

**SAN JUAN COUNTY COMMISSION MEETING**

OCTOBER 15, 1985

The San Juan County Commission met in regular session on October 15, 1985 at the hour of 10 a.m. in the San Juan County Courthouse at Monticello, Utah.

The following members were present:      Commissioner Calvin Black, Chairman  
    Commissioner Kenneth Bailey  
    Commission Jerry Holliday

Minutes of the October 7, 1985 meeting were approved on the motion of Commissioner Holliday. The motion was seconded by Commission Bailey. UNANIMOUS.

**COUNTY PERSONNEL POLICY - Sheriff's Department**

Rigby Wright, County Sheriff, and three deputies, Bill Pierce, Steve Stovall and Tom Dyer, met with the Commission regarding the County's policy on probationary raises. Mr. Wright presented a list of Sheriff's Department employees, date of hire, position held, and salary. After reviewing each employee, the commission felt that a salary adjustment would be more in line rather than a probationary raise.

Commissioner Black restated the county's employment policy for the benefit of Sheriff Wright. He explained that if new employees were put on a three-month (90-day) probation period, they would be hired at a Step lower than that position rated, and if they proved themselves, then at the end of the probationary period they would be raised to that position step. If an employee is hired and not put on probation (hired at the grade and step the position is rated) then at the end of the 90-day period there is no salary or step increase.

The Commission suggested that the Sheriff set up a rank within the Department along with a job description of each grade.

Commissioner Bailey made the motion that salary adjustments based on the recommendation of Sheriff Wright be made as follows:

- Phil Bolduc will be given a grade change as investigator.
- Bill Pierce will be given his probationary increase retroactive 90 days after he started.
- Tom Dyer will be given his probationary increase 90 days after completion of the academy.
- Tulley Black will be given his probationary increase 90 days after completion of the academy.
- Steve Stovall will be given his probationary increase 90 days after completion of the academy.
- Gina Christensen and Lynnette Palmer will be eligible for a probationary raise after completion of the 90-day probationary period.

The motion was seconded by Commissioner Holliday. UNANIMOUS.

**COUNTY PERSONNEL POLICY - San Juan County Salary Equity**

Bill Pierce, Steve Stovall, and Tom Dyer, all with the Sheriff's Office, met with the Commission to air their grievances with regard to salary equity in the county. They presented a list of the salaries of the Blanding and Monticello cities and also gave comparisons of other counties. Commissioner Black told these gentlemen of the county's budget dilemma, also, that the County is not in a position where they can raise taxes in order to raise the county salary base. The only possible way to adjust the salary base is to decrease the number of employees.

**LAW ENFORCEMENT - County Sheriff's Department Responsibilities**

During the discussions with Sheriff Wright and the three deputies in his department, Commissioner Black stated that he felt the deputies were spending too much time in patrolling the highways and not enough time in other law enforcement activities to protect property and lives. He felt there was enough unsolved crime in the outlying areas, more time could and should be directed in crime prevention.

**LAW ENFORCEMENT - County Sheriff's Department - Request for New Vehicles**

San Juan County Sheriff Rigby Wright met with the Commission to request the purchase of two new automobiles. After some discussion on the possible alternatives, the Commission requested that Sheriff Wright compile a list of the Department's vehicles showing the year and mileage.

Commissioner Bailey asked Sheriff Wright about the leased Dodge pickup. Sheriff Wright was to check into the possibility of a payoff. Sheriff Wright reported that he hasn't been able to do this yet, but will look into it. He will also look into the insurance possibilities.

**EXTENSION SERVICE - Petty Cash**

Gail Johnson, County Clerk/Auditor, met with the Commission to discuss a recent inquiry into the cash money management in the Extension prior to Robert Thompson's departure. Mrs. Johnson said the 4-H savings accounts being held at First Security Bank would now be put through the County Treasurer's Office and withdrawals would be handled through the voucher system. Also, Mrs. Johnson said she would like to eliminate the checking account and all incoming monies would go through the Treasurer's Office. The Commission gave approval.

**LAW ENFORCEMENT - Circuit Court Contract**

Mrs. Gail Johnson, County Clerk/Auditor, met with the Commission presenting the circuit court contract with the State Court Administrators Office and San Juan County. Mrs. Johnson stated she would like to add a data processing amount of approximately three to four hundred dollars a year. Mrs. Johnson also reported that although the case load was down in the circuit court, the work load has not changed; that wildlife citations were not included in the case load. She will write a letter to the State Court Administrators Office requesting some modifications be made in the contract.

