

SAN JUAN COUNTY COMMISSION
FEBRUARY 23, 1987

The San Juan County Commission met in regular session on February 23, 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

Minutes of the February 17, 1987 Commission Meeting were approved with the corrections on the motion of Commissioner Bailey. The motion was seconded by Commissioner Maryboy. UNANIMOUS.

COMMISSIONER CALVIN BLACK'S REPORT

Paiute Farms Marina - Road - Commissioner Black reported that he flew over the site where they plan to build the Paiute Farms Marina and saw that the mud is rapidly filling the area from the river. Commissioner Black said that in his opinion the marina will have to be moved sooner than expected to the Copper Canyon site because of this. The county has spent a lot of money and time working on the road to Paiute Farms and Commissioner Black said he believes the county ought to put effort into upgrading the road to Copper Canyon where the marina will be moved. Commissioner Maryboy said he will talk this over with UNI.

120 Acres BLM Land Sale - West Water - Commissioner Black wrote a letter to Mr. Bill McConkie, Department of Interior, concerning the sale of 120 acres of BLM land to the Navajo Tribe. Commissioner Black asked Mr. McConkie to research the matter and determine if the purchase and ownership by the Tribe would create an island of total Tribal jurisdiction and tax exemption.

University of Utah - Professor Lockhart - Commissioner Black wrote a letter to Dr. Chase Peterson, President of University of Utah, concerning Mr. Bill Lockhart, professor of law, using the University's resources and time in efforts of environmental activism. The letter expresses that if the University of Utah believes this is appropriate for Mr. Lockhart or other law professors to continue these kind of activities, the least they could do is hire an equal number of law professors who would do the same thing on the opposite side of this issue.

Burr Trail - Garfield County - Lawsuit - Commissioner Black said that the environmental groups have filed a lawsuit against Garfield County claiming that the county does not have a valid right-of-way for the Burr Trail. (The Burr Trail goes through wilderness study areas.) Commissioner Black said this lawsuit is important to San Juan County because it affects the economic development. Court will be held tomorrow in Salt Lake to see if the Judge will give a temporary restraining order. Garfield is going to resist the TRO and ask that the environmental groups put up a substantial bond. The Commission asked the county attorney if the county could be a party of this lawsuit supporting Garfield County. Craig Halls, County Attorney, said he talked to Garfield's attorney and it was agreed that the county could support this issue. If the judge rules in favor of the environmentalists it will affect all right-of-ways on BLM land in the western states. Commissioner Bailey made the motion for San Juan County to support Garfield County in defending the lawsuit filed against them on the Burr Trail with respect to the right-of-way. Commissioner Maryboy seconded the motion. UNANIMOUS. Commissioner Black will attend court tomorrow and testify that this has an economic impact on San Juan County.

Public Administrator's Forum - The Public Administrator's Forum will be held Thursday, February 26, in Moab. The Commission asked Rick Bailey, Administrative Assistant, to represent the county at this meeting. The Commission told Mr. Bailey to express appreciation to the BLM and Forest Service for the good working relationship they have with the county and that the county wishes to develop a good relationship with the Park Service as well. They also asked Mr. Bailey to express the problem of the gravel source and the conflict of mining claims.

COMMISSIONER BAILEY'S REPORT

UDOT Annual Visit - Commissioner Bailey said the UDOT Annual Visit last week was very informative. The county will do the construction of the side walk, curb and gutter at Montezuma Creek.

Oljato Bridge - The county has applied to have the Oljato Wash on the Federal Bridge replacement program. This road also serves as a school bus route and will be access to the Paiute Farms Marina. Commissioner Bailey said the county has a good chance of getting this bridge placed on the federal bridge replacement program.

Public Safety Building - Commissioner Bailey reported that he went to Farmington, New Mexico last week to visit with the company that is going to make the block for the Public Safety Building. Commissioner Bailey said he will be meeting with John Peterson, architect, in Salt Lake this week to review the plans and specs of the building. Empire Electric made a proposal of \$12,000 to install the electricity to the building. Commissioner Bailey said he will review this proposal with Mr. Peterson before the Commission approves and signs it.

Bluff Road Projects - Commissioner Bailey said the specs for the crushing of gravel at Bluff will be ready this week. Enough materials will be crushed to put two armor coats on the road from Red Mesa to Todahadanie. If the two mile section looks good by next spring then the county road department will finish the rest of the road. The road department is planning on doing some armor coating on the city streets in Bluff City this summer. Commissioner Maryboy said he will report this to the people on Wednesday when he meets with them.

