Utah State Building Board

MEETING

April 2, 2014

AMENDED MINUTES

Members in Attendance:
Ned Carnahan, Chair
David Fitzsimmons
Chip Nelson
David Tanner
Fred Hunsaker
Gordon Snow
Bob Fitch

Members Excused:
Kristen Cox, Ex-Officio

Guests in Attendance:
Matt Lund Governor's Office of Management and Budget
Rich Amon Department of Administrative Services
Dana Edwards Department of Administrative Services
Jeff Reddoor Utah State Building Board
Alan Bachman Attorney General's Office
Bruce Whittington Division of Facilities Construction & Management
Josh Haines Division of Facilities Construction & Management
Jim Russell Division of Facilities Construction & Management
Lee Fairbourn Division of Facilities Construction & Management
Darrell Hunting Division of Facilities Construction & Management
Tom Shaw Division of Facilities Construction & Management
Kurt Baxter Division of Facilities Construction & Management
Greg Stauffer USHE
Ralph Hardy USHE
Ben Berrett Utah State University
Charles Darnell Utah State University
Ken Nye University of Utah
Ann Williamson Department of Human Services
Mack McDonald Department of Human Services
Paul Smith Department of Human Services
Sherry Ruesch Dixie State University
Paul Morris Dixie State University
On Wednesday, April 2, 2014 the Utah State Building Board held a regularly scheduled meeting in Room 250 of the Utah State Capitol Building, in Salt Lake City, Utah. Chair Ned Carnahan called the meeting to order at 9:03 am.

☐ APPROVAL OF MINUTES OF FEBRUARY 5, 2014.

Chair Carnahan asked if there were any correction or additions to the minutes. There were none.

MOTION: Chip Nelson moved to approve the meeting minutes of February 5, 2014. The motion was seconded by David Tanner and passed unanimously.

☐ DHS DEVELOPMENTAL CENTER UPDATE

Ann Williamson, Executive Director of the Department of Human Services explained that the mission of the Utah Developmental Center is to ensure quality of life for all the citizens of Utah, particularly those whose family members have disabilities. The 2013 Master Plan focused on the needs of the Center and the opportunity to become a self-sustaining revenue source as they work to develop the north end of the property for the mission of the Division of Services for People with Disabilities. Thanks to the support from the Legislature and Governor Herbert, DHS will move forward with their durable housing project on the property. This project will allow the Developmental Center to almost double their client population by addressing the evolving needs of citizens, particularly the aging population of autistic citizens, who need to be kept safe, as well as experience the highest quality of life possible. In addition to these services, the Developmental Center will provide respite care, which will be considered in the design and development of the property. Gordon Snow addressed the concerns with the Department’s request for assistance to repair or replace their infrastructure. He felt the original $20 Million price tag was too high especially since there were only about 200 clients presently being served at the Developmental Center. In addition, the master plan shows that some of the aging
buildings would be demolished in the future. More recent figures show the estimate at about $12 Million to repair the infrastructure. Director Williamson said that the campus has had very little infrastructure investment and attention to buildings since the 1930’s. She realizes there are buildings that cannot be refurbished and reshaped to meet the mission of the center and should be demolished. DFCM Director Josh Haines said they are working with DHS to get the estimate lowered. However there are surprises sometimes with this type of work because you do not know what is buried there. DFCM is moving forward with repairs to a critical underground leak with an outflow of 700 gallons of water per hours. Jeff Reddoor indicated that the Developmental Center has been allotted $1 Million to make repairs to the infrastructure. This amount, along with the $1.5 Million funded by DHS is a start. In addition, there are emergency funds available should problems occur while making these critical repairs. Board members agreed that the goal was to fix the infrastructure system permanently but expressed concern about funding. In addition, they questioned whether the Developmental Center should modernize their heating and cooling systems in order to use taxpayer dollars efficiently. Josh Haines said that DFCM has recently worked with consultants to have the Developmental Center infrastructure analyzed. They are trying to determine the most cost effective solution before moving forward with this project in the future.

