

SAN JUAN COUNTY COMMISSION MINUTES

JUNE 27, 1988

The regular meeting of the San Juan County Commission commenced at 10:00 A.M. at the San Juan County Courthouse in Monticello, Utah.

Commissioners present: Calvin Black
Kenneth Bailey
Mark Maryboy

A motion to approve the minutes of June 20, 1988 as corrected was made by Commissioner Maryboy and seconded by Commissioner Bailey.

COMMISSIONER KENNETH BAILEY'S REPORT

Tax Exempt Bonds - Dell Webb - Commissioner Bailey stated that with the advertised sale of the Dell Webb property at Halls Crossing, the County needs to get an accounting from Dell Webb on the Tax Exempt Bond funds to assure the County that the money is being spent in San Juan County on the agreed project at Halls Crossing. Commissioner Black will write and ask for the report.

Small Cities Funds - Commissioner Bailey contacted Bill Howell, Executive Director of AOG regarding the Small Cities Funding. Those funds are available for promoting new industry but not for use in the actual project. Mr. Howell will provide any additional information needed.

Road Department - The road department does not have enough loaders to meet the needs of the various areas. They need one to load mulch in some areas and gravel in others but the only loader is being used to help with the road work in Blanding City. Commissioner Bailey indicated they may need to rent a loader to help get the work done. Mr. Bailey will check on various possibilities of getting a loader.

Guymon Lane - Commissioner Bailey indicated that a decision needs to be made on what improvements are going to be made on Guymon Lane. Ken & Don Brown claimed that someone promised them the road would be oiled. The Commission again indicated that local service roads are a low priority for County improvement than thru or arterial roads.

Guymon Lane Power Poles - Commissioner Bailey told Utah Power and Light to go ahead with moving the power lines necessary to widen Guymon Lane. The cost will run between \$1,200 and \$1,500 which is about half their cost. Commissioner Black will check with Roger Puckett regarding UP&L moving the poles at their cost.

COMMISSIONER MARK MARYBOY'S REPORT

Reservation Roads - Commissioner Maryboy asked Commissioner Bailey the status of the roads on the Reservation. Commissioner Bailey reported that the road going to Oljato is coming along fine but they are having trouble with the loader. Mr. Bailey requested that Mr. Maryboy be to the road meeting on Tuesday and they will get a commitment as to when the roads will be completed.

COMMISSIONER CALVIN BLACK'S REPORT

Clay Hill Crossing - Commissioner Black met with some of the Bluff residents and Bernal Bradford, road foreman for the southern area of the County to see what can be done with the unloading area at the Clay Hill Crossing. They determined that a dike or fill six to eight feet deep out to where the sand is will accommodate the river runners in loading their vehicles as they leave the river. The road, which is 12 miles of dirt road, is in fairly good condition with a spot or two that needs leveling and upgrading. A letter from Charles DeLorme of Wild Rivers Expeditions expressed appreciation as the Clay Hills Crossing has long been a sore spot for river runners and any improvements will be a major asset in the continuing development of tourism in San Juan County.

Edge of the Cedars - Commissioner Black will follow through and check with the State Parks and Recreation to see if they would like to be the applicant for impact funds to expand the Edge of the Cedars Museum.

Monticello Ski Area - Commissioner Black reported receiving a copy of a letter that Peggy Humphreys, Executive Director of the Development Board, got from the Forest Service. They are having a management review and wanted to meet with her. Mrs. Humphreys indicated that she wanted to discuss the Monticello ski area along with other issues. The Commissioners discussed the possibility of making a one-time participation with a private developer to upgrade the ski area. The opinion was expressed that possibly the inconsistent snow level was a determining factor in getting someone to develop the ski area. Other drawbacks are the safety certification required is quite expensive and the liability insurance is extremely high.

