

MINUTES OF THE SAN JUAN COUNTY COMMISSION MEETING

JUNE 18, 1984

The San Juan County Commission met in regular session on Monday, June 18, 1984, at the hour of 10:00 a.m. in the San Juan County Courthouse at Monticello, Utah.

The following members were present: Commissioner Calvin Black, Chairman
Commissioner Kenneth R. Bailey
Commissioner Robert Low

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

COUNTY RECORDER MEETS - RE: REQUEST FOR ADDITIONAL EMPLOYEE

Mary Lou Mosher, County Recorder, met with the Commission to discuss her request to hire an additional employee. Mrs. Mosher stated that due to information requested from the State Tax Commission regarding copies and a detailed breakdown on classification information, the workload in her office will be increased. The Commission requested she analyze the time and workload that will be required and report back.

APPOINTMENTS TO WEED CONTROL BOARD

Commissioner Bailey made a motion to reappoint Scott Johnson and Wilber Laws to the Weed Control Board. The motion was seconded by Commissioner Low and carried unanimously.

MEETING TO DISCUSS RESERVATION ROAD PROBLEMS REPORTED

Commissioner Bailey reported on the meeting held at U.N.D.C. last week to discuss problems concerning roads on the reservation. Also attending the meeting were representatives from the B.I.A. It was decided that the County will do the work necessary to process the right-of-ways, clearances and environmental assessments and U.N.D.C. will fully reimburse the County for the costs. Commissioner Bailey also stated that he feels progress was made in regards to free-use permits for gravel.

REQUEST FOR STATE BOOKMOBILE AT HALLS CROSSING

Commissioner Bailey reported that Halls Crossing would like to have the bookmobile there at least once a month as the school will be operating for the 1984-85 school year.

TAX ASSESSMENT REPORT

Barbara Montella, County Assessor, and Bruce K. Halliday, County Attorney, met with the Commission and reported that the recommendations they submitted to the State Tax Commission for residential and unimproved land based on the recent reappraisal will be accepted. The Commission thanked Mrs. Montella for all of her hard work in regards to the recent reappraisal. The Commission also expressed their appreciation to Mr. Halliday for his work in regards to the State Tax Commission hearings.

APPOINTMENT TO STATE ALCOHOL AND DRUG COUNSEL

Al Haskins met with the Commission to recommend the appointment of Patrick Murphy to the State Advisory Counsel on Drug and Alcohol Abuse as the representative from a public agency. Commissioner Black recommended Al Haskins for appointment to this counsel. Commissioner Low made the motion to approve these appointments. The motion was seconded by Commissioner Bailey and carried unanimously.

AMENDMENT #2 TO THE AGING CONTRACT APPROVED

Al Haskins met with the Commission to recommend the approval of Amendment #2 to the Aging Contract. The Contract is for \$1320.00 in USDA Funds for Cash in Lieu of Commodities for congregate and home delivered meals. Commissioner Low made the motion to approve the contract and allow Mr. Haskins to sign it. The motion was seconded by Commissioner Bailey and carried unanimously.

COPY MACHINE FOR ROAD DEPARTMENT

Commissioner Bailey reported that the Road Department has requested a copy machine. The Commission approved the purchase of a copy machine for the Road Department.

PACK CREEK ROAD DAMAGE DISCUSSED

Commissioner Bailey reported on the damage being done to the Pack Creek Road by Exxon Oil Company trucks. Commissioner Bailey instructed Bernal Bradford, Road Superintendent, to report the damage to the Sheriff's Office and send an estimate of cost to Exxon with a request that they either repair the damage or reimburse the County for repairs.

EMPLOYEE RAISES DISCUSSED

The Commission reaffirmed their decision that all general raises will only be considered in January of each year.

J.B. GRAIN LAND PROPOSAL DISCUSSED

Bill Dunow, Jr. met with the Commission to discuss the proposal submitted at the May 29th Commission Meeting in regards to the land near the golf course. (See page 251) The Commission declined the proposal at this time because provisions for such a purchase was not included in this years budget.

EMPLOYMENT AND TRAINING AGREEMENT WITH JOB SERVICE

Gail Dalton, County Clerk, met with the Commission to discuss the Employee and Training Agreement between San Juan County Recreation and the Utah Department of Employment Security. According to the terms of this agreement San Juan County provides training for young people while employed by Utah Department of Employment Security. Commissioner Bailey made the motion to approve this agreement. Commissioner Low seconded the motion and it carried unanimously.