REQUEST FOR APPROVAL OF THE BURNS NORTH ADDITION FOR DIXIE STATE UNIVERSITY

Paul Morris and Sherry Ruesch from Dixie State asked the Board for approval to construct a self-funded office building on their campus. Dixie State has seen tremendous growth in their student body which has required the University to hire an additional 100 full time employees over the past five years, requiring additional offices for faculty and staff. This office building is an addition to an existing facility that is currently served by a secondary plant on campus and will utilize the existing HVAC system. Construction will not involve removing any parking or having to relocate any major utilities in the area but will alleviate the crowded situation for office space on campus. In the future, Dixie plans to construct other wings to the building, creating four quadrants. Cost estimates are at $2.4 Million for this 20,000 sf addition and they have received approval from their Board of Trustees and the Board of Regents. O&M for the lower east quadrant is in place and will be funded by the University for about $35,000 from on ongoing sources. In order to build the other quadrants, Dixie will be looking for donations to help over the next few years. Gordon Snow questioned how funding was secured for this project. Mr. Morris indicated that Dixie State received payment up front from the School District for a 10 year lease of Dixie’s Technology Building for future use by the high school. This payment, coupled with other funds accumulated over the years from various funds, added up to $2.4 Million. Mr. Snow requested Dixie provide a full disclosure to DFCM of their funding sources including O&M monies. Alan Bachman said the default process for this approval is to go to the Utah Legislature. However the Legislature created an exception to the statute where under certain conditions the Building Board can authorize you to go forward with a project. Some of the conditions are that:

1) You have a plan in place for funding the project without any increase of state O&M funding
2) You are excluded from requesting state funds for immediate or future Capital Improvements.
3) You are consistent with the master plan, which I believe you previously addressed as not being adverse to the state.
4) And if it is approved, then you cannot request an increase in state funds for O&M for this project or Capital Improvement Funding.

Mr. Morris indicated that funding was in place to shell out the entire building and to finish the lower east quadrant. The other interior space will be finished over time for which they will be working to acquire donations. Ralph Hardy confirmed that the Regent's approval was based upon the statutory requirements as stated by Mr. Bachman, that Dixie not request O&M or ask for Capital Improvement Funding. Fred Hunsaker had concerns about O&M funding for the shelled out portion of the building which would be completed in the future and Mr. Morris assured the Board that this would be in place. There was considerable discussion concerning the demolition of the existing Safety Office, the costs involved in purchasing office equipment and furnishings which was excluded in the original estimate, the problems involving the separation of the portion of the building that is currently funded by State O&M, the lack of O&M for the building shell which will be completed in the future.

MOTION: Gordon Snow moved to table the Request for Approval for the Burns North Addition for Dixie State University and asked that Dixie return at the next meeting with a prospectus or a white paper relative to the funding of this project. The motion was seconded by Fred Hunsaker.

The motion passed with five votes in favor and one opposed.
Affirmative votes: Chip Nelson  Gordon Snow  Bob Fitch  Fred Hunsaker  David Tanner

Negative vote: David Fitzsimmons

Clarification was given to Dixie College that the Board was supportive of their project, however they would like more information concerning how Dixie will fund O&M for the building in its entirety or if they will seek Legislative approval for state O&M. Mr. Morris asked if they could have approval to hire an architect to do more work on the structure of the building but the motion was not amended to include this request.

☐ FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION FOR RULE R23-3 PLANNING AND PROGRAMMING FOR CAPITAL PROJECTS

Alan Bachman requested that the Board approve this Notice of Review and Statement of Continuation so that this rule will not be dropped from the Administrative Rules list for another five years. This rule may be revised, edited or refined sometimes in the future, but for now Mr. Bachman is requesting that this rule stay on the books.

MOTION: David Tanner moved for approval of the Five Year Notice of Review and Statement of Continuation for Rule R23-3 Planning and Programming for Capital Projects and added that the rule return next month to the Board for questions and review. The motion was seconded by Bob Fitch and passed
Jeff Reddoor added that this particular rule would be included in the Administrative Rules discussion at the Business Meeting that afternoon.