Long Canyon Road - Commissioner Black contacted Neldon Holt regarding the locking of gates on the Long Canyon Road and indicated that the County would be willing to install cattle guards to be consistent with the County policy of open roads leading to public lands. Mr. Holt indicated it would require four cattle guards to cross his property and that he would prefer to look at an alternate route going around the property. The County Engineer Doug Pehrson has already looked at the area and stated that the project is not feasible because of the grade and cost. Mr. Holt will look at the area and try to find a feasible route for consideration.

George Kensley - George Kensley has been misrepresenting himself as the Fire Chief of San Juan County to get consideration for rates on motel rooms in various areas of the country and then complaining about the accommodations. Administrative Assistant Rick Bailey has corresponded with Mr. Kensley regarding this matter and informed him he is not to use his former title and identification for personal business.

Vista Worker - The Interagency minutes indicated that they are looking for a person that would like to be a Vista worker in the San Juan and Grand County areas to work with disabled persons. The applicant can be disabled themselves as long as they are able to work with other disabled individuals. The position pays \$400 a month with some medical benefits. They would have to provide their own transportation but would be reimbursed at 21 cents a mile. If they are already receiving Social Security or Foods Stamps, they would not lose those by becoming a Vista worker. Nancy Bentley, Executive Director of the Independent Living Center in Price, can be contacted for further information.

Rural Hospitals - A report on hospitals states that as many as 680 hospitals may close their doors in the next five years. Most vulnerable are small rural and government owned hospitals.

Lake Powell - Commissioner Black received a copy of a letter sent to John Lancaster from the office of Planning and Budget with respect to Environmental Assessment Management and Concept Plans for Lake Powell's accessible shore lines. Mr. Black was pleased with the comments made by Mike Christensen, State Planning Coordinator on the plan.

Payment in lieu of Taxes - An opinion was received from legal counsel with reference to the obligation of a County to apportion payments in lieu of taxes and mineral lease funds. Some entities in other places are saying they ought to be entitled to the money proportionally from these sources. The opinion set forth by Attorney Bill Peters of the Utah Association of Counties states, "It is my opinion that, absent additional legislation on the part of the Federal Government as it relates to Federal programs, and absent additional legislation on the part of the State of Utah as it relates to State funded programs, that the County is not required to apportion in the same manner as tax monies, payments received in lieu of taxes."

Lake Powell Region Resource Development Council Meeting - Commissioner Black met with the Lake Powell Region Resource Development Council last week. Information was received on a lot of the areas reviewed by Jerry Miller and where some of the State Parks people had been and looked at it. The Council responded to the Park Service's objections and the recommendation of the Council is that they have legislation drafted to accomplish Governor Bangerter's land trade proposal and asked the congressional delegation to introduce the legislation. The Council will meet at Lake Powell to review these areas on the 4th of August.

CURRENT BUSINESS

Southern Paving - Fred & Brenda Stocks - Fred and Brenda Stocks presented a proposal for County participation in the improvement of road No. 154 in the LaSal area. The Stocks have purchased timber in Colorado but would like to haul the logs across the above mentioned road to their mill as it is a safer road to travel and would benefit the County if the road was improved. The Forest Service will allow Southern Paving a timber credit of approximately \$71,000 if road work is completed in both in Utah and Colorado. The proposal would require minimal grading to get the road to a 16' width and place and grade 2 1/2 or 3" maximum gravel to a depth of 5". The total length of road is 3.5 miles, of which one section is 1.3 miles in length, one section is 1.9 miles in length, one section is 1.9 miles in length and approximately 0.3 miles is divided among several areas that need improvement and gravel. Southern Paving will crush the rock and sell to San Juan County at their cost. Commissioner Bailey made a motion to accept the proposal if the Stocks will improve 1.6 miles on road No. 126 plus sections along No. 154, other than those indicated, that the County Engineer Doug Pehrson and the Stocks agree need improvement. Commissioner Maryboy seconded the motion. UNANIMOUS.

