

MINUTES OF THE SAN JUAN COUNTY COMMISSION

AUGUST 26, 1985

The San Juan County Commission met in regular session on August 26, 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 R. Bailey
 Commissioner Jerry Holliday

Minutes of the August 19, 1985 meeting were approved as corrected on the motion of Commissioner Holliday. The motion was seconded by Commissioner Bailey. UNANIMOUS.

Bluff Airport - Airport Lease w/BLM

Gail Johnson, County Clerk/Auditor, met with the commission to discuss the Bluff lease with the BLM. Annette Jameson with the BLM has done research to get the Bluff Airport back into compliance. The following letter was sent to the BLM.

August 26, 1985

Bureau of Land Management
 P. O. Box 7
 Monticello, Utah 84535

Gentlemen:

Per your request of August 21, 1985, please renew the Bluff Airport lease with San Juan County. A copy of the last certificate of the Utah Division of Aeronautics is attached.

Also enclosed are statements of gross business receipts for 81-82, and 82-85, and a check for \$50. This should bring the lease current on the Bluff Airport.

This matter was taken up in commission meeting on this date. Should you need further information, please contact the county clerk or a member of the commission.

Sincerely,
 /s/ Calvin Black
 Calvin Black
 Commission Chairman

Communications Technician

Special-Use Application: Bill Bayles, Communications Technician met with the commission requesting the execution of a Special-Use Application with the Forest Service for the facilities on Abajo Peak. The Forest Service will be charging for a class D permit, which is 2% of the value or a minimum of \$100. Motion was made by Commissioner Holliday for the approval of the application and seconded by Commissioner Bailey. UNANIMOUS. Mr. Bayles will check with the Forest Service to see if the 2% charge is based on a depreciated value.

Equipment Liability: Mr. Bayles will check with the County Attorney to see if the county is liable for the equipment in the building. The county attorney will prepare an agreement stating the county assumes no liability on subleases.

User-Group: Mr. Bayles reported that during the last month, they have formed a user-group for Abajo Peak. The purpose of the group is to make sure there will not be problems with regard to frequencies used, etc. It was suggested by Commissioner Black that members of the user-group could participate in keeping the roads open.

New Building Facilities - Abajo Peak: The Forest Service has a proposal to build a new building in the place of the present one. There will be a sharing of the cost of the building and a new tower. The county will need to budget for this. The exact costs will be determined in September. Mr. Bayles said we have two options: we can move all our equipment in the new building and lease the TV building. However, Mr. Bayles said the Forest Service would like to see the TV building gone because it is a fire hazard. The other option is to just move everything into the TV building.

TV Building Repairs: Mr. Bayles reported needed repairs of the roof installation and ramp.

Personnel Termination Procedure

Commissioner Bailey reported to the commission his concern for the way blue slips were being filled out by the department heads. It was decided by the commission that all blue slips, whether voluntary or otherwise, would be reviewed by Rick Bailey, Administrative Assistant, before being given to the employee. Also a timely record should be kept in each employee's file.

District Fire Warden Meets

John Baker, District Fire Warden, met with the commission to report a controlled burn in Dark Canyon Plateau. There were also three small fires near LaSal.

Monticello Airport - Well

Rick Bailey, Administrative Assistant, presented the well logs on the Monticello Airport well. After reviewing the information, Commissioner Bailey instructed Mr. Rick Bailey to have the pump pulled and Commissioner Bailey would inspect it to determine if the problem is pump related.

County Jail

Rick Bailey, Administrative Assistant, met with the State Historical people and the Community Block Grant people. They told him the county can buy the property, but not to do anything with the house until they do their photographs and analysis. Commissioner Bailey signed the Memorandum of Agreement with the State Historical Society. Also, the county will need to hire a contractor (archaeologist) to conduct a study of the property. The Commission would like to get Bill Davis.

