

**SAN JUAN COUNTY COMMISSION  
OCTOBER 14, 1986**

The San Juan County Commission met in regular session on October 14, 1986 at the hour of 10 a.m. at the San Juan County Courthouse, Monticello, Utah.

The following members were present: Commissioner Black, chairman  
Commissioner Bailey  
Commissioner Holliday

Minutes of the October 6, 1986 Commission meeting were approved on the motion of Commissioner Bailey and seconded by Commissioner Holliday. UNANIMOUS.

**FIRE WARDEN - GEORGE KENSLEY**

Bluff hay fire - George Kensley, fire warden, reported to the Commission that the investigation of the hay fire in Bluff was found to be started by children. Mr. Kensley said he discussed it with the juvenile probation officer and was told there was nothing to do to recover the damages. The Commission advised Mr. Kensley to talk this over with the county attorney.

Tank Unit - Mr. Kensley said that Monument Valley has received a fire truck and the county will go get the 200 gallon pump tank they have been using. The Commission told him to bring it to the county road shed to store it.

Highway spill - The Commission told Mr. Kensley that the recent truck spill on the highway should not have been taken care by the county fire warden. It was not the county's responsibility; it is the responsibility of the highway department and the individual owner to clean the road. The vouchers will be paid at the county's regular rate.

**SAN JUAN WATER CONSERVANCY DISTRICT**

Norman Johnson met with the Commission to set up an executive session for the next Commissioner's Meeting on October 20 at 1 p.m. to discuss the San Juan Water Conservancy District.

**BLANDING CITY COUNCIL**

Norman Johnson, Blanding City Manager, met with the Commission to invite them to their next city council meeting on October 22 at 7 p.m. There will be an executive session to discuss the proposed BLM land sale to the Navajo Tribe.

**FOREST SERVICE - CAMPGROUND NEAR DRY WASH**

A representative from the Forest Service met with the Commission to discuss the proposal of constructing a campground near the Dry Wash area on the south side of the mountain. The Commission had written a letter to Bob Day, District Ranger, stating that the Commission was willing to participate in the road building end of the project if the project is completed by the end of 1987. The Forest Service said there is a problem working this project into the 1987 budget but they will do their best. A main concern is the need for water at the campground and the city of Blanding does not want water because it would make it a charge area. Norman Johnson, Blanding City Manager, said the city of Blanding would not have any problem in supplying the water and will look at the possibility of drilling a well. The Commission will discuss this with the Blanding City Council next week. The Commission will write a letter to the Forest Service requesting that the project be initiated no later than 1987 and completed no later than 1989 and suggest that the project include water if feasible and practical.

**MONUMENT VALLEY HOSPITAL - EMS GRANTS PROGRAM - COMMUNICATION SYSTEM**

Fritz Mueller, Rayburn Jack, and Stan McCluskey, Administrator Monument Valley Hospital, representing the Consortium met with the Commission to discuss a communications system to be installed at the Monument Valley Hospital. The system will be on the EMS Grants Program and the state will pay 50% share of actual costs. The system will consist of two base stations, a tower, antennas etc. and the total cost will be \$24,450.00, the state will pay \$15,450.00 and the local share is \$9,000.00. Mr. Jack asked if the county could assist in purchasing the base station. The Commission said they would have to budget it in next year's budget and it should be handled within the Health Board.

**ENVIRONMENTAL GROUPS PANEL - PACK CREEK**

Carl Eisemann representing the county went to the environmentalists' discussion at Pack Creek Ranch to discuss the concerted effort to protect Utah environment as they see it. There were four panels: one, BLM Wilderness: How much is enough? two, The Burr Trail: Road to Ruin? three, Utah's National Parks: Can they be saved? and four, the future of Southern Utah: Dollars and Sense. Mr. Eisemann said he sat on the first panel. The BLM has identified 1.9 million acres in Utah as potential wilderness and the Friends of the Earth are demanding 16 million acres of wilderness in Utah. Roland Robinson, Utah State BLM director, said they are in a bad situation because the Utah legislature says no more wilderness and until Congress acts the BLM will have to manage 3.2 million wilderness study acres in Utah. The BLM said they are not going to redo their study unless Congress says so (Congress will probably not act on wilderness before 1990).

