

MINUTES OF THE SAN JUAN COUNTY COMMISSION MEETING

MARCH 25, 1985

The San Juan County Commission met in regular session on Monday, March 25, 1985, at the hour of 10:00 a.m. in the San Juan County Courthouse at Monticello, Utah.

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

Minutes of the previous meeting were approved with the specified corrections on the motion of Commissioner Holliday. The motion was seconded by Commissioner Bailey and carried unanimously.

U.N.I. PRINTING PLANT/LETTER OF SUPPORT

Norman Johnson from U.N.I. met with the Commission to request a letter of support from the Commission for the U.N.I. Printing Plant. Mr. Johnson reported that U.N.I. has applied for a grant from the U.S. Department of Health and Human Services, Office of Community Services. The Commission approved the request and authorized Commissioner Black to sign it as long as it does not interfere with the County's request for CDBG funds.

U.N.I. SALES TAX DISCUSSED

The Commission discussed their concern regarding U.N.I. not charging sales tax on all retail sales. Mr. Johnson stated that U.N.D.C. has a tax exempt status with U.N.I. on items purchased in Blanding and delivered to the reservation at the present time. The Commission feels that items purchased in Blanding should be subject to sales tax. Commissioner Black stated that up until recent years U.N.D.C. took the position that they were an entity in the County that was in business and they were a contributor and a tax payer. In the last couple of years they've turned that around, and they want all the services but don't want the responsibility of helping to contribute by the payment of taxes.

Commissioner Black reported on a copy of a letter from the State Tax Commission to UNI informing them that they have to charge taxes to Navajos unless the merchandise is physically delivered to the reservation by UNI to a registered indian living and employed on the Navajo or other reservation.

UTAH DIVISION OF WILDLIFE RESOURCES REPRESENTATIVES MEET

Guy Wallace, Rich Mann, Larry Dalton, and Doug Day from the Utah Division of Wildlife Resources met with the Commission. Mr. Day reported that part of his new responsibilities is to work with the County Commissioners to get feed-back on wildlife issues.

Commissioner Holliday asked about the investigation of a UDWR officer for illegal hunting on Elk Ridge. Mr. Mann reported that he has investigated the incident and did not find any proof of wrong doing. Commissioner Holliday reported that he knows of several people who could give him information regarding the investigation. Mr. Mann stated that he would contact the individuals mentioned and continue the investigation.

The method of the drawing procedure for special hunts was also reviewed.

Mr. Mann reported that approximately 12,500 catchable sized fish will be planted in the Recapture Reservoir. Mr. Wallace reported that Foy Lake will not be stocked this year to enable them to clean out the weeds and cat-tails.

The proposed antelope transplant at Hatch Point was also discussed. Mr. Wallace reported that the matter has not been discussed this year.

The progress of a proposed elk transplant on the Blue Mountains was discussed. Mr. Wallace reported that a decision on the proposal can't be made until the Forest Management Plan is adopted.

Mr. Dalton reported on the efforts to obtain a public right-of-way through J.B. Ranches on the LaSal Mountains. Mr. Dalton further reported that the Forest Service, Division of State Lands and the Utah Division of Wildlife Resources are trying to obtain the right-of-way from J.B. Ranches.

RECAPTURE RESERVOIR ROADS DISCUSSED

Norman Nielson from the Water Conservancy District met with the Commission to discuss the access road on the west side of Recapture Reservoir. Mr. Nielson requested the County extend the access road built by the State. The Commission reported that the maintenance and development of additional access roads is the responsibility of the Water Conservancy District not the County. The Commission and the Water Conservancy District are both opposed to the state proposal to tear up the old highway. The Water Conservancy District is planning to use the old highway as boat ramps.

Mr. Nielson reported that the dedication at the reservoir will be on June 7th.

OLD CLINIC BUILDING IN BLANDING DISCUSSED

Reese Thomas from the San Juan County School District met with the Commission to report that the funding for the handicapped-adults sheltered workshop and the developmentally delayed/handicapped pre-school program has been approved. The school district has requested use of the old clinic building in Blanding for these programs.