**COURTHOUSE - Telephone System**

Commissioner Bailey reported that he has been checking the phone system at the First Security Bank. He said he would like the County Attorney to prepare a suit against Maycom Telematics Co., Inc. for misrepresenting their product and then consider going with the same system that First Security Bank has. Bruce Halliday, County Attorney, will review the county's contract with Maycom. The warranty will be up in February, and the Commission feels they would like the matter settled before that time.

**COUNTY PERSONNEL POLICY - Clerk's Office**

Gail Johnson, County Clerk/Auditor, met with the Commission to discuss the grades and steps of the county employees in the Clerk's Office. Mrs. Johnson stated she would like to make some changes in her office



If there are any inequities in the present formula, it is plain to see that because of the costs of maintenance and construction of roads in Utah, counties are not getting their fair share.

Were the formula to be changed to make it more fair, the new formula should be  
 population 46%  
 mileage 34%  
 land area 22%

This formula would come much closer than the present formula and much closer than any other proposal in being fair and thus meeting the actual needs of the cities and counties of the state.

SAN JUAN COUNTY ROAD COMMISSIONER  
 Kenneth R. Bailey

(charts available in file)

**B & C Road Formula - Utah League of Cities and Towns**

Monticello City Mayor Keith Redd and Monticello City Manager Rick Terry met with the commission to report on the recent meeting they attended with the Utah League of Cities and Towns with regard to the B & C Road formula. The Mayor presented copies of letters to the members of the Senate and House opposing the proposed amendment to the current distribution formula.

**COUNTY PERSONNEL POLICY - Scott Davis**

Commissioner Bailey reported that the hearing of Scott Davis was held October 11, 1985, and the decision will made in two weeks.

**ROADS - Recapture Dam**

Commissioner Bailey reported the cattle guards at Recapture Dam and Lake area are now installed.

**WEED, RODENT AND PEST CONTROL - Mosquito Problem in Bluff**

Commissioner Holliday reported on a meeting he had in Bluff with Dr. Ralph Horne of the Utah State Extension Service regarding the mosquito problem there. He felt someone in Bluff should become certified and spray twice a month. He will send copies of costs to the Commission in two or three weeks.

**FEDERAL, STATE AND REGIONAL AFFAIRS - Uranium Industry Resolution**

Motion was made by Commissioner Bailey that the County adopt the following resolution on the uranium industry. The motion was seconded by Commission was seconded by Commissioner Holliday. UNANIMOUS

URANIUM INDUSTRY RESOLUTION 1985-5

A RESOLUTION of the San Juan County Commission requesting the Congress, the President, and the Department of Energy of the United States to take such actions as deemed necessary to re-establish the viability of the domestic uranium industry in the United States of America.

Be It Resolved

WHEREAS, The United States uranium mining and milling industry has long been recognized as essential for U.S. national security and energy independence; and

WHEREAS, Uranium industry employment has fallen from 22,000 to 2,000 in less than five years; and

WHEREAS, U.S. Department of Energy Secretary John S. Herrington has issued a determination that the U.S. uranium mining and milling industry is no longer viable,

NOW, THEREFORE, BE IT RESOLVED, That the Commissioners of San Juan County, Utah, concurring therein, do hereby unanimously support action by the Federal Government to re-establish the viability of the domestic uranium industry in the United States.

BE IT FURTHER RESOLVED, that the national security and energy independence of the United States be protected by adopting legislation limiting the flood of imports from South Africa and Canada at prices below those charged to customers in those countries.

BE IT FURTHER RESOLVED, that the uranium enrichment policies pursued by the Department of Energy be revised so they do not detrimentally impact demand for U.S. uranium.

BE IT FURTHER RESOLVED, that the U.S. Government fulfill its obligation to share the costs of reclamation of uranium tailings generated under old Atomic Energy Commission defense contracts, which costs were not reimbursed at the time solely because they were not recognized.

BE IT FURTHER RESOLVED, that the stockpile of uranium concentrate now being held by the U.S. Department of Energy be retained for the purposes of national security, or if deemed to be in excess of that need, sold at no less than current fair market value.

BE IT FURTHER RESOLVED, that the Congress of the United States provide an equitable financing mechanism for providing for an appropriate contribution by nuclear utilities for remaining clean-up costs.

