

SAN JUAN COUNTY COMMISSION
AUGUST 17, 1987

The San Juan County Commission met in regular session on August 17, 1987 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 Maryboy

Commissioner Maryboy made the motion for approval of the August 10, 1987 Commission minutes with the corrections. Commissioner Bailey seconded the motion. UNANIMOUS.

COMMISSIONER CALVIN BLACK'S REPORT

"Inholding Exchange" - Commissioner Black reported that Garfield, Kane, San Juan and Wayne County Commissioners are writing a letter to Governor Bangertter with respect to the proposed "Inholding Exchange" of State Lands within Federal Parks, Recreation Areas, Military and Indian Reservations. They are requesting two things, one; that the State section of land on which the Burr Trail Switch Backs are located not be included in any exchange but be exchanged or sold to Garfield County, and two; that land be selected within and without the Glen Canyon National Recreation Area what is known as Lone Rock, Warm Creek, and Llewellyn Bench in Kane County at Bullfrog in Kane and Garfield Counties, and at Halls Crossing and Farley Canyon in San Juan County. The Commissioners are also sending a copy of the letter to all of the Utah County Commissioners and asking for their support.

BLM Exchange of Private Land - The Commission received a letter from the BLM stating that they propose to exchange 35 acres of public land in San Juan County (sec. 30, T34S, R24E) for 40 acres of private land owned by the Church of Jesus Christ of Latter-Day Saints, in Grand County (sec. 33, T20S, R20E). The purpose of the exchange is to acquire properties on the National Register of Historic Places. The exchange will also serve to resolve trespass occurring on public lands.

Hole-in-the-Rock trail - Marking - Division of State History - The Commission received a letter from the Division of State History noting that a meeting will be held on September 22 at 2 p.m. in the Blanding Library to set up a Hole-in-the-Rock Trail Marker Committee. The Commissioners have been invited to serve as a member of the committee and help develop a marker program.

Mineral Lease Money - Meeting - Commissioner Black said he will attend a Mineral Lease Meeting in Price this Thursday, August 20.

AOG Meeting - Commissioner Black said he will attend an AOG meeting Friday in Price.

Enterprise Zones - Commissioner Black said that he attended a meeting last week in which Ed Meyers reported that there is a proposal to create Legislation that would designate enterprise zones in the State of Utah.

COMMISSIONER KENNETH BAILEY'S REPORT

County Fair & Rodeo - Commissioner Bailey said he met with Jim Keyes, county agent, Holly Tatnall, home economist, and Carol Sallee, fairboard chairman, about the fair. They reported that there was more participation and displays than in the past years and an overall of attendance at the fair and jr. livestock sale. They were very pleased with the quality of livestock which received fantastic prices. The rodeo was well attended and it was very successful. The Commission asked the deputy clerk to write letters to each fairboard member expressing appreciation for the efforts that were made in making the fair a successful event.

Regional Corrections Facility - Commissioner Bailey complimented Commissioner Black on this effort and contacts that he made to try and secure the corrections facility for San Juan County. Gunnison was selected as the site for the facility. The Commission said there was not anything that could have been done that wasn't done. Commissioner Black said there were a great many other people who also put in a great effort.

Public Safety Building - Commissioner Bailey gave a progressive report of the construction on the Public Safety Building.

Auction in Price - Commissioner Bailey said he plans to attend the municipal sale by auction in Price this Saturday.

Joint Roads Committee Meeting will be held in Salt Lake this Friday August 21. Commissioner Bailey said he plans to attend this meeting.

Paiute Farms Road - Commissioner Bailey said that Doug Pehrson, surveyor, and Stan Hawkins, road foreman, reported in the road meeting this morning that they went and looked at the Paiute Farm road. (There was a report that the road was washed out real bad.). They said it was not as critical as was reported. They said they removed the debris from the road and fixed the bad places. The road will continue to be a worse road than people expect until it is paved.

Montezuma Creek Road Shed - The BLM has sent out notice that they propose to sell 5.97 acres of public land in San Juan County, Utah for recreation and public purposes and to lease/patent the land to San Juan County for a county road shed and storage facility. The described land is Lot 14, Section 25, T40S, R23E. There is comment period of 45 days and in absence of any adverse comments, the classification will become final, effective sixty (60) days from the date of publication.

