

WEBER COUNTY LIBRARY

BOARD OF TRUSTEES

MINUTES

Date: May 4, 2021

Board Members

in Attendance: Cynthia Mattson, Chair
Diana Allison
Sandra Crosland
Jim Harvey
Kathleen Jensen
Reed Spencer
Spencer Stokes

Others

In Attendance: Bryan Baron, Legal Counsel
Evelyn Bertilson, Friends of the Library
John Bond, Weber County Treasurer
Karen Burton, Ogden Valley Branch Manager
Phoebe Carter, Assistant Library Director
Lydia Frank, Youth Services Librarian
Marcia Harris, Library Development Board
Jay Lems, Prescott Muir Architects
Holly Okuhara, Assistant Library Director
Scott Parke, Weber County Comptroller
Deborah Smith, Pleasant Valley Branch Manager
Bryant Reeder, Information Technology Manager
Julia Valle, Business Office Manager
Lynnda Wangsgard, Library Director

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

Public Presentations:

There were no public presentations.

Approval of April 6, 2021, Meeting Minutes:

Mattson called for comments or corrections to the draft minutes. There were none. Spencer moved acceptance. Crosland seconded the motion. All voted in the affirmative.

Commissioner's Report:

Harvey introduced Bond and Parke, noting they were present to report on the teamwork that takes place, and the excellent results that can be achieved, when extremely competent people work together toward a common goal.

Branch Library Funding Options:

Parke discussed three types of bonds available for funding local government projects, detailing the pros and cons of each.

General Obligation Bonds (GOB).

GOB have a dedicated fund source (property tax) and, therefore, the lowest interest rate. They can only be issued with approval of a vote by the people. GOB were issued to fund the Library Boards' 2013-2018 capital plan. There is always a chance that issuance will not be approved as was the case when the public turned down a request to issue GOB to build a Pleasant Valley Branch.

Sales Tax Bonds (STB).

STB do not have a dedicated funding source. The Library would have to make debt payments with operating funds. The bonds have a low interest rate, but not as low as GOB. STB require action by Commissioners. The amount of debt that can be incurred in this manner is limited, using the county's sales tax as collateral; therefore, issuing bonds for a particular project limits the county's options for future projects. The Pleasant Valley Branch was funded using this type of bonding. Bonding for a branch to serve residents of northwestern Weber County puts the project in competition with other County needs.

Lease Revenue Bonds (LRB).

LRB are approved by the Municipal Building Authority. They do not have a dedicated funding source. As with STB, the Library would have to make debt payments with operating funds.

LRB have a higher interest rate because they are considered by investors to be riskier. The building would be owned by the Building Authority, not the Library/County. The Library would enter into a long-term lease for use of the facility, and pay the annual rental payment equal to the debt service and related fees. At the end of the bond, the Library could continue to rent the building for a nominal amount.

Park provided the following chart, summarizing the bond type comparison.

	General Obligation	Sales Tax	Lease Revenue
Source of Repayment Funds	Property Tax	Operating Budget	Operating Budget
Ease of Issuance	Requires vote of people	Requires vote of Commission	Requires vote of Commission
Interest Rate*	1.5% - 2.0%	2.0% - 2.5%	2.65% - 3.0%
Building Owned By	Library	Library	Building Authority

Spencer asked for additional information on the make-up of the Municipal Building Authority; who are they?

Parke explained that the Municipal Building Authority is a separate legal entity that owns buildings. It is part of the County for accounting purposes although it has a separate legal structure.

County Commissioners serve as the Municipal Building Authority Board. The Building Authority owns the Eccles Conference Center and the Health Department Building.

Parke noted an agreement between the Building Authority and Library Board can proceed in whatever manner the Commissioners and Board agree; however, the actual lease agreement would be written so the Library maintains and operates the building as they do others in the System.

Harvey, was asked to speak to any special liability the Board would incur.