**UTAH POWER & LIGHT COMPANY -**

Roger E. Puckett, Canyonlands District Manager of Utah Power & Light Company, met with the Commission to ask if they would sign and approve the following letter. The Commission said they would approve it if Bruce Halliday, county attorney, approved it. Commissioner Bailey made the motion to approve the letter and authorized Commissioner Black to sign the letter. Commissioner Holliday seconded the motion. UNANIMOUS.

October 1, 1986

Mr. Calvin Black  
Chairman, San Juan County Courthouse  
San Juan County Courthouse  
Monticello, Utah 84535

Dear Commissioner Black:

As you will recall, in the spring of 1983 your County passed the enclosed resolution authorizing, among other things your County's participation in public proceedings, administrative agency actions and/or judicial actions for the purpose of obtaining a proper and lawful interpretation and application of the statutes and regulations governing the sale of federal hydroelectric power. In furtherance of that resolution, your County and other cities, counties and towns, through Utah Power & Light Company as agent, made application for an allocation of federal hydropower marketed by the Western Area Power Administration ("WAPA") and commented on the legal and equitable problems in WAPA's proposed criteria for the post-1989 marketing of federal hydropower. WAPA made it clear in its proposed criteria published August 17, 1983, that it would give a preference in federal power sales only to those counties, cities and towns which own

their own distribution systems. The proposed criteria effectively deny the great majority of electric consumers in Utah and other locations within WAPA's marketing area, opportunity to receive the benefit of relatively inexpensive government-produced power.

Notwithstanding the written comments submitted to WAPA on behalf of your County and others, WAPA published final marketing criteria on February 7, 1986 which continue what we believe is an unfair and unlawful marketing plan. A copy of the final criteria continue to exclude Utah Power and Light Company and its municipal and other public agency customers from qualification as preference customers of WAPA, and otherwise vest existing WAPA customers with approximately 95% of the federal power marketed by WAPA.

Pursuant to the final marketing criteria, WAPA issued proposed power allocations on September 11, 1986 and gave notice of a public comment forum to be held on October 8, 1986. A copy of the proposed allocation criteria is also enclosed for your reference. The proposed allocation criteria verify WAPA's view that under the final marketing criteria your County and others served by the Company will receive no power allocation inasmuch as the requests for power by those public entities owning their distribution systems exceed the power available.

Utah Power & Light Company has determined to bring a legal action against WAPA, the United States Department of Energy, the United States Secretary of Energy and possible others with respect to claims arising out of the final marketing criteria. These claims may include, among others, a challenge to the constitutionality and lawfulness of the preference statutes, claims that the criteria and certain activities of WAPA are ultra vires or beyond WAPA's statutory authority, and claims that WAPA has violated the environmental laws and policies of the United States.

Utah Power & Light Company has authorized the law firm of Jones, Waldo, Holbrook & McDonough to act as legal counsel in a lawsuit on behalf of the Company (in association with me as general counsel of the Company) and those municipalities, towns and counties which have approved the Company to act as their legal agent in connection with WAPA's marketing of federal power. The Company pay all legal fees. The Company will also coordinate the litigation, including the filing of a complaint and making decisions as to discovery and motions. Your County, however, would retain the right to consent to settlement, as well as the right to terminate the legal counsel selected by the Company and choose your own counsel, at your expense.

If your County is still interested in participating as a party in such a lawsuit, please have this letter signed where indicated below and return it to me as soon as possible. WAPA has indicated it will enter into power sales contracts in the very near future. It is necessary, therefore, that the lawsuit be filed as soon possible to avoid any claims that the lawsuit was not commenced in a timely fashion.