REGISTRATION ASSISTANTS APPROVED

Gail Dalton, County Clerk, met with the Commission to request the Commission officially appoint the following persons as Registration Assistants for 1984.

Phyllis Goodman, Monument Valley (Bilingual)
Cynthia Tapaha, Montezuma Creek (Bilingual)
Doris Tsinnijinnie, Montezuma Creek (Bilingual)
Linda Benally, Montezuma Creek (Bilingual)

Irene M. Ben, Aneth (Bilingual)

Larry Begay, Monument Valley (Bilingual)

Commissioner Low made a motion to approve the appointments. The motion was seconded by Commissioner Bailey and carried unanimously.

COUNTY EMPLOYEE PERSONNEL POLICY DISCUSSED

Gail Dalton, County Clerk, met with the Commission to discuss the personnel policy for County employees. The Commission instructed Miss Dalton to review the policy and make recommendations in regards to it at the June 25th Commission meeting.

COMMISSIONER DISTRICTING PROPOSAL RECEIVED

The Commission received a letter from Ron Faich, Demographer for the Navajo Tribe. Mr. Faich submitted two proposals but stated that they were his own choice and not officially the Tribes. The Commission has requested the County Attorney draft a letter of response to Mr. Faich requesting an official position by the Tribe. The Commission feels that if any more than six proposals are presented at public hearings it would create too much confusion as this is a complicated issue.

NEWSPAPER ROCK STATE PARK EXPANSION DENIED

The Commission received a letter from the B.L.M. in regards to the request by the State of Utah Parks and Recreation for the classification of 1,030 acres of land for recreation purposes to enable the expansion of Newspaper Rock State Park. The B.L.M. has denied this request.

B.L.M. PROPOSAL FOR THE SALE OF PUBLIC LAND

The Commission received a letter from the B.L.M. proposing the sale of 80 acres of public land near Monticello. The Commission instructed the Deputy Clerk to respond to the letter stating the Commission has no objections to this proposal.

UTAH TRAVEL COUNCIL MEETING SCHEDULED

The Commission received an invitation to attend the Utah Travel Council and the Utah Travel Regions meeting in Monticello on June 29th and 30th.

NOTICE OF CLAIM RE: CALVIN TSOSIE

The Commission signed a request that San Juan County, Utah or other appropriate entity, and the applicable insurance carrier for San Juan County, assume responsibility for and conduct forthwith the defense of this action, and assume any liability for the award of damages that may be imposed in such case pursuant to the Utah Indemnification of Public Officers and Employees Act, Utah Code Annotated, Section 63-48-1, et seq.

HIRING POLICY PROPOSAL REVIEWED

Commissioner Bailey presented a proposal for a hiring policy to the Commission. The Commission instructed Al Haskins to review the County's previous hiring policy and make recommendations in regards to the adoption of a current hiring policy at the June 25th Commission meeting.

BEER LICENSE APPROVED

Commissioner Bailey made a motion to approve the beer license submitted for K & C Store in Bluff. The motion was seconded by Commissioner Low and carried unanimously.

BID OPENING FOR TIRES

The Commission opened the sealed bids submitted for tire prices. The bids will be evaluated before any decision is made. Bids were received from the following companies:

Grand Tire
Save-Way Auto & Tire
Abajo Petroleum

BID OPENING FOR CULVERT PRICES

The Commission opened the sealed bids submitted for culvert prices. The bids will be evaluated before any decision is made. Bids were received from the following companies:

Big "R" Manufacturing & Distributing Inc.
Armco Steel Corporation
Geneva Pipe
W. R. White Co.
Pittsburgh - Des Moines Co.

REPORT ON COMMISSIONER BLACK'S MEETING WITH THE GOVERNOR

Commissioner Black reported that he attended a private meeting with the Governor last week to discuss Project Bold, wilderness areas, the lack of development in Southern Utah and the needs of Southern Utah.

PROJECT GOODWORK REPRESENTATIVE MEETS

Wynn Westcott, representing Project Goodwork, met with the Commission to request the Commission's approval for an extension needed to carry over \$2,500 in funds into the next fiscal year. The Commission had no objections to this request.

