

## SAN JUAN COUNTY COMMISSION MINUTES

JANUARY 19, 1988

The regular session of the San Juan County Commission convened at the hour of 10:00 a.m. at the San Juan County Courthouse, Monticello, Utah.

Commissioners present were: Calvin Black  
Kenneth Bailey  
Mark Maryboy

A motion to approve the minutes of January 11, 1988 was made by Commissioner Maryboy and seconded by Commissioner Bailey.

**CURRENT BUSINESS**

**LaSal Road** - Mike and Dick Shumway met with the Commission to discuss the road leading to their mining area. It is on Forest Service property and the Forest Service wants the Shumways to obtain a road-use permit and bond for the road. Commissioner Bailey felt the road could be put on the Forest Service Schedule A which would give the County permission to upgrade and maintain the road thereby giving the Shumways use of the road without a permit.

**BLM - San Juan Resource Management Plan** - UNDC Executive Director Lester Lansing submitted a copy of a letter to the BLM in behalf of Utah Navajos in Mexican Hat, Monument Valley and the Oljato areas stating their opposition to the ACEC's of the San Juan Resource Management Plan. The Navajos are particularly opposed to the restrictions placed in the Cedar Mesa area on the gathering of fire wood. The Commissioners explained to Mr. Lansing that buffer zones of one-half mile on either side of highways U261, 95, and 276 would have the same restrictions.

The Commissioners asked Mr. Lansing to mail a copy of the letter to the Commission and advised him that letters from the chapter officials and various individuals would be very helpful in voicing opposition to the plan.

**Long Canyon Road Agreement** - County Attorney Craig Halls and Max Dalton met with the Commission to discuss the Long Canyon Road Agreement. Mr. Dalton indicated the proposed letter agreement will not help the problem on his property. It was decided that the road would be left in its present location and Mr. Dalton will unlock the gate if the County will install a cattle guard, signs designating private property for the next \_\_\_ (the length of Mr. Dalton's property) miles and three no trespassing signs on side roads within the property.

**San Juan County Fire Board** - John Baker reported that he has begun an inventory of all fire equipment in the County and is working on a training program with Administrative Assistant Rick Bailey.

**COUNTY CLERK GAIL JOHNSON**

**Tax Anticipation Notes** - County Clerk Gail Johnson presented the tax anticipation notes from First Security Bank. The County will only be eligible to borrow \$600,000, which is \$200,000 less than last year, because of the accumulated surplus in the County. The Commission approved a letter to County Treasurer Marian Bayles indicating that the tax notes had been accepted. A motion to accept resolution 1988-1 and authorize Chairman Black to sign them was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

## RESOLUTION NO. 1988-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF \$600,000 TAX ANTICIPATION NOTES, SERIES 1988, OF SAN JUAN COUNTY, UTAH, PROVIDING FOR COVENANTS TO MAINTAIN THE EXEMPTION OF INTEREST ON THE NOTES FROM FEDERAL INCOME TAXATION, AND RELATED MATTERS.

WHEREAS a report has been made by the Treasurer of San Juan County, Utah (the "County"), that it is necessary to raise the sum of Six Hundred Thousand Dollars (\$600,000) for the purpose of meeting the current and necessary expenses of the County and for any other purpose for which funds of the County may be legally expended, during the 1988 fiscal year, until the taxes and other revenues for the 1988 fiscal year are collected, and that such sum can be raised without incurring any indebtedness or liability in excess of seventy-five percent (75%) of the tax revenues and other revenues of the County for the 1987 fiscal year or ninety percent (90%) of the taxes and other revenues of the County estimated to be received by the County in the 1988 fiscal year, or exceeding any limit of indebtedness imposed by the Constitution or statutes of the State of Utah; and

WHEREAS the Board of County Commissioners of San Juan County (the "Board") has requested offers for the purchase of its Tax Anticipation Notes, Series 1988, in the principal amount of \$600,000 (the "Notes"); and

WHEREAS the offer of First Security Bank of Utah, N.A., of Salt Lake City, Utah, for the purchase of the Notes is the highest and best offer received, which offer proposes to purchase the Notes at the price of par and accrued interest, if any, to the date of delivery, the Notes to bear interest as hereinafter set out; and

WHEREAS in the opinion of the Board, it is in the best interests of the County that such offer be accepted and the sale of Notes to First Security Bank of Utah, N.A., of Salt Lake City, Utah, be ratified and confirmed;

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of County Commissioners of San Juan County, Utah as follows:

Section 1. That there shall be issued by the County the Notes in the aggregate principal amount of \$600,000 for the purpose of meeting the current and necessary expenses of the County and for any other purpose for which funds of the County may be legally expended. The Notes shall be known as "Tax Anticipation Notes, Series 1988," shall be dated the date of initial delivery to the purchaser thereof, shall bear interest from their date until paid, payable at maturity, shall fall due as to principal on December 30, 1988, and shall be numbered consecutively from one to six, inclusive, and shall bear interest at the rates and be in denomination and total amount as follows:

NOTE NUMBER	DENOMINATION	RATE	INTEREST AMOUNT
1-6	\$100,000	%	\$600,000

Both principal of and interest on the Notes shall be payable in lawful money of the United States of America at First Security Bank of Utah, N.A., in Salt Lake City, Utah. The Notes shall be

signed by the Chairman of the Board, attested by the County Clerk (the signatures of said officers being by manual execution), and countersigned by the County Treasurer, and shall have the official seal of the County impressed thereon. The Chairman of the Board is hereby empowered and directed to sign, the County Clerk to attest, and the County Treasurer to countersign, each of the Notes and to cause the seal of the County to be impressed on each of the Notes, and the acts of said Chairman, County Clerk, and County Treasurer in so doing are and shall be the acts and deeds of the County. All of the covenants, statements, representations and agreements contained in the Notes and the recitals and representations contained in this resolution are hereby considered and understood, and it is hereby ordered and declared that the covenants and promises therein are the covenants and promises of the County, and that the representations and statements therein are the representations and statements of the County.

Section 2. That the Notes shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF UTAH  
COUNTY OF SAN JUAN

No. \_\_\_\_\_

\$100,000

T A X   A N T I C I P A T I O N   N O T E

SERIES 1988

KNOW ALL MEN BY THESE PRESENTS:

That San Juan County, State of Utah, (the "County") hereby acknowledges itself to be indebted, and for value received hereby promises to pay to the bearer hereof, the sum of

ONE HUNDRED THOUSAND DOLLARS --- (\$100,000)

in lawful money of the United States of America, on the 30th day of December, 1988, at First Security Bank of Utah, N.A., in Salt Lake City, Utah, with interest thereon at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum from date until paid, payable at maturity.

This note is one of an issue of notes numbered one (1) to six (6) inclusive and known as "TAX ANTICIPATION NOTES, SERIES 1988" for an aggregate principal amount of Six Hundred Thousand Dollars (\$600,000) issued under and pursuant to the Constitution and laws of the State of Utah, including particularly the applicable provisions of the Utah Municipal Bond Act, Chapter 14 of Title 11, Utah Code Annotated 1953, as amended.

It is hereby covenanted, certified, recited and declared that this note is given in anticipation of the collection of taxes to be levied and other revenues of the County, for the current fiscal year, in evidence of money borrowed to meet the current and necessary expenses of the County and for any other purpose for which funds of the County may be legally expended during the current fiscal year until payment of the taxes and other revenues for such year, that taxes within the limit provided by law and sufficient to pay principal of and interest on this note as the same falls due and, together with other budgeted revenues to be received during such fiscal year, sufficient to pay all budgeted expenses of the County for such fiscal year have been or will be levied, imposed and collected in such fiscal year on all taxable property within the County and that a sufficient fund has been appropriated for the payment of the principal of and interest on this note as the same shall fall due.

It is hereby further certified, recited and declared that the aggregate indebtedness incurred by the County for this current fiscal year, including this and other notes, is not in excess of seventy-five percent (75%) of the total of the taxes and other revenues levied and collected by the County in the preceding fiscal year and is not in excess of ninety percent (90%) of the total of the taxes and other revenues levied and yet to be collected by the County in the Current fiscal year.

It is hereby further certified, recited and declared that all acts, conditions and things essential to the validity of this note exist, have happened and have been done, and that every requirement of law affecting the issue thereof has been duly complied with, and that this note is within every debt and other limit prescribed by the Constitution and laws of Utah. The full faith, credit, resources and all taxable property within the limits of the County are hereby irrevocably pledged to the levy of taxes for the fiscal year in which this note is issued and for the collection and proper allocation of such taxes and other revenues provided for such fiscal year to the prompt payment of principal of and interest on this note and the issue of which it is one, according to its terms.

IN WITNESS WHEREOF, the County has executed this note by causing it to be signed by the Chairman of its Board of County Commissioners, attested by the County Clerk, and countersigned by the County Treasurer and the official seal of the County to be affixed hereto all as of the \_\_\_\_\_ day of \_\_\_\_\_, 1988.

SAN JUAN COUNTY, UTAH

\_\_\_\_\_  
Chairman, Board of County  
Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk

COUNTERSIGNED:

\_\_\_\_\_  
County Treasurer

(SEAL)

**San Juan County Beer Ordinance** - According to the new state law, those beer license holders who have on premise consumption and their employees need to attend a training seminar. The County ordinance needs to be amended to include a mandatory training session. The Commissioners will revise the San Juan County Beer Ordinance at their next Commission meeting.