SAN JUAN COUNTY COMMISSION  
 Calvin Black, Chairman  
 Kenneth R. Bailey, Commissioner  
 Jerry Holliday, Commissioner

**FEDERAL, STATE AND REGIONAL AFFAIRS - San Raffael National Park Proposal**

Commissioner Black reported that a recent AOG Board Meeting, Emery County said they were looking into the possibility of a National Park on the San Raffael. Commissioner Black said he would not oppose their decision, but felt they were living an illusion if they thought a Park Service could be established with grazing and without class I air, intergal vista and elimination of adjacent development. It also would not significantly increase tourism.

**AIRPORTS - Hanger Lease Agreements (Blanding & Monticello)**

The Commission reviewed the Hanger Lease Agreements to be sent to tenants of the Monticello and Blanding airports. The Commission requested a change in the wording regarding the monies charged upon early termination of the agreement by the lessee. Motion for approval of the agreement was made by Commissioner Holliday and seconded by Commissioner Bailey. UNANIMOUS.

**TAXATION - Reservation Residents**

The Commissioners were served individually with a summons and complaint on the following actions:

IN THE SEVENTH JUDICIAL DISTRICT COURT FOR SAN JUAN COUNTY  
STATE OF UTAH

Steven Benally, Daisy Todachene,	)	
John Norton, and Meyers Cantsee,	)	
individually and on behalf of all	)	Civil No. 4827
similarly situated persons,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	COMPLAINT-CLASS ACTION
San Juan County, Utah; Calvin	)	
Black, Jerry Holliday, and	)	
Kenneth Bailey, individually and	)	
as Commissioners of San Juan	)	
County; Marian Bayles, individual-	)	
ly, and as San Juan County	)	
Treasurer; Barbara Montella, in-	)	
dividually, and as San Juan	)	
County Assessor; State Tax Com-	)	
mission, Mark Buchi, individually	)	
and as Chairman, Utah State Tax	)	
Commission,	)	
Defendants.	)	

The plaintiffs allege taxes were illegally collected.

IN THE SEVENTH JUDICIAL DISTRICT COURT FOR SAN JUAN COUNTY  
STATE OF UTAH

Bertha Rockwell, and Meyers Cantsee,	)	
individually and on behalf of all	)	
similarly situated persons,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil No. 4826
	)	COMPLAINT-CLASS ACTION
San Juan County, Utah; Calvin Black	)	
Jerry Holliday and Kenneth Bailed,	)	
individually and as Commissioners of	)	
San Juan County; Marian Bayles, indi-	)	
vidually and as San Juan County	)	
Treasurer; Barbara Montella, indivi-	)	
dually and as San Juan County Assessor;	)	
State of Utah, Utah State Tax Commis-	)	
sion; Mark Buchi, individually and as	)	
Chairman, Utah State Tax Commission,	)	
	)	
Defendants.	)	

The Plaintiffs alleged unlawful taxes were levied and collected against the plaintiffs.

The County Attorney Bruce Halliday will prepare a Claim of Indemnification.

**COUNTY BOND ORDINANCE**

County Attorney Bruce Halliday discussed the amounts of bonds that have been adopted in Washington County. The Commission approved the amounts for San Juan County and requested the County Attorney prepare a County Ordinance to that effect.

**SPANISH VALLEY - Annexation**

Bruce Halliday, County Attorney, presented a copy of the petition he received from Grand County for the annexation of San Juan County properties into the Grand County Water Conservancy District and Grand County Special Service Water District.

In a letter from Mr. Dale F. Pierson, Manager/Operator of the Grand County Water Conservancy District, he states that without annexation of these properties (Spanish Valley) into the Districts, irrigation water service to users in San Juan County will have to be terminated.

After reviewing the matter with the County Attorney, the Commission had no objection to the annexation.

**COUNTY COMMUNICATIONS - Abajo Peak Site**

Bill Bayles, County Communications Engineer, met with the Commission presenting the Inter-Agency Agreement with the BLM on the joint ownership of the new building at the Abajo Peak site. Motion for the approval and execution of the Agreement was made by Commissioner Holliday and seconded by Commissioner Bailey. UNANIMOUS.

**COUNTY COMMUNICATIONS - Abajo Peak Special Use Permit**

The Special Use Permit for county equipment and one-half ownership of a building located on the Abajo Peak was reviewed by the Commission and Mr. Bill Bayles, County Communications Engineer. The minimum fee for this use will be \$50 per year or .02 percent of the county's total investment, whichever is greater, plus .05 percent of rents received from tenants or \$25 per licensee. Motion for the approval and authorization for Commissioner Black to sign the document was made by Commissioner Holliday. The motion was seconded by Commissioner Bailey. UNANIMOUS.

