

SAN JUAN COUNTY COMMISSION MINUTES

JUNE 6, 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
Mark Maryboy

Commissioner Kenneth Bailey was excused because of out-of-state business.

Action on the May 23rd minutes was deferred until Commissioner Bailey could be in attendance to make any corrections he may have.

COMMISSIONER MARK MARYBOY'S REPORT

Oljato Bridge - Right of Way - Commissioner Maryboy will hand carry the request for a right of way on the Oljato Bridge to Window Rock to the Navajo Tribal Archaeology department.

Bluff Community Meeting - Commissioner Maryboy will attend a Bluff Community meeting tonight.

Red Mesa Planning Committee - Commissioner Maryboy will attend a Red Mesa Planning Committee meeting this afternoon. Aneth is also having a planning committee meeting.

Registration Agent - County Clerk Gail Johnson has asked Commissioner Maryboy to submit some names of individuals in the Montezuma Creek area to serve as registration agents for the coming elections.

Montezuma Creek Fire Department - Commissioner Maryboy reported that the individual in charge of the fire department at Montezuma Creek is moving and that he will try to locate someone else for that position.

COMMISSIONER CALVIN BLACK'S REPORT

Hovenweep Resource Management Plan - A letter has been received from Governor Norman Bangertter discussing the Hovenweep General Management Plan and the National Park Service General Management Plan. Governor Bangertter states that "the proposal to establish a resource protection zone is duplicative and unnecessary. The existing management of the area by the Bureau of Land Management and the National Park Service adequately protects the cultural resource values while allowing for continued exploration and development of oil and gas and other resources in the area. The letter further states that the State has no intention of exchanging its school section out of the area. The Division of Oil, Gas and Mining raised concerns about the proposed 320-acre well spacing." Governor Bangertter expressed the opinion that the existing 40-acre spacing needs to be maintained and that the proposal will be closely followed to see that it does not adversely impact San Juan County nor the State.

Halls Crossing Airport - A letter from Sitex Corporation, Jack Elder principal, in reference to the Halls Crossing Airport Environmental Assessment, stated that Sitex Corporation has an excellent reputation for preparing quality environmental documents. The same effort was put forth in the environmental assessment for the Halls Crossing project. Sitex asserts that "it has more than satisfied the level of performance that should be expected on a budget of \$10,000. The fact that FAA has never asked for our assistance in data collection or interpretation for their inhouse EIS is not of our doing. Therefore, we have recently formally demanded of FAA, through its Administrator, that FAA pay the remaining money due us on this project and release us from further obligations. I would like to request your support on this matter as we, not they, are the injured party."

Translator Site Fees - A letter from Paul Redd of Paradox has asked the Countys' support for requesting a free-use permit or a reduced fee from the BLM regarding a communication site on Gobbler's Nob that he uses for his business. It is also used for public services; to get emergency medical reports, to report vandalism, crime and fires in the area. Commissioner Black will write a letter in behalf of the Commission supporting that request.

Hazardous Waste Scoping Meeting - A notice has been received regarding statewide scoping meetings to be held in Grand County on June 20th to receive comments and recommendations concerning the establishment of criteria for the siting of commercial hazardous waste treatment, storage and disposal facilities, including commercial hazardous waste incinerators.

National Park Service Notification - A notice from the National Park Service states that the Canyonlands National Park has begun the design to implement the development concepts contained in its 1978 General Management Plan. The plan calls for a contact station, entrance station, maintenance/residential areas and utilities at the Needles District. Any comments received from the general public will be used to help define alternatives. The final EA will be available in the fall of 1988.

BLM San Juan Area Resource Management Plan - A petition type letter has been received from the Mexican Water Chapter with respect to the BLM Management Plan and the wood gathering particularly on the Cedar Mesa and Alkali areas.

Census - Local Review Program - A letter from the Department of Commerce has asked that a liaison be designated from San Juan County for the Local Review program. The liaison will receive all correspondence from the Census Bureau as well as maps and housing unit counts. The person will represent this locality throughout the duration of the program, which ends in the fall of 1988, but will not actually be responsible for taking the census. Commissioner Black asked Administrative Assistant Rick Bailey to accept this responsibility.

Golden Padlock Award - Commissioner Black has nominated Congressman Wayne Owens for the Golden Padlock Award which is presented by the National Inholders Association. The award is granted yearly to the person in Congress or the administration for their dedication to inflicting the most damage to private property, multiple use, recreation and commodity production through their use of onerous and heavy handed land use regulations and expensive non-productive bureaucratic controls.