Pat Spurgin - High Level Nuclear Office Meets

Mr. Pat Spurgin, Director of the High Level Nuclear Waste Office, met with the commission to discuss the commission's concerns regarding the USU construction worker survey contract. The Commission felt that USU has gone on record as being prejudice against the repository in this area. Mr. Spurgin agreed, and assured him that any biased negative statements would be taken into account as such and disregarded.

Mr. Spurgin reported that there is not much going on in this area at the present time. That although there has been a re-evaluation of the weights assigned to certain siteing criteria, it will probably not have much effect on the Davis Canyon status.

Mr. Spurgin told the commissioners that he has not received a request from either Grand or San Juan counties concerning the reimbursement from the state for monies spent by the county in connection with the Davis Canyon study. The High Level Nuclear Waste Office has approximately \$15,000 in obligated funds that nobody has sought reimbursement for. Rick will check the status of this.

Mr. Spurgin informed the commission that on September 6, 1985 NCR will be having a meeting in Washington with the people who attended their earlier meeting on the guidelines. They are considering now the timing of DOE's preliminary determination of the suitability of sites. There are two possibilities: 1. the DOE will only have to come up with one good site; 2. the DOE will need to have three sites after site characterization. Also the Mission Plan has been submitted to Congress and they will be conducting some Congressional Hearings on September 12, and 13. They will accept requests for opportunity for testimony. There is a possibility that DOE will fund a representative from the San Juan County. Mr. Spurgin will talk with the Governor's office and get back with Commissioner Black regarding this funding.

Tully Lameman - UNDC Meets

Mr. Tully Lameman, Deputy Director of the UNDC, met with the commission regarding the commission's recommendation that Mr. Rick Bailey be appointed to the UNDC Board. The UNDC Board will be meeting next week, September 5, 1985, in Windowrock and Mr. Lameman reported there will be some additional discussion on this appointment at this meeting. Some of the projects the UNDC is presently working on and concerned with are: water system, power line extension, proposal for Title IV money for teacher training and adult education, possibility of headstart program, and funding for child development. The Commission suggested the aquifer at Gouldings may not handle any addition to the present system.

Mr. Lameman reported that the UNDC has met with the people of the Navajo Tribe where they asked for a police substation at Montezuma Creek. He further reported that the Tribe is going to place two Navajo police officers at Montezuma Creek.

Commissioner Black inquired as to why ElPaso Natural Gas was dismanteling the community of ElPaso Camp near Montezuma Creek. Mr. Lameman said they are selling their operation there. Commissioner Black suggested the Tribe work our some agreement with ElPaso for the purchase of the community rather than destroy that development. Mr. Lameman said he would look into it further.

San Juan County Nursing Home - Possible Sale

Rick Bailey reported that Bonneville Health Care System is interested in the purchase of the San Juan County Nursing Home and possibly the hospital. He will be meeting with them Wednesday, August 28, 1985 to tour the premises.

San Juan County Recreation Organization

Commissioner Holliday requested Rick Bailey, Administrative Assistant, to arrange a meeting with Jim Benally, Kim Fai Chan, Kathryn Osborne, Eddie Allred, and Dennis Jones to work up a program to present to the schools before September 17, 1985. Commissioner Bailey strongly suggested that one person be in charge and responsible for the coordination of all activities. This person should be familiar with fund raising and applying for impact grants, etc.

The Commission instructed Rick Bailey to start advertising for the position as soon as everyone involved is committed. Rick will check further into what type of organization the group will be set up under as to incorporation, etc. Mr. Rick Bailey will send statements to the other entities of the group for their pledged share.

San Juan County Fair

Commissioner Holliday suggested that the commission send a letter of appreciation to Shirley Steffen for the work she and her committies have put forth for this year's fair. Mr. Rick Bailey will draft a letter.

Commissioner Bailey reported that he felt the fair turned out pretty good, however, he would like to see more participation from the Blanding area and more coordination with the UNDC.