SAN JUAN COUNTY LAND PROPOSED FOR INDEMNITY SELECTION

Commissioner Black reported that approximately 360 acres of land in La Sal is being considered for indemnity selection. Commissioner Black will represent the Commission at a hearing in regards to this on June 28th. The Commission is opposed to this until the State enacts a comprehensive PILT plan.

MINING CLAIMS LOCATED

The Commission has staked 111 claims (20 acres each) in the proposed test areas in Davis Canyon including the access road. The Commission stated the following reasons for staking the claims:

1. The Commission feels that there is locatable mineral values in the area.
2. To prevent any similar actions by any group hostile to testing in the area for a Nuclear Waste repository.
3. For the purpose of allowing the Department of Energy or any of their contractors permission to go onto San Juan County property to conduct any studies necessary for the discovery.

LETTER TO GOVERNOR RE; PROPOSED NUCLEAR WASTE REPOSITORY SITE

The Commission reviewed a letter to the Governor from the San Juan County Commission and the Monticello City Council in regards to the proposed Nuclear Waste Repository testing site. The letter is as follows:

June 21, 1984

Honorable Scott M. Matheson
Governor of the State of Utah
State Capitol Building
Salt Lake City, Utah 84114

Dear Governor Matheson:

As the governing bodies of San Juan County, and the City of Monticello, we have decided to challenge what appear to be improper actions taken by you in connection with your decision to oppose further study of the Gibson Dome site for a nuclear repository.

The residents of San Juan County share with all United States citizens an interest in seeing that nuclear waste is stored under conditions that assure its safe containment. As you have noted, it would be irresponsible for the people of Utah to refuse to cooperate in dealing with this concern just because we don't want it in our "backyard". In addition, the people of San Juan County have a particular interest in this issue that is not shared by citizens of Utah as a whole.

First, because of the proximity of the proposed site to our communities and to areas we frequently resort to for recreation, we have a strong interest in assuring that the site, if selected, is safe. Any interference with activities that would expose flaws of the Gibson Dome site works against that interest. We believe the question of safety is paramount and outweighs concerns over "scenic grandeur".

Second, it is common knowledge that the uranium industry in this area has collapsed. The causes of this are many; reduced power demand, Three Mile Island, construction delays and others. One of the primary causes is the failure of our government, as yet, to establish a permanent safe storage site for spent fuel. We believe that any unreasoned interference with the process of establishing such a site will ultimately delay the recovery of the uranium industry on which many here depend for a livelihood.

Finally, further studies, including detailed site characterization and possible ultimate construction of a facility at Gibson Dome offer the promise of stable employment for many of our residents. Establishment of the site would diversify the local economy and make it more resistant to the cyclical effects of tourism and mineral exploration. We believe that Monticello and San Juan County have a strong economic interest at stake in seeing that the Gibson Dome site is not prematurely eliminated from consideration.

In your Statement of Governor Scott M. Matheson in Opposition to Proposed High Level Nuclear Waste Repository, you listed five steps that you will take to secure elimination of the Gibson Dome site from consideration. One of those steps is that you have instructed the heads of all agencies and departments to oppose all "disruptive data collection activity" until the DOE agrees to certain conditions and that you have further ordered that consent not be given or permits issued for any site review activity until after you have determined that the activity is in the best interest of the state, state permitting requirements have been met, and the DOE has accepted your "stringent conditions" for environmental protection.

One of the foundations of our system of government is that all laws of the United States made in pursuance of the Constitution are the supreme law of the land and override anything in the Constitution and the laws of any state. See Article VI, Clause 2 of the United States Constitution. From this has developed the principle of law that the government of the United States is immune from regulation by the states. See, e.g., *Miller v. Arkansas*, 352 U.S. 187 (1957), where the U.S. Supreme Court held that the State of Arkansas could not impose licensing requirements on contractors for construction of federal facilities.

Congress has enacted the Nuclear Waste Policy Act of 1982 and thereby given power to the DOE to conduct activities necessary for selection of a site. You have been given the right to information and the right to disapprove a site selection after it is made, but you are not given authority to regulate the DOE site selection activities. What you are not authorized to do directly, you may not do indirectly by modifying permit requirements just because site selection activities are involved.