Wilderness Conference - Commissioner Black and Administrative Assistant Rick Bailey attended a wilderness conference last week. The same problems being experienced in our area are occurring in areas all over the West. Special Interest groups all want their own management plans approved to lock up millions of acres which will eliminate multiple use.

Glen Canyon National Recreation Area - A letter from Charles F. Foggerty, superior court judge of Placerville, California, to the Glen Canyon National Recreation area expresses disappointment over the fact that the trails to the Hole in the Rock, Rincon and Escalante Cave areas are being closed. The gentleman is an older man and unable to hike to these areas and can see no reason why these beautiful areas are being closed to four-wheel drive outfits. Mr. Foggerty indicated that these are our lands too and we all have a right to use them and not just a select few. A copy of the letter and a personal letter from Commissioner Black has been sent to Senator Pete Wilson urging him to oppose the designation of the California desert as a park and also asking him to help us open the road into Glen Canyon area that have been closed.

Tree Spiking - A newspaper article was reviewed telling about the victim of tree spiking by the Earth First group type people. Large spikes are driven into the trees designated for logging and when the tree is put in the band saw the spikes create hazardous conditions for the workers. Logging companies have been notified by environmentalist groups that the spikes are being put in trees to discourage the massacre of the national forests that is occurring.

Gross Taxable Sales - Commissioner Black reported that San Juan County had a gross taxable sales increase of 17.2% in 1987 over 1986. He indicated that the uranium mill was open during the entire year of 1987 so the gross taxable sales is back up comparable to where it was in 1984. The information indicated that

those counties highly dependent on tourism were also up but only half of what San Juan County is.

Mental Health Contract - A copy of the Mental Health Contract was given to Social Services Director Mark Lyman to review. The funding has been cut from \$188,000 to \$133,000. The County had asked for a base of at least \$170,000 but the request was denied by a vote of 3 to 2 by the State Mental Health Board. Commissioner Black stated that the issue needs to be discussed as to whether the State ought to be sued with respect to the equal funding, discrimination and violation of the civil rights of our minority population.

San Juan County Health Care - Dr. Kelly Nichols met with the Commission to discuss the possible leaving of Dr. Martin MacNeill from the Blanding Clinic. Dr. Nichols gave indication of possible rift between both the hospital administrator John Fellmeth and Dr. Steve Warren with Dr. MacNeill and felt that things could be worked out so that Dr. MacNeill could stay as it would be a definite advantage to the County. Commissioner Black stated that they would be more than happy to have things settle down and the doctors perform those services that they are trained for.

Special Service Districts - There will be a meeting held at the Carbon County Courthouse on Wednesday, June 8 at 2 p.m. setting up the special service districts set up by the counties for the purpose of receiving mineral lease road funds. The Districts are supposed to be in place by July 1, 1988. A copy of the letter to Mark Walsh from Nielsen and Senior telling what we can do and their recommendations and a proposed procedure for the allocation of federal mineral lease funds in accordance with that bill is available from the Department of Transportation program and planning division as information for the meeting. As both Commissioner Black and Administrative Assistant Rick Bailey have previous assignments, Commissioner Bailey will be asked to attend the meeting.

ADMINISTRATIVE ASSISTANT RICK BAILEY'S REPORT

CDBG Funds - The contract to receive the CDBG Funds for a County Revolving Loan Fund was presented for Chairman Black's signature. The majority of the paper work for the loans would be done by Dave Weiss of the AOG. A motion to approve the contract was made by Commissioner Maryboy and seconded by Commissioner Black. UNANIMOUS.

Aging Contracts - Administrative Assistant Rick Bailey presented the Aging Contracts for fiscal year 1989 for \$80,449. Commissioner Maryboy made a motion to approve the contracts and authorize Chairman Black to sign them. Commissioner Black seconded the motion. UNANIMOUS.

Commodity Food Program - The contract for the Commodity Food Program in the amount of \$4,368 was signed by Chairman Black. A motion to approve the contract was made by Commissioner Maryboy and seconded by Commissioner Black. UNANIMOUS.

Public Safety Building - The May 1988 architects billing on the Public Safety Building was approved for \$187,365.20 of which \$166,000 goes to Valley Builders, \$1,572 to Deseret Architects, and \$1,065 to Delta Geotechnical. A motion to approve the payment upon authorization from Commissioner Bailey was made by Commissioner Maryboy and seconded by Commissioner Black. UNANIMOUS.

BLM San Juan Area Resource Management Plan - Administrative Assistant Rick Bailey will be meeting with AOG Executive Director Bill Howell to formulate the Counties recommendations on the BLM San Juan Area Resource Management Plan. Sample letters will be available at local businesses for people to use as a basis for formulating their individual comments.