Recapture Dam Road

Commissioner Holliday reported he had talked with Norman Nielson, President of the Water Conservancy District, about getting the road on the west side of the dam across to the canal bridge. Commissioner Bailey will determine what the cost would be for this road. The Commission felt this would not be feasible. Commissioner Holliday will check into it further.

Monticello Library - custodian

Commissioner Bailey reported that Rufino Romero had been hired for the position of custodian of the Monticello Library.

Blanding Library - Librarian

Commissioner Bailey reported that Mikki Palmer had been hired for the position of Blanding librarian.

Montezuma Creek Bridge

Commissioner Bailey reported that Reed Noble said he did not want the cold mix for the Montezuma Creek Bridge; that he wants hot mix. After some discussion, the commission felt the cold mix would be fine. Commissioner Bailey said they are going to decrease some of the rip rap on the dikes and place around the bridge, which has been approved by the State.

Fair Labor Standards Act

Mr. Rick Bailey, Administrative Assistant, called the Wage and Hour Division for clarification on when time starts on the job. Mr. Bailey was told that if the place of work was predetermined, i.e., the employees were told that on the following day they would be working at a certain point and to report there, or if they reported to the job and transported there, then time would start on the jobsite. If, however, they report to work and are then told to relocate, then time starts when they first arrive. Also another determining factor is, if the employee is assigned any task, such loading a pickup or anything, then time starts then.

On the payment of milage, the Wage and Hour Division informed Rick Bailey, that it is entirely up to the county.

Recapture Lake - Pre-application Grant

Mr. Rick Bailey, Administrative Assistant, reported that the grant pre-application has been sent in for Recapture Lake. Mr. Bailey also reported that the public meeting will be held in about two weeks.

Gwen Halls - Overpayment

Mr. Rick Bailey, Administrative Assistant, reported that Gwen Halls has cashed the check, but is willing to return the overpayment to the county. However, she feels the county has not completed their end of the agreement in reclaiming the property. Commissioner Bailey stated that she wanted more done than was outlined in the contract, and further that the county is in compliance with the contract except for the planting, which they will do this fall. Commissioner Bailey said he would review the contract with Mr. Hugentobler of the Road Department. Mr. Rick Bailey will draft a letter requesting the return of the overpayment.

Clem Washburn - County Property Reconveyance

Bruce Halliday, County Attorney, said he had talked to Ray Redd and Marion Hazelton, previous Commissioners regarding the question of the right-of-way near the Washburn property. Messrs. Redd and Hazelton had no recollection of why the county has that particular property. Bruce also talked to Harold Young who developed the subdivision, and he didn't know anything about it. He will check further.

County Sheriff's Jurisdiction

The County Attorney Bruce Halliday discussed jurisdiction. Mr. Halliday informed the commission that at the present time Sheriff Wright has jurisdiction on the reservations with regard to those private properties as well as properties owned by county or state, but only with regard to non-Indians. Anything that has to do with Indians is either under federal jurisdiction and/or tribal jurisdiction. With regard to Indians having fee title to land, under the federal statute this is referred to as "Indian Country". If it is Indian Country and it involves Indians, then the state and county have no jurisdiction.

The tax status of "Indian Country", at least at the present time, is still open to being taxed.

Waiver of Certification for Deputies Not Qualified Under State Law

Mr. Halliday, County Attorney, informed the commission that this particular certification comes through Police Officers Standards Training (POST). Mr. Halliday has informed Sheriff Wright and advised him to pursue through POST.

Old Blanding Clinic Building - UDIA Lease

Bruce Halliday, County Attorney, reported to the Commission that he received a letter from Clark Fetzer, Assistant Attorney General, regarding in part the insurance and indemnification the county requested from UDIA. In his letter Mr. Fetzer states the State and its agencies do not agree to insurance provisions in their contracts with others because the insurance provisions generally do not tie in with the State's risk management fund. Instead, the State and its agencies will generally represent to a lessor that, pursuant to Utah Code Annotated SS 63-1-45 through 50, the State will maintain public liability insurance in an amount of not less than \$1,000,000 covering liability for personal injury arising out of the use by the State and any of its agencies of the property which is the subject of the agreement, and property damage insurance in an amount that will cover any loss or damage to the property which is the subject of the agreement while the property is in possession or custody of the State or any of its agencies. You should note that the States risk management fund does not insure the lessor, and the lessor is not a "named" insured.