Fairground Arena - Commissioner Bailey said they discussed the clean-up at the Fairground area this morning at the road meeting. The plan is to scarify it and then haul in a couple loads of sawdust and coarse sand, then disc it before the ground gets dry and hard. A source of sawdust must be located.

COMMISSIONER MARK MARYBOY'S REPORT

UDOT Annual Visit - Commissioner Maryboy said the meeting with the UDOT was very informative. Commissioner Maryboy said that Dyke LeFevre, UDOT, will meet with him next month to review the county roads on the reservation.

Livestock Permit at Bluff - Commissioner Maryboy reported that he met with Cory Perkins last week. Mr. Perkins has a permit to graze his livestock on BLM land west of Bluff. According to Mr. Perkins a Navajo family has also been grazing on this land and because of this Mr. Perkins has impounded five of their horses. Commissioner Maryboy said he will be meeting with Mr. Perkins and the family tomorrow to discuss their problems. The Commission suggested that he contact the BLM so they can have a representative at this meeting also.

Mexican Water Chapter Meeting - Commissioner Maryboy said he attended the Mexican Water Chapter meeting last week. One item the people were interested in was the lawsuit filed by the oil companies. The Chapter officials indicated that they are in favor of the county's authority to tax oil companies on the reservation.

Navajo Tribal Police - Commissioner Maryboy said he will be meeting with the Navajo Tribal Police and Sheriff Lacy to discuss cross-deputization.

Bluff Meeting - A meeting will be held Wednesday at 6:30 p.m. in Bluff to discuss various concerns.

Typewriter - Commissioner Maryboy said that he needs a typewriter and copy machine to do county business. Commissioner Maryboy said UNDC employees have been doing his typing and he has been using their copy machine. The Commissioner said he can use the copy machine at the Blanding Library and have the librarian keep a record for billing. Commissioner Bailey said he will contact Ron McDonald to see if the county can purchase a used typewriter.

Human Services Board - Commissioner Maryboy said that Louis Tapaha is willing to serve on the Human Services Board and represent Montezuma Creek. Commissioner Bailey made the motion appointing Mr. Tapaha to serve on the Human Services Board. Commissioner Maryboy seconded the motion. UNANIMOUS.

RECAPTURE LAKE - PRIVATE ROAD

Commissioner Black reported that he was contacted about the crossing which provides access to Erv Guymon's private land by Recapture Lake that is now covered up by water. Commissioner Black said that Ivan Watkins, former member of the San Juan Water Conservancy District, indicated to him the road was not built where it was intended, it was supposed to be further up the wash. Commissioner Bailey said this information was incorrect because their engineer gave the county the elevation figures and where the road was to be built and the county did so. The road department feels that the error was done by the engineer. Commissioner Black will contact the Water Conservancy District and ask them to write a letter to the county requesting what needs to be done to correct the flood problem. This matter should be taken care of as soon as possible because Mr. Guymon will not issue a right-of-way for the construction of the pipeline through his land until this matter is resolved.

PUBLIC SAFETY BUILDING - CONTRACT FOR GRANT FROM CAB

Rick Bailey, Administrative Assistant, recommended that the Commission approve and sign a contract with Division of Community Development, Department of Community and Economic Development. The contract provides to San Juan County a grant from the Mineral Lease Fund in the amount of \$1,900,000 for the completion of the San Juan County Detention Facility. Commissioner Bailey made the motion approving the contract and authorized Commissioner Black to sign it. Commissioner Maryboy seconded the motion. UNANIMOUS.

MONTICELLO CITY AIRPORT CONSTRUCTION - FAA

Rick Terry, Keith Redd, and Bill Christensen, representing the City of Monticello, met with the Commission to discuss improvements at the airport. Mr. Christensen said he met with Ron Theobald, FAA, last week to look at the airport runway. There are serious problems with the asphalt on the north end and cracking on the south end. Mr. Christensen said that Mr. Theobald told him that the state has sufficient money in their budget and will pay 90% of the project cost and the county will pay 10%. The Commission agreed the runway needs to be upgraded and approved the construction. The county will be responsible for soliciting bids for an engineering firm and supervising the project.

CANYONLANDS NATIONAL PARK - NEW SUPERINTENDENT

Dean Garret, Needles District Manager, met with the Commission to inform them that a new superintendent has been selected for Canyonlands National Park. His name is Harvey D. Wickware and he worked at Theodore Roosevelt since 1979 and before this he worked at Mt. Rushmore. Mr. Wickware will begin work on March 29. The Commission told Mr. Garret they would like to meet with Mr. Wickware and have the opportunity to get acquainted.