Keith Rogers Property - Pioneer Estates - County Attorney Craig Halls has contacted Mr. Stephen Ellis in regard to the purchase of the property in Pioneer Estates that was deeded in his name prior to the 1987 tax sale. Mr. Ellis indicated that he is not interested in purchasing the property back from the County. A motion to accept the request of Keith Rogers to purchase the property for the amount of delinquent taxes plus penalties and interest was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS. County Attorney prepared a quit claim deed which Chairman Black signed upon the payment of \$5,807.91.

Registration Agent - County Clerk Gail Johnson asked the Commission to approve Vivian Todacheenie as registration agent for the Montezuma Creek area. A motion to approve the recommendation of Mrs. Todacheenie was made by Commissioner Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

Sunday Beer Sales - The public hearing for the amendment of the San Juan County beer ordinance to allow Sunday sales of beer will be held on July 18th at 3:30 p.m. in the Monticello Commission Room. The ordinance can become effective 15 days after approval of the amendment.

Ken's Lake Ordinance - The public hearing for the Ken's Lake Ordinance will be held on July 18 at 3:00 in the Commission Chambers in Monticello and at 7 p.m. in the Grand County Courthouse. The ordinance will become effective 15 days after approval by the Commissioners.

Bluff Airport - County Clerk Gail Johnson presented the Gross Business Receipts report for the Bluff airport which states that the County has not made any profit off the airport for 1987. Chairman Black signed the report.

Beer License - Reuben Carson has paid for the 3rd quarter beer license and County Clerk Gail Johnson recommended that Chairman Black sign the license. A motion to approve the license was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

Worker's Compensation - County Clerk Gail Johnson reported that the Utah Local Gov't Trust wanted to raise the Worker's Compensation premium to \$2,100 plus have the pre-hire evaluations completed because the County experience ratio is up to 161%. The Trust had promised the County a freeze on the premium of \$1,088 for two years and indicated they would honor that promise until January of 1989 when the premium will probably increase 15%. The Trust would still like to have the pre-hire evaluations completed especially for those persons involved with heavy lifting - particularly road department employees. If the evaluations are not completed the premiums will be 20% higher. The County will pay for those evaluations. The Trust will send the forms that tell the doctor what needs to be checked on. A motion to approve the pre-hire evaluations was made by Commissioner Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

Blanding Library Repairs - County Clerk Gail Johnson reported that Paul Foreman had completed \$1,700 worth of painting and repairs to the Blanding Library. Mrs. Johnson indicated that she could not determine if bids had been let on the project. Oleen Hatch, a member of the Library Board, indicated that the project had been discussed but Mr. Hatch did not remember if the work was approved. Commissioner Maryboy will meet with the Library Board to review the proper procedures for having repairs made on County buildings.

Southern Paving Appeal - A notice has been received that Southern Paving has made an appeal to the State Tax Commission regarding the state assessment of property. County Clerk Gail Johnson will follow through to see if the County needs to be involved in the issue.

County Fair Grounds - Fair Board Member Tauna DeGraw requested that the County level and put sand on an area of approximately 30 by 40 feet east of the concession stand at the County Fair Grounds where people can relax while eating. Prospective eagle scouts are being contacted to build benches and exhibition shelves. Mrs. DeGraw stated they have ordered trees that require low maintenance to provide shade for the area. The Commission indicated they would approve having sod planted in that area if someone would be responsible to water and mow it. Mrs. DeGraw indicated that it is too late to put sod in for this year but the 4-H clubs are committed to the maintenance of the area for at least two years. She felt that the Fair Board would want the area cared for and provide someone to do it. Commissioner Bailey will have the area leveled and sand placed there for this year.

Cedar Mesa Expansion Project - Francis Lyman met with the Commission to discuss the possibility of obtaining a loan from the CDBG Revolving Loan fund to help finance the expansion project at Cedar Mesa. The Commissioners indicated the guidelines have not been set and approved by the Commission but they will send Mr. Lyman some draft guidelines to look over to see if they would still like to apply for the Revolving Loan funds.