Bruce Halliday, County Attorney, met with the Commission to discuss the request from UNDC to use the old clinic building in Blanding. Mr. Halliday reported that further research is required before he can make a recommendation on this matter.

The Commission deferred action on this matter at this time.

STATE RETIREMENT CONTRIBUTIONS DISCUSSED

Gail Johnson, County Clerk, met with the Commission to report on the letter she received from the State Retirement Board regarding retirement contributions on lump-sum payments to employees. The letter stated the following:

"The Utah State Retirement law requires that the computation of retirement benefits be based on salary regularly paid (see 49-9-17, U.C.A., 1953). The law expressly prohibits the use of lump-sum payments in determining the final average salary of an employee in computing his retirement benefit.

Therefore, retirement contributions should not be taken on lump-sum distributions. This law has been further clarified in H.B. 299 (1985) which we expect to be signed by the Governor shortly."

IRS CHANGE RE: USE OF COUNTY VEHICLES

Gail Johnson, County Clerk/Auditor, met with the Commission to report that the IRS will be holding hearings on April 17th and 18th regarding the IRS temporary regulations outlining the record keeping and withholding requirements for employer-provided vehicles. State and local governments are included in the regulations. The new regulations:

-provide a special rule to determine the value of personal commuting at a flat \$3 per day rate; further, if the \$3 rule is used, a log does not have to be kept.

-allow the employer to rely on records kept by the employee or other records such as expense reports to time sheets to substantiate personal use for withholding purposes.

The Commission will send a letter to the following employees whose home has been designated as their place of beginning work. These employees use a county vehicle to and from home and may be subject to withholding taxes if this commuting is determined to be an income to them.

Robert Bryan
Dale Fuller
Merz Hugentobler
Jim Benally
Oley Black
Bernal Bradford
Stan Hawkins
Milt Rose
Philippe Buldoc
Rudy Cook
Mike Halliday
Jack Kirby
Rigby Wright
Tully Black
Nelson Begay
Tom Dyer

HEALTH CARE SERVICES 1984 DEFICITS REVIEWED

John Fellmeth, Chief Deputy Auditor, met with the Commission to review the 1984 year-end deficits for Health Care Services.

Physicians Group	\$125,500.
Hospital	88,220.
Nursing Home	212,730.

PERSONNEL POLICY DISCUSSED

Gail Johnson, County Clerk, met with the Commission to discuss the personnel policy for county employees. Mrs. Johnson reported that there are problems in having the policy for Health Care employees and all other county employees combined. The Commission instructed Mrs. Johnson to work with Rayburn Jack and Rick Bailey in compiling a separate policy for Health Care and county employees. The Commission would like a draft of the two policies submitted in two weeks.

SUPREME COURT DECISION/OVERTIME WAGES

Rick Bailey, Assistant to the Commission, met to report that he contacted Mr. Perkins of the U.S. Department of Labor, Hour and Wage Division in Salt Lake City regarding the 40-hour week, and 8-hour day recent Supreme Court decision. Mr. Bailey further reported that at the present time Mr. Perkins has not received an official notification or policy from the U.S. Government on the Supreme Court ruling regarding the position of cities, counties and states paying overtime wages. The Hour and Wage Division is advising these governmental agencies to proceed as the private sector is, until such time as the Supreme Court ruling has been issued. They are as follows:

I. All overtime pay is based on a 40 hour per week maximum. No restrictions are set for only an eight (8) hour day, i.e. you may work four ten hour days and receive no overtime. Grouping of weeks is not allowed, i.e. one week working 30 hours, and the next week working 50 hours. The additional 10 hours of the one week must be paid overtime.

II. Travel time is interpreted as follows when the business provides the transportation or vehicles.

A. If the vehicle is provided for convenience only as a salary additional, etc. then travel in excess of a regularly scheduled work day is not considered overtime basis.

B. If the vehicle is provided to transport tools, equipment personnel, or if it is required to perform the person's job, then travel time to and from the work site over the regularly scheduled work day is considered overtime basis.