PROGRAM RESPONSIBILITY - TRADE-OFF

Rick Bailey, Administrative Assistant, said that Bill Howell, AOG, called to see how the county feels about the program responsibility trade-off. The Legislature is going to vote today whether to trade the state and county's financial responsibilities of the programs of Juvenile Detention and Division of Alcohol, Drugs and Aging. If it passes the state will have the Juvenile and the counties the Aging. Mr. Bailey said the county will save money if the trade-off passes.

MONUMENT VALLEY HOSPITAL AGREEMENT - COMMUNICATIONS

The following agreement was signed and approved by the Commission and Monument Valley Hospital.

AGREEMENT

This Agreement made and entered into this 18th day of February, 1987, by and between San Juan County, a body corporate and politic, of P.O. Box 338, Monticello, Utah 84535, San Juan County, State of Utah, hereinafter COUNTY, and Monument Valley Hospital, a non-profit corporation, of P.O. Box 4, Monument Valley, Utah 84536, San Juan County, State of Utah, hereinafter referred to as CONTRACTOR.

For and in consideration of good and adequate consideration, receipt of which is hereby acknowledged by the parties, the parties mutually agree as follows:

1. CONTRACTOR shall enter into and provide training for Emergency Medical Service Personnel within the Monument Valley area, pursuant to an agreement made with Utah Department of Public Health Services, the terms and provisions of which are by this reference incorporated herein.
2. COUNTY shall pay the sum of \$3830.00 as and for one base station communication equipment, as outlined in the Budget Page of EMS Grants program attached hereto.
3. The Parties mutually agree that the foregoing is an effort by the parties to effectively provide emergency medical services to all county residents and to establish an adequate and necessary communication system between emergency medical service personnel, law enforcement personnel and medical services, both public and private within San Juan County.
4. Parties agree that base station equipment shall have capacity to broadcast on Sheriff's Channels.
5. CONTRACTOR agrees to indemnify and hold harmless the COUNTY, its agents, officers, and employees from any claims, demands, suits, actions, proceedings, loss, injury, death, and damages of every kind and description, including any attorney's fees, and/or litigation expenses, which may be brought, made against or incurred by that party on account of loss or damage to any property or for injuries to, or death of any person caused by, arising directly or indirectly of, contributed to, in whole or in part, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of CONTRACTOR, its employees, agents, or representatives in connection with, incident to or arising directly or indirectly unemployment compensation claims, or contractor and/or its subcontractor's or claims under similar such laws or obligations.

DATED this 18th day of February, 1987.

MONUMENT VALLEY HOSPITAL:

By: /s/ Larry E. Blewett
Larry E. Blewett, Asst. Administrator

SAN JUAN COUNTY:

By: /s/ Calvin Black

UNIVERSITY OF UTAH SCHOOL ON ALCOHOLISM AND DRUG DEPENDENCIES

The Commission received a request from Martha Lyman for a scholarship from the county to attend the Utah School on Alcoholism and Other Drug Dependencies. In the past an employee from the Sheriff's Office has attended this workshop. The Commission asked Sheriff Lacy if he had anyone that would be interested in attending this session. Sheriff Lacy said that he did so the Commission declined Mrs. Lyman's request.

HOSPITAL ADMINISTRATOR - EMPLOYEES

John Fellmeth, Hospital Administrator, met with the Commission to discuss rate increases for hospital employees and the need for a full-time office person. Mr. Fellmeth said the workload at the hospital has increased substantially. The Commission approved Mr. Fellmeth to advertise for the position but it was agreed that the employee rate increases will be discussed at the next health care board meeting. It was agreed that if the workload decreases this person will be either part-time or laid off.

SNOW REMOVAL AGREEMENT - DOLORES COUNTY

The following agreement for snow removal was approved and signed:

February 17, 1987

TO:

San Juan County Commission
County Courthouse
Monticello, Utah 84535

The Dolores County Commission is desirous of updating the snow removal agreement on roads in the Bug Point area and Cedar Point area in San Juan County, Utah, wherein the Dolores County Road Department is responsible for snow removal on the designated roads and San Juan County agrees to reimburse Dolores County for equipment and operators at the proposed rate as follows:

D-7 Cat with Operator -----	\$60.00 per hour
Motor Grader with operator -----	40.00 per hour
Snowplow Truck with operator-----	40.00 per hour
Loader with operator -----	45.00 per hour
Pickup with operator -----	12.00 per hour

The snow removal would continue on the presently scheduled roads, with any additional roads done on a secondary priority basis at the discretion of Mr. Emmett Doyal, Dolores County Road Supervisor. We are confident that suitable options on additional roads can be arranged with Mr. Doyal, who can be contacted by phone at 303-677-2328.

