded the property upon which the Ogden Valley Branch was constructed to the Board of Trustees of the Weber County Library in 1994.

The Library Development Fund purchased the property to the west of the Library from the Town of Huntsville in 2013.

Pleasant Valley Branch Library.

Doug and Elaine Stephens deeded the property upon which the Pleasant Valley Branch was constructed to the Library Development Fund in 2007.

Washington Terrace City gave the Library Development Fund a perpetual easement on property adjacent to that owned by the Development Fund to be utilized for green space and parking in 2007.

Southwest Branch/Headquarters Library.

The Library Board deeded the original Southwest Branch Library and associated property to Roy City in 2014.

Roy City deeded the property, upon which the new Southwest Branch/Headquarters Library was constructed, to Weber County Corporation in 2014.

Spencer asked about the mission of the Library Development Fund.

Wangsgard noted that it was formed to promote, sponsor, develop, expand, and support the Weber County Library and its programs and services. The Fund is authorized to receive and manage property of all kinds.

Wangsgard explained that Elaine Stephens, Library employee and volunteer, was the driving force behind the donation of property for the Pleasant Valley Branch. Elaine wanted the Stephens family to make a building site available, but the County refused to accept it. Elected officials were afraid that accepting the donation would obligate them to raise the Library tax rate to provide funding for the facility.

The Development Fund accepted the site, with the approval of the Library Board and County Commission, and with the stipulation that ownership would revert to the Stephens family in five years if a library was not constructed. The plan was originally to adjust the Library tax rate to provide funding for this one project. After spending considerable time reviewing needs throughout the Library System, the Library Board decided to seek funding for a 10-year capital plan through a general obligation bond.

During February, 2001, the Library Board put a \$22 million, 10-year capital plan forward to voters. The plan addressed building a new library in southeastern Weber County, replacing the Southwest Branch, renovating the Main Library, building a branch in northwestern Weber County, and completing the lower level of the North Branch. The vote failed.

County representatives then approached the Stephens family, noting funding for the Library was not going to be forthcoming, and requested that the property be deeded to the County for another purpose. This request disappointed Elaine and annoyed Doug. They did not want to give up on the concept of a library to serve southeastern Weber County. As a result, Elaine and Doug gave the Development Fund an additional five year pledge on the property, during which time the Library could continue to seek funding. Elaine, who was now retired, took over as Chair of the Library Development Fund.

At the urging of Friends of the Library, Commissioners worked with the Board to pare down the ten-year capital plan and then voted approval for the sale of tax revenue bonds to construct a new library to serve South Ogden and Washington Terrace. There was discussion at the time about the Development Fund leasing the property to the Library Board, but no action was taken.

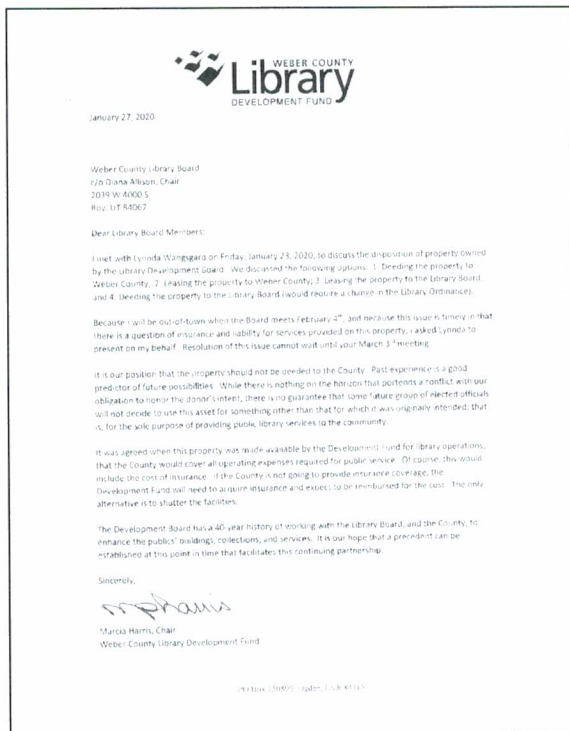
When the new branch was designed, Washington Terrace City refused to approve the plans because there were not enough parking spaces to meet their requirements. The blackbox theater and/or amphitheater would have needed to have been eliminated before the plan could move ahead. Rather than lose these valuable program areas, Washington Terrace City provided the Development Fund with an easement on City property to the east and south of the building site to be used exclusively for green space and additional parking. Construction then got underway and the Pleasant Valley Branch opened during 2009.

