

Date: May 6, 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 \$10,560 to Trails Foundation of Northern Utah for a concept report on the Pineview Loop Pathway extension from North Arm Trailhead to the Pineview Spillway**

Agenda Date: May 17, 2022

Documents: Exhibit A: TFNU request letter for concept report funding
Exhibit B: Concept report proposal
Exhibit C: Memorandum of Understanding (Approved February 4, 2020)

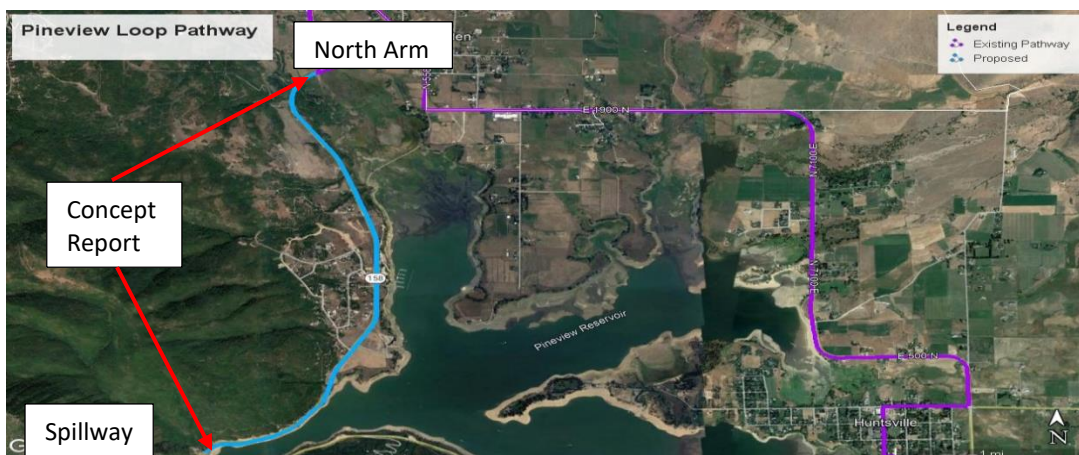
Summary:

Trails Foundation of Northern Utah (TFNU) is requesting a donation of “Prop 1 funds” in the amount of **\$10,560** for a concept report on the Pineview Loop Pathway extension from North Arm Trailhead to the Pineview spillway (see Exhibit A). The concept report will provide information about safety, trail alignment and connectivity, and a cost estimate.

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. This is the first funding request. The remaining balance is **\$189,440**.





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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 investigate the feasibility of completing the Pineview Loop Pathway from the North Arm Trailhead to the Dam spillway. We would like to use Project Engineering Consultants (PEC) at a cost of \$10,560 to do the initial concept report. Once done, TFNU can work with stakeholders to understand the feasibility of building a pathway along UT-158.

Trails Foundation of Northern Utah feels this would be an excellent use of the Prop 1 funds to continue the PLP around the dam and provide safe active transportation.

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

March 1, 2022

Trails Foundation Northern Utah
Attn. Alan Wheelwright
298 24th Street, Ste 325
Ogden, UT 84401
awheelwright@gmail.com

RE: Pineview Trail- North Fork to Dam-Concept Report

Dear Alan;

Project Engineering Consultants, Ltd. (PEC) is pleased to submit a scope and fee to prepare a Concept Report for a new trail near Pineview Reservoir that extends from the North Fork Trailhead to the Dam, approximately 4 miles. The new trail concept will have a few variations evaluated to determine best alignment for a proposed trail as well as improvements to the existing trail alignment.

SCOPE OF WORK

1. Concept Report

PEC will a concept report that contains the following:

1. Purpose and Need for the project- existing connections
2. Safety deficiencies and traffic data for the project area
3. Alternatives Analysis of potential alignments
4. Discussion regarding trail connectivity
5. Proposed alignment with project elements (stream crossings, intersection conflict resolutions, typical cross section, etc.).

2. Engineer's Cost Estimate

PEC will create an Engineer's Cost Estimate for construction activities based on the concept report using the UDOT template for Concept Reports.

Summary of Fees for Planning Activities

| Task | Description | Fee |
|--------------|----------------------------------|--------------------|
| 1. | Concept Report (80 hours) | \$ 9,600.00 |
| 2. | Engineer's Cost Estimate (hours) | \$960.00 |
| Total | | \$10,560.00 |

Proposal Clarifications

The following represent clarifications to the PEC proposal:

- Concept Report is based on UDOT format and standards
- Trail design is based on AASHTO standards

Proposal Exclusions

The following items are either not specifically identified in the Scope of Services section or are to be excluded from PEC's Scope of Services:

- a. Agency Fees and Permits (Impact Fees, Application, and Review Fees, etc.)
- b. Legal Documents, Title Reports, and Filing Fees
- c. Property or Right-of-Way acquisition
- d. Gaps/Overlaps and/or Boundary Resolutions
- e. Dry Utility Design
- f. Off-site improvements including Drainage, Roadway, Grading, Utilities, etc.
- g. Traffic Impact Study (TIS) and Report
- h. Geotechnical Study
- i. Structural Engineering
- j. Extraordinary Requirements Placed on the Project by Governing Agencies
- k. Construction Staking
- l. Construction Administration/ Construction Management (CA/CM), Material Testing, and Special Inspections

The project budget for the scope as outlined above is a lump sum of **\$10,560.00**. If additional meetings, analysis, design, or work that is outside this scope become necessary, at the client's written direction the work will be performed on a time and expenses basis based on our current fee schedule. This includes additional negotiations and all other procedures not specifically outlined within this scope as requested by the client.

PEC looks forward to participating in this project. Please call us if you have any questions or comments concerning this proposed scope of work.

Respectfully,
Project Engineering Consultants, Ltd.



Lars Anderson, PLA
Principal & COO



**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*
Gage Froerer, Chair

Commissioner Froerer voted
Commissioner Jenkins voted
Commissioner Harvey voted

ATTEST:

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

Date:

4 FEB 2020

WEBER PATHWAYS

By *Mark Benigni*
Mark Benigni, Executive Director

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

Ronna Tidwell
Notary Public