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION FOR RULE R23-29 ACROSS THE BOARD DELEGATION

Alan Bachman requested that this is like the previous request. The Board needs to approve this Notice of Review and Statement of Continuation so that this rule will not be dropped from the Administrative Rules list for another five years. This rule has been revised and approval will be sought for the amendments to this rule in agenda item #6 today. The Division of Administrative Rules has requested that these two items – the Statement of Continuation and the Amendments -- be filed together.

MOTION: David Tanner moved for approval of the Five Year Notice of Review and Statement of Continuation for Rule R23-29 Across the Board Delegation. The motion was seconded by David Fitzsimmons and passed unanimously.

AMENDMENTS TO DFCM RULE R23-29 ACROSS THE BOARD DELEGATION

Alan Bachman expressed appreciation to Ken Nye from the University of Utah for his input to the revision for this rule. The major intent of this rule revision was to codify current processes and to make the rule properly expresses current operations. The rule is outdated, had incorrect terms of delegation amounts and inaccurate definitions of processes which have now been corrected. Jeff Reddoor expressed appreciation for the cooperation of various institutions and agencies during the process. This rule also gives UDOT delegation authority and requires that they report to the Board every month on their delegated projects. Alan Bachman clarified he is seeking authorization to file this amendment to the rule and if there aren’t any negative comments, as a result of that filing during the 30 day comment period, then he would ask that he be allowed to make the rule effective without bringing it back to the Board as another agenda item. Mr. Bachman also explained that the rule name will be changed to Delegation of Project Management because the rule actually expands delegation and allows partnering agreements with agencies as well. Mr. Bachman explained that requests for delegation amounts over $250,000.00 (which would involve, UofU, USU and UDOT) would have to come back to the Board for approval.

MOTION: David Tanner moved for approval of the Amendments to DFCM Rule R23-29 Across the Board Delegation and specified that if there aren’t any negative comments as a result of that filing during the 30 day comment period, then the rule be made effective without bringing it back to the Board. The motion was seconded by Chip Nelson and passed unanimously.

INFORMATION ON DNR PROJECTS IN RICHFIELD AND CEDAR CITY

Robyn Pearson and Darin Bird, Deputy Directors for the Department of Natural Resources
addressed the Board for this informational item. Mr. Pearson explained that they have two projects to report on – one in Richfield and another in Cedar City. They are partnering with DFCM on these projects with Project Manager, Kurt Baxter. During the 2012 General Legislative Session, HB 2 stipulated that DNR and Sitla work with DFCM to identify a location for a future regional office in Richfield. The Legislature further intended that an economic analysis of the project will be performed and the results will be reported to the Natural Resource Committee. That economic analysis took the existing rents they were paying in Richfield, and translated it to an O&M and a debt service repayment schedule for this project. Sitla will be occupying approximately 1/3 of the building and also helping to retire the debt. The Department of Natural Resources will own the building once the debt is paid in full. DNR has built this particular building twice before and used the same economic model – that is taking the rents and O&M that they were paying and translating those dollars to pay the debt on the building. Their goal has been to avoid paying unnecessary rent and to co-locate all of their divisions into regional centers so they can provide better service to customers.

In Cedar City, DNR presently occupies a building that is owned by Iron County and located adjacent to Iron Mission State Park. There is also a building at the mouth of Fiddler’s Canyon that the county owns as well as another building. They have met with the county commissioners and they are supportive of this project. Forestry, Fire and State Lands in Cedar City rents property in a kind of strip mall on the north end of town and they park their equipment just where they can. The new facility in Cedar City will partner with the Division of Forestry, Fire and State Lands. DNR will use the same building plans used at their Vernal and Price facilities which will provide design savings and reduced O&M costs because of energy efficiencies. After the completion of this project, DNR will have four building that are basically carbon copies of one another.