**COUNTY COMMUNICATIONS - Equipment Purchase (Snowmobile)**

Bill Bayles, County Communications Engineer, presented the Commission with date he had collected regarding the requested purchase of a snowmobile for the purpose of maintenance work on the Abajo Peak site. After some discussion, the Commission felt the purchase of the Artic Cat would be in line with the county's needs. The commission authorized Mr. Bayles to obtain bids: 1. using a trade-in value, and 2. cash price.

**UNIFORM LOCAL SALES TAX REPORT**

The Uniform Local Sales Tax Report was reviewed by the Commissioners and Rick Bailey, Administrative Assistant. Commissioner Black will talk with Mr. Clyde Nichols, Director of the Utah State Tax Commission, regarding this report and the corrections that need to be made.

**COUNTY PERSONNEL POLICY - Fair Labor Standard Resolution**

The Commission reviewed the proposed Fair Labor Standards Resolution with the County Attorney. A motion to adopt the resolution was made by Commissioner Bailey and seconded by Commissioner Holliday. UNANIMOUS.

RESOLUTION 1985-6

WHEREAS, the United States Supreme Court in San Antonio Mass Transit Authority vs. Garcia, has reversed precedent and held that the 10th Amendment does not bar application of the Fair Labor Standards Act, to "traditional functions" of state and local government, and

WHEREAS, the San Juan County, State of Utah, is a local government, upon which the adverse effect of this decision will have devastating effect, and

WHEREAS, San Juan County, State of Utah, believes that remedial legislation should be immediately undertaken by the Congress of the United States, and

WHEREAS, San Juan County, State of Utah, believes that legislation should be directed at exempting from the application of the Fair Labor Standards Act, the operations of State and local government, and

WHEREAS, the costs to San Juan County, State of Utah, government is expended to increase as follows:

San Juan County Road Department will increase its wage budget by 10% minimum and estimates that because of the additional cost for emergency situations (snow removal, etc.,) the increase may be closer to 20%. San Juan County Sheriff's Office is estimated to increase 15%.

WHEREAS, personnel and employees within San Juan County have indicated their desire to continue the policy established over many years upon the precedent of not being subject to the Fair Standards Labor Act, and upon which all parties believe are fair and equitable,

NOW THEREFORE, SAN JUAN COUNTY, by and through its Board of County Commissioners hereby resolves that all elected representatives in whatever capacity they may find themselves, should support the adoption of legislation to exempt state and local governments from coverage under Federal Fair Labor Standards Act;

That the Congress of the United States pursue immediately drafting legislation to make an exemption effective, if at all possible, retroactively to include periods from and after the decision made by the United State Supreme Court.

THIS RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH, THIS 15TH DAY OF OCTOBER, 1985.

SAN JUAN COUNTY COMMISSIONERS;  
/s/ Calvin Black, Chairman

ATTEST: /s/ Gail D. Johnson, County Clerk

Those Commissioners voting for adoption:  
Commissioner Bailey .....Aye  
Commissioner Black.....Aye  
Commissioner Holliday.....Aye  
Those voting against.....None

**COUNTY BUSINESS DEVELOPMENT BOARD - Leon b. Behunin**

The Commission received a letter of resignation from Leon B. Behunin from the San Juan County Business Development Board.

**COUNTY PERSONNEL POLICY - Kathy Barry**

Based on the recommendation of Barbara Montella, County Assessor, the commission approved the request that Kathy Barry be put on a full-time basis at a starting position of Step 3, Grade 1, waiving the probationary period.

**COUNTY PERSONNEL POLICY - Sheri Christensen**

The Commission having reviewed the request of Robert C. Thompson, former County Agent of the Extension Service, for a probationary salary increase, denied the request on the basis that Mrs. Christensen was hired at a Grade 1, Step 2, waiving the probationary period.

**COURTHOUSE - County Assessors Office (Equipment Request)**

Barbara Montella, County Assessor, met with the Commission requesting the purchase of a small computer to be used in her office. The Commission requested Mrs. Montella to check into what is available, capabilities and prices, and report back to them of their findings.