Bonnie Conway - Executive Session - A motion to go into executive session to discuss hospital personnel problems was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

Hospital Administrator John Fellmeth - Hospital Administrator John Fellmeth and Joann Crittenden met with the Commission to discuss the nursing school loans of Mrs. Crittenden. There is one loan of \$1,500 for tuition and books that will be forgiven if Mrs. Crittenden works for the hospital for two years. The additional \$2,900 for moving and living expenses is to be repaid. Mrs. Crittenden asked that \$700 used for moving expenses be moved to the forgivable loan total. She indicated that she had received some very

favorable offers from other hospitals that would pay the entire loan total if she would work for them. However, she would prefer to live and work in Monticello if an equitable agreement can be reached. The Commission felt that the issue should be discussed further at the Hospital Board meeting. Such an agreement would set a precedent for others moving to the area and needs to be considered at the proper meeting.

Mr. Fellmeth also presented the Commissioners additional information on possibilities to consider for the administration of the hospital. He felt the Commissioners should move as expeditiously as possible on hiring a new hospital administrator.

Mr. Fellmeth reported that the meeting scheduled with Gene Beck, President of the Utah Hospital Association, George Belcey and the legislative analyst has been postponed to Wednesday morning at 9 a.m. Commissioner Bailey will try to attend the meeting.

Public Hearing to Amend the General Fund Budget - County Clerk Gail Johnson indicated that a very conservative figure was used last December when the assessed value was estimated in order to come up with the County budget for 1988.

When the final figures were received from the State Tax Commission a few weeks ago and the adjustments made, the assessed value figure was higher than what was anticipated. The assessed value figure that was originally used would require 15 1/2 mills. The certified tax rate or statutory maximum is 16 mills. So in order to stay at the 16 mills the budget needs to be adjusted to reflect that increase. The increased will be adjusted in the hospital budget because of excess costs. The 1/2 mill increase is \$63,572. There being no further discussion, a motion to amend the budget for the hospital to \$500,000 with \$63,272 being derived from the general fund and the balance from the unappropriated surplus was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

Tax Rates - County Clerk Gail Johnson recommended approval of the following tax rates: general fund at .0032, County library at .000096, tort at .00008, and health at .00008. The assessing and collecting rate is at 2 1/2 mills or .0005. A motion to approve the recommendation was made by Commissioner Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

Harold Young Property - The total delinquent tax owing on the Harold Young property is \$3,451 with penalties amounting to \$69 and interest at \$832. County Attorney Craig Halls indicated that Mr. Young's attorney does not feel the penalties and interest should be paid because Mr. Young's name was removed from the tax notice. Mr. Halls stated that the \$901 would be rapidly depleted if the matter had to be decided in court action. Because of a lack of proper upkeep on the property and a depressed market the values have dropped significantly in the last few years. Commissioner Black stated that the motion should include the fact that Mr. Young's name shouldn't have been taken off the tax notice and the County may or may not have some liability because of that and the property is apparently over assessed with the current value. Based on those considerations Commissioner Bailey made a motion to waive the penalties and interest and accept the delinquent property tax of \$3,451 as total payment for the property. Commissioner Maryboy seconded the motion. UNANIMOUS.

Merrill Lynch Investments - County Attorney Craig Halls reported that he has requested documentation from Merrill Lynch with regard to what the County's investment history has been with the firm. Some of the information has been provided but Mr. Halls will press for the remainder of the information needed. The accountants in Salt Lake that are looking into the matter are making an evaluation of those investments. It appears at this time that some of those investments are outside of the Money Management Act guidelines. When those investments were initiated, Merrill Lynch was told that we had to follow those guidelines. Mr. Halls stated that Merrill Lynch has the responsibility to follow those guidelines. Because some of the investments do not fall within the guidelines, Mr. Halls feels the County has grounds to recover the losses sustained by the improper investments. A meeting will be held with the accountants to determine the actual loss but Mr. Halls stated the figure would be approximately \$700,000. The San Juan County Commissioner approved the following news release regarding investments made with a Merrill Lynch broker: After receiving assurance from Merrill Lynch that their recommended investments met the guidelines established by the Money Management Council, the County treasurer, who has the total authority and responsibility for investing county funds, invested in these recommended investments which were outside the Money Management Council's published list of investments. This resulted in a substantial loss of County funds. San Juan County Attorney Craig Halls has initiated legal proceedings to recover the losses.