Harvey noted the Building Authority would take no responsibility for the facility or its operation, other than to make payments on the bonds. Everything else, including the provision of insurance, would proceed under the Library Board's direction as it does for all other Library buildings.

Spencer asked, if funding for a new branch were to be pursued in this way, how would the management of the project be handled; that is, who would oversee design and construction, sign off on invoices, the substitution of materials, and so forth. Who would ensure the building would be equal to others in the County Library System.

Harvey noted he was happy with what Library management had accomplished in the past; however, some recent projects in other County departments had not gone as planned and there were cost overruns. General Fund projects are now under the direction of Sean Wilkinson. Harvey suggested he would like to see the Library project managed by both Wilkinson and Wangsgard as was done during the renovation of the Main Library.

Stokes noted Commissioners could run everything themselves, but the Library staff has done such a great job that officials realize it is not wise to leave them out of the equation. Some departments may mess up, but the Library staff brought four intricately connected projects to completion on time and under budget. Libraries are a different type of construction, they are technology centric and of institutional quality. The expertise required to build something that works and is of lasting value in a rapidly changing information environment takes a different type of expertise than does building an arena or an office building. The current members of the Commission understand this, Stokes noted, and will want the project to be successful.

Spencer reiterated that he is very appreciative of what is happening. However, Library employees have done such an excellent job that the Board would want to be assured of their meaningful involvement so any future building would be completed to the same standard as the other buildings in the County Library System.

The Library has always been transparent and has ensured the public that decisions were being made because they are part of a strong business plan, Stokes said. The Library Board will have to sell the project on the basis of a plan, committing to what the people will get for their money. The Library Board will have to put their credibility and reputations behind the plan and, therefore, need to be assured that decisions are made in an open and businesslike manner, and that people get what they are promised.

Harvey said he appreciated the discussion and sharing that was taking place and understood there was justifiable reason to be wary. He reassured the Board that the current Commissioners were

working to insulate the Library System from political meddling that could take place by future County officials. The goal is to complete the Library System and move forward, but there is always risk to those officials who vote to raise taxes and the County only has a limited amount of funding. If the Library is to compete with other County facility needs, the Board will need to put together a plan and sell the project to area residents. Commissioners will not take the lead.

Parke noted the tentative financial plan was framed around needing an annual income to accommodate \$2,000,000 in debt payments and 1,500,000 in operating expenses; or \$3,500,000 total. This would equate to a tax increase of approximately .075 and would raise the annual payment on the average home approximately \$21.50 and \$57 on a business. If a branch is to be built in northwestern Weber County, the Board needs to weigh the pros and cons of expansion and, if they decide to proceed, justify the increase. If taxes were raised this year, it would limit the amount the County would need to borrow and lower the overall cost.

Jensen asked Wangsgard if she thought a GOB would be possible.

Wangsgard said she did not think it would be approved by voters. Friends of the Library ran an aggressive campaign for the previous bond and could do so again, but they could not now leverage the same constituencies. Residents in North Ogden, Roy, Ogden, and Ogden Valley now all have their new or renovated facilities.

Jensen asked if a new branch had a realistic chance of competing with other County priorities.

Wangsgard noted the Board has a pledge of a building site, so they are ahead in the race.

Spencer noted he was sure the Board could make a strong case for the tax increase and building a new library.

Bond advised the Board to go after it if they think they need a building to equitably serve County residents. People will have different points of view and it will be a challenge. A lot of strategy and a solid plan will be needed to justify the cost. It will not be easy, there is a lot to consider.

For example, Bond continued, do you have enough resources to move forward without cutting back services in existing facilities, do you actually have the property, do you have a professional business plan. A year's delay in starting work on the North Branch cost the capital project plan about \$1,100,000 - \$1,500,000. Can you afford to delay? Why do you serve? What do you want? Make the Library System the centerpiece of the community. Reach out to those living in northwestern Weber County and engage the citizens County-wide. It will be a hard sell. The County can manage the finances, but the sell is going to be a challenge.

