

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, October 18, 2011 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS PRESENT: Jan M. Zogmaister, Chair, Craig L. Dearden and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Ferneli, of the Clerk/Auditor's Office, took minutes.

A. WELCOME - Chair Zogmaister

B. PLEDGE OF ALLEGIANCE - Jim Harvey

C. THOUGHT OF THE DAY - Chair Zogmaister

D. CONSENT ITEMS:

1. Purchase Orders for \$96,724.48
2. Warrants #278930-279082 for \$944,668.78
3. Minutes for the meeting held on October 11, 2011
4. New beer license
5. New business licenses

Commissioner Gibson moved to approve the consent items; Commissioner Dearden seconded, all voting aye.

E. ACTION ITEMS:

1. ACTION ON THE WEBER PATHWAYS REQUEST TO USE IMPACT FEES (PINEVIEW LOOP PATHWAY)

Nate Pierce, County Property Management Department Director, presented Weber Pathway's request to utilize \$60,000 of the trails impact fees for the Pineview Loop Pathway. There is about \$85,000 in that account.

Commissioner Dearden moved to approve the Weber Pathways request to use \$60,000 of the impact fees for the Pineview Loop Pathway; Commissioner Gibson seconded, all voting aye.

2. CONTRACT WITH ROE RX, INC., TO PROVIDE PHARMACY SERVICES FOR INMATES AT THE WEBER COUNTY CORRECTIONAL FACILITY - CONTRACT C2011-205

Reed Richards, Deputy County Attorney, stated that this is a 3-year contract, which may be renewed for three consecutive 1-year periods with written agreement of both parties, and it contains an opt-out clause. Roe RX is required to carry a \$1 million liability insurance policy and \$4 million aggregate. Steffani Ebert, of the Sheriff's Office, stated that requests for proposals were issued. She outlined some positives of this contract with Roe RX, a local pharmacy, and its packaging: it will free up staff time, eliminate stocking needs at the jail, eliminate medication returns, reduce error rate, and is more cost effective. Mr. Richards noted that with a local pharmacist, a prescription may be given for a few days to the inmate upon being released from the jail. Ms. Ebert addressed Chair Zogmaister's question regarding price comparison with the previous contractor stating that Roe RX reviewed the Jail's monthly bills and Roe Rx feels they can provide the services within the county's set budget.

Commissioner Gibson moved to approve Contract C2011-205 with Roe RX, Inc., to provide pharmacy services for inmates at the Weber County Correctional Facility; Commissioner Dearden seconded, all voting aye.

3. **FINAL APPROVAL OF TRAPPERS CROSSING SUBDIVISION INCLUDING A FINANCIAL GUARANTEE FOR \$116,039.95**

Sean Wilkinson, of the County Planning Division, stated that Trappers Crossing Cluster Subdivision received preliminary approval on 7/25/2006 and final approval on 10/23/2007 from the Ogden Valley Planning Commission. Three extensions of final approval were also granted in 2008, 2009 and 2010. Staff is also recommending granting final approval.

This is a cluster subdivision located in an FV-3 Zone and lot sizes vary from normal requirements. A cluster subdivision in this zone requires that at least 60% of the subdivision be preserved as permanent open space. The Planning Commission granted a 30% bonus density based on 10% being set aside for public access to the open space and trails, 5% for providing a road stub to adjoining property, and 15% for providing an agricultural preservation parcel greater than 20 acres. There are approximately 46 acres of open space, which is 63% of the total subdivision area.

The culinary water is provided by an on-site well and water tank and the Eden Works Company oversees that system and agrees to be its body politic. Wastewater treatment is provided by an onsite package treatment facility for which Weber County is the body politic. The State approved the wastewater system and the culinary water tank. The subdivision roads are constructed. The financial guarantee has been established and is for a few remaining items and the 10% contingency is for the overall cost of the subdivision. Commissioner Dearden asked if the issue with the adjoining property owner regarding the road was resolved and Mr. Wilkinson responded that it is still pending in the courts, however, with the recorded road dedication plat in 2010, the County Attorney's Office feels comfortable with moving forward.

Commissioner Dearden moved to grant final approval of Trappers Crossing Subdivision including a financial guarantee for \$116,039.95; Commissioner Gibson seconded, all voting aye.

4. **AGREEMENT WITH PC LAND DEVELOPMENT, LLC, FOR THE SEWER MAINTENANCE AGREEMENT FIRST AMENDMENT - CONTRACT C2011-206**

Chad Meyerhoffer, of County Engineering, stated that this agreement came before the Commission in 2008 and this document contains amendments.

This development was initially going to work with The Rivers Subdivision to supply them with sewer services and under the former agreement the county required them to do that as well as to provide service to Bison Creek Subdivision. However, that is not part of this contract. The reserve fund was increased to \$20,000 (because The Rivers Subdivision was previously going to put up half of the funds). Because this developer has continued to work with the county and the adjacent property owner to upgrade this system to provide for more sewer connections, the developer requested recouping the costs that he incurred with the system and Mr. Meyerhoffer feels it is reasonable that the developer receive a connection fee for future connections to the sewer system. Mr. Meyerhoffer said that otherwise this is similar to other approved contracts of this nature.

Commissioner Gibson moved to approve Contract C2011-206 with PC Land Development, LLC, for the Sewer Maintenance Agreement First Amendment; Commissioner Dearden seconded, all voting aye.

F. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, OCTOBER 25, 2011, 10 A.M.

G. PUBLIC COMMENTS: None

CLOSED EXECUTIVE SESSION TO DISCUSS IMMINENT/PENDING LITIGATION

Commissioner Dearden moved to convene a closed executive session to discuss pending or imminent litigation; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Deardenaye

Commissioner Gibsonaye

Chair Zogmaisteraye

No action was taken on the closed executive session.

H. ADJOURN

Commissioner Gibson moved to adjourn; Commissioner Dearden seconded, all voting aye.

Attest:

Jan M. Zogmaister, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor