

SAN JUAN COUNTY COMMISSION MINUTES

FEBRUARY 8, 1988

The regular session of the San Juan County Commission convened at the hour of 10:00 a.m. at the San Juan County Courthouse, Monticello, Utah.

Commissioners present were: Calvin Black
Kenneth Bailey
Mark Maryboy

A motion to approve the minutes of February 1, 1988 as corrected was made by Commissioner Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

ADMINISTRATIVE ASSISTANT RICK BAILEY'S REPORT

BLM San Juan Resource Management Plan - A meeting of the following individuals was held to brief them on the BLM San Juan Resource Management Plan: Congressman Howard Nielson and staff; Ron Madsen from Senator Hatch's office; Diana Frank of Senator Garn's staff; Howard Bigtrup of Representative Hansen's office, Travis Perschon, UDIA; Pat Spurgin, Utah State Land Board; Mike Christensen, Utah State Planning, Von Cox and Ralph Coates, Questar; Jimmy Walker Grand County Commission, Dave Knudsen and Bill Howell, Executive Director of Southeastern Utah Health District. There was good support from Grand County and from the congressional delegation. Members of the group suggested other concerns that weren't previously mentioned. Congressman Nielson will try to get a meeting of the Utah Congressional Delegation to visit with the BLM Director, Bob Burford in Washington, D.C. Bill Howell and Rick Bailey are still working on a detailed response to submit to the BLM in opposition to the plan.

Surplus Equipment - Administrative Assistant Rick Bailey contacted Dave Johnson as to the status of the government surplus property. Mr. Johnson indicated that the road equipment was all locked up as was the rubber-tired dozers for a time. San Juan County will be able to get the scraper already requisitioned but Mr. Johnson didn't know just how soon it would be available.

It would be helpful to Mr. Johnson if he had a list of the items that the County is interested in then he could pick them up when they became available.

Navajo Tribe Aging Contract - A meeting with Eva Platero of the Navajo Tribe will be held on February 23rd in Window Rock, Arizona to go over the terms of the Navajo Tribe Aging Contract.

Forest Service Translator Sites - Carvel V. Magleby, Executive Director of the Six-County Commissioners Organization has invited interested parties to attend a meeting on February 19th at 10:00 a.m. in the commission chambers of the Sevier County Courthouse. The Forest Service proposal to impose a fee schedule for use of T.V. and F.M. translator sites located on Forest Service administered lands will be discussed.

CURRENT BUSINESS

Eastland Road - George Barry met with the Commissioners to request the addition of an Eastland road to the County Road System. Mr. Barry has a 30' right-of-way on the road. The County Road Department needs a 50' right-of-way in order to put it on the system. Mr. Barry will try to obtain the needed extra footage and Commissioner Bailey will have County Engineer Doug Pehrson look at the road and make a recommendation to the Commission.

Aneth Chapter Road Request - Billy Todachennie made a request to maintain and improve the community roads within the Aneth Chapter area. The mud is so deep that the school bus cannot pick up all the children. Mr. Todachennie also presented a copy of a resolution from the Aneth Chapter requesting the improvement of existing state roads within the Aneth Chapter area by the Utah State Road Department. An Aneth Chapter Resolution was also presented opposing the BLM San Juan Resource Management Plan limiting access to areas traditionally utilized by area Navajo's in gathering firewood.

Commissioner Bailey is making a request to the Utah Department of Transportation for guard rails and fencing to be provided along State Roads throughout the Reservation. Mr. Bailey felt a letter writing campaign by the school administrators and students to UDOT would influence the decision to have the work done.

Commissioner Maryboy indicated the BIA wants to turn the section of road from Bluff to Mexican Water in Arizona over to the Arizona State Road Department. Commissioner Black stated it would be an extension of the Utah State Road through Bluff. Commissioner Maryboy will draft a letter to the BIA expressing the support of the Commissioners.

Jane Musselman - Jane Musselman met with the commissioners in response to a letter from Chairman Black offering her employment with the road department. She felt that possibly the job was created knowing she would rather work for a salary than take unemployment. Commissioner Black stated that it was work that needed to be done in connection with the oil company's lawsuit. Mrs. Musselman indicated that she would consider it. After talking to Wanda Franklin, office manager of the road department, Mrs. Musselman said she would not work for \$4.00 per hour as offered but would work for \$7.00. The Commissioners indicated that the job did not merit \$7.00 an hour, but directed Mrs. Franklin to offer her employment at Grade 1 Step 1 for \$4.91 per hour.

San Juan County Fire Program - John Baker reported to the Commission that the tank truck given by the County to Monticello City is still claimed by the BLM. The BLM wants to write it off to the city if they can reduce the \$50,000 original cost to warrant a write-off.

The State has some Dodge 3/4 ton 4x4 pickups they want to exchange for the military M37's for use in the County fire program. They will be issued as is and want the counties to paint them white or lime green and install a roll bar on them. Mr. Baker recommended that we try to obtain four of the pickups. The Commission authorized Mr. Baker to procure the vehicles for the County.

Mr. Baker reported that he has inventoried three areas within the County and is working on the rest. The Cedar Point area needs the snow plowed to the private well used to fill the trucks during the winter months. Commissioner Bailey will talk to the road department about getting the work done.

LaSal Road to Hoo #6 Mine - Vion Johnston requested that the road be graded into the Hoo #6 mine at the head of LaSal creek. Commissioner Bailey called the road department and asked road foreman Merz Hugentobler to have the road graded.

Cafeteria Plan Insurance - County Clerk Gail Johnson, John Fellmeth and John Black met with the commission to discuss the cafeteria plan insurance obtained for the County employees. Mrs. Johnson reported on the problems encountered trying to work with Utah Local Government Trust with the plan. The Commissioners gave approval to suspend dealings with Utah Local Government Trust and to look for another outlet to provide county employees with the insurance coverage they would like. A couple of claims will have to be paid because the employees were led to believe they were covered with the needed insurance.

Hill-Burton Obligation - Commissioner Black asked John Fellmeth to talk to County Attorney Craig Halls about filing a motion dismissing Auburn Manor from the lawsuit.

Auburn Manor Nursing Home - Rayburn Jack and Ruel McPhie discussed the possibility of coordinating the San Juan County home health care through the Auburn Manor Nursing Home. It has been handled through the Community Nursing Service but they have requested additional funding to continue with the service. The County did not feel they could put additional funding into the program and suggested the program be taken over by the Southeastern Utah Health District but action has not been taken by the District. Mr. McPhie indicated they will go ahead and make a study to see if it would be feasible for the program to be handled through the nursing home.

Public Safety Building - A motion to approve the request for payment from the Department of Community and Economic Development in the amount of \$173,528.63 on the Public Safety Building was made by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

Hospital Accreditation - A letter from the Joint Commission on Accreditation of Health Care Organizations states: The Joint Commission is pleased to award your organization accreditation as a result of your most recent survey subject to the contingencies outlined in the attached report. This accreditation is effective for three years from October 1, 1987.

San Juan Water Conservancy District - A motion was made to reappoint L. Hardy Redd as a member of the San Juan Water Conservancy District by Commissioner Bailey and seconded by Commissioner Maryboy. UNANIMOUS.

COMMISSIONER CALVIN BLACK'S REPORT

BLM San Juan Resource Management Plan - Commissioner Black, Rick Bailey and Representative David Adams met with Dee Hanson, Director of Natural Resources; Pat Spurgin, Director of State Land & Forestry; Diane Nielson, Director of Oil, Gas & Mining and Milo Barney to review the BLM San Juan Resource Management Plan. The BLM is saying that San Juan County is overreacting and that the plan is not as bad as they say it is. Commissioner Black pointed out that once the plan is adopted it will have to be administered as written. Commissioner Black further stated that the newspaper report, verified by Commissioner Maryboy, told the Navajo people that they didn't really need to worry about the wood gathering because the BLM would allow them to go into areas and even build roads for them.

When the wood was gathered there the BLM would let them move on to other areas. The RMP strictly forbids wood gathering in over 80,000 acres and on a mile-wide strip along the highway that goes from Mexican Hat to the junction of U95 and from U95 from Butler Wash to the Colorado River bridge, then from 276 at Halls Crossing road into the Park Recreation area boundaries. The plan specifically says no wood gathering except for campfires in the area. Also the ACEC's restrict wood gathering and vehicles would not be allowed off existing roads and no new roads would be allowed.

Economic Development in Rural Utah - Commissioner Black was invited to speak to a group of about 15 legislators and other interested parties on economic development in rural Utah. Other speakers included President Sheratt of the College of Eastern Utah, Senator Carey Peterson from Nephi, and Jimmy Walker, Grand County Commissioner.

House Bill 157 - A presentation to the Legislative Revenue and Taxation Standing Committee was made by Dave Spatafore for the cities on House Bill 157 and Commissioner Black represented the counties. After considerable discussion the issue was continued until next Wednesday.

Commissioner Black will attend those meetings.

Natural Resources Interim Committee - Commissioner Black and Representative David Adams met with the Natural Resources Interim Committee to present the joint resolution supporting the Lake Powell Land Exchange. It was reported out of committee with no negative votes. The resolution will be passed by the Utah House of Representatives and Senate and concurred in by Governor Bangerter.

Blanding Intersection - The main intersection in Blanding on the state road needs to have more adequate signs to inform tourists coming through. Blanding City has requested the State DOT to do something about it but nothing has been done. Commissioner Black will write a letter to the DOT supporting Blanding City and citing the safety factors involved. A copy of the letter will be given to Commissioner Bailey for discussion at the annual meeting with the DOT on March 10th.

Canada Free Trade Agreement - The following resolution was adopted opposing the Canadian Free Trade Agreement:

RESOLUTION 1988-2

WHEREAS, a strong and viable domestic uranium industry is required to ensure the United States' national defense and energy independence; and

WHEREAS, Section 161(v) of the Atomic Energy Act mandates the maintenance of a viable domestic uranium industry; and

WHEREAS, the Secretary of Energy has since 1984 found the domestic uranium industry to be non-viable; and

WHEREAS, domestic uranium producers and nuclear utilities have cooperated in seeking comprehensive legislation (S. 1846) which will revitalize the domestic uranium industry and the domestic enrichment industry; and

WHEREAS, the proposed comprehensive legislation provides for a gradual phasing-out of existing restrictions on the enrichment of foreign uranium for domestic use which is consistent with the principles of free and fair trade between the United States and Canada; and

WHEREAS, the proposed U.S.-Canadian Free Trade Agreement calls for an immediate termination to U.S. enrichment restrictions on foreign uranium rather than a gradual phasing-out of those restrictions; and

WHEREAS, the immediate end of existing enrichment restrictions would further devastate the domestic uranium industry and unfairly require domestic uranium producers to compete with Canadian producers who have benefited from subsidies and other unfair trade practices such as:

- (a) requiring Canadian nuclear utilities to buy 100% Canadian uranium excluding U.S. Producers from Canadian markets;
- (b) requiring Canadian nuclear utilities to buy at prices far above those offered to U.S. utilities;
- (c) providing Canadian producers, who are in major part operated by federal and provincial government-owned companies, with substantial subsidies for exploration and operation activities; and

WHEREAS, the further devastation of the domestic uranium industry will displace skilled and able workers and have an adverse affect on communities located in Utah as well as the Western United States;

NOW THEREFORE BE IT RESOLVED that the San Juan County Commission opposes the proposed U.S.-Canadian Free Trade Agreement because it provides for the immediate termination of U.S. restrictions of enrichment of foreign uranium for domestic use.

Commissioner Bailey made a motion to adopt the resolution. Commissioner Maryboy seconded the motion. UNANIMOUS.

State Tax Commission - Commissioner Black read a copy of rule changes of the State Tax Commission that was enacted by the last Legislature in a tax recodification. It states: As part of the tax code recodification, the general session of the 1987 Utah Legislature passed a bill providing for uniform tax penalties for failure to file tax returns, failure to pay tax due, and failure to file information returns or supporting schedules. The effective date for uniform tax penalties is retroactive to January 1, 1987. Those penalties are:

1. Failure to file a refund return within 90 days of the due date is the amount of the refund up to \$50.

2. Failure to send in a return saying you don't owe any tax by the due date is \$50.

Commissioner Black feels the legislators did not know this was a part of the passed legislation and will ask Representative David Adams to have it amended.

Blue Ribbon Newspaper - Commissioner Black stated that the Blue Ribbon Newspaper is one of the best publications, best articles, best editorials on multiple use. The editorial in the current edition is on "Motorized recreation doesn't exist in Wilderness". Another article told of a once thriving county in North Carolina that was confiscated for expansion of a national park.

COMMISSIONER KENNETH BAILEY'S REPORT

Copper Canyon Road - Commissioner Bailey reported that County Engineer Doug Pehrson has talked with UDOT representatives on the Copper Canyon Road. Commissioner Bailey will write a letter to Frank Ulrich requesting that he spend a day with Mr. Pehrson at the Copper Canyon area looking at the channel changes needed.

Variance Request - Road Foreman Merz Hugentobler recommended that the variance be granted to Robert Knight on the County road in the Mi Vida mine area going to Rio Algom. Commissioner Black indicated a letter needs to be written to Sam Taylor stating speed restrictions of 35 MPH will be imposed on the road to prevent road damage. The weight limit will be 58,000 lb. gross with 40,000 on the rear axle.

Subsistence Pay - Commissioner Bailey made a motion to raise the subsistence pay for crews staying on job sites from \$8 to \$12 per day. Commissioner Maryboy seconded the motion. UNANIMOUS.

LaSal Forest Road - The request by Mike and Dick Shumway for County maintenance of a Forest Service road near LaSal will be deferred until after the meeting with Forest Service representatives next week.

Monument Valley Road Shed & Yard - Commissioner Bailey is working with the San Juan School District on a facility for use by the Road Department for fuel and storage at the Monument Valley School.

COMMISSIONER MARK MARYBOY'S REPORT

San Juan County Recreation Board Meeting - Commissioner Maryboy reported that Glen Skinner will represent Blanding City Council on the San Juan County Recreation Board. Recreation Director Eddie Allred reviewed the existing programs, which are: Junior Jazz Basketball, men's basketball, western dance class and ski trips. The two ski trips to Purgatory were very successful. Up coming programs will be youth wrestling and ladies volleyball. The board discussed increasing the fees for the swimming programs and golf courses.

A proposal from the Bluff Recreation Committee was presented and approved except for furnishing baseball gloves and backpacks. The Recreation Board felt those items should be furnished by the individuals.

Commissioner Bailey asked when the lights at Montezuma Creek were going to be installed. Mr. Allred had not reported on that but Commissioner Maryboy will check with him. The Commission request that rates for golf, swimming and other activities recommended by the Recreation Board be submitted to the Commission for approval.

Navajo Mountain Chapter - Willie Greyeyes, Navajo Mountain Chapter President is working to find funding for the survey for a road between Oljato and Navajo Mountain. Mr. Greyeyes would like copies of any preliminary studies the County has made on the area.

Trash Barrels - The Bluff citizens would like the County to install trash cans by the spring at the Twin Rocks. The citizens will be responsible for taking care of the trash. The road department will fix two or three barrels for the area.

Bluff Roads - The road department is digging the trenches alongside the Bluff roads to fill with gravel. The roads will also be graded and graveled while the road department is there.

Todahaidekani Roads - The roads in the Todahaidekani area need to be graded so the school buses can complete their runs.

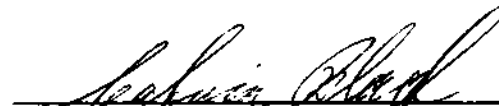
UNDC Priority Roads - Commissioner Maryboy and Lester Lansing of the UNDC will meet with County Engineer Doug Pehrson and Bernal Bradford to decide the priority roads for the Reservation as soon as the Chapters get their road resolutions turned in to the UNDC.