Navajo Tribe - Paiute Farms Marina Road - Commissioner Bailey said that he discussed with Doug Pehrson, surveyor, the proposal to make to the Navajo Tribe on the Paiute Farms Marina road.

COMMISSIONER MARK MARYBOY'S REPORT

Senior Citizens Program in Bluff - Commissioner Maryboy reported that the senior citizen representative from the Navajo Tribe would like meet with Rick Bailey, Aging Director, to discuss if any additional funds can be obtained from the Tribe to continue the senior citizens program in Bluff. The Tribe's complaint was that the people in Bluff attending the senior center were not from the reservation. Commissioner Maryboy told them the majority are Navajo who live on the reservation and there is no senior center on the reservation.

REGIONAL CORRECTIONS FACILITY

Joe Slade, development board, and Keith Redd, Mayor Monticello, reported to the Commission that Gunnison was chosen as the site for the Regional Corrections Facility and Price as alternate. The Commission expressed disappointment but agreed the things that were gained will be an asset in the future. Mr. Redd said one asset he feels was gained is the relationship that was developed in the surrounding communities. The Commission agreed to respond with congratulations.

ELECTED OFFICIALS MONTHLY MEETING

Sheriff Personnel - Hire two jailer/dispatchers - Claude Lacy, Sheriff, told the Commission he needs to hire two new jailer/dispatchers. Mr. Lacy said he plans to move two of the present jailers to deputy sheriffs in the future. (They will have to be sent back to school for four weeks) Upon the recommendation of Mr. Lacy, Commissioner Bailey made the motion to hire Kevin R. Rhoades and Andrew Peterson at grade 4 step 4 (\$1004.00) with one year probationary period. Commissioner Maryboy seconded the motion. UNANIMOUS.

Equipment - BLM Contract - Sheriff Lacy said he plans to purchase some equipment on the BLM contract. He plans to buy a camera, binoculars, tapes, and shovel etc. The Commission reminded Mr. Lacy of the county's purchase bid policy.

Deputy Sheriff - Resignation - The Commission received a written resignation from Mike Halliday, deputy sheriff, effective September 1, 1987.

Attorney - Craig Halls, attorney, said everything was going fine.

MiVida Royalty - Gail Johnson, clerk, reported that the county received a check from the MiVida mine for July of \$225.78.

Circuit Breakers - Indigent Applicants - Gail Johnson, clerk, said that she and Marian Bayles, treasurer, have been screening the applicants for the circuit breakers for indigent.

Beer Licenses - Tom A. Johnson - Bluff - Commissioner Maryboy made the motion to approve a Class "A" beer license for Tom A. Johnson in Bluff. (Mr. Johnson purchased John Lester's store.) Commissioner Bailey seconded the motion. UNANIMOUS.

Tax Anticipation Notes - Gail Johnson said the Tax Anticipation Notes were approved for \$800,000 and asked Commissioner Black to sign a IRS Tax Exempt paper. Mrs. Johnson said that Commissioner Bailey signed the tax notes on Wednesday.

Fairboard - Commissioner Black said that Nancy Hoggard called him and said she would like to resign from the county fairboard.

ERIC SWENSON - ATTORNEY AT LAW

Paul Foreman - Former County Employee - Eric Swenson, attorney at law, met with the Commission to discuss a client of his, Paul Foreman a former county road employee, about his claimed back wages from the county. The Commission said they would not reconsider the issue unless new information was presented and told Mr. Swenson to talk to the county attorney to get further information on this matter.

Arrest - Unnecessary - Mr. Swenson discussed with the Commission arrests that were being made by city police involving the public intoxication area. Mr. Swenson stressed that it's a great expense to the county and also puts the county responsible for the liability. Mr. Swenson said there has also been several complaints of discrimination which after talking to the several of the police officers it has taken care of itself. Mr. Swenson said he feels the county is subsidizing city police law enforcement which encourages them to make unnecessary arrests. Mr. Swenson said he has talked to Claude Lacy, sheriff, about this and he agrees that alternatives are needed. Commissioner Bailey said the Commission has discussed this area at length and will be negotiating with both of the cities about costs when the new public safety building is built. The Commission said that the present agreement between the county and the cities is a good working arrangement. The Commission said there are two issues here, one; is there discrimination?, and two; (regardless of the answer to the first) are people being put in jail for public intoxication that could be handled some other way, better for them and society?