CURRENT BUSINESS

Canyon Terrace Subdivision - Livestock - Arlen Brown, representing several of the residents of the Canyon Terrace, met with the Commission to discuss the problem of livestock trespassing on private property. Some of the residents fenced their property to keep the livestock out and a gate was installed across the main road into the subdivision to attempt to keep the animals out. The wires on the gate was cut during the Memorial weekend instead of just being let down as the gate was not locked. The residents are requesting an ordinance or ruling to force the owners to keep their animals under control. As the feed is becoming scarce, the animals are damaging the picnic areas, cabins, equipment, and playgrounds. Fences and gates have been knocked down and gardens and fruit trees and other forest trees planted on private grounds have been damaged. County Attorney Craig Halls was consulted and stated that the County does not have a fencing ordinance. In a memorandum prepared last year, the conclusion states that the County has not adopted an ordinance reversing the common law duty placed upon the owner of livestock to keep trespassing livestock out. The Common Law states that it's the responsibility of the livestock owner for any damage if they allow their livestock to roam. Utah recognizes the common law duty of the livestock owner to be liable for damages caused by their roaming livestock. The action of trespass is available to a land owner and the livestock owner who allows the animals to roam can be required to answer for any damages to the landowner in a civil action for trespass. If the County were to adopt an ordinance it would need to encompass the whole County. Therefore, a notice would need to be given the paper and comment received from other individuals who would be affected. The matter will be discussed further at the next regular Commission meeting, June 12, at 1 p.m. The Sheriff will talk to the owners of the livestock to let them know that the animals can be impounded if not controlled.

Keith Rogers Property - Keith Rogers offered to pay the amount owed for taxes to redeem some property held by the County due to delinquent taxes. At the time the property was taken the registered owner was Stephen Ellis. Mr. Ellis was notified of the tax sale and he also offered to pay the taxes owing plus \$7.00. As Mr. Rogers was not the owner he was not actually redeeming the property but offering to buy it for the amount of the taxes which is \$5,807. The Commission has the responsibility to determine the outcome. Commissioner Black indicated that the issued would be put on the agenda for next week when a full Commission can hear the matter.

Harold Young Property - Harold Young's name was removed from the tax notice on some family property because the person taking a lease on the property thought it was a sale through the bank and Mr. Young was no longer an interest owner. Mr. Young became aware of the problem when foreclosure proceedings were being initiated against the property. Mr. Young has indicated that he is willing to pay the taxes owing but would like the penalty and interest waived. The issue will be determined next week when a full Commission is present.

Navajo Mountain Trading Post - The Navajo Mountain Trading was originally on the tax sale as the owner had failed to pay the privilege taxes owed. However, this property is exempt property but there is provision in the law to tax exempt property on a use tax, privilege tax. A privilege tax was assessed on private businesses or individuals using government property for private purposes. The County cannot sell the property because it is not owned by the County. A tax warrant can be issued against the owner for the amount of the tax. The property is being leased from the owner but has been having problems getting the Navajo Tribe transfer the lease to the present occupant. The tax warrant therefore would revert back to the original lessee, Mrs. Cameron. The Commission expressed the opinion that the warrant could be issued to Mrs. Cameron with the idea that she attach the amount to the lease before turning over the deed to the present occupant, Mr. Johnson.

Public Safety Building - Deseret Architects - A meeting will be held Thursday afternoon with the architect and contractor. The compaction problem has been determined and discussion is to be held as to how to fix the problem. The architect, Mark Tressler would like to have Commissioner Bailey present and wondered if the soils engineer from Salt Lake should be here to meet with the group. Commissioner Black felt that if

it would help solve the problem it would be well to bring him down regardless of the expense. Commissioner Bailey will return late this evening so he can decide whether it would be necessary to have the engineer at the meeting.

Halls Crossing Dump - BLM Representative Robert Turri met with the Commission to give the County the patent for the 20 acres of property to be used for the Halls Crossing Solid Waste Dump. Mr. Turri also informed the Commission that a patent for 20 acre on the Fry Canyon Store has also been issued.

UAC County Meeting - County Clerk Gail Johnson reported that the Utah Association of Counties representatives will be in the County to meet with the elected officials on Friday, July 8th at a breakfast meeting.

Registration Agents - County Clerk Gail Johnson presented the names of Betty Yazzie of Bluff and Juanita Denny of Mexican Hat to be registration agents. A motion to approve Ms. Yazzie and Ms. Denny as registration agents was made by Commissioner Maryboy and Seconded by Commissioner Black. UNANIMOUS.

