

Date: December 28, 2020

To: Weber County Board of County Commissioners

From: Sean Wilkinson, AICP *SW*
Director, Community Development Department

Subject: **Request for approval of a \$7,379.62 donation of "Prop 1 Funds" to Trails Foundation of Northern Utah for trail bollards and project management costs**

Agenda Date: January 5, 2021

Documents: Exhibit A: TFNU Request Letter for Bollards
Exhibit B: TFNU Request Letter for Project Management Costs
Exhibit C: Bollard Cost Proposal and Invoice
Exhibit D: Project Management Invoice
Exhibit E: Memorandum of Understanding

Summary:

Trails Foundation of Northern Utah (TFNU) is requesting a \$7,379.62 donation of "Prop 1 funds" for trail bollards (\$1,034.62) and project management costs (\$6,345). The bollards will be installed on the Pineview Loop Trail in the Winter's Grove area to keep motorized vehicles off the trail. The project management costs cover the time TFNU has spent managing the eight Prop 1 projects funded in 2020 (approximately 4% of the total cost).

The requested donation will come from the County option sales and use tax for highways and public transit, also known as "Prop 1 funds." Weber County is authorized to use Prop 1 funds for specific transportation-related purposes described in state law, including "the development, construction, maintenance, or operation of" certain thoroughfares and trails.

On February 4, 2020, the County Commission approved a memorandum of understanding (MOU) with TFNU (under its former business name, Weber Pathways) for all future Prop 1 Fund donations. This MOU eliminates the need for a separate agreement with each donation request. TFNU will apply to the County for future Prop 1 Fund donations and reference this MOU as the basis for compliance and approval. The MOU does allow funds to be spent for project management costs.

Recommendation:

Approve the \$7,379.62 donation of Prop 1 fund for trail bollards and project management costs as described above.

Fiscal Impact:

Weber County allocated \$200,000 of the 2020 Prop 1 fund budget for pathway maintenance. This request will leave the remaining balance at \$40,707.47. The following donations have already been approved:

- January 2020 - \$24,000 to repair the Pelican Beach embankment wall (Pineview Loop Trail).

- May 2020 - \$14,000 to repair trails in North Fork Park.
- June 2020 - \$22,000 to repair section of the Pineview Loop Trail.
- July 2020 - \$25,730 to repair trails in North Fork Park.
- August 2020 - \$36,873.60 for asphalt maintenance on the Pineview Loop Trail.
- October 2020 - \$12,800 for trail improvements and retaining wall design on the Pineview Loop Trail at approximately 7401 E. 500 N.
- November 2020 - \$16,509.31 for trail crossing signage on Highway 158 and North Ogden Divide.



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STAFF

Aric W Manning, *Executive Director*

Commissioners-

As we continue to work on the PLP, we need to replace the two bollards on the Winter's Grove trail with something more substantial.

Unfortunately, we have had residents in Huntsville illegally riding ATVs onto the Pathway. Originally, we had flexible bollards, but these were quickly destroyed. These new bollards will help keep the trail safe and motorized vehicles off. These will be locked but able to remove for maintenance and snow clearing.

The cost of these Bollards is \$1034.62. Attached in an invoice for the bollards.

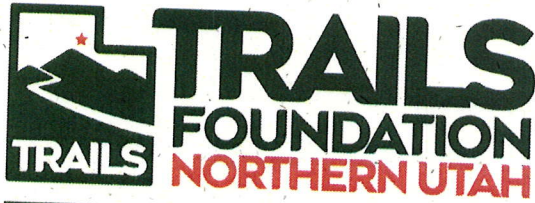
Trails Foundation of Northern Utah feels this would be an excellent use of the Prop 1 funds awarded and help keep the PLP safe and require less maintenance in the future.

Again, we thank you for all your support.

Thank you,

A handwritten signature in black ink that reads "Aric W. Manning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Aric W. Manning
Executive Director



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- Bryan Dorsey, *Weber State University*
- Geoff Ellis, *Landscape Architect*
- Gage Froerer, *Weber County Commissioner, WAGOG Rep*
- John Harrison, *Back Country Horsemen of Utah*
- Jim Harvey, *Weber County Commissioner*
- Travis Olsen, *Weber Morgan Health Dept.*
- Pam Kramer, *Div. of Wildlife Resources*
- Jay Lowder, *Public Services Director, Ogden City*
- Scott Lyons, *Box Elder County*
- Zach Maughan, *USFS, Ogden Dist.*
- Greg Sneddon, *IT Specialist*

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- Aric W Manning, *Executive Director*

Commissioners-

Throughout 2020, TFNU was able to use Prop 1 funds for many of the projects in Weber County. Per our MOU, we are asking for project management fees. With this being the first year of using Prop 1 funds, we wanted to make sure that the project management fees were accurate.

TFNU is asking for \$6345.00 for project management on all the projects we received Prop 1 funding for.

Thank you again for all the support in 2020, we are looking for to even more trail work for 2021..

Again, we thank you for all your support.

