



Date: July 22, 2022
To: Weber County Board of County Commissioners
From: Sean Wilkinson, AICP *SW*
Director, Community Development Department
Subject: **Request for approval of a donation of "Prop 1 Funds" in the amount of \$28,992 to Trails Foundation of Northern Utah for asphalt repair on the Pineview Loop Pathway**

Agenda Date: August 2, 2022

Documents: Exhibit A: TFNU request letter
Exhibit B: Project map and photo
Exhibit C: Asphalt repair bid
Exhibit D: Memorandum of Understanding (approved February 4, 2020)

Summary:

Trails Foundation of Northern Utah (TFNU) is requesting a donation of "Prop 1 funds" in the amount of **\$28,992** for asphalt repair on the Pineview Loop Pathway. The project consists of treating approximately three miles of asphalt with a high-density emulsion-based polymer coating, which will fill cracks and reduce future wear. See Exhibit B for a project map.

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.

Weber County allocated \$200,000 of the 2022 Prop 1 fund budget for pathway maintenance and construction. This is the third funding request. The remaining balance is **\$88,503.25**.

Previous Donations:

1. \$10,560 for a concept report on the Pineview Loop Pathway extension from North Arm Trailhead to the Pineview Spillway (May 17, 2022).
2. \$71,944.75 for construction of a new section of the Weber River Parkway (June 7, 2022).



Exhibit A

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

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Aric W. Manning, *Executive Director*
Kelli Barkema, *Marketing &*
Communications Coordinator
Greg Romney, *Accounting & Office*
Coordinator
Alan Wheelwright, *Trail Crew Lead*

Commissioners-

Trails Foundation of Northern Utah (TFNU) has worked on building and developing the Pineview Loop Pathway (PLP) for over 10 years. The Pineview Loop Pathway is now showing the effects of age and use. Some areas needing repair are becoming safety hazards for thousands of users that bike and walk on this trail annually. The PLP is the backbone of the Ogden Valley trail system and needs to be kept in the best conditions to serve not only the residents but the many tourists that visit the area.

TFNU would like to seal the asphalt on 3 miles of the Pineview Loop Pathway. The asphalt has not been treated since installation and is starting to show signs of drying out and deteriorating. By treating the asphalt with a high-density emulsion-based polymer treatment, it reduces future maintenance and allows the pathway to last many more years.

To complete this project, we are asking for \$28,992 of Prop. 1 money to fund and complete the repair work. A breakdown of costs will be submitted with this letter as well as a photo and map.

Trails Foundation of Northern Utah feels this would be an excellent use of the Prop 1 funds awarded and help keep the PLP safe. This would give us a good start to continuing the repairs on the loop.

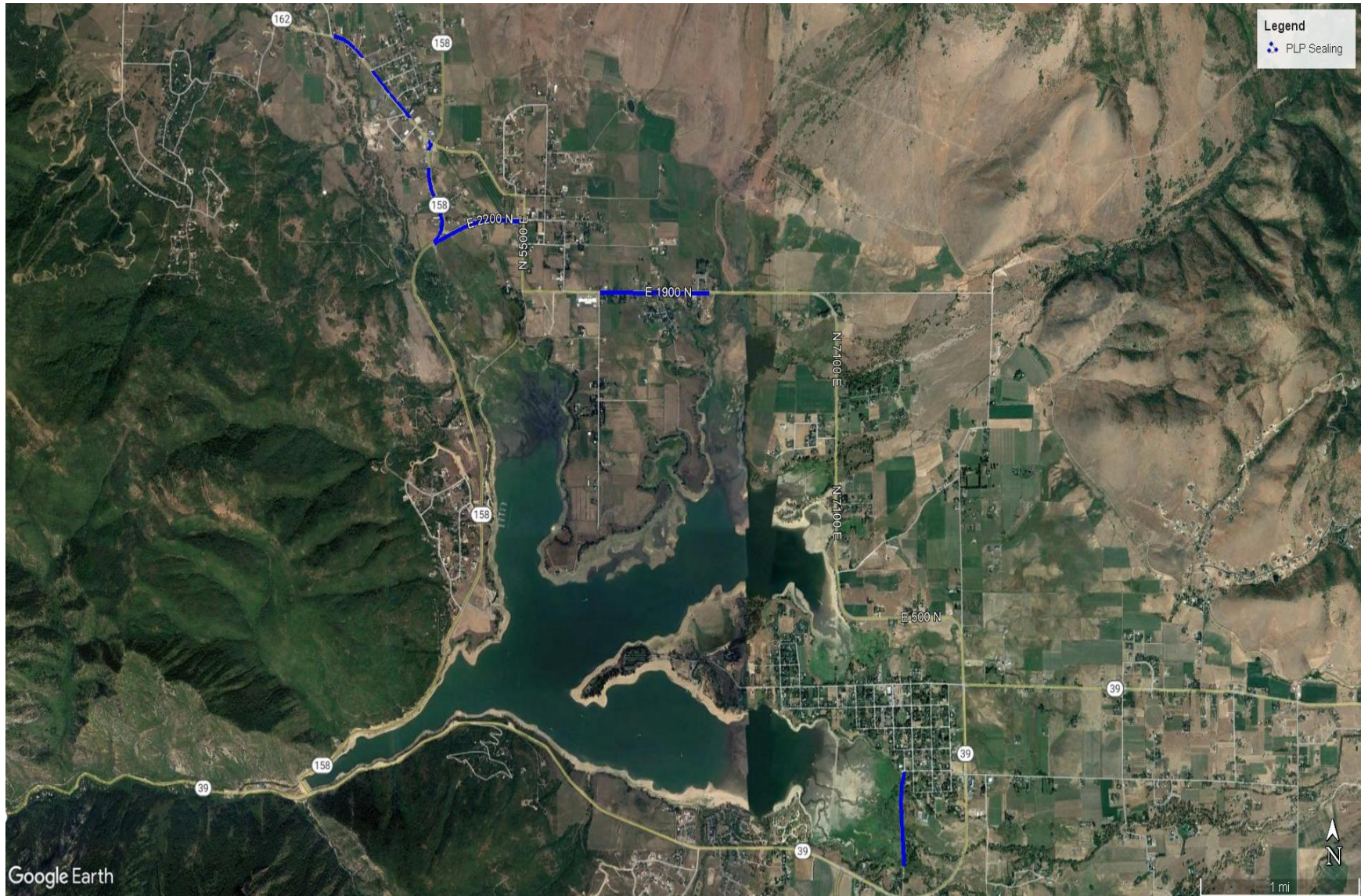
Again, we thank you for all your support.