SUE COOK - CONGRESSMAN NIELSON and SENATOR GARN'S AID

Sue Cook met with Commission to discuss various topics. Commissioner Black gave Mrs. Cook the correspondence of the "Inholding Exchange".

RESOLUTION 1987-9 - RE: ASSESSING AND COLLECTING MEMORANDUM BUDGET

The Commission called the public hearing at 1 p.m. regarding the proposed amendment to increase the assessing and collecting budget with the general fund. No one appeared to protest the resolution. Gail Johnson, clerk, and Lyle Anderson, attorney at law, met with the Commission to present the resolution. Commissioner Bailey made the motion to approve the following resolution and authorized Commissioner Black to sign it. Commissioner Maryboy seconded the motion. UNANIMOUS.

RESOLUTION 1987-9

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH, REGARDING THE ASSESSING AND COLLECTING MEMORANDUM BUDGET

WHEREAS, Section 17-9-15, Utah Code Annotated 1953, as amended, San Juan County is entitled to submit the budgeted cost incurred in the assessing, collecting, and distribution of property taxes in related appraisals programs to the state auditor for inclusion for payment in a state-wide program for collection of such taxes; and

WHEREAS, San Juan County submitted a budget item of costs anticipated in legal services for assessing and collecting of \$21,000 for the period; and

WHEREAS, San Juan County is presently involved in litigation with several major oil companies contesting the validity of property tax as applied to their oil and gas leases on the reservation; and

WHEREAS, San Juan County has agreed to share the cost of legal fees with the State of Utah for such litigations; and

WHEREAS, the legal expenses in this single lawsuit are expected to overrun the total budget for assessing and collecting by \$349,977.08; and

WHEREAS, the expenditures, as a foresaid were unforeseeable and unanticipated and are substantially greater than the anticipated cost of collecting and assessing taxes, it is San Juan County's intention that such costs are and should justifiability be part of the cost considered on a state wide basis; and

THEREFORE BE IT RESOLVED, that pursuant to Section 17-19-15, Utah Code Annotated 1953, as amended, the San Juan County Commission after meeting at a duly noticed hearing, held in part to consider the amendment of their budget in assessing, collecting, and distribution of property taxes in related appraisal programs in the following particulars to wit:

(A) The assessing and collecting budget shall be amended to show an increase, appropriated \$21,000 budgeted for attorney fees, to \$349,977 budgeted for attorney fees.

(B) The total budget \$210,023 for assessing and collecting shall be increased to a total budget of \$560,000 (increase of 349,977) and authorizing the county to submit such budget to the state auditor for consideration in the state-wide program for compensation of assessing and collecting costs.

BE IT FURTHER RESOLVED, that in the event the State Auditor disallows any portion of the proposed budget, the County by resolution is hereby authorized to submit whatever part is not allowed as a carry over of 1987 deficit to the 1988 assessing and collecting budget and submit the same to the State Auditor for consideration.

Passed and approved by the Board of County Commissioners of San Juan County, this 17th day of August, 1987.

BOARD OF COUNTY COMMISSIONERS

BY /s/ Calvin Black
Calvin Black, Chairman

ATTEST:

/s/ Gail D. Johnson
San Juan County Clerk,
Gail D. Johnson

Those Commissioners voting in favor:

Commissioner Calvin Black - Aye
Commissioner Kenneth Bailey - Aye
Commissioner Mark Maryboy - Aye

Those voting against:

None

UTAH STATE TAX COMMISSION - NOTICE OF PROPERTY VALUATION AND TAX CHANGE

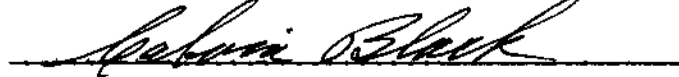
A letter from the Utah State Tax Commission to the Commission states that occasionally a centrally assessed company may become confused because of the Notice of Property Valuation and Tax Change they receive indicates an appeals hearing period meant for local assessment purposes. If a centrally assessed company should request to be heard on valuations issues, please deny their petition. Pursuant to Section 59-2-1013, they must appeal all valuation issues before the State Tax Commission and pursuant to Section 59-2-802, no county governing body, acting as the county board of equalization may change any assessment fixed by the State Tax Commission.