**Accounts Receivable** - County Clerk Gail Johnson, in closing out the 1987 year, discussed some of the accounts receivable that have not been collected. The Commissioners advised her to holdover most of the delinquent accounts and write-off those few that will not be collectible.

**Indigent Defense** - The billing submitted by Keith Chiara, Indigent Defense Counsel, was reviewed and amended by County Attorney Craig Halls. There was a question on the billing of travel time and mileage.

**County Property Sold at Tax Sale** - A request has been made by R. Tangren to meet with the Commissioners regarding some property sold at the County Tax Sale. Mr. Tangren is the lienholder on the property and would like to get it back. The Commissioners requested County Clerk Gail Johnson to check on the amount of taxes, penalties, interest and the validity of his claim and write a letter to Mr. Tangren to work out an amenable solution.

**Probationary Raise** - A motion to approve the probationary raise of Deputy Clerk Merpa C. Johnson to grade

2 step 2 (\$927) effective on the January payroll was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

#### ADMINISTRATIVE ASSISTANT RICK BAILEY'S REPORT

**UAC Assessing & Collecting Meeting** - Administrative Assistant Rick Bailey met with approximately 61 county commissioners, state auditor and other interested people to discuss the assessing and collecting bill. The decision of the commissioners was to attempt to keep the law as it presently is without having it repealed, even though there are some problems with it. The commissioners felt the problems could be worked out. A motion to support the bill as it is presently written with attempt to work out some of the problems was passed unanimously. A meeting was then held with some legislators to discuss the bill and concerns of the commissioners.

**Justice Court Bill** - The amendments to the Justice Court Bill were given to the Commissioners, County Clerk Gail Johnson, County Attorney Craig Halls and County Justice of the Peace Harold Muhlestein for review and comments.

**Hill - Burton Bill** - Administrative Assistant Rick Bailey made a telephone call to Senator Orrin Hatch's office to find out the status of the Hill-Burton Bill. Senator Hatch said the bill was in committee but he expected it to be brought to the floor of the Senate soon. Senator Hatch recommended that a similar bill be introduced into the House of Representatives for action there. Congressman Nielson will be contacted to see if he will sponsor that bill.

**Blanding Senior Citizens Center - Water Damage** - There has been some water damage over the summer in one corner of the Blanding Senior Citizens Center. The rubber-backed carpeting has been coming apart at the seams. Arvid Black has indicated that he will be able to purchase a good commercial grade carpeting to replace the damaged carpet. The Commission authorized Mr. Black to purchase the carpet and install it in the Senior Citizens Center.

#### COMMISSIONER MARK MARYBOY'S REPORT

**Todahaidekani Resident Meeting** - Commissioner Maryboy will meet with the Todahaidekani residents tonight. Mexican Water Chapter officials will also be there.

**Aneth Chapter** - Aneth Chapter officials have passed a resolution opposing the BLM San Juan Resource Management Plan. The other Utah Navajo Chapter officials have indicated they will pass similar resolutions and send to the San Juan County Commission.

**Navajo Tribal Council Meeting** - Commissioner Maryboy will be attending the Utah Navajo Council meeting in Window Rock, Arizona on Thursday and Friday. Some problems of mutual concern between San Juan County and Utah Navajos will be discussed with council members.

#### COMMISSIONER KENNETH BAILEY'S REPORT

**County/BLM Property** - Commissioner Bailey will contact County Recorder Louise Jones to research the property sold by the County in 1953 and later found to belong to the BLM to find out when it was first taxed. A letter has been drafted to Congressman Nielson on this matter.

**Jerry Holliday - Abajo Peak Transmission** - A copy of a request has been received from Jerry Holliday requesting the use of a transmission frequency on Abajo Peak. Commissioner Maryboy will contact San Juan County Communications Officer Bill Bayles on this request.

**Oljato Bridge** - San Juan County Engineer Doug Pehrson attended a meeting with UDOT officials regarding the procedure to follow on the engineering for the Oljato Bridge. The same procedures will be used on the Palute Creek Bridge.

**KUTV** - A letter was received giving official written approval for San Juan County to use the signal from KUTV for broadcast via translator. The letter will be referred to Bill Bayles to see if the County needs to obtain similar approval from the other signals being transmitted by the County.

**County Roads Closed - Snow Storm** - Many of the County roads have been closed due to the severe snow storm over the weekend. The County Road Department is working with the V-plows to get the roads opened for travel.

#### COMMISSIONER CALVIN BLACK'S REPORT

**Cost of Living Increase - County Employees** - Action will be deferred on all increases until current job descriptions, classifications, and evaluations can be compiled on all County employees. Commissioner Bailey felt some salary adjustments need to be made at the same time the cost of living increase is approved with the cost of living increase retroactive to January 1, 1988. Administrative Assistant Rick Bailey was asked to work with the other elected officials and department heads in compiling the information.