Merz Hugentobler - Road Foreman Merz Hugentobler reported that one of the 1967 950 cat loaders has gone out and would require about \$16,000 to repair. He also asked the Commission if they had decided to go with a supervisor and districting for the road department. Commissioner Black stated that they had requested Mr. Hugentobler to present a recommendation as to how the districting would be organized and managed. After considerable discussion, Mr. Hugentobler resigned as road foreman effective in two weeks. Mr. Hugentobler had tried to obtain an interview two weeks ago but was unable to because the Commissioners had a previous meeting in Grand County. Salaried employees should give a four-week notice of termination. The Commission expressed appreciation to Mr. Hugentobler for the expertise he has given the County and feel that he has been an asset to the department.

Recreation Department - Bids were received from First Day Service for \$190 and Motor Parts of Monticello for \$170 for a weed eater for the recreation department. A motion to approve the procurement from Motor Parts for \$170 was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

Mental Health Contract - A motion by Commissioner Bailey and seconded by Commissioner Maryboy approved the Mental Health contract and authorize Chairman Black to sign the document. UNANIMOUS.

Recreation Employees - The following were approved for employment with the Recreation Department: Anthony Kirkham at \$3.50 per hour, Brian Tso at \$3.50 per hour, Virgil Holly at \$3.50 per hour, James Dandy at \$3.35 per hour and Jewel Yanito at \$3.35 per hour. A motion to approve the hiring was made by Commissioner Mark Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

BILLS APPROVED FOR PAYMENT

James R. Adams	bail refund	\$ 60.00
Amsterdam	supplies road department	93.21
Louise Berensen	commodities distribution	25.00
Charles R. Bourne	partial bail refund	30.00
Blanding Golf Association	yearly fee golf attendant	1,200.00
Blanding Greenhouses	flowers library (B)	9.25
Donald Douglas	partial bail refund	30.00
Emery County Sheriffs Office	service fees county vs Diamanti	4.50
Paul Foreman	repairs library (B)	1,768.93
Flasher	supplies road department	402.78
Phillip C. Gebauer	bail refund	30.00
Hodges Badge Co., Inc.	purchase 4-H ribbons	194.00
Hawkins Repair	repairs recreation department	132.50
IFA	purchase chemicals extension department	4,917.81