BILLS APPROVED FOR PAYMENT

Rocky Mountain Rodeo Association	rodeo fees	1,500.00
Venice Lyman	restitution Kelly Shumway 670	100.00
Dineh Lumber & Building Supply	recreation supplies	46.84
Darrell R. Ferguson	refund bail 87DWR225	65.00
Lyle Francis	overpayment proof of labor 1986	48.00
Judicial Employees Assoc. Utah	membership district & circuit courts	35.00
Darlene Low	reimb. fair supplies	60.80
Microfilm Service Corporation	recorder's supplies	38.39
Monticello Cyclery	recreation supplies	82.89
Margie Overmyer	fine overpayment 87DWR220	5.00
Alvin Reiner	slides brochure	35.00
San Juan County Hospital	Fabian Hatch	10.00
Thomas Engineering Inc.	concrete testing PSB	145.00
Abajo Petroleum, Inc.	fuel road dept	1,052.25
Alan's Body Shop	repairs road dept	198.89
Andrew Corporation	supplies communications	390.50
Nicky Black	hauling road dept	4,455.50
Black Oil Company	fuel sheriff's dept	85.74
Blanding City of	chlorine for recreation	82.00
Blanding City Justice Court	S.O. report 8-18-87	141.00
Cate Equipment Company	parts road dept	1,967.81
Century	parts road dept	281.56
Rudolph Cook	transport Tommy Shumway	27.00
HF Cosby Jr.	hauling road dept	1,828.75
Frito-Lay, Inc.	vending machine supplies	12.32
Clark M. Grover	patchcrew clothing	19.08
Honest Dollar Construction	hauling road dept	1,636.25
Wesley L. Hunt Company	work, supplies communication	1,014.90
Intermountain Farmers Assoc	supplies road dept	167.87
Int. Business Machines	copier usage	347.19
Kents Foods	supplies sheriff's office	811.55
LBP Trucking	hauling road dept	1,383.50
Milne Truck Lines, Inc.	freight communications	133.40
Montella, Barbara	travel SL	132.30
Monticello City Justice/Peace	S.O. report 8-18-87	552.21
Monticello Lions Club	supplies road dept	72.80
Monticello Mercantile	supplies recreation	5.34
Motor Parts Company	parts road dept	225.66
Motor Parts Pro Mart Home Cntr	parts road dept	227.79
Parley Redd's Food Town	supplies recreation	231.32
The Reliable Corp.	supplies clerk's office	285.94
Carol Sallee	travel fair	42.00
San Juan County	parts, labor weed dept	815.63
San Juan County 4-H Council	reimb, fair prem monies	149.00
San Juan County Hospital	work at courthouse July	412.50
S.J. County 12th Circuit Court	Ross Craig Brekon	10,000.00
San Juan Health Care Services	Capital request	1,225.35
The San Juan Record	public notice/assec. collec	10.20
Schafer Auto	repairs road dept	60.00
Dayne Shumway Const.	hauling road dept	1,116.50
Southwest Emulsions	supplies road dept	26,005.04
Texaco Refining & Marketing in	gas purchased road dept	36.18
United States Postal Service	postage sheriff office	241.80
United States Welding, Inc.	cylinder road dept	170.40
Utah's Canyonlands	advertising development	1,680.00
Utah Dept of Transportation	supplies road dept	23.00
Utah 4-H Program	4-H leadership program	125.00
Utah Navajo Industries	supplies road dept	134.00
Utah Power & Light Company	utilities recreation	39.93
Utah Travel Council	office supplies development	540.00
Mike Young Inc.	supplies sheriffs dept	3.00

ADJOURNED

There being no further business the meeting was adjourned at 3:00 p.m.


Calvin Black, Chairman


Merna C. Johnson, Deputy Clerk