Mattson asked if funding would be available in the American Rescue Plan Act to help fund a new library. How much will the County receive, she asked.

Bond said the total was going to be approximately \$53,000,000. Guidelines have not yet been disclosed but the emphasis seems to be on water, sewer, and broadband.

Mattson wondered if this funding might take pressure off other County revenue streams and allow allocation of existing funds for on-going Library services.

The Board could live with any type of bond funding, Mattson suggested, as long as Wangsgard and her team are engaged in a management way to ensure the public gets what the Board promises; that is, that contracts are fairly let and enforced and the project integrity is maintained. When paid off, ownership should be transferred from the Building Authority.

Baron noted all county commissions are restrained by State statute. The Board is required by law to manage the buildings.

*9-7-504. Library board duties -- Library fund deposits.

(1) The library board of directors shall, with the approval of the county executive and in accordance with county ordinances, policies, and procedures:

(a) be responsible for:

- (i) the expenditure of the library fund;
- (ii) the construction, lease, or sale of library buildings and land; and
- (iii) the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, construct, or sell buildings, for the benefit of the library.

(2) The library board has those powers and duties as prescribed by county ordinance, including establishing policies for collections and information resources that are consistent with state and federal law.

(3) (a) All tax money received for the library shall be deposited in the county treasury to the credit of the library fund, and may not be used for any purpose except that of the county library.

(c) All money collected by the library shall be deposited to the credit of the library fund

Amended by Chapter 221, 2019 General Session Effective 5/14/2019

The law encourages teamwork to complete the building process, Wangsgard noted. Teamwork was the goal in how the previous library capital projects were managed. The library director represented the Library Board, and various people from County Operations represented the Commissioners over time; there were two sets of eyes available to oversee everything. She suggested Board members meet with Commissioners to map out a way forward.

Everyone is in a good spot, Harvey said. There will be respect for the Board being cautious.

Crosland thanked Parke and Bond for their presentations and asked why the finance committee was recommending lease revenue bonds as the way forward, rather than one of the other bonding options.

Bond said Commissioners make that decision based on many variables. Commissioners decided to hold a sales tax bond hearing to fund the Pleasant Valley Branch and the hearing led to a tax increase. A different set of commissioners decided the five-year capital plan should be put to a vote of the people which led to the sale of GOB. The current County Commission believes it is in the best interest of the project, and the County, to proceed under the Municipal Building Authority.

Stokes, noted the only thing that kept some members of a previous Commission from tearing down the Main Library and moving the service into the old Deseret Gym was the fact that people had voted GOB to renovate the building, not move somewhere else. Otherwise a building that ended up on the National Register of Historic Places would have been lost.

Mattson asked for other questions or comments.

Spencer again expressed appreciation for the good financial position the County is in and the way it empowers the Board to consider moving ahead with a new Library.

Bond encouraged the Board, noting their previous five-year capital plan was first class. They took a big risk in putting the plan to the public in the first County vote-by-mail election and it was successful. It was an amazing process. Where do you want to go now, he asked the Board?

Spencer, wondered if a Board action was needed to move forward.

Wangsgard said, not at this time. She advised that they complete their business plan, and then meet with Commissioners to develop a shared vision and solidify options for the future. She noted, however, that they cannot duplicate the quality and guarantee delivery of a project on time and budget if the Library staff is left out of the oversight, management, and decision-making process. If the Board sells taxpayers on a library of the same quality as others already built, those who make it so will need to know libraries inside and out and dedicate their lives to managing every detail in the project. Nothing else will get the promised result for the money spent. That was the benchmark set during the five-year capital plan that led to the quality of current Library facilities. She noted she was not going to put her energy and reputation on the line if the Library group is not in charge; she would not work under the supervision of County Operations where personnel and expertise may change over time. Teamwork between the two entities should be the goal, she concluded.