We believe it is in the best interest of the state, the county and the city that you withdraw your directive or directives to the heads of departments and allow the DOE to go ahead with appropriate site selection activities. There can be no useful purpose served by interfering with legitimate testing. Furthermore, we ask that you reconsider your position on the Gibson Dome site and proceed to give it full and fair consideration, evaluating carefully all aspects of the question, not just those that have to do with scenic or wilderness values, but also those that relate to safety, economics and the national interest.

Under Section 116(c)(1)(a) of the Nuclear Waste Policy Act of 1982, the Secretary of Energy is authorized to make grants to the State of Utah "for the purpose of participating in activities required by Sections 116 and 117" of the Act or activities "authorized by written agreement entered into pursuant to subsection 117(c)" of the Act. Section 117(c) directs the Secretary of Energy to seek an agreement with the State of Utah by which:

(T)he Secretary shall assist...units of general local government in the vicinity of the repository site, in resolving the offsite concerns of such...units of general local governments, including, but not limited to, questions of state liability arising from accidents, necessary road upgrading and access to the site, ongoing emergency preparedness and emergency response, monitoring of transportation of high-level radioactive waste and spent nuclear fuel through such state, conduct of baseline health studies of inhabitants in neighboring communities near the repository site and reasonable periodic monitoring thereafter, and monitoring of the repository site upon any decommissioning and decontamination.

42 U.S.C. Section 10137(c)(5).

It is our belief that the foregoing portion of the Act indicates that the county and the city have an interest recognized by Congress in seeing that their concerns are considered by DOE. By prematurely announcing your unqualified opposition to the Gibson Dome site, you have effectively taken yourself out of the negotiation picture in which our concerns could be protected. That you have done so is evidenced by the following portions of your statement and your letter of May 4, 1984, to Secretary Hodel:

I have directed my staff to continue their ongoing review of DOE's site selection processto assist the efforts of the Attorney General in challenging DOE's site selection process through action. Such participation by my staff will be consistent with our policy of seeking to eliminate the Canyonlands site from consideration as a potential site for a nuclear waste repository.

I have directed my staff to meet with citizens throughout the State to explain the basis of the decision I have set forth today and to encourage their assistance in resisting DOE's attempt to locate a nuclear waste repository at the Canyonlands location.

In any event, I am now personally committed to assuring that the Canyonlands site is not selected for site characterization.

We believe the use of DOE funds to pursue your personal commitment against the Gibson Dome site is improper. Furthermore, your single-minded devotion to elimination of the Gibson Dome site from consideration and testing on "scenic" grounds calls into question your ability to represent the citizens of our county with respect to other equally important, if not more important, concerns such as safety, impact on the local economy and impact on the lifestyle of "willing to sacrifice (scenic) values solely for the reasons of illusory economic gain". The prospect of a disposal site for radioactive waste in our county is sobering and we favor active monitoring of the site selection process to assure that the proper decision is made. If, however, you are determined to use the funds granted by DOE in what we consider an improper way, we feel that we have no alternative. We must see that our interests are protected.

We ask that you refer this matter to your legal counsel for an opinion on the following questions:

1. Do you have authority under the U.S. Constitution to regulate site selection activities mandated by congress, whether you do so directly or indirectly?
1. May funds granted to the State pursuant to Section 116(a) of the Act be used to pursue your personal commitment against consideration of the Gibson Dome site?

We would like to know if you believe there are exceptions to well established principles of law that justify your conduct. If you do not provide satisfactory justification for your actions, we will take legal action to protect our interests including formally petitioning the Secretary of Energy to deny all requests for grants from your office until you agree to use the funds for proper purposes and petitioning the Secretary of Energy to recognize our governmental units and negotiate with us directly about our concerns.

Our representatives have attempted on numerous occasions to persuade you to consider the concerns of our citizens. You have accused the DOE of failing to cooperate and provide information, but whatever unresponsiveness we see on the part of DOE with respect to this issue pales in comparison with the unresponsiveness of your office. We feel that our concerns have been almost totally ignored.

We do not wish to pursue a policy of confrontation with you. However, your consideration of the Gibson Dome site has not been balanced. Your office has repeatedly ignored the concerns of elected representatives of those people who are closest to the Gibson Dome site. Your position ignores the