If you have any questions, please feel free to call me at 535-4250, John Bohling, Assistant Vice President of Utah Power & Light Company, at 535-2655 or Elizabeth Haslam, of Jones, Waldo, Holbrook & McDonough, at 521-3200. Representatives of the Company are prepared to discuss this matter with you in detail and to provide any information you require.

I look forward to your involvement in a very important case.

Very truly yours,

UTAH POWER AND LIGHT COMPANY

/s/ Sidney G. Baucom  
Sidney G. Baucom  
General Counsel

Pursuant to the authority of a previously and duly passed resolution, the County of San Juan, hereby agrees to be a part in a legal action, in conjunction with Utah Power and Light Company and others, in accordance with the understanding set forth above.

COUNTY OF SAN JUAN

By /s/ Calvin Black  
Commissioner

Enclosures

**NEEDLES - NATIONAL PARK SERVICE**

Commissioner Black reported on a phone call from Bob Weidner, Senator Garn's office, stating that \$495,000 was approved at this year's budget for advanced planning for a new visitor center and campground at the Needles National Park. There was a \$200,000 increase in the administration budget for Canyonlands (office in Monticello remains open), a \$900,000 increase in the operating budget of the Glen Canyon National Recreation Area, and \$30,000 for a fish cleaning station at Halls Crossing. Commissioner Black said that the Development Board, the MITE committee, and the Commission need to appoint two or three people to meet with Pete Perry, National Park Service, to review the planning and make sure it's in accordance with what the county would like to have. The Commission asked Commissioner Bailey if he would be interested in representing the Commission and he said he would. This will be approximately a \$4.5 million project.

**SOUTHEASTERN UTAH ECONOMIC DEVELOPMENT DISTRICT**

Commissioner Black said there is a meeting on October 21 with the Southeastern Utah Economic Development District (four counties) at 5 p.m. in Blanding. One item on the agenda is the EDA revolving road program.

**SAN JUAN DEVELOPMENT BOARD**

There is a development board meeting in Bluff tonight.

**AOG BOARD MEETING**

There will be an AOG board meeting in Price this Thursday, October 16. Commissioner Black said they are going to be setting up the Legislative Conference time. Several things that the county wants discussed at the conference is the mineral lease money, the amendment to the Trust Fund, and to repeal the Utah Mining Reclamation Act with respect to federal lands waste of tax payers money better use for public education. The Commission will meet with Dave Adams, state representative, next week to stress the importance of the Trust Fund being amended.

**PUBLIC SAFETY BUILDING - JOHN PETERSON**

John Peterson, architect, met with the Commission to go over the Public Safety Building blue prints. Mr. Peterson said he has been meeting with the department heads that are involved, in getting the details (furniture, electrical and telephone requirements). Mr. Peterson said he will be meeting with Judge

Bunnel tomorrow to go over the courtroom and such.

**SHERIFF'S OFFICE - GRIEVANCE - PHIL BOLDOC**

Rick Bailey, Administrative Assistant, gave the Commission a job classification that Phil Bolduc wrote. Mr. Bailey said that Bruce Halliday, county attorney, reviewed the description and did not agree with it. The merit commission will meet next Tuesday.

**EMPLOYEE REQUESTING INSURANCE BENEFITS**

The Commission received a request from Mary Lou Mosher, recorder, to have Olivia Blake, deputy recorder, receive the county's insurance benefit package. Mrs. Blake is a permanent part-time employee presently working 40 hours per week. The Commission feel that as a part-time employee she does not qualify for the county's insurance. The county's personnel policy reads: All employees working 30 or more hours per pay period are eligible to participate in the county's insurance program. The Commission will discuss this with Ms. Mosher next week.