Stokes, said the Board should take advantage of this window of opportunity. Baron can use his legal mind to figure out management middle ground and the current group of elected officials will want the project to succeed as much as does the Board. They will be reasonable but who knows who will be in the seat once Commissioner Jenkins is no longer responsible.

Crosland said, if the Board doesn't have a say, we should not go ahead.

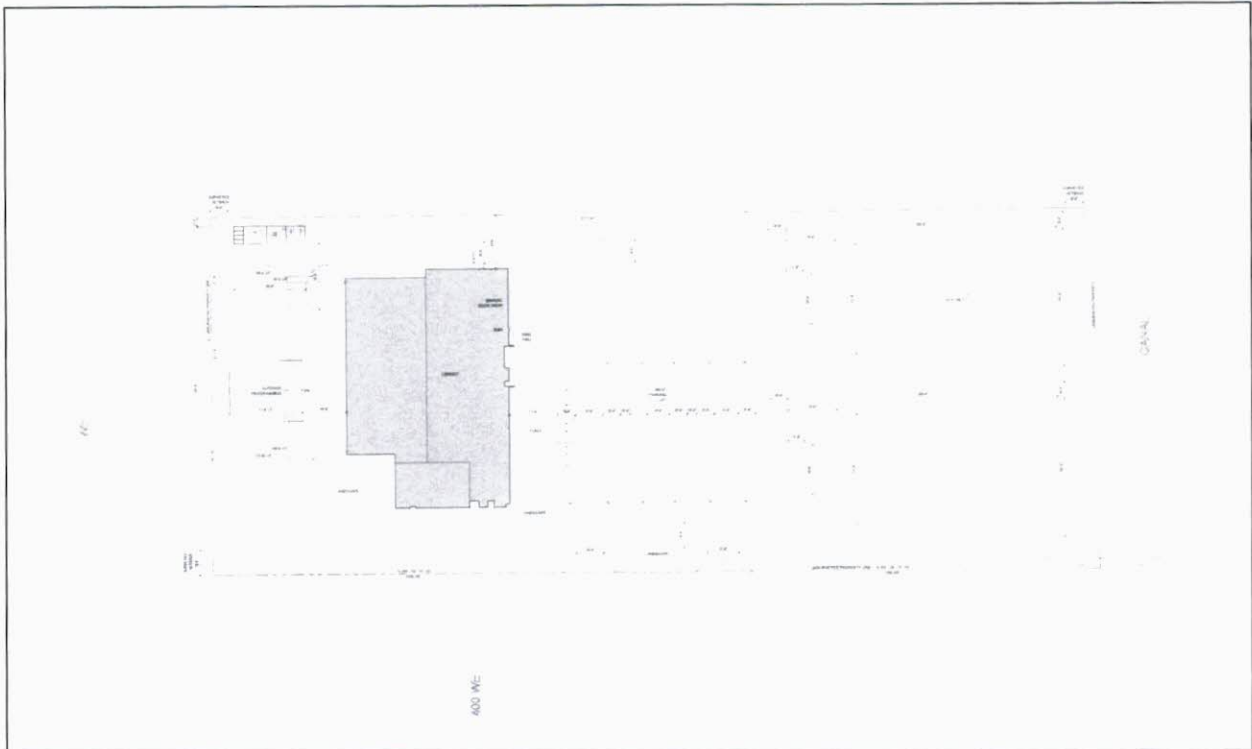
Wangsgard said she did not think elected officials will disagree with a shared approach. The Board serves as a "circuit breaker" of sorts, taking pressure off of elected officials when special interests try to go around the formal plan for whatever reason. The Library Board is there to take the heat.

Proposed Branch Library Site Evaluation Update:

Lems reviewed a draft site plan, noting it was a hybrid between the Southwest Branch and the Pleasant Valley Branch, with shared parking to accommodate park facilities to be constructed by Farr West City. He also shared details provided by the Utah Department of Transportation (UDOT) during a discussion held earlier that day.