It is understood that in the event of extreme increases in cost of fuel, tires and other operating expenses, Dolores County would have the right to negotiate rate adjustments.

Billing for and payment for the above services will continue as in past years, periodically by volume of work performed.

It is further agreed that this agreement shall continue from the date hereof so long as the parties hereto mutually agree to the terms and conditions of this agreement.

If you concur in the terms and conditions of this agreement, please sign both copies, return one for our files and retain one for your files.

If you desire further discussion in this matter please contact Mr. Doyal or Wayne Magness, County Administrator at 677-2811.

SAN JUAN COUNTY COMMISSION	Date	DOLORES COUNTY COMMISSION	Date
<u>/s/ Calvin Black</u>	<u>2/23/87</u>	<u>/s/ Renay Neely</u>	<u>2/17/87</u>
<u>/s/ Mark Maryboy</u>	<u>2/23/87</u>	<u>/s/ Myron L. Jones</u>	<u>2/17/87</u>
<u>/s/ Kenneth R. Bailey</u>	<u>2/23/87</u>	<u>/s/ Robert T. Terry</u>	<u>2/17/87</u>

TAX ANTICIPATION NOTES

Gail Johnson, Clerk, and Marian Bayles, Treasurer, met with the Commission to discuss the county borrowing the Tax Anticipation Notes to operate for 1987. Chapman and Cutler received the Attorney General's Opinion dated May 1983 stating that the county's new form of government that went into effect this year was done improperly. The Commission said this can be put before the Legislature's special session to validate what the county has done regarding the districting of the Commission. There is also a problem of meeting the requirements for tax exempt borrowing with the county's accumulated surplus balance. The county will look at other possibilities for financing the first few months until they receive the actual 1987 assessed valuation.

UTAH WILDLIFE RESOURCES - DOUG MESSERLY REPORTS

Elk Transplant - Doug Messerly, Utah Wildlife Resources, met with the Commission to discuss various topics. Mr. Messerly said the update on the elk transplant is being held up by the Forest Service's paper work. A lawsuit has been filed on the plan which will slow the process.

Recapture Pipeline - Commissioner Black said that UWR's supervisor in Price wrote a letter to the BLM concerning the proposed construction of burying pipeline from Recapture Lake near Blanding. The letter written by John Lindsey states there is the endangered species, the Black-Footed Ferret, and therefore could not approve the construction. The U.S. Fish and Wildlife Service wrote a letter approving the construction stating that their endangered species office has determined that there are no federally listed threatened species in this area. Mr. Messerly said that he, Doug Betke, BLM, Mick Mester, BLM biologist, and Norman Nielson, Water Conservancy, went and walked around the area. Mr. Messerly said he wrote a letter to Larry Dalton saying there was no need for concern and told him to write a letter to the BLM and Water Conservancy explaining and approving the project. Commissioner Black said he personally feels this is a waste of the tax payers money. This could have been taken care of by the first letter instead of having other people take their time walking the area to approve it. Commissioner Black said he plans to talk this over with the Legislature and others.

Hunter Safety - Mr. Messerly thanked Commissioner Maryboy for arranging classes for Hunter Education Training at Navajo Mountain.

Fishing on the Reservation - Mr. Messerly said that Robert Greymountain told him that when they fish on the reservation they have to purchase two licenses, one from the state and one from the Tribe. Mr. Messerly said he will check with the UWR to see how the boundary line works at Lake Powell.

CONTEL TELEPHONE SERVICES - COURTHOUSE TELEPHONE SYSTEM

Colleen B. Johnson, Communications Consultant of Contel, and Rye Nielson, local Contel repairman, met with the Commission concerning a letter the county wrote to Contel. The letter stated the county purchased the Mitel SX-20 telephone system from Contel in March of 1981 and the system has never worked properly. Several repairmen have tried to fix the system and some have said that the installation was at fault. Gail Johnson, clerk, said the phone system is very frustrating not only to the operator but to the public. Gail said the county has a contract with Mae Systems from Durango and the county has not been satisfied with their service. The Commission and Gail said they would like to have Contel provide the maintenance service to the county. Colleen said Contel can not guarantee to fix the system but will try everything they can. Also, Contel has a standard specification that has to be met before a monthly service contract can be approved. After the system meets their approval of Contel the county can enter into a monthly service contract. The Commission and Gail agreed to return the telephone system and maintenance back to

Contel and will ask Mae Systems to waive the 30 days notice of cancellation.


