

Utah State Building Board



MEETING

May 24, 2006

MINUTES

Utah State Building Board Members in attendance:

Larry Jardine, Chair
Kerry Casaday, Vice-Chair
Manuel Torres
Mel Sowerby
Cyndi Gilbert
Katherina Holzhauser
Richard Ellis, Ex-Officio

DFCM and Guests in attendance:

Keith Stepan	Division of Facilities Construction & Management
Robert Franson	Division of Facilities Construction & Management
Kent Beers	Division of Facilities Construction & Management
Shannon Lofgreen	Division of Facilities Construction & Management
Dana Edwards	Division of Facilities Construction & Management
Alan Bachman	Attorney General's Office/DFCM
Sheila Page	Attorney General's Office
Rich Amon	Governor's Office of Planning and Budget
Kevin Walthers	Utah System of Higher Education
Bob Askerlund	Salt Lake Community College
Ken Nye	University of Utah
Michael G. Perez	University of Utah
Darrell Hart	Utah State University
David Besel	Utah State University
Kevin Hansen	Weber State University
Greg Peay	Department of Corrections
Rick Frenette	Utah State Fairpark
Peter Emerson	EDA Architects
Keri Hammond	EDA Architects
Tony Lords	Henriksen Butler
Julee Attig	Jacobsen Construction
Chris Coutts	MHTN Architects
Jackie McGill	Spectrum Engineering

On Wednesday, May 24, 2006, the Utah State Building Board held a regularly scheduled meeting at the Board of Regents Building in Salt Lake City. Chair Larry Jardine called the meeting to order at 9:05am and excused Steve Bankhead from the meeting as he was participating in a selection committee at Utah Valley State College.

Chair Jardine announced a few changes regarding Board staff members. D'Arcy Dixon Pignanelli has been named as a Tax Commissioner, and Richard Ellis has been named as her replacement as the Executive Director of the Department of Administrative Services. John Nixon will replace Richard Ellis as the Director of the Governor's Office of Planning and Budget. Robert Brems has been announced as the new President of the Utah College of Applied Technology.

Chair Jardine thanked Kevin Walthers for the hospitality and use of the Board of Regents' facilities. Mr. Walthers explained that DFCM was instrumental in obtaining the portion of the building. The Utah System of Higher Education now owns the entire building with a bulk of the building being paid for by the Utah Higher Education Assistance Authority. He offered a tour of the building after the meeting adjourned.

☐ APPROVAL OF MINUTES OF APRIL 12, 2006

Kerry Casaday referred to a discussion where the Board had determined to form a committee to review the capital development ranking process. Keith Stepan stated DFCM thought they would organize a committee consisting of Katherina Holzhauser, Keith Stepan, Kent Beers, Rich Amon, and Steve Allred. He sought the Board's approval on the committee members.

MOTION: Kerry Casaday moved for the Board to constitute a committee to review the prioritization process for capital development projects. The motion was seconded by Cyndi Gilbert and passed unanimously.

Chair Jardine sought a motion on the meeting minutes of the Utah State Building Board on April 12, 2006.

MOTION: Kerry Casaday moved to approve the meeting minutes of April 12, 2006. The motion was seconded by Cyndi Gilbert and passed unanimously.

☐ OPEN AND PUBLIC MEETINGS ACT

Sheila Page, Attorney General's Office, provided training on the Open and Public Meetings Act pertaining to the Board as mandated by statute.

The Open Meetings Act has been in effect for many years, but some significant changes took place during the recent legislative session. Previously, agencies had the option of recording the meeting or preparing written minutes. With the new legislation, all meetings must be recorded in addition to written minutes as the formal record of the meeting. This

issue will raise some concern when the Board attends facility site visits, although the Board will have the option to have written minutes or a recording. The site visits must be an open public meeting and will require public notification. Sites with security or sensitivity issues where the public may not be invited must not be attended by a quorum at any given time.

Ms. Page stated each agenda must be very specific. If the agenda lacks specificity, the Board will not be able to entertain motions resulting in final action. Some attorneys have taken the stance that public comment periods are not allowed on the agenda; however, the AG's Office does not subscribe to that perspective. Any rule the Board undertakes must be specified by the topic at a minimum. The Board is also encourage to do agenda publication through the media and online to allow for more formal notification.

The definition of public body has also been further defined as any administrative, advisory, executive, or legislative body of the state or its political subdivisions. The Building Board is a public body because it is created by statute, rule, ordinance or resolution. The Open Meetings Act applies to public bodies to provide a narrowing of the scope of those covered by this definition. Being defined as a public body put the Board on notice as to the criminal penalties. If a Board member knowingly and intentionally violates the Open Meetings Act, they are subject to a Class B misdemeanor and persecution by the County or the Attorney General's Office.