J&W Fire Extinguishers	supplies road department	1,212.50
Mitchell McCann	Titus Canyon fire	49.00
Gary L. McKay	bail refund	10.00
The Mind's Eye	supplies library (M)	75.35
Eddie Jim	repairs library (M)	703.92
Phillip M. Murry	books purchased recreation department	324.00
Carl Osborn	meals served Phillip Murry	60.00
Paul J. Perea	partial bail refund	30.00
Physicians' Desk Reference	subscription sheriffs office	38.95
Professional Automotive Equipment, Inc.	twin post hoist	7,500.00
Reliable Labs Distributing	scourge	745.00
John S. Sanchez	partial bail refund	30.00
Bessie Spencer	commodities distribution	15.00
Ross Spencer	commodities distribution	20.00
San Juan Computer Service	supplies communications	204.85
Trailer Life Campground & RV Service	directory advertising development council	385.00
Time Life	subscription library (B)	17.22
Utah Association of Area Agency Aging	fiscal year July 1 - June 30, 1988-89	50.00
Wild Rivers Expeditions	services rendered	250.00
Allen Holly	jury duty	31.10
San Juan Health Care Services	operating transfer	10,000.00
Edwin K. Allred	travel expense Cedar City	165.54
Abajo Petroleum	diesel road department	4,011.50
Association of County Treasurers	annual membership dues	20.00
Nicky Black	hauling road department	1,624.75
Black Oil Company	fuel road department	117.20
Blanding City Justice Court	Elaine Cantsee	95.00
Ruby Bronson	travel expenses	25.20
Bruce Bernard Bushore Jr.	tool allowance June 1988	25.00
Caun-Co., Incorporated	supplies road department	352.38
Century	parts road department	49.55
Chevron U S A Incorporated	gas sheriffs department	66.76
Keith H. Chiara	public defender June 1988	1,410.04
Chuckwagon Restaurant	home delivered meals	64.00
Coleman Trucking	chip hauling road department	891.33
Community Nursing Service	service May 1988	378.70
Continental Tel Co of the West	telephone charges county	2,091.26
Rudolph Cook	travel expense Salt Lake	16.00
HF Cosby Jr.	hauling road department	770.00
Electro-Comm Distributing, Inc.	supplies communications	14.46
Elf Asphalt	asphalt road department	199.98
Gall's Incorporated	supplies emergency service	229.32
Grand Tire Company, Inc.	parts road department	1,186.65
W D Delivery Service	freight charges road department	43.89
Hafer's Incorporated	parts road department	73.52
Max Halls	tool allowance June 1988	25.00
Kenny Harris	Titus Canyon fire	56.00
Colleen Harvey	meals served June 1988	1,362.00
Hawkins, Stanley M.	tool allowance June 1988	25.00
Heckett-Div of Harsco	chips road department	445.68
Honest Dollar Construction	hauling road department	1,328.25
Wesley L. Hunt Company	uniden tone units	1,283.85
Intermountain Battery	supplies road department	184.90
Int. Business Machines	toner copy machine	462.00
Johnson's Spraying Service	machine hire recreation	206.00
Kelly Company	supplies purchasing department	32.81
Max Ksiazkiewicz	tool allowance June 1988	25.00
L B P Trucking	hauling road department	1,582.88
Leavitt, Grant H.	green fees June 1988	1,823.40
Martineau, Gary	janitor library (B) June 1988	404.25
Robert G. Matthews	travel Salt Lake	36.00
F H Miller Jr.	parts road department	202.93
Kenneth Miller	hauling road department	540.43
Monticello City Justice/Peace	sheriffs office collections	402.00
Motor Parts Company	parts road department	885.76
Motor Parts Pro Mart Home Center	weed eater recreation department	346.86
Victor Nebeker	tool allowance June 1988	25.00
Office Equipment Company	cleaned typewriter/treasurer	50.00
Park's Sportsman	supplies recreation department	321.93
Tierre J. Patterson	tool allowance June 1988	25.00
Pepso-Cola Company	vending machine	108.60
Professional Service Industries	comp. test public safety	181.25
Provo Excelsior Hotel	travel Jim Keyes	33.00
Quality Bookstore	supplies library (M)	96.93
Quill Corporation	supplies purchasing department	369.45
Rufina Romero	janitor library (M) June 1988	225.00
Rusty Iron & Salvage	supplies road department	1,662.95
San Juan County	gas sheriffs department	1,532.28
S.J. County Development Board	maps sold sheriffs department	14.00
San Juan Health Care Service	capital request	4,273.37
The San Juan Record	general budget increase	4.20
Saveway Automotive	propane road department	5.75
Gaylen Schaugaard	janitor Library (M) June 1988	173.25
Seventh District Juvenile Court	sheriffs office collection	92.50
Dayne Shumway Construction	hauling road department	1,232.00
United States Postal Service	postage Justice/Peace	75.00
United States Welding, Inc.	oxygen road department	14.58
Utah Gas Service Company	utilities recreation department	837.33
Utah Local Gov't Ins. Trust	county insurance	17,119.82
Utah Power & Light Company	utilities Montezuma Creek recreation	176.05
Ute Mountain Ute Tribe	payroll deduction: N. Begay	50.00
Veralex. Incorporated	services attorneys office	10.00
Wheeler Machinery Company	parts road department	1,691.75

Adjourn - There being no further business the meeting adjourned at 3:30 p.m.
 Calvin Black, Chairman *Calvin Black*

Merna C. Johnson, Deputy *Merna Johnson*