**AGING DIRECTOR - ARIZONA AND UTAH**

Rick Bailey, Aging Director, reported that he met with the aging people from Arizona State, Utah State, and the Navajo Tribe to discuss the aging services that San Juan County is providing on the reservation. Mr. Bailey said he expressed to them his concern of the county serving the reservation people without any money. They discussed doing a feasibility study on how many people are on the reservation that need aging services and either contract with the county or provide the services themselves. The Commission said this was a big step forward. Mr. Bailey said the Arizona director asked if \$12,000 would be enough to cover what the county is doing and Mr. Bailey said he would provide them with the number of miles, people, etc. and hope that they come to a solution in the near future.

**COUNTY ROAD YARD IN MONUMENT VALLEY**

Commissioner Bailey told the Commission that he would like the county to purchase approximately five acres near the Monument Valley high school to build a fenced road yard. There are a lot of school bus routes on the reservation and there is a problem because it is so far away from the county road shed. The county needs to have the equipment down there and available. The Commission agreed and Commissioner Bailey will have Doug Pehrson, county engineer, survey the land and then he will make an application to the State Land Board.

**PUBLIC HEARING - BUDGET APPROPRIATION**

A public hearing was held at 2 p.m. for the Commission to consider a budget appropriation increase in the county general fund for property tax refunds for reservation residents. Those present in attendance were the Commission, Tony Dayish, UNDC, Gail Johnson, Clerk, Barbara Montella, Assessor, and John Fellmeth, deputy auditor. The following resolution was adopted by the Commission:

**RESOLUTION 1986-9**

WHEREAS, the Board of County Commissioners of San Juan County, Utah, on this day October 14, 1986, desires upon its own motion, pursuant to Section 17-36-26, of the Utah Code Annotated, 1953, as amended, after meeting at a duly noticed public hearing held to consider modifying the San Juan County General Budget for 1986, hereby modifies said budget in the following particulars, to wit:

**REVENUE:**

Revenue of \$80,000 to be taken from accumulated surplus.

**EXPENDITURES:**

Expenditures of \$80,000 for payment.

NOW THEREFORE BE IT RESOLVED, the Board of County Commissioners of San Juan County, Utah, deem it necessary to modify the general fund budget of \$80,000 to refund property taxes paid by Indian reservation residents.

**COMMISSIONERS VOTING IN FAVOR**

Commissioner Black  
Commissioner Bailey  
Commissioner Holliday

Commissioners Voting Against

NONE

**UTAH STATE HI-LEVEL NUCLEAR WASTE**

Commissioner Black reported that he received a letter from Patrick Spurgeon, Nuclear Waste office, stating that the State of Utah has filed a petition for Judicial Review for the nomination of the Davis Canyon site accompanying the environmental assessment on October 3, 1986. The petition requests that the court issue an order declaring the actions of the DOE in where they named Davis Canyon suitable as a repository. That it be declared null and void and also an order enjoining or staying the DOE from any consideration of Davis Canyon site as a candidate for the selection of the repository for the Nations Hi-level Radio active waste.

**ECONOMIC DEVELOPMENT DISTRICT BOARD MEETING**

Commissioner Black talked about the Economic Development District board meeting where they discussed the regional matching funds program. There is \$31,231 in the state legislative appropriation and \$10,000 is set aside for the southern area. The remaining is left to the State Division of Business and Industrial Development. This amount would finance the share of Utah's National targeted industry in rural Utah and most areas are approving this. Commissioner Black said he needs the Commissions input on this and also the Development boards.

**RECREATION USER REVENUE 1985 AND 1986**

Eddie Allred, director of county-wide recreation, presented the Commission the user revenue reports for 1985 and 1986.

	1985	1986
Ball Parks	\$2,200	\$7,600
Pools		
Monticello	\$8,591	\$8,852
Blanding	\$10,692	\$12,580
Montezuma Creek	\$1,131	\$2,340
Golf Course - M	\$15,904	\$25,746
Golf - B	-0-	\$1,721
TOTAL	\$38,522.47	\$58,781.64

The Commissioners felt that was considerably a increase in revenue from last year.

**HANGAR RENT LEASES**

The following rental hangars were approved on the motion of Commissioner Bailey and seconded by Commissioner Holliday. UNANIMOUS.