Cyndi Gilbert asked if there had been many complaints from members of the public and who determined whether it was litigated. Ms. Page responded that the complaints come from the members of the public to the Attorney General's Office specifically regarding the closed executive sessions. The reasons for going into executive session have remained the same and include discussing personnel matters including the qualities and characters of an individual person, litigation, and the purchase of property where the property price may be affected if it were made public. Executive sessions must be recorded unless under some provisions the Chair signs an affidavit regarding the executive session. The public could obtain a copy of the recording if they felt there was a violation of the Open Meetings Act during the executive session. Previous complaints were made when a quorum was present without an agenda, or an executive session was called to discuss matters other than those deemed appropriate. The AG's office refers the first offense to the counties almost exclusively, especially if it is a state body and the AG's Office may be compromised.

Alan Bachman expressed concern with Board members participating in social engagements and the appearance of discussing matters that should be discussed in a public meeting in order to avoid the issue of impropriety. The quorum for the Building Board consists of three members which would be in violation if business matters were discussed.

Ms. Page addressed the issue of how to proceed when matters arise that are not on the agenda. The Board may discuss the matter, but could not take final action if it was not on the agenda.

APPROVAL OF PROGRAM COMMISSION FOR PROPOSED UNIFIED STATE LAB

DFCM recommended that the Building Board approve a program request for the Department of Agriculture and Food, Department of Environmental Quality, Department of Health, and the Department of Public Safety. They desire to proceed with a commissioning program to determine the project's needs before the prioritization process in October.

Last year, the Building Board and several legislators visited the Health Lab and Agricultural Lab and found a new lab was greatly needed. The Legislature was unable to fund the project, and further information was needed regarding site, size, and an actual funding request. The four departments determined to prepare a formalized program to define the needs of each department and the benefits of a core building. They will also analyze the possibility of the program working on a modular concept, similar to those done for the four classroom project, to allow the planning and programming to work even if the project was only partially funded. Each department will provide \$25,000 to fund the effort.

MOTION: Cyndi Gilbert moved approve of the program commission for the proposed Unified State Lab. The motion was seconded by Katherina Holzhauser.

Kerry Casaday asked if the initial proposal included five departments. It was clarified the Department of Environmental Quality included water and air. Five different sites will be part of the study and evaluation.

The motion passed unanimously.

APPROVAL OF FEASIBILITY STUDIES AT THE UTAH STATE FAIRPARK

Rick Frenette, Fair Park Executive Director, stated the fair has been at the facility for 102 years and some of the initial buildings still remain. They wish to stay at the location and make the Utah State Fair one of the premier fairs in the country by enhancing facilities and revenue sources.

Mr. Frenette explained that the coliseum was demolished and condemned in the mid-1990s and the structure has never been replaced. Until then, the coliseum was a very significant gathering place for concerts and livestock venues. The only gathering place they have currently is a grandstand facility and the bleachers are almost 25 years old. Their ability to host large livestock and horse shows nationally, regionally and locally has diminished due to weather concerns. Mr. Frenette proposed to do a feasibility study for market analysis and economic impact on the state and the city to replace the open air arena. The Fair Park would fund the feasibility study at \$42,000 to complete a business plan on the costs and uses of the facility. They hoped if the building was funded in the future, they would be able to recoup the \$42,000. The new complex would cost approximately \$19 million, including

20% in soft costs. They would eventually hope for a General Obligation Bond to fund the facility.

The proposed building would be approximately 76,000sf of trade show space and 6000 arena style seats. The facility could be expanded to 8500 seats for concerts during the fair. The events held in the arena would generate revenue which may help them operate on a year-round basis and decrease their need for an annual subsidy from the state.

MOTION: Manuel Torres moved to approve the Fairpark feasibility study. The motion was seconded by Kerry Casaday and passed unanimously.

☐ REALLOCATION OF FY2007 CAPITAL IMPROVEMENT FUNDS AT WEBER STATE UNIVERSITY

DFCM recommended that the Building Board authorize the reallocation of FY2007 capital improvement funds at Weber State University:

1. Cancel the \$160,500 roofing project scheduled for the Social Science Building;
2. Reduce the \$175,000 paving project scheduled for parking lot W-8 and the access road by \$50,000. The remaining \$125,000 will be used for these paving projects but on a smaller scale; and
3. Reallocate \$210,500 (\$160,500 + \$50,000) to the Peterson Plaza concrete replacement and landscape development project which bid over the budget.