State Retirement - County Clerk Gail Johnson has previously reported to the Commission that the non-contributory contribution had raised from 7% to 7.54%. Mrs. Johnson asked if the Commission wanted her to reduce the 401K contribution for county employees. In the minutes, when the rates changed before, it wasn't really spelled out that the County was going to maintain the 13% but that is what has been happening. Commissioner Black stated that was the intent and that the benefit should be preserved. When the non-contributory was adopted it was decided that the difference would go into the 401K. The Commission concurred that the 401K also be reduced.

Halls Crossing Cable TV - People at Halls Crossing have approached the Cable Company about putting cable TV at Halls Crossing. The cable company indicated that they couldn't do it without being sure the County hadn't given a franchise to someone else. A letter has been issued telling the cable company that the County has no intention of doing anything on their own and the cable company may apply for the franchise.

Worker's Compensation - A letter from the Utah Local Government Trust indicates they want to raise the worker's compensation rate 15%. County Clerk Gail Johnson stated that the Trust was to freeze our premium for two years and she will need to find out when we joined the trust on the worker's compensation to see if the two years has elapsed. The Trust also wants to do a pre-employment medical evaluation for the classifications requiring physical fitness and recommend testing on all new hires with any physical task requirements. If the County participates, the 15% increase would be honored. If not, an additional 5% will be applied.

Hospital Cement Bids - Cement bids were received for some cement work that needs to be done at the hospital. Young Builders, said they could proceed on the work immediately if they were the low bidder, however he was not the low bidder. Sondereggers, who was the low bidder, will not be able to do the work for possibly six weeks.

Dr. Martin MacNeill - Hospital Administrator John Fellmeth reported that he had received a letter from Attorney Paul W. Mortensen indicating that legal action will be taken against the County because of default of the contract with Dr. Martin MacNeill. Dr. MacNeill is to be paid a certain percentage of every emergency room patient he sees, etc. It requires a fair amount of work if computed by hand and they are trying to get the information into the computer to generate the reports to determine what is owed the individual doctors. Mr. Fellmeth stated that Dr. MacNeill has been paid more than the other physicians but that the reason for default is because needed computer reports are not available at this time. Mr. Fellmeth indicated that he told Dr. MacNeill that he will be paid as soon as the reports are available.

County Medical Insurance - Question has arisen on the co-insurance amount of the County medical insurance. The insurance company pays 80% and if a county employee has the necessary work done in the hospital the County pays the other 20%. Administrative Assistant Rick Bailey indicated that when we went with the state system, they were not able to program the extra 20% like the Trust was previously doing. Therefore the hospital will either need to send the County a bill for the work or the employee will have to submit the bill. Mr. Fellmeth asked if it was just employees who participate in the insurance that are eligible for the 20% on all dependents. Most of the employees have had the insurance coverage. It was Mr. Bailey's recommendation that the County would probably be money ahead if all employees were treated the same.

Recreation - Golf Course - A bid has been received from Young Builders to replace the steps at the pro shop of the Monticello Golf Course. A motion to approve the request was made by Commissioner Maryboy and seconded by Commissioner Black. UNANIMOUS.

Mining Salvage - Atlas Minerals will be notified that they cannot salvage the mining equipment at the Lisbon Valley mining claims as the property belongs to the County due to delinquent taxes.

Public Hearing - Bluff Cemetery District - The public hearing for the creation of a cemetery district near Bluff was attended by eight people. Questions were answered as to how the district would be set up and funded. The San Juan County Commission would appoint three individuals as commissioners of the cemetery district to oversee the maintenance and keep the cemetery records. If the cemetery district is approved the Bluff area residents would have a 2 mill tax assessed for the maintenance. Most of the present residents of Bluff do not have ancestors buried in the Bluff Cemetery. Other County residents were concerned as to how the maintenance could be effected as to water supply, etc. Historically, relatives have gone to the cemetery once a year and cleaned the weeds off the graves and marked the areas where the graves exist. Those who have relatives buried in the existing cemetery would like to have a say as to how the graves are taken care of. Others expressed the desire that the native grasses and wild flowers be left to beautify the area and possibly introduce other wild flowers to the area. The ground is still in private ownership and if a district were created the property would have to be deeded to the district. The County does have the authority to own a cemetery but there are no funds for maintenance and nothing is done at those cemeteries that are presently owned by the County. Commissioner Black thanked those individuals for attending and expressed appreciation for their comments and interest but deferred action until a full commission can be present and the landowners can be contacted to see if they would be willing to deed their portion of the property to the cemetery district if it is created.