**Transient Room Tax** - Economic Development and Tourism director Peggy Humphreys met with the Monticello City Council on tourism and promotions in the area. Mrs. Humphreys recommended the city support increasing the transient room tax from 1 1/2% to 3%. Commissioner Black has contacted nearly all the motel owners in San Juan County and found the majority are opposed to the increase. Before considering an increase Commissioner Black suggested the following be accomplished:

1. A definitive plan must be submitted and approved; what the money is going to be used for, including whatever staffing, whatever marketing strategies, promotion and activities.
2. The majority of the motel owners in San Juan County must approve the increase.
3. A large majority of the other businesses not subject to the 3% transient room tax must be willing to make a two-year commitment to pay one-half of one percent of their taxable sales into a travel and development fund.

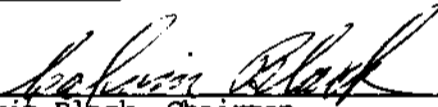
**Executive Session** - A motion to adjourn into an executive session for the purpose of discussing financial matters between Dr. Kelly Nicholes and San Juan County was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

#### BILLS APPROVED FOR PAYMENT

San Juan Health Care Services	operating transfer hospital	\$35,000.00
Peggy Humphrey	travel expense Chicago	445.34
A & E Generator Inc.	repairs road department	77.72
Blasting & Mining, Inc.	drilled/shot rock road department	9,600.00
Kaykie's Bakie	courthouse luncheon supplies	4.77
Donald Kilgrow	witness fees Sonny Coleman	14.00
National Geographic Society	100 years adv & disc library (B)	32.20
National Geographic Society	journey into China library (B)	25.45
Niwot Industries	supplies sheriffs department	23.96
Nuclear Testing Services	repairs surveyor	182.85
CSUF Foundation	invoice No. 2773	654.85
Rutland Tool & Supply	inspection tool set	62.33
Tri-Arc Hotel	travel expense Doug Pehrson	30.00
Van's Service	repairs road department	455.50
Magazine Marketplace, Inc.	subscription library (M)	25.44
Abajo Electric	service charge library (M)	30.00

Abajo Petroleum, Inc.	fuel road department	4,865.08
Alan's Body Shop	windshield road department	206.54
Arnold Machinery Company	parts road department	17.64
Baker Sanitation Blanding Branch	service Blanding road shed/library	22.00
Bancroft-Whitney Company	books attorneys office	290.70
Bill Bayles	parts communications	29.42
Black Oil Company	fuel road department	611.35
Charles Bowles	travel expenses/Calif. extradition	132.00
Keith H. Chiara`	counsel Charlie Hutchins	240.00
Day-Timrs, Inc.	supplies computer	49.77
Delwes Company, Inc.	supplies library (M)	41.30
Denco	supplies library (B)	61.82
Enco Manufacturing Company	tap & die set road department	80.05
Frito-Lay, Inc.	supplies vending machine	7.14
W.W. Grainger, Inc.	supplies road department	46.34
Hafer's Incorporated	corrected inv. 729292	482.69
Intermountain Battery	supplies road department	299.70
Kirby, Jack H.	travel expense Salt Lake	36.00
Lawson Products, Inc.	parts road department	198.66
Venice Lyman	restitution Deen Lyman	100.00
Mark Maryboy	travel expenses Dec. 1987	339.00
Monticello City Justice/Peace	Michael J. Boe	600.00
Motor Parts Company	parts road department	2,039.59
Motor Parts Pro Mart Home Center	parts road department	2,821.78
Nasco West, Inc.	supplies extension department	42.78
Parkway Tire Center	UPS charges road department	6.09
Gus Paulos Chevrolet, Inc.	parts road department	294.19
Performance Products	parts road department	42.94
Petrolane Gas Service	propane road department	283.97
William H. Pierce	expenses sheriffs department	66.24
Parley Redd's Food Town	supplies library (L)	135.29
The Reliable Corporation	printer module sheriffs department	121.46
* Rusty Iron & Salvage	supplies road department	490.06
San Juan County	bail forfeit/.W.C.Bartley	2,500.00
San Juan County Hospital	work courthouse Nov., Dec.	1,290.00
San Juan Pharmacy	sheriffs department	33.78
The San Juan Record	commission meeting changed	4.20
Schafer Auto	repairs road department	153.00
Swenson, Eric P.	Tammy Shunway case	112.50
United States Welding, Inc.	supplies road department	770.06
Utah Department of Transportation`	receipt No. 08413	36.00
Utah Power & Light Company	utilities recreation	41.52
Wheeler Machinery Company	parts road department	175.36
Xerox Corporation	supplies clerks office	160.80

**Adjournment** - There being no further business the meeting adjourned at 3:45 p.m.

  
 Calvin Black, Chairman

  
 Merna C. Johnson, Deputy Clerk