The Peterson Plaza Renovation project is a high priority project for Weber State. It was approved by the Building Board last month with a construction budget of \$420,000. Unfortunately, the project bid at \$651,000, which is \$231,000 over budget. In order to make up the shortfall, Weber State requested that the \$160,500 roofing project for the Social Science Building be canceled and that funding for the paving of lot W-8 and the access road be reduced by \$50,000. In addition, Weber State University will contribute \$20,500 toward the difference. Weber State will request funding for the roofing project and the balance of the parking lot next year. The roof will be able to survive one more year, but it must be completed next year.

Kevin Hansen, Weber State University, explained the Peterson Plaza is one of the main intersections on the pedestrian access on the campus. The concrete was breaking up and was a safety hazard. Two years ago they estimated a cost through two architects and their own staff at \$250,000. It came in over bid on that year at approximately \$450,000. At that point they determined it was best to defer it for a year. WSU submitted it as a capital improvement project last year at almost double the original estimate a year before. When it bid this year, it bid at \$650,000 because of the increase in steel, concrete, and gas. Unfortunately the project is extremely concrete and steel intensive.

MOTION: Cyndi Gilbert moved approval of the reallocation of the Weber State University funds. The motion was seconded by Katherina Holzhauser and passed unanimously.

☐ ADMINISTRATIVE REPORTS FOR THE UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY

Ken Nye, University of Utah, presented the administrative report for the period of March 24 to May 5, 2006. There were no substantial contracts awarded during the period. They also did not have any transactions take place in the contingency or project reserve funds.

MOTION: Cyndi Gilbert moved approval of the administrative report of the University of Utah. The motion was seconded by Mel Sowerby and passed unanimously.

Chair Jardine presented Mr. Nye with a certificate of appreciation for his services to the Board while with DFCM.

David Besel, Utah State University, presented the administrative report for the period of March 22 to May 3, 2006. There were two professional services agreements and three miscellaneous contracts issued. There were six construction contracts and four miscellaneous contracts issued.

USU is partnering with DFCM on the West Housing/Parking Complex. They are doing the commissioning of that facility with a consultant.

The contract for the well was issued at \$7,575 lower than the budget amount.

Of the 55 projects on USU's current list, 12 are in the Design/Study phase, 25 are in construction, 11 are substantially complete, two are complete and five are pending. Two new projects have been added.

Keith Stepan commented that some projects are starting to come in on budget which were increased to meet the inflationary construction climate. In an attempt to prepare the most concise budget estimates, DFCM has proposed hiring an outside consultant or utilizing various software packages. Last session, DFCM increased their Construction Budget Estimates (CBE) by 24% and anticipated increasing them at least another 10% this year.

MOTION: Katherina Holzhauser moved to approve the administrative report of Utah State University. The motion was seconded by Cyndi Gilbert and passed unanimously.

ADMINISTRATIVE REPORTS FOR DFCM.....

Kent Beers presented the administrative report for DFCM. There were four new leases including the DNR Division of Water Rights in Cedar City; DNR Division of Water Rights in Richmond; DPS Homeland Security in Salt Lake City; and the DWS in Park City. There were two leases amended including the DPS Highway Patrol in Salt Lake City, and the DWS building in American Fork.

There were 22 architect/engineering agreements awarded and there were no significant items on those agreements. There were 33 construction contracts awarded. One item of interest was the University of Utah Hospital Expansion which was a CM/GC agreement with the initial agreement only including preconstruction services. The balance of the construction costs will be added by future change orders.

Also of note was the Blanding Regional Center HVAC Controls Upgrade which was approved as a sole source to the two known suppliers to match equipment in the building, and the Fairpark Various Restrooms ADA Upgrades. The construction solicitations were also combined into one bid for the new Ogden ABC Stores.

There was a decrease in the contingency reserve fund for the USU New Merrill Library to cover change order #17 for numerous scope items. There was another decrease due to the FFSL Fire Management Services Building to cover change orders #1-5 resulting because of scope changes, unknowns, over-excavation and the location and design of the actual waterline.

There was a decrease to the Emergency Fund in the amount of \$9,850 for the Snow College South Washburn Building emergency boiler repairs to replace/repair a section of the cast iron boiler.

VALUE BASED SELECTION COMMITTEE REQUESTS

Manuel Torres will serve on the selection committees for the Natural Resources Price Regional Office Building and the UBATC/USU New Classroom Building and Industrial Tech Center.

Mel Sowerby will serve on the selection committee for the University of Utah Fredrick Albert Sutton Geology/Geophysics Building.

Larry Jardine will serve on the selection committee for the new classroom building and central chilled water plant at Weber State College.

No Building Board selection committee member will be used for the DFCM projects being done by Kent Beers or the commissioning projects at the University of Utah.

DFCM will secure potential dates for the project tours to be presented at the next Building Board meeting.

ADJOURNMENT.....

MOTION: Mel Sowerby moved to adjourn the meeting at 10:28am. The motion was seconded by Katherina Holzhauser and passed unanimously.