Thank you,

A handwritten signature in black ink that reads "Aric W. Manning". The signature is written in a cursive style.

Aric W. Manning
Executive Director

Exhibit B





Andersen Asphalt

801-675-1555
admin@andersenam.com



Exhibit C

Prepared For:
Northern Utah Trail Foundation
Northern Utah Trail Foundation

Attention:
Alan Wheelwright

Project Address:
Eden Trail
trails
Eden, UT

Thank you for the opportunity to provide you with a proposal. Please review the proposal and feel free to call with any questions.

AP4 ASPHALT SURFACE TREATMENT

\$28,992.00

Apply 120,800 Square Feet of AP4 Asphalt Surface Treatment

- Apply AP4 Surface Treatment, which is a high performance, high-density, emulsion based asphalt polymer treatment at a rate of 65+ wet Mils.
- AP4 consists of at least 6% cutting edge polymers for added durability and better resistance to ultraviolet rays, oxidation, water, and chemicals.
- We will thoroughly clean the pavement with wire bristled sweepers, high powered blowers, and high pressured water (if necessary).
- A polymer modified tack coat will be applied if necessary for adhesion and added protection.
- Purchaser is responsible to ensure all vehicles are removed (towing if required) from the affected areas no later than 7:00 a.m.
- Sprinkler systems are to be shut off 24 hours prior to treatment and 24 hours after completion.
- The parking lot may be reopened 24 hours after the completion of work but is subject to weather temperatures and other related conditions.
- We are not responsible for damage to property from vehicular or foot traffic on wet material.

PREPARED BY: Andersen Asphalt

PROPOSAL TOTAL: \$28,992.00

Notes:

- Additional quantities to be billed at the same rate.
- Power steering turning marks are normal and will fade away over time.
- The sealed surface will remain tender during the hot months of the year.
- Customer is responsible to ensure sprinklers are turned off 24 hrs prior and remain off for 24 hrs after project. Additional costs will be billed if contractor arrives to a wet surface.
- It is the responsibility of the customer to ensure all vehicles or other debris is clear from the maintenance area. All towing costs will be billed to the customer.
- Price based on 1 Mobilization; additional mobilizations will be charged extra.
- Purchaser is responsible to ensure all vehicles are removed (towing if required) from the affected areas no later than 7:00 a.m.
- Sprinkler systems are to be shut off 24 hours prior to treatment and 24 hours after completion.
- We are not responsible for damage to property from vehicular or foot traffic on wet sealcoat.

The Unit Rates applicable to the categories of work to be performed pursuant to this Agreement are based on the following material costs and published indexes:

Any adjustments to the original scope of work shall be committed and paid by purchaser as though a written change order were approved and signed by both parties.

Purchaser: _____ Title: _____

Printed Name: _____ Date: _____



Exhibit D

**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

