

Date: July 21, 2020
To: Weber County Board of County Commissioners
From: Sean Wilkinson, AICP *sw*
Director, Community Development Department
Subject: **Request for approval of a \$25,730 donation of "Prop 1 Funds" to Trails Foundation of Northern Utah for maintenance of trails in North Fork Park**
Agenda Date: July 28, 2020
Documents: Exhibit A: Trails Foundation of Northern Utah Request
Exhibit B: Project Cost Proposal
Exhibit C: Memorandum of Understanding

Summary:

Earlier this summer, the County Commission approved a \$14,000 donation to Trails Foundation of Northern Utah (TFNU) for maintenance of trails in North Fork Park. The project consisted of hiring two trail builders who used a mini-excavator and hand tools to refurbish the trails, bring them up to standard, and improve drainage. The project was very successful and TFNU would like to retain the trail builders for six more weeks to provide additional trail maintenance. In order to do this, TFNU is requesting a donation of \$25,730. 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.

Recommendation:

Approve the donation of \$25,730 from the Prop 1 Fund for maintenance of trails in North Fork Park.

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 \$114,270. 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.

Exhibit A



PO Box 972 | Ogden, Utah 84402 | 801-393-2304 | email: tfnu@tfnu.org | www.tfnu.org

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STAFF

Aric W Manning, *Executive Director*
Julia Heavirland, *Project Manager*

Commissioners-

Over the last 8 weeks TFNU has built or re-established over 2 miles of trail at North Fork Park. The new trail, Cutler's Twist, made an important connection between two existing trails. It is quickly becoming a favorite of many users because of easy terrain and ample tree coverings. This trail will also be groomed in the winter by Ogden Nordic for snowshoeing and fat bikes.

With this trail work, TFNU has leveraged over 350 hours of volunteer work finishing the trail and trimming existing trails. County residents are excited to see us working at North Fork and fixing the trails they love. We have had incredible feedback from users about the work we are doing.

With that being said, there is huge spike in trail users and maintenance is needed now more than ever before. By maintain many of these trails it will definitely increase the safety factor and allow people to enjoy the trails without fear of injury. Many local crews did not come back this summer, so they have not been able to maintain and trim trails at all due to restrictions with the current pandemic (financial and staffing challenges).

We are hoping to continue with our two trail builders for another 6 weeks but that will totally be dependent on Prop 1 funding. TFNU like many businesses and nonprofits have seen a big decrease in donations and with the cancellation of our yearly TrailFest, we do not have the funds to continue the trail work.

To continue this project, we are asking for \$25,730 of Prop. 1 money. Breakdown of costs will be submitted with this letter.

We cannot tell you how much we appreciate the original Prop 1 funding for the RAMP grant match to begin this project. The impact it has left on the community is truly amazing.

Thank you,

Aric W. Manning
Executive Director
Trails Foundation of Northern Utah

Exhibit B

Trail Maintenance and Construction
Organization: Trails Foundation of Northern Utah
Proposal Summary for Prop 1 Funding

Costs	Quantity	Units	Rate	Amount
Mini-Excavator rental 6 weeks	6	Weeks	\$440	\$ 2,640.00
Fuel for Mini-Ex	50	Gallons	3.5	\$ 175.00
Machine Operator	240	Hours	35	\$ 8,400.00
Trail Laborer	240	Hours	25	\$ 6,000.00
Tools				\$ 5,515.60
Supplies				\$ 3,000.00
Total Cost of Project				\$ 25,730.60


Exhibit C

**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

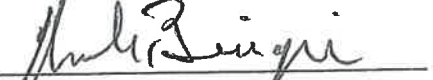
ATTEST:

Date:



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

4 FEB 2020

WEBER PATHWAYS

By 
Mark Benigni, Executive Director

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


Notary Public