During 2013, the Library Board put forward a \$45 million, five-year capital plan to address many of the needs that were eliminated from their previous ten-year capital plan, including expanding parking at the Ogden Valley Branch. The initial goal was to add parking on the west side of the Branch, on property that was utilized by the Huntsville Town as a public works site.

Huntsville Town had recently moved their public works facility to another location and planned to put the property on the west side of the Branch up for sale. The Board wanted to procure this property and use it for parking. The Town refused to allow parking at this location, instead wanting parking developed along 7400 E to facilitate development of commercial establishments on the east side of the street.

An agreement was negotiated with the Town, allowing purchase of the property with a 10-year moratorium on parking on the property. However, County officials refused to allow use of the Library Fund balance for this purpose. Huntsville Town put the property on the market and received an offer from a landscape company that intended to use the site for staging mulch, gravel, plants, sand, top soil, and other inventory associated with their business. The Library Board did not want to see this uncomplimentary use of the land but had no option other than to proceed with plans for on-street parking funded when the public voted approval of general obligation bonds to complete the five-year capital plan.

The Library Development Fund stepped forward and purchased the land from the Town of Huntsville in order to preserve the property on the west side of the Ogden Valley Branch for future expansion of programs and services.



Discussion ensued over time as to the options for consolidating title holdings and lease agreements, but an arrangement could not be reached that protected the properties from future incursion that would compromise the covenant with donors. The issue is pressing in that there is a concern that the Utah County Insurance Pool (UCIP) that provides self-insured liability coverage for Weber County may not honor a claim if the property is titled in the name of the Library Development Fund; that is property owned in Washington Terrace and Huntsville.

Marcia Harris, Library Development Board Chair, responded in letter to the Library Board, detailing options for resolving this issue. Harris was not interested in deeding the property to Weber County Corporation, preferring a long term lease with the Library Board.

Crosland asked who would be expected to reimburse the Development Fund for the cost of insurance if they were to purchase it.

Wanggard noted the Library budgets for insurance, which is currently paid to UCIP even though they may not honor a claim. This funding could be used to reimburse the Development Fund.

Baron explained that the problem, in his mind, is that the property is not owned by the County. If someone slips and decides to sue, they are required to submit a claim to Weber County Clerk/Auditor's Office. The County would likely deny the claim because the accident did not happen on County owned property. If the individual then filed a law suit, the County would likely file a motion to dismiss, saying this is not County property and the liability lies with the Development Fund.

Crosland asked if the County could not contractually provide insurance to cover the Development Fund.

Baron said they could, through a lease agreement between the Development Fund and the County. In the agreement, the County would provide insurance and indemnify the Development Fund. However, the most straightforward arrangement would be for the Development Fund to deed the property to the County with a reversionary clause. If the property were used for any purpose other than a library, ownership would revert back to the Stephens family. If the Development Fund believed the County was in violation of the reversionary clause, they would have the right to file a lawsuit to enforce it.

Crosland asked again if the County could contractually provide insurance to indemnify the Development Fund.

Baron said, this is a possibility but that option would have to be negotiated with Commissioners.

Crosland asked if the Board leased the property, could the County then get liability insurance from UCIP.

Baron said that he believed that would be possible, but noted the goal of the Commissioners is to consolidate property ownership.

Crosland asked Wangsgard to explain the history of the easement.

Wangsgard noted, initially, the Stephens family donated property that was not built upon for five years because funding was not available. When the Stephens family gave the County another five years to proceed, the concept of libraries as third place/education platforms was emerging, and all agreed that the new library should be built to accommodate this scope of service. However, with additional meeting areas, such as a blackbox theater and amphitheater; a café; art gallery; and children's makerspace, the building footprint would not fit on the lot originally donated.

Doug and Elaine then approached an individual to whom they had sold an adjoining parcel, bought the property, and donated it to the Development Fund so the "third place" library could be constructed. In the end, the plan was not acceptable to Washington Terrace City because there was not enough space to meet City requirements for adequate parking.

The Library Board met with the Washington Terrace City Council and, rather than lose the prospect of having this new type of library in their community, the City offered an easement on City owned property to be used for green space and parking. The City planned to build a senior center on the remaining land to the south of the library, and it was agreed the parking lot would be shared by the library and senior center.

This easement has recently become a concern. City officials want to change the original terms of the agreement so they will have a more attractive sales listing for the remaining property, which they now wish to sell rather than build a senior center. It is important for the Library Board and

Development Fund to consider what types of deals, or trades, may be proposed by the City in the future. Changing the original terms of the easement could have consequences for Library services and could violate the trust placed in the Development Fund to preserve the property, including the easement, for library use only.