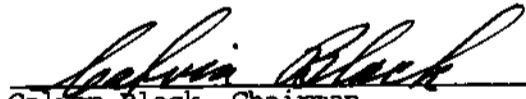
Adjourned: There being no further business the meeting adjourned at 3:00 p.m.

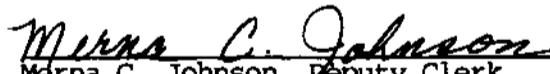
BILLS APPROVED FOR PAYMENT

John W. Cork	bail refund	\$ 20.00
James W. Hudgens	bail refund	40.00
Michael L. Merrell	bail refund	10.00
David C. Mollohan	bail refund	50.00
Monticello Port of Entry	bail refund	9.00
San Juan Hospital	sheriff's office collections	20.00

Larry Vigil	firefighter	94.50
Paul Weber	travel expense to school	13.00
Robert Johnson	ballpark fix-up, Robert Johnson	117.25
4th Judicial System	John Shumway	100.00
Monticello Justice of the Peace	sheriff's office collections	255.00
Third District Court	Judith Dandy	100.00
Colleen Harvey	meals served May 1988	1,287.00
Mary Ann Brown	travel expense Blanding	20.42
Complementary Solutions, Inc.	copies Telemate Version II	2,291.00
San Juan Credit Union	liability from payroll run	690.00
Norman Begay	payment of payroll deductions	282.47
Utah Boys Baseball Association	dues	300.00
David Perkins	fencing Guymon Lane	3,960.00
Blue Ribbon Coalition Inc.	membership	100.00
Abajo Electric	service courthouse	69.00
Abajo Petroleum, Inc.	diesel road department	638.00
Anderson and Anderson	reservation tax litigation	11,469.47
Richard M. Bailey	travel Las Vegas	113.00
Baker Sanitation	service road department	15.00
Wynn E. Bartholomew	garnishment: Larry Begay	276.09
Nicky Black	hauling road department	2,311.50
Blanding City Justice Court	sheriff's collections	65.00
Ruby Bronson	travel expenses	184.16
Carr Printing Company	4pt NCR summons - sheriff	342.25
Bill Christensen	travel Price tac meeting	39.75
M.V. Christensen	hauling road department	3,080.00
Continental Tel Co of the West	telephone charges wats county	1,511.23
H.F. Cosby Jr.	hauling road department	3,388.00
Emery County Courthouse	Dale G. Whipple	127.00
Elf Asphalt	asphalt road department north	136,698.19
Empire Electric Association, Inc.	utilities courthouse	1,400.88
Grand County	hospital collection	4.50
Kenny Harris	firefighter	106.75
Holliday Construction Company	hauling road department	2,618.00
Honest Dollar Construction	hauling road department	2,829.75
Horsehead Hardware	supplies courthouse	110.08
Jim Keyes	travel expenses	38.16
L B P Trucking	hauling road department	1,459.94
Low's Auto Parts	parts road department	1,481.23
Monticello City Justice/Peace	sheriffs collection	875.00
Monticello City of	utilities courthouse	95.50
Petrolane Gas Service	utilities road department	29.81
Radisson Inn Price	room Bill Christensen	32.00
Rufina Romero	cleaning Sr. Center (M)	40.00
San Juan County	wildlife collections	225.00
San Juan County Hospital	meals served May 1988	492.00
SJC Seventh Circuit Court	sheriffs collection	995.00
Seventh District Juvenile Court	Jeffrey Denetsosie	390.00
Dayne Shumway Construction	hauling road department	3,388.00
Southeastern Utah Title Co.	charges for abstract	216.00
Bessie J. Spencer	meals served May 1988	828.00
Sun Television & Appliances	cash register recreation	164.00
Swenson, Eric P.	bail refund (Chester Smith)	250.00
Holly Tatnall	reimburse expenses	55.23
Utah Gas Service Company	utilities courthouse	804.75
Utah Local Gov't Ins. Trust	health insurance county	20,278.46
Utah Power & Light Company	utilities Bluff Building	144.52
Utah State Retirement Board	judges retirement district	60.00
Utah State Treasurer	state collections May 1988	2,440.50
Utah State Treasurer	j.p.court-victim reparation	3,186.00
Whipple Plumbing	s.s. park recreation	2,250.00

Adjournment: There being no further business the meeting adjourned at 3:00 p.m.


Calvin Black, Chairman


Marna C. Johnson, Deputy Clerk