Mr. Fetzer also stated in his letter that his office has concluded that a State Officer, which would include the Director of the Division of Indian Affairs, has no authority to bind the State to an indemnification agreement such as the one proposed by the county. Consequently, he could not approve the Division's execution of the indemnification agreement.

However, Mr. Fetzer stated the subleases would be agreeable to providing the insurance and indemnification directly to the county as requested in the proposed agreement. An agreement with the sublessees would satisfy the county, and would be consistent with the proposal sent to UDIA; the Division of Indian Affairs and/or the sublessees have the responsibility to provide insurance and indemnity.

Bruce will get a letter of confirmation that they have that responsibility.

Communications Building on Abajo Peak - Liability to Lessors

Commissioner Bailey asked Bruce Halliday, County Attorney, what the county's liability is to lessors on their equipment they have in the county's building. Mr. Halliday said the lease agreement could show the lessee to assume that liability.

Treasurer Meets - Investment Renewals

Marian Bayles, County Treasurer, met with the commission for their recommendations on investment renewals-the county investments were renewed with First Security Bank as follows:

Five Year TCD at 10.25%
\$1,082,002 - Trust Fund
\$1,631,719 - Road Capital Investment

One Year TCD at 8.25%
\$293,000 - Health Fund
\$2,500,000 - B Road
\$100,000 - Tort Liability
\$100,000 - Library Fund

Wayne County - BLM Land Acquisition for Irrigation

Commissioner Black reported that Wayne County is applying for approximately 12,000 acres of BLM land under the Carry Act, which is a means to get land reclaimed to irrigation. It goes through the Federal Government to an entity such as a conservancy district, then it can be sold to individuals and they put in a complete water system. Commissioner Black said this provision has not been used in over ten or twenty years. Commissioner Black will talk to Norman Nielson about this.

Halls Crossing Airport

The Commission received a copy of a letter sent to Federal Aviation Administration from a Congressional Delegation thanking them for funding the preliminary study of the Halls Crossing Airport and urging a early review of the data.

San Juan County Extension Service

Commissioner Black reported that he will be meeting with Dr. Ralph Horne in Salt Lake City next week regarding the Extension Service in San Juan County.

Muhlestein Salary Increase Request

Gail Johnson, County Clerk/Auditor, reported to the commission that she has requested information from several other counties with regard to their JP's work load and clerical help. She has not received all the information as yet, but will make a recommendation next week. The Commissioner's Clerk will research the minutes for the agreement made with Judge Muhlestein with regard to clerical help.