BILLS APPROVED FOR PAYMENT

First Security Bank	Hard disks w/ controller	760.00
Deseret Architects	architectural/engineering fee	29,925.00
Best Western High Contry Inn	2 nights Bill Bayles	54.00
Mike Bradford	witness fees	14.00
Bob Brinkhman	witness fess plus mileage	90.00
Callister, Duncan & Nebeker	for legal services	30.00
Enco Manufacturing Company	supplies road dept	52.18
R.W. Harmon & Sons, Inc.	bus use Purgatory	450.00
Robert Knuckles	witness fees	14.00
Frankie Knuckles	witness fees plus mileage	21.50
Radisson Inn Price	travel Rick Bailey	36.00
R.D. Spicer Trucking	bail refund Cit. #B-072952	70.00
Sagebrush Books	books ordered Library M	145.30
The Wasatch Runner	Blue Mountain Canyonlands Triathlon	175.00
Lynn Wright	witness fees	14.00
S. Rigby Wright	witness fees	14.00
Gary Goodman	property tax refund	25.14
Nelson Dishface	property tax refund	220.96
George Tom	property tax refund	125.25
Lula Black	property tax refund	187.44
Peter Benallie	property tax refund	174.93
Rena &/or Nellie Grandson	property tax refund	94.78
Louise M. Cly	property tax refund	145.13
Marion C. Holly	property tax refund	21.81
John S. Yellowman	property tax refund	122.98
Kee or Darlene Mustache	property tax refund	460.62
Lorraine Benally	property tax refund	83.06
Pauline Tsosie	property tax refund	60.15
Robert Tsosie	property tax refund	85.95
United States Post Office	postage for postage meter	5,000.00
First Security Bank of Utah	liability from payroll run	323.42
Utah State Retirement Board	liability from payroll run	11.12
Utah State Retirement Fund	liability from payroll run	241.02
Utah State Tax Commission	liability from payroll run	26.24
L. Dawn Bellm	meals served for Feb. 87	1,026.00
Matthew Bender & Co., Inc.	Jan 87 Supp Revision #1	37.50
Keith Black	restitution: Bill Howard	200.00
Black Oil Company	fuel road dept	299.32
Blanding Clinic	physical S. Johnson	35.00
Charles Bowles	witness fees	28.00
Continental Tel Co Of West	tele charges courthouse	1,841.25
HF Cosby Jr.	Hauling road dept	770.00
Day-Timers, Inc.	office supplies extension	33.27
Demco	supplies library M	61.13
Empire Electric Assoc. CO	utilities courthouse	1,094.97
Frit-Lay, Inc.	vending machine courthouse	23.31
Honest Dollar Construction	hauling road dept	770.00
Horsehead Hardware	supplies courthouse	7.90
Inkley's	supplies surveyor, roads	199.30
Gail D. Johnson	travel expenses	160.93
Jim Keyes	travel & office supplies	114.28
Mae Systems, Inc.	term. tele agree	2,221.00
The Michie Company	supplies clerks office	73.29
Monticello, City of	utilities courthouse	143.49
Motor Parts Pro Mart Home Cntr	supplies fire control	373.48
Office Outpost	Purchasing dept supplies	237.02
Rachel Romero	clean senior citizens center	40.00
San Juan County	restitution: Larry Larson	60.00
San Juan County Hospital	work during February 1987	1,170.56
San Juan County Recorder	petty Cash	8.41
S.J. 7th Dist. Court	Wm. C. Bartley/J.C. Wade - Bail	5,000.00
San Juan Health Care Services	capital request	5,419.04
San Juan Pharmacy	medicine Albert Jim	36.76
The San Juan Record	advertising/emergency serv.	40.90
Saveway Automotive	supplies road dept	2,625.00
Shilo-Inn SLC	travel Cal Black	34.00
Dayne Shumway Const	hauling road dept	577.50
Bessie J. Spencer	meals served Feb. 87	822.00
Tek Shop	repairs assessors office	154.00
Texaco Refining & Marketing In	gas purchased sheriffs dept	8.04
Utah Gas Service Company	utilities courthouse	1,969.49
Utah Power & Light Company	utilities LaSal Fire st	173.83

ADJOURNED

There being no further business the meeting was adjourned at 4:00 p.m.


Calvin Black, Chairman


Karen Halls, Deputy Clerk