- **RELOCATION OF FUNDS FOR DFCM HAZARDOUS MATERIALS PROGRAM**

DFCM Director Joshua Haines explained that the state has experienced a significant increase in the number of hazardous material projects due to significant storms in the southern Utah region which has resulted in multiple mold issues. As a result of this increase there is a shortfall in the budget for the Hazmat Material’s Program. Mr. Haines requested that $510,000.00 from the Capital Improvement Project Reserve Fund be reallocated to the DFCM Hazmat Program.

**MOTION:** David Fitzsimmons moved for approval of the Reallocation of Funds from the Capital Improvement Project Reserve Fund to the DFCM Hazardous Materials Program. The motion was seconded by Fred Hunsaker and passed unanimously.

- **FINAL APPROVAL OF FY2015 CAPITAL IMPROVEMENT LIST**

Board members expressed appreciation to Jeff Reddoor for his work on the Capital Improvement List. Mr. Reddoor brought a few items to the attention of the Board.

1) The Legislature awarded $744,000.00 of Capital Improvement funds to the Department of Agriculture for the Nephi Veterinary Building. These funds are to be repaid to the Capital Improvement Fund by the Agency.
2) The University of Utah’s request to bond for their infrastructure project was approved with the provision that their $1.5 Million share of Capital Improvement money go to address the debt service of the bond. This is included in the budget.

3) The amount of $300,000.00 was awarded to the DFCM Energy Group to allow them to continue with their loans for the State Facility Energy Efficiency Fund.

4) The Utah State Fairpark was given $2.5 Million off the top of the Capital Improvement List for replacement or repair of their three barns that were condemned on the property. An additional $1 Million has been recommended for the Fairpark. There have been questions about whether this amount should be held until after DFCM has completed the master plan on the property as mandated by the Legislature.

In addition, the Legislature did not approve the $6.75 Million for infrastructure at the Utah Developmental Center. This $6.75 Million was returned to the Capital Improvement Fund and distributed to other projects. A total of $98,673,370.00 allocated for projects during FY2015 for a total of 315 projects. There is currently $1.5 Million left in the budget and will be allocated for other high priority projects identified in the future.

**MOTION:** Gordon Snow moved for Final Approval of the FY2015 Capital Improvement List and to table $1 Million of the fund until the Master Plan is completed for the Fairpark. The motion was seconded by Fred Hunsaker and passed unanimously.

**ADMINISTRATIVE REPORTS FOR UNIVERSITY OF UTAH AND UTAH STATE UNIVERSITY.**

Ken Nye from the University of Utah reported they had five professional contracts and twenty construction contracts issued during this reporting period. There were two projects drawing funds from the Contingency Reserve with no changes in the Project Reserve Fund.

Ben Berrett from Utah State University highlighted a few of their current projects which included some renovation work at the USU Tooele Building resulting in some design services, and a renovation of a 4-story housing building on the north end of campus. Mr. Berrett reported that over the past two years they have invested funds to update controls and safety devices for elevators on campus. Page 4 shows the Contingency Reserve with decreases for Miscellaneous Critical Improvements FY13, which was for stairway lighting and correct subsurface drainage for $10,118.84, and the Kent Concert Hall Entry Replacement consisting of a fire alarm annunciator in the entry and roof drain modification revised construction drawings for $47,407.00. The balance in the Contingency Fund is $438,745.86 and the Project Reserve Fund is $374,161.43, which are both in good order.

**ADMINISTRATIVE REPORT FOR DFCM**

DFCM Director, Josh Haines reported DFCM returned $5 Million from the Project Reserve and $3 Million from the Contingency Fund to the Legislature. They have issued numerous contracts this reporting period which include eighteen design agreements and nine planning/study/other
agreements. In addition, there were 34 construction contracts awarded. Currently there is about $5,981,000.00 in the Development Contingency and another $5,664,000.00 in Improvements. The Project Reserve Fund for Development is at $6.6 Million with $5.8 Million in the Project Improvement Fund. Notable was Ogden Courthouse which had a draw for $2.4 Million. The DFCM Planning fund has a balance of $685,000.00 but will see decreases to the fund in the future due to master plans due for completed soon. DFCM previously made adjustments to the Roofing Fund which would reflect the five year average for the fund and help supplement Capital Improvements also. Mr. Haines informed the Board that this year all improvement projects will require that a schedule be put in place and agencies will sign off on these schedules. Part of the performance rating for Project Managers will be based on whether they are able to maintain the schedules instituted. DFCM is also working with the ABC-AIA-AGC and ACEC in committees to review all of their procedures. Jim Russell will report to the Board in approximately one month on some of the changes implemented. DFCM is also trying to tighten the CBE cost estimates so that funding can go further in hopes of funding additional projects.