Stokes recalled that when they raised the certified tax rate to build Ogden Valley Branch, the rate should have been sufficient to help fund the new library in Washington Terrace City. The question was, what happened to that tax rate? Were funds available for the Pleasant Valley Branch?

Wangsgard noted that the funding had accumulated in the Fund Balance and was utilized in some small part to add the infrastructure required to provide internet access at all library locations. The balance was held in the Library Fund and made available to help offset the overall cost of the new library.

Stokes noted he understood the County wanting to consolidate ownership and it is a good idea, if there are no donors and foundations in the mix.

Stokes moved that the Weber County Commission approve the Development Fund entering into a long term lease agreement with the Library Board for all of the properties owned by the Development Fund. After discussion to clarify the motion, it was seconded by Crosland.

Allison noted there was a motion on the floor and second, and asked if there was further discussion.

Baron encouraged the Board to meet with Commissioners to provide background as to how and why these properties are titled as they are, noting the current Commissioners have none of this historical background.

Stokes said the current County Commissioners are reasonable people and, after learning the history behind the land acquisitions, are very likely to honor the commitments made years ago, recognizing the generosity of donors.

Wangsgard noted that it is a subtle, but important, difference in whether the properties are titled or leased in the name of Weber County Corporation or the County Library Board. On two recent occasions, when Commissioners wanted to lease the lower level of the Main Library to Ogden City to facilitate relocation of the senior center, and when Commissioners initially approved the concept of trading the North Branch for an inappropriate building site, Board ownership slowed discussion and action down enough that reason could prevail. County Commissioners appoint Library Board members, and therefore ultimately have all the power, but having a policy Board that is immersed in the good health and future of library service has made a big difference in the quality of what the public has come to enjoy. This is a community tradition 120 years strong.

Stokes expanded on Wangsgard's comments noting that previous County Commissioners wanted to tear down the Main Library that just received a "Landmark Library" award, recognizing it as one of the most outstanding renovation projects in the country, and then move services into a renovated Deseret gymnasium across the street.

Wangsgard noted this concept, put forward by the Commission, was predicated upon the Library being setup as a non-governmental entity so that the public authorized general obligation bonds would not have to be sold; funding for renovating the gymnasium may have been available through a federal government revenue stream for invigorating depressed areas. This plan was proposed by the group renovating various facilities in Ogden City so they could get the tax credits associated with this particular type of funding, but it left the Main Library without a revenue stream for operations and the County Library System in shambles. A second financing scheme would have allowed developers in California to own the building, renovate it with their architects to their standards, and then rent it back to the County for use as a library.

Allison noted that throughout the planning and implementation of the capital plan, it was the Library Board that had a commitment to the Library System, without distractions.

Spencer asked Baron if there was any other property, other than that owned by the Library Development Fund, that may not be covered by insurance.

Baron said, not to his knowledge.

Stokes asked if the titles currently held by the Board were valid and legal.

Baron said they were legal in that the actions were taken before 2003 when there was a change in the State law that required ownership be vested in the County.

Crosland asked Wangsgard which option she preferred.

Wangsgard said her preference was a lease with the Library Board. A lease with the Board would not change the fact that Commissioners would have the greatest influence, but it would help make processes associated with the Library transparent and methodical.

Crosland asked if there was another source of insurance, other than UCIP.

With permission of the County, Wangsgard noted, the insurance could be put out to bid. At one time she had done this and learned that there are providers that specialize in providing insurance for libraries and museums. The County may wish, however, to shore up the coverage through UCIP. At some future time, coverage should be explored to determine if it is adequate to cover catastrophic loss.

Baron noted that if the property were leased to the Library Board there would be coverage through UCIP. It would be nice to have the title held by the County, but not mandatory.

Spencer asked who advocates for the Library Board in this situation.

Stokes noted it is the Board's responsibility to advocate for themselves.

Baron noted that when it comes to legal representation, he is going to take the side of the Library Board. Chris Crockett will represent the County Commission.

Allison asked if there was additional discussion or questions. Hearing none, she called for a vote on the motion to meet with County Commissioners in order to seek their approval of the Library Development Fund entering into a long term lease agreement with the Library Board for all of the properties owned by the Development Fund.

All Board members voted in the affirmative.

Other:

There being no further business, Crosland moved the meeting be adjourned at 6:45 p.m. Spencer seconded the motion. All voted in the affirmative.

Respectfully submitted: *Julia J Valle* *3 MAR 2020*
Julia Valle Date