The best scenario would be two curb cuts for ingress and egress as detailed in the draft site plan. However, UDOT requires a minimum of 350 ft. between entrances or exits from 2700 N.

As detailed in the current draft plan, one curb cut would be 250 ft. and the other only 130 ft. from the existing curb cut on 2400 W.



UDOT also mentioned the possible need for a safe intersection for crossing from junior high school and a possible requirement of a traffic survey to determine how the library will impact traffic flow. The result of the survey will weigh on what type of site access will be allowed. Lems suggested next steps are to consider secondary entrances for parking and a meeting with all interested parties to see what is possible. Whatever happens going forward, the UDOT requirements will need to be accommodated as the site plan is developed.

Lems summarized information gleaned from a soils report that detailed the groundwater level during June of 2020 ranged from 2.5-3.5 ft. The measurement was taken during a time when groundwater levels were historically low. During the fall of 2019, the level ranged from 3 to almost 4 ft., however this measurement was also taken during an historically dry year.

No topography or existing utilities information was available because the County survey crew was still working the project. Lems expected to see their report by the end of May.

Once the topographical survey is complete, the building elevation and the best site for locating the structure can be detailed, also considering UDOT's requirements to define site accessibility from the public way. Geotechnical survey results indicate that establishing a building elevation may require importing approximately two feet of fill. The geotechnical report also noted soils have a high liquefaction potential during a seismic event; the building would be sitting on sand. During an earthquake, sand liquifies and becomes malleable. Therefore, recommended building practices

require that the facility sit on rammed aggregate piers. These piers are constructed by drilling down approximately 15 feet, approximately seven (7) feet on center, and filling the resulting void with stabilizing materials so the soils can't liquify. The cost for building with these piers is estimated to be approximately \$450,000. Importing soils to raise the building will also have a cost yet to be determined.

Lems explained that establishing the building elevation was important in order to have the slab that is above the water table. Based upon the way in which existing County branch libraries operate, there will not be a basement; however, the raised access floor is 30 inches in the ground and there is also a deeper trench necessary to house mechanical equipment and ductwork. Subsurface drains around the building to collect water and direct it away from building will be considered.

The work of determining street access, where the building will be situated, how to address the floodplain, and the need to provide shared parking will need to be addressed during the site planning process.

Lems reviewed a preliminary cost estimate, compiled by the same team that provided similar guidance for the business plan developed for construction of the Southwest Branch (SWB). The cost estimate was based on the same scope as SWB, but not as many square feet. The final cost for SWB was 283/sq. ft. The estimate for a northwest branch was \$27,426,286, \$571/sq. ft., if bid during the fall of 2022.

Lems noted the difference is that the two facilities are considered in a different market and a building with fewer square feet will cost more per square foot than a larger building.

Lems detailed each line item in the preliminary cost estimate (see next page), noting there are still unknowns, but he did not anticipate being too far off although the longer the project is set in the future the more difficult it will be to project costs accurately. He also emphasized that the following items were not included in the cost estimate:

- Land Acquisition
- Programming
- Topography and Land Surveys
- Climate Consultant
- Construction Phasing, Multiple Bid Packages
- Legal Fees
- Recording Fees
- Bond Costs
- Title Fees and Insurance
- Site Dewatering

Lems noted the Board may wish to consider bidding importing soil beginning next spring, allowing it to settle, and then bid the project during late fall or early winter of 2022 to get the best response from contractors.