FUTURE AGENDA ITEMS

Chair Carnahan stated that Dixie State University and the Fairpark issue would be on the agenda for the May meeting. He reminded the Board that they would meet for lunch at 11:30 am in the Olmstead Room and then reconvene in Room 4112 of the Utah State Office Building for the business portion of the meeting.

ADJOURNMENT

MOTION: Dave Tanner moved to adjourn the meeting. The motion was seconded by David Fitzsimmons and passed unanimously.

The meeting adjourned at 11:18 am.

At 11:30 am Board members met for lunch in the Olmstead Room located in the Senate Building. Following lunch, the Board reconvened at 1:00 pm for their Business Meeting in 4112 State Office Building.

Members in Attendance:
Ned Carnahan, Chair
David Fitzsimmons
Chip Nelson
David Tanner
Fred Hunsaker
Gordon Snow
Bob Fitch

Members Excused:
Kristen Cox, Ex-Officio

Guests in Attendance:
Matt Lund
Rich Amon

Governor’s Office of Management and Budget
Department of Administrative Services
NEW PROCUREMENT AND ETHICS CODE DISCUSSION

Alan Bachman referenced the Governor’s Handbook of Board and Commissions including the Ethics Act and Conflicts of Interest. In addition, there were some new procurement laws enacted and signed by Governor Herbert two days ago (Senate Bill 179) which would apply if Board members were to be on an evaluation committee or actually participate in a procurement. During this portion of the meeting, Board members signed the Ethics and Conflicts Certification. Mr. Bachman counseled Board members that if there is an agenda item that they or family member are close to in any way, then they should refrain from voting on this issue so that there is not the slightest hint of impropriety.

LEGISLATIVE UPDATES AND BILLS THAT EFFECT THE BOARD

Jeff Reddoor reported on the development projects that were funded during this Legislative session. Seven of the eight projects recommended by the Board were funded:
- Weber State University
- Southwest Applied Technology College
- The Utah National Guard Infrastructure
- The Huntsman Cancer Institute
- Department of Human Services Durable Housing
- Utah State University Eastern in Price and Brigham City
- CUCF Prison in Gunnison

Not funded this year was the Unified State Lab.

Land Banking approvals included:
- Dixie State University East Elementary Property
- Utah Courts Property in Duchesne

Non-State Funded Projects approvals included:
- University of Utah Alumni House
- University of Utah Lassonde Living Center
- University of Utah Utility Distribution and Infrastructure Replacement
- Department of Public Safety Building in Uintah Basin
Mountainland Applied Technology College Trades Building
Utah State University increase of $1.8 Million for the Tooele Science Building
Southern Utah University Center for the Arts

There were also other small items that were funded this session. This was a very successful session – totaling approximately $550,000,000 in development projects. In addition Capital Improvements were funded at 1.1%.

- DISCUSSION OF ADMINISTRATIVE RULES CONCERNING THE BUILDING BOARD AND POSSIBLE NEW RULES FOR PHASED FUNDING, O&M, AND AUXILLARY DEFINITION

The Legislature created a separation between DFCM and the Building Board. This change will go into effect July 1, 2014. The Board will be under the direction of the Executive Director’s Office of the Department of Administrative Services and have their own budget of $900,000.00 per year which pays for travel and per diems for Board members as well as the Building Board staff and operation expenses. Funding for an additional Facility Maintenance Auditor position was approved along with another state vehicle this year.