Leonard Hurst - Blanding Hangar #6  
Paul D. Black - Monticello Hangar #2


**BILLS APPROVED FOR PAYMENT**

A & M Propane	utilities Montz.Creek pool	365.00
Utah State Tax Commission	2nd quarter payroll	203.71
Monticello Justice of the Peace	Sheriff's office collection	599.00
San Juan County Assessor	Impound fee Herman Begay	25.00
Judy Hodson	9 chairs pro shop	100.00
Clara Mae Rinehart	herbicide purchased	150.00
Kenny Harris	Petershill Haz. Mat	7.00
Robert Frizell	herbicide purchased	150.00
Juanita Cosslett	herbicide purchased	150.00
Karla Black	scholarship 1st attendant	150.00
Fire Protection Publications	supplies for fire control	100.10
Hilbert H. Irving	bail refund 2W-152	30.00
Sew News	18 issue extension office	20.00
American Glass	supplies road dept	75.60
Armco Incorporated	parts road dept	7,507.50
James Barry	Herbicides Purchased	150.00
Matthew Bender & Co., Inc.	supplies attorneys office	180.00
Keith Black	restitution-Bill Howard	100.00
Nicky Black	Hauling for road dept	1,097.25
Black Oil Company	fuel road dept	135.25
Britz Publishing Inc.	program for system 34	295.00
Lewis Calvert	herbicide purchased	150.00
Car Care Center	propane road dept	94.23
Cate Equipment Company	parts road dept	581.41
Century	parts for road dept	610.67
M.V. Christensen	hauling road dept	1,713.25
College of Eastern Utah	for recreation dept	69.52
HF Cosby Jr.	hauling road dept	1,174.25
C.W. Electronics Sales Company	parts road dept	983.09
Carl Eisemann	travel expenses	37.20
First Security Bank of Utah	restitution-Dan Black Sr.	100.00
General Electric Bank of Utah	stoves senior citizens	1,750.00
W.W. Grainger, Inc.	parts road dept	336.22
Hafer's Incorporated	parts road dept	751.65
Holden, Ace	glass micro-film table	42.00
Honest Dollar Construction	hauling road dept	1,270.50
Wesley L. Hunt	for Abajo Peak	319.13
Hurst Construction Company	supplies communications	14.00
IMS Int. Mailing Systems	postage meter rental	82.50
Howard Johnsons	Rick Bailey	180.00
Kensley, George	Peter's Hill #53	7.00
Jim Keyes	Travel Expenses	152.88
Leavitt, Grant H.	Travel Expenses	251.50
F.H. Miller Jr.	Parts road dept	240.00
Milne Truck Lines, Inc.	freight Charges road dept	34.90
Mini Mart	Lunches/Prisoners B. Bayles	16.39
Monsen Engineering Company	supplies surveyors office	127.81
Montella's Repair	for communications dept	4.50
John Saltzman	Peter's Hill #53	7.00
San Juan County	fuel Bluff Airstrip	1,102.68
San Juan County Road Dept	petty cash	38.76
SJ County 12th Circuit Court	sheriffs office collection	280.00
John Scorup	Herbicide purchased	150.00
Sinclair Radio Laboratories	supplies communications	424.36
Soft Logic Solutions	upgrades software corousel	22.50
State of Utah Centra Stores	supplies purchasing dept	95.25
Holly Tatnall	supplies, travel extension	217.73
Texaco Refining & Marketing In	gas purchased Div Aging	184.43
Anderson Tso	preparing tapes/elections	25.00
United States Welding, Inc.	Cylrnt Road dept	195.78
Utah Navajo Industries	supplies road dept	39.68
Utah State University	registration/Holly & Kim	38.25
Rick Warner Ford	Freight & Parts road dept	30.30
Wheeler Machinery Company	parts road dept	2,979.88

**ADJOURNED**

There being no further business the meeting was adjourned.

  
Calvin Black, Chairman

  
Karen Halls, Deputy Clerk