BILLS APPROVED FOR PAYMENT

Johnny Billsie Jr.	witness fees	\$ 20.60
Deseret Book	supplies library (M)	88.21
Escalante Lumber & Supply	supplies golf pro shop	86.22
R.W. Harmon & Sons, Inc.	ski trip to Purgatory/3 buses	675.00
Todd Hurst	refund of insurance premiums	34.81
Terry Hutchins	witness fees	20.60
Logical Development Corp.	dura-lite	103.45
Long Bros. Shop	services road department	2,235.00
Utah State Retirement Fund	replaces voided check #18181	14,367.80
NW Transport Service, Inc.	antenna C100	35.00
Oljato Chapter	emergency diesel/Douglas Mesa residents	120.88
Tierre Patterson	refund of vision & dental ins. premium	43.89
Regent Book Co.	supplies library (M)	42.49
Reading Resources, Inc.	supplies library (M)	309.29
San Juan Hospital	operating transfer	10,000.00
Star Distributing	supplies courthouse	32.25
State Library, Interlibrary loan	supplies library (M)	30.00
Utah Higher Education Assistance Authority	Harrison Hutchins	200.00
Utah Local Government Ins. Trust	life insurance prem. Hurst/Patterson	18.25
Zion Book Store, Inc.	supplies library (B&M)	96.67
Anderson and Anderson	tax litigation case	11,036.79
Richard M. Bailey	travel to SLC for comm.	70.00
Baker Sanitation Blanding Branch	service road department	15.00
Nicky Black	hauling road department	435.50
Blanding City of	utilities library (B)	511.37
Blanding City Justice Court	s.o. collections	710.00
Bluff Water & Sewer Users Assn	utilities Bluff bldg.	10.40
Continental Tele. Co. of the West	charges for repairs	85.00
Continental Tele Co. of the West	telephone charges county	744.97
Empire Electric Assoc. Inc.	utilities courthouse	1,498.47
Equitable Life Assurance Soc.	replace voided check #18175	3,260.46
Four Corners Reg' Care Center	meals served Jan. 1988	177.00
Frito-Lay, Inc.	supplies vending machine	7.86
Halliday, Mike	witness fees	14.00
Horsehead Hardware	supplies courthouse	2.82
Humphreys, Peggy	travel expenses	210.21
Wesley L. Hunt Company	supplies commissioners	2,062.50
Howard Johnsons	LaRay Alexander	78.00

K & C Store	gas for fire control	53.83
Maycom Telematics Co., Inc.	repairs on tele, printer	143.00
Monticello City Justice/Peace	s.o. collections	200.00
Monticello City of	expenditures Jul-Dec	7,382.33
Monticello Mercantile	ladder golf pro shop	20.00
Motor Parts Pro Mart Home Center	supplies golf pro shop	61.92
National Association of Counties	membership fees	265.00
Nelson, Jay	service Bluff Community Center	957.00
Office Outpost	supplies purchasing department	461.62
Petrolane Gas Service	propane for library (B)	867.34
The Reliable Company	supplies emergency srvice	71.62
Kevin R. Rhoades	dance classes (B) & (M)	270.00
San Juan County	wildlife collection fees	45.00
San Juan County Hospital	meals served for Jan. 1988	306.00
San Juan County Library (B)	petty cash	55.17
San Juan Health Care Services	oper.trans.capitol.request	66,713.59
The San Juan Record	supplies J.P. office	88.10
Scenic Aviation	service road department	172.16
Sorbus	IBM printer	280.06
Holly Tatnall	travel expenses	39.46
United States Postal Service	postage justice of peace	66.00
Utah Local Gov't Ins. Trust	county insurance	17,096.29
Utah Power & Light Company	utilities LaSal Fire St.	264.27
Utah State Retirement Board	Dist. Crt. Judges Retire. Jan.	55.00
Utah State Treasurer	total collected for state	612.50
Utah State Treasurer	collections for January	1,538.00
Utah Weed Control Association	registration weed control	15.00
Wheeler Machinery Company	parts road department	358.11
White Mesa Ute Council	meals served January 1988	317.50
Mike Young Incorporated	parts road department	

Adjourned: There being no further business the meeting adjourned at 2:30 p.m.


 Calvin Black, Chairman


 Marna C. Johnson, Deputy Clerk