There was discussion concerning Senate Bill 172 which prohibits the Legislature from funding the programming, design, and construction of a new building or facility in phases over more than one year unless the Legislature has approved each phase of the funding for the construction of the new building or facility by the affirmative vote of two-thirds of all the members elected to each house. Board members voiced concerns that larger agencies and institutions, who have larger budgets, would have their programming completed before coming to the Legislature and thus be in the “pipeline” for funding. Jeff Reddoor asked if the Board wanted to clarify by policy or rule in regard to phased funding. Members of the Board indicated that an Administrative Rule clarifying the Board’s position on phased funding should be considered.

There was discussion concerning Administrative Rule R23-3 which requires a master plan be completed for institutions and agencies and be approved by the Building Board. The rule doesn’t clarify how frequently the master plan should be reviewed. Alan Bachman explained to the group that he felt this rule was outdated. Years ago, DFCM actually had a Planning Division that worked with agencies and institutions on their master plans. This part of DFCM no longer exists. The Board suggested that when new projects are brought forward for the Board’s approval they should always show their master plan on the projector screen and indicate how this new structure fits into their plan. Mr. Bachman indicated that R23-3 will be carefully scrutinize and revised in the future so that it does not conflict with Senate Bill 172.

- STATEWIDE INFRASTRUCTURE DISCUSSION

The Building Board has been charged with coming up with developing a definition for the term “state-wide infrastructure”. There is a great deal of confusing about how broad this term is which could include by definition utility distribution systems, electrical, water, sewer, IT infrastructure, or hardscapes such as curb, gutter, roads, or anything else that is 25 feet from
the building. Rather than have Board members return with several independent definitions, it was suggested that DFCM review High Ed’s definition of infrastructure as presented last year and use this as a basis for developing their definition.

**O&M DISCUSSION**

Chip Nelson expressed concern with the way O&M was assigned by the Legislature. The amount allocated for O&M does not increase as a building ages. Of course a 30 year old building is going to cost a lot more to maintain than a newer building and there are no allowances for inflation. Mr. Nelson stated this was a counter intuitive way of operation and maintenance and felt the process should be changed. Jeff Reddoor suggested that over the next few months the Board would look to develop a better way to assign O&M funding.

**TCO -- TOTAL COST OF OWNERSHIP DISCUSSION WITH DOUG CHRISTENSEN**

Doug Christensen introduced the Board to the definition of Total Cost of Ownership which is a financial estimate intended to help building owners determine the direct and indirect costs of the operation and maintenance of their building over its life time. There are three decisions used in this process: 1) Life Cycle, 2) Useful Life, and 3) Investment Life. Mr. Christensen pointed out that situations have changed in the industry. Previously an organization always had employee experts who possessed extensive institutional knowledge concerning their buildings and who could be used as a resource for this type of information. These types of long-term employees are going away. TCO transfers all information about a building and its operating systems thus making it easier to maintain.

**2014 SCHEDULE, FUTURE MEETINGS AND BUILDING BOARD TOUR DATES**

Jeff Reddoor distributed copies of the Building Board Meeting Schedule as well as the Maintenance Standards for State Buildings. Board members discussed the Capital Development Tour for the week of August 18-22. Traditionally the Board has visited the northern and southern areas of the state on alternate years; however Board members felt this did not work well or allow first-hand knowledge of all upcoming projects. Dave Tanner suggested that the Board look at the Five Year Book to determine the most critical projects for next year. Chip Nelson suggested the Board fly down to St. George, spend the night; travel northward to Logan and back to the Salt Lake area, visiting as many locations as possible. In order to accommodate this suggestion, it was decided that the Board would hold their monthly meetings at various agencies and institutions and tour those locations after the meetings. The June meeting will be held at the State Fairpark in Salt Lake and the July meeting will be held at the Utah State Developmental Center in American Fork. Mr. Reddoor said he is currently working on a submittal form for the Board’s agenda which will provide standard information for items requesting placement on the agenda. Chair Carnahan commended Mr. Reddoor for his efforts in providing information to the Board to support their decision making processes.

**ADJOURNMENT**

The meeting adjourned at 2:43 pm