Benchmarks:

Northwest Branch Library: Farr West, Utah		48,000	SF
	Construction Subtotal (Building and Site):		\$15,193,206
	Sitework - Imported Fill - Allowance (Contractor):		TBD
	Sitework - Rammed Aggregate Piers - Allowance (Contractor):		Included
	A/V Equipment - Allowance (Contractor):		Included
	General Conditions:	6.00%	\$911,592
	Bonds and Insurance	2.00%	\$322,096
	Overhead and Profit:	4.00%	\$657,076
	Design Contingency:	15.00%	\$2,278,981
*	Subtotal Estimated Construction Costs (With Contractor Allowances):		\$19,362,951
	Kitchen Equipment Appliances - Allowance(Owner):		\$168,000
	Floor Coverings - Allowance (Owner):		\$450,000
*	Total Estimated Construction Costs (With Contractor/Owner Allowances):		\$19,980,951
*	Estimated Construction SF Costs (With Contractor/Owner Allowances):		\$416
*	Escalation to Fall 2022:	6.00%	\$1,198,857
*	Total Estimated Construction Costs (With Escalation):		\$21,179,808
*	Estimated Construction SF Costs (With Escalation):		\$441
	Building Permit:		\$113,899
	Plan Check Fees:		\$76,312
	1% State Fee:		\$1,139
	Utility Connection Fees and Impact Fees - Allowance:		\$180,000
	FF&E:		\$2,000,000
	Books and Materials		\$1,000,000
	Identifying Devices		\$68,000
	A/E Basic Services Fee (6%):		\$1,270,788
	Reimbursables - Allowance:		\$25,000
	Civil Engineering:		\$75,000
	A/V System Design:		\$12,000
	Telecommunication and Data Design:		\$10,000
	Geotechnical:		\$6,500
	Survey:		\$5,000
	Owner Construction Contingency:	5.00%	\$1,058,990
	Special Inspections and Testing:	0.75%	\$158,849
	Energy Modeling:		\$35,000
	LEED Certification A/E:		\$75,000
	LEED CxA/Registration Fees:		\$75,000
*	Total Soft Costs:		\$6,246,478
*	Total Estimated Project Costs:		\$27,426,286
*	Total Estimated Project Costs per SF:		\$571
	Items highlighted in blue are to be determined by Others.		\$371,350

Mattson asked if there were questions. None were forthcoming. She thanked Lems for his work and presentation.

Friends of the Library Training Vignette – Evelyn Bertilson:

Allison made a motion to postpone the Friends of the Library training vignette until July. Time was running short to complete the agenda and the training would be enlightening for new Board members, she reasoned. Spencer seconded, the motion. There were no objections. All voted in the affirmative.

Renewal of Commercial Lease between Weber County Library and Coffee Connoisseur for Main Library and Renewal of Commercial Lease between Weber County Library and Coffee Connoisseur for Pleasant Valley Branch:

Wangsgard presented two commercial lease agreements, noting they contained the same provisions as one approved during their April meeting for lease of space in the Southwest Branch; that is, the two agreements were for a period of five-years and the monthly rental fee was also the same.

Stokes moved approval. Spencer second the motion. There were no questions. All voted in the affirmative

Nominations to Fill Seats on Library Board of Trustees:

Wangsgard noted six excellent candidates had applied for appointment to the two, soon to be vacant, seats.

Bryan suggested closing the meeting to discuss the applicants.
Stokes moved to close the public session and move to an executive session to discuss the character, professional competence, or physical or mental health of an individual. Spencer seconded the motion. Mattson conducted a roll call vote.

Diana Allison - Yes
Sandra Crosland - Yes
Jim Harvey – Not present
Kathleen Jensen - Yes
Reed Spencer - Yes
Spencer Stokes - Yes
Cynthia Mattson - Yes

Spencer moved the Board come out of executive session to an open meeting. Jensen seconded the motion. All voted in favor of the motion.

Stokes moved to authorize Wangsgard to forward the following names, as detailed during the closed session, to County Commissioners for appointment in time to take their seats during the July 6 meeting.

Seat #1
Caitlin Gochnour
Madonne Miner
John L. Watson

Seat #2
Michael Blodgett
Shannon Sebahar
Charles Trentelman

Allison seconded the motion.

Mattson called for a vote. All Board members voted in the affirmative.

Other:

Jensen moved to adjourn. Stokes second the motion. The motion passed unanimously.

Respectfully submitted: Julia Valle 6/1/2021
Julia Valle Date