Bills Approved for Payment

Arnold Machine Company	Parts for Road Dpt.	487.66
Richard M. Bailey	Travel Expenses	151.07
Ballard Supply Corporation	Batteries for Sheriff Dpt.	25.80
Nelson Begay	Uniform Allowance for July-August	73.30
Oley Black	Tool Allowance for August 1985	25.00
Tully Black	Uniform Allowance July-August	70.00
Black Oil Company	Deisel for Road Dpt.	6442.50
Blanding City Justice Court	Elliott Singer #34177	190.00
Blanding Home Center	Supplies Communications	21.07
Blue Mountain Petroleum, Inc.	Fuel Purchase Road Dpt.	8452.04
Phillippe Bolduc	Uniform Allowance July-August	70.00
Charles Bowles	Uniform Allowance August 1985	20.00
Robert F. Bryan	Tool Allowance August 1985	25.00
M.V. Christensen	Hualing for Road Dpt.	3773.00
City of Monticello	Repairs for Fire Control	1567.50
Rudolph Cook	Uniform Allowance July-August 1985	70.00
C.W. Electronics Sales Company	Supplies Communications	53.63
Dept. Administrative Services	Information sheets	25.00
Tom Dyer	Uniform Allowance July-August 1985	70.00
Federal Programs Advisory Services	Supplies for Rick Bailey	92.00
Field Consulting Services	512K Memory Upgrade/Compaq	200.00
Fifth Circuit Court	RE: John French	73.00
First Security Bank of Utah	Acting Bond Transfer Agent	456.75
Future Electronics	Supplies Communications	44.55
Grand County 12th Circiut Court	RE: Curtiss Billsie	106.00
Freedra P. Guymon	Reimbursement for Phone calls	25.00
Mike Halliday	Uniform Allowance July-August 1985	70.00
Stanley M. Hawkins	Tool Allowance for August 1985	25.00
Horsehead Hardware	Supplies County Fair	3.75
Hunt Communications	Supplies Communications	81.21
Intermountain Battery	Batteries purchaseed Road Dpt.	104.50
N. Glen Jackson	Work in S.O.-August 10,18,& 25th, 1985	108.00
Juab County Justice of the Peace	Warrant Kirk Pehrson	60.00
Jack H. Kirby	Uniform Allowance July-August 1985	70.00
Grant H. Leavitt	Green Fees for August 1985	1247.80
Gary Martineau	Janitor Blanding Library	404.25
Kenneth Miller	Hualing for Road Dpt.	3118.50
Monticello City Justice of the Peace	#8253 (4600) #8210 (3200)	120.00
Navajo Tribal Utility Auth.	Utilities Fire Control	7.50
Victor Nebeker	Tool Allowance for August 1985	25.00
Oxmoor House	Book for Extension Office	17.64
Norpac Exploration Services	Timothy Saden # 637	2000.00
Palmer's	Supplies Communication	8.56
Tierre J. Patterson	Tool Allowance August 1985	25.00
William H. Pierce	Uniform allowance July-August 1985	70.00
Professional Armaments	Supplies Sheriffs Dpt.	49.90
Roland Communications Inc.	Parts for Communicaton	130.00
Rufino Romero	Custodian Monticello Library	75.00
Salt Lake County Justice of the Peace	RE: John French	105.00
Timothy Saden	Timothy Saden #637	25.00
San Juan County	Herbicide Spraying	1498.85
San Juan County Assessor	K.Schuster(25)W.B. Jones(25)	50.00
San Juan County Justice of the Peace	Collection from S.O. Dpt.	2475.32
San Juan County Sheriff	Petty Cash S.O.	351.98
S.J.County 12th Circuit Court	RE: Raymond Cowboy	1113.00
San Juan Pharmacy	Film for County Fair	7.04
Gaylen Schaugaard	Library Grounds Janitor (M)	173.25
William O. Sheppard	Work at Blanding Golf Course August '85	600.00
Shilo Inn-Salt Lake City	Travel for IRick Bailey	96.00
Dwayne Shunway Construction	Hauling for Road Dpt.	1944.25
Southern Paving Company	Asphalt for Road Dpt.	53888.15
Steve Stovall	Uniform allowance July-August 1985	73.49
Eric P. Swenson	Public Defender August 1985	500.00
Texaco Incorporated	Gas Purchased Aging Buses	380.47
University Radiologist	Payroll deduction	100.00
Utah Power & Light Company	Utilities Bluff Building	92.20
Ut. State Dpt. of Social Services	Aging Contract	5137.56
UTEC	Supplies Communications	178.00
West Publishing Company	Supplies Attorneys Office	36.50
Wheeler Machinery Company	Parts for Road Dpt.	1303.05
White Mesa Ute Council	Senior Citizen meals July/Aug. 1985	242.50
S. Rigby Wright	Uniform allowance July/Aug. 1985	70.00
Wycoff	Freight charges Road Dpt.	23.87
Young Builders Incorporated	Repairs Monticello Golf Course	1002.50

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


Calvin Black, Commission Chairman


M. Jane Musselman, Deputy Clerk