A copy of the Wage and Hour Division's Overtime Compensation under the Fair Labor Standards Act is in the Clerk's Office.

VISIBILITY POSITION APPROVED

Rick Bailey presented the comments he compiled regarding the draft visibility State Implementation Plan. The comments were approved and signed by the Commission and will be presented at the Air Conservation Committee hearing in Moab on the 26th. The Commission is also supporting the comments drafted by the Southeastern Utah Association of Local Governments.

BLUFF COMMUNITY CENTER DISCUSSED

Rick Bailey reported that the estimate for the proposal to install book shelves in the Bluff Community Center is \$792.15 for materials.

Commissioner Holliday reported that rental fees in the amount of \$306 for the use of the Bluff Community Building have been collected and put in a checking account. These funds will need to be turned into the County as revenue.

PRAIRIE DOG CONTROL DISCUSSED

Robert Thompson, County Agent, met with the Commission to review the progress of the prairie dog control program. The program offers up to two (2) bottles of pellets to each land owner with prairie dog

investation until April 15th. Mr. Thompson reported that approximately 40 bottles of pellets have been distributed.

STEP RAISE REQUESTED FOR EXTENSION SERVICE SECRETARY

Robert Thompson, County Agent, presented the Commission with a written request for a merit raise for Jane Mussleman. Mrs. Mussleman's present salary is Grade 1, Step 4. Mr. Thompson is requesting her salary be increased to Grade 1, Step 5. The Commission did not make a decision on this matter at this time.

BIDS OPENED FOR REMODELING WORK AT THE MONTICELLO SWIMMING POOL

Bids were opened at 2:00 p.m. for remodeling work at the Monticello Swimming Pool. The following bids were submitted:

Bruce Bunker Construction	\$18,612.00
Jay Nelson, Building Contractor	20,944.00

After reviewing the bids submitted Commissioner Bailey made a motion to accept the low bid submitted by Bruce Bunker with a \$100 per day penalty assessed for every day after May 15th the project is not completed due to the urgency of this project. The motion was seconded by Commissioner Holliday and carried unanimously.

BLANDING GOLF COURSE EMPLOYEE HIRED

Commissioner Holliday made a motion to approve the hiring of Bill Shephard for six months with a salary of \$600 per month to take care of the Blanding Golf Course. The motion was seconded by Commissioner Bailey and carried unanimously.

COUNTY ASSESSOR MEETS

Barbara Montella, County Assessor, met with the Commission to report that the State Tax Commission has authorized her to do a reappraisal on commercial property.

Mrs. Montella requested the Commission's permission to hire Kathy Barry on a full time basis instead of the permanent part-time basis she is currently employed at. The Commission denied the request at this time.

COUNTY SHERIFF MEETS

Sheriff Rigby Wright met with the Commission to discuss a bulletin regarding license fee reciprocity agreement with Utah's five bordering states regarding persons who work in Utah and are exempt from getting Utah license plates.

Sheriff Wright presented a copy of the policy governing State Corrections involvement with inmates housed in County jails under contract. Commissioner Holliday made a motion to approve the terms of agreement. The motion was seconded by Commissioner Bailey and carried unanimously.

JOINT HIGHWAY COMMITTEE MEETING ATTENDED

Commissioner Bailey reported that he attended the Joint Highway Committee Meeting in St. George last week. Commissioner Bailey reported that the recommendation of the Committee was for the Interim Committee to draft a bill limiting funding diversions. Commissioner Bailey reported that the funding diversions in 1984 had increased 19%.

MONTEZUMA CREEK BRIDGE DISCUSSED

Commissioner Bailey reported that the construction engineering work on the Montezuma Creek Bridge will be bid on April 9th.

PIUTE FARMS ROAD REPORT

Commissioner Bailey reported that the proposed culvert work on the Piute Farms Road will cost approximately \$50,000. Commissioner Bailey further reported that the County is trying to get assistance from the BIA on this road. Commissioner Bailey will further report on this matter next week.