Thank you,

Aric W. Manning
Executive Director

Crowd Control Warehouse

1525 W Homer Street Suite 203
Chicago IL 60642
United States

Quote for #D19448 (12/15/20)

Item Details

Quantity	Item	Taxes	Part Number	Price
2 x	Removable Bollard - 4"x36" / YES		CCW-28-021-00916	\$459.95
	<i>With Embedment sleeve : YES</i>	\$0.00 UT STATE TAX		
	<i>Size : 4"x36"</i>			
	<i>Additional Info : Removable Bollard</i>			

Payment Details

Subtotal price:	\$919.90
Total tax:	\$0.00
Shipping:	\$114.72
Total price:	\$1,034.62
Total paid:	\$0.00
Outstanding Amount:	\$1,034.62

Note

Shipping To

Trail Foundation of Northern Utah 298 24th Street Suite 325 Ogden Utah 84404 Tel: 801-393-2304

Sold To

Trail Foundation of Northern Utah 298 24th Street Suite 325 Ogden Utah 84404 Tel: 801-393-2304

If you have any questions, contact us on sales@crowdcontrolwarehouse.com

If you are required to sign for your delivery, please check that all of your items are present and in good condition before signing. Your delivery driver is required to wait for you to unwrap and inspect your entire shipment before signing for your delivery. In the rare case that your items are either damaged or missing, please hold the driver and call us immediately upon delivery in order to ensure a replacement or refund. If you cannot get in contact with a representative, please refuse the



P.O. Box 972
 Ogden, UT 84402
 aric@tfnu.org

Exhibit C-2

Pledge

Date	Pledge #
12/18/2020	833

Donor
Weber County Corporation 2380 Washington Blvd. Ogden, UT 84401

Due Date
12/18/2020

Description	Amount
Purchase and installation of 2 Bollards at Winters Grove with Prop 1 funding	1,034.62
Total	\$1,034.62

Payments/Credits	\$0.00
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Balance Due	\$1,034.62
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P.O. Box 972
 Ogden, UT 84402
 aric@tfnu.org

Exhibit D

Pledge

Date	Pledge #
12/18/2020	834

Donor
Weber County Corporation 2380 Washington Blvd. Ogden, UT 84401

Due Date
12/18/2020

Description	Amount
Prop 1 request fro 2020 Project Management fees	6,345.00
Total	\$6,345.00

Payments/Credits	\$0.00
Balance Due	\$6,345.00

Exhibit E

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WEBER PATHWAYS
AND
WEBER COUNTY**

1. **BACKGROUND:** Weber County receives sales tax funds collected under Section 59-12-2219 of the Utah Code, which is known as the “county option sales and use tax for highways and public transit.” The funds are sometimes referred to as “Prop 1 funds,” because the ballot proposition that resulted in the enactment of the tax in Weber County was known as Proposition 1. Therefore, this Memorandum of Understanding (MOU) will use the term “Prop 1 funds” to describe the funds. The County is authorized to use Prop 1 funds for specific transportation-related purposes described in state law, including “the development, construction, maintenance, or operation of” certain thoroughfares and trails. Weber Pathways has asked to use Prop 1 funds for specific trail projects and desires to have future access to the funds for other trail projects.
2. **PURPOSE:** The purpose of this MOU is to guarantee that Weber Pathways, dba Trails Foundation of Northern Utah (TFNU), will use Prop 1 funds in accordance with applicable County and State laws, ordinances, and policies, without requiring a separate contract for each donation of funds. The County Commission finds that these donations will contribute to the safety, health, comfort, and convenience of county residents.
3. **SCOPE:** This MOU for the donation and use of Prop 1 funds is made between Weber Pathways and Weber County.
4. **UNDERSTANDING, AGREEMENTS, AND SUPPORT REQUIREMENTS:**
 - A. Weber Pathways is a nonprofit 501(c)(3) organization with a mission to “plan, promote, construct, and protect a network of public pathways, trails, and related open spaces for non-motorized users throughout the greater Weber County area.”
 - B. Weber County intends to donate Prop 1 funds to Weber Pathways for the purpose of planning and building eligible pathways and trails in unincorporated Weber County.
 - C. To receive donations of Prop 1 funds, Weber Pathways must apply to the County, specifying which projects the Prop 1 funds will be used for. If Weber Pathways wants to use donated Prop 1 funds for projects not included in the original application, it must file a new application seeking authorization to use the funds for other projects.
 - D. Weber Pathways will only use Weber County’s Prop 1 fund donations for corridor preservation, engineering, environmental review, surveying, permitting, construction, project management, and any other project-specific tasks necessary to complete approved projects.
 - E. Weber Pathways will comply with all applicable County and State laws, ordinances, and policies.
 - F. Weber Pathways will account for the expenditure of Prop 1 funds and will provide updates to Weber County upon request.


- G. Weber Pathways will indemnify and hold harmless the County, its officers, agents, and employees from and against any claims or suits that arise as a result of Prop 1 fund donations, including improper use of Prop 1 funds.
- 5. **EFFECTIVE DATE:** This MOU is effective upon signature by both parties and will remain in effect until modified, replaced, or terminated by agreement of the parties.
- 6. **MODIFICATION:** Modification of this agreement requires written notification and approval by both parties 30 days in advance.
- 7. **GOVERNING LAW:** The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this agreement.
- 8. **ENTIRE AGREEMENT:** This agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no other statement, whether written or oral, shall be deemed a part of this agreement unless specifically incorporated herein by reference.
- 9. **SIGNATURES:** In witness whereof the undersigned have affixed their respective signatures hereto on the dates indicated below.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By 
Gage Froerer, Chair

Commissioner Froerer voted
Commissioner Jenkins voted
Commissioner Harvey voted


ATTEST:


for Ricky D. Hatch, CPA
Weber County Clerk/Auditor


Date:

4 FEB 2020

WEBER PATHWAYS

By 
Mark Benigni, Executive Director

Subscribed and sworn to before me this 17 day of January, 2020.


Notary Public