**BILLS APPROVED FOR PAYMENT**

Abajo Electric	Repairs at airport	360.00
Abajo Petroleum, Inc.	Fuel for Road Dept.	9,840.72
Arnold Machinery Company	Supplies Freight-Road Dept	175.08
Nelson Begay	Witness Fees	10.00
Tully Black	Witness Fees	10.00
Black Oil Company	Fuel for Road Dept.	2,550.35
Blue Cross-Blue Shield	Reimbursement Invoice	19,938.53
Boyle Insurance Agency	Insurance Coverage	1,265.00
Brodart, Inc.	Service Nov.1985 Library	87.22
Kirk H. Carroll	Repairs Parts Road Dept.	253.55
City of Blanding	Utilities Library Blanding	314.74
City of Monticello	Utilities Library Monticello	31.97
Continental Tel Co of the West	Tele. charges Library B	26.50
HF Cosby, Jr.	Hauling for Road Dept.	1,443.75
Custom Floors and Furnishings	Supplies Library B	25.62
Dean T. Dahle	Refund of Bail 85DWR-103	27.00

Demco	Supplies Library Blanding	44.68
Betty Dufur	Janitor Sen. Center Blanding	40.00
Empire Electric Assoc., Inc.	Utilites Library Monticello	172.88
Grand Tire Company	Repairs Supplies Road Dept.	1,467.61
Great Basin Trucks, Inc.	Supplies Road Dept.	239.10
Halliday, Bruce K.	Herbicide Purchased	150.00
Sue H. Halliday	Herbicide Purchased	150.00
Parley O. Hurst	Herbicide Purchased	87.90
Intermountain Battery	Supplies Road Dept.	99.00
Rex Johnson	Herbicide Purchased	150.00
Kents	Supplies Library M	5.95
Lyman Truck Lines	Freight Charges Road Dept.	16.41
Paul Mantz	Herbicide Purchased	54.50
Matlack, Inc.	Asphalt Spreader/Road Dept	4,906.36
Tony Mike	Reimb. Gas, Meals (state fair)	35.44
Monticello City Justice/Peace	Jones (100,Ryan,54, Zaval38	192.00
Monticello Mercantile	Vacumn	209.40
Motor Parts Company	Parts Road Dept. Blanding	1,621.14
Motor Parts Pro Mart Home Cntr	Parts for Road Dept.	579.85
Newspaper Agency Corporation	Dailey Co	284.48
Northern Electric	Repairs Road Dept.	304.96
Terri K. Palmer	Reimb. Gas Travel Expenses	25.84
Jerry Pappas	Herbicide Purchased	150.00
Performance Products	Parts for Road Dept.	240.94
Herbert H. Poole	Herbicide Purchased	127.08
Quality Bookstore	Supplies Library Blanding	98.94
Wayne Rasmussen	Supplies Surveyor Dept.	45.00
Redburn Tire Company	Supplies for Road Dept.	613.91
Redd Investments Corp.	Herbicide Purchsed	91.50
Bennion Redd	Herbicide Purchased	91.50
Rocky Mountain Machinery Co.	Parts for Road Dept.	2,627.99
San Juan County	Gas, Repairs Div Aging	1,374.39
San Juan County Assessor	Paula Rushford #222728	25.00
San Juan County Hospital	Restitution Lee R. Billsie	178.00
San Juan County J.P.	Petty Cash Justice Peace	69.01
San Juan County Nursing Home	Senior Citz.Meals Sept 85	510.00
San Juan Home Health Agency	Meals Served	128.00
San Juan Pharmacy	Supplies Library Blanding	9.36
Saveway Automotive	Spin Balance Surveyors Dept.	24.00
Dayne Shunway Const.	Hauling for Road Dept.	1,424.50
Paul Sonderegger	Herbicide Purchased	150.00
State/Utah Dept. Public Safely	Fire Marshal's Laws	15.00
Tim M. Stewart	Citation A-162902	46.00
Swain's, Inc.	Supplies Road Dept.	389.17
Laverne Tate	Travel Expenses	161.25
Texaco Incorporated	Gas Purchased Div. Aging	184.72
United States Postal Service	Postage for Justice Peace	16.00
United States Welding, Inc.	Cylrnt Road Dept.	206.29
Utah Dept. of Employ. Sec.	Claims/G.Sanchez P. Haskins	2,360.97
Utah Folklike Center	Subscription Library B	10.95
Utah Navajo Industries	Supplies Raod Dept.	9.10
Utah State Treasurer	Sept. Revenues	3,880.75
White Mesa Ute Council	Senior Meals Sept. 85	265.00
S. Rigby Wright	Herbicide	150.00
Mike Young Inc.	Windshield for Road Dept.	74.28

**ADJOURNED**

There being no further business, the meeting adjourned at 4:30 p.m.

  
Calvin Black, Chairman

  
M. Jane Musselman, Deputy Clerk