TOURISM DISCUSSED

Tina Marie Gornick from the Five County AOG met with the Commission to discuss the Grand Circle Plan. Among the topics discussed was methods of increasing tourism in Southern Utah. The survey on tourism conducted by the Five County AOG was also reviewed.

BILLS APPROVED FOR PAYMENT

BRUCE ADAMS	RESTITUTION/CRIMINAL #661	50.00
AURORA MARKETING COMPANY	SUPPLIES/COMMUNICATIONS	5,200.00
WAYNE BALL	JANITORIAL WORK/M-LIBRARY	231.00
KARL BARTON	SUBSISTANCE/MARCH 1985	112.00
JOHNSON BEGAY	SUBSISTANCE/MARCH 1985	112.00
BLACK, OLEY	TOOL ALLOWANCE/MARCH 1985	25.00
BLUE CROSS-BLUE SHIELD	INSURANCE COUNTY	1,313.02
STEVEN BRADFORD	SUBSISTANCE/MARCH 1985	72.00
BRYAN, ROBERT F.	TOOL ALLOWANCE/MARCH 1985	25.00
CATE EQUIPMENT CO.	PARTS/ROAD DEPARTMENT	230.42
CORKY'S TRACTOR PARTS/SERVICE	PARTS & SUPPLIES/ROAD DEPT.	3,399.03
GRANT, JIMMY	SUBSISTANCE/MARCH 1985	88.00
HAWKINS, STANLEY M.	SUBSISTANCE/MARCH 1985	97.00
HOLDEN, ACE	REPAIRS/ROAD DEPT.	48.00
HOLLY, THOMAS	SUBSISTANCE/MARCH 1985	80.00
MARTINEAU, GARY	JANITOR/B-LIBRARY	404.25
MOTOR PARTS COMPANY	PARTS/ROAD DEPARTMENT	1,240.41
VICTOR NEBEKER	TOOL ALLOWANCE/MARCH 1985	25.00
ODETTE, BERT	JANITOR/M-LIBRARY	173.25
OFFICE OF RECOVERY SERVICES	CHILD SUPPORT/20154128 R/1	50.00
CLINT PALMER	SUBSISTANCE/MARCH 1985	104.00
TIERRE J. PATTERSON	TOOL ALLOWANCE/MARCH 1985	25.00
REDEX, INC.	SUPPLIES/ROAD DEPT.	55.11
RENTZ, JACK	SUBSISTANCE/MARCH 1985	112.00
ROYAL COLOR	DEVELOPMENT OF FIM	11.22
RUSTY IRON & SALVAGE	USED IRON/ROAD DEPT.	29.52
SAN JUAN COUNTY EXT. OFFICE	REIMB/REG. FEE	74.78
SAN JUAN COUNTY ROAD DEPT.	GAS/EXT. OFFICE	20.70
SAN JUAN COUNTY HEALTH CARE	CAPITAL REQUEST FOR MONIES	460.44
SWENSON, ERIC P.	PUBLIC DEFENDER/MARCH 1985	500.00
TOOL	SUPPLIES/COMMUNICATIONS	161.80
UNIVERSITY RADIOLOGIST	DEDUCTION/J. MANHEIMER	100.00

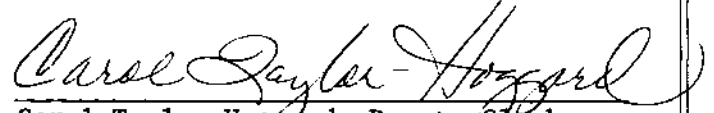
UTAH POWER & LIGHT COMPANY
HAROLD WILLIAMS
WYCOFF

UTILITIES/COMMUNICATIONS
SUBSISTANCE/MARCH 1985
FREIGHT CHARGES/ROAD DEPT.

299.34
112.00
46.62

There being no further business for this day the meeting adjourned at approximately 5:20 p.m.


Commissioner Calvin Black, Chairman


Carol Taylor-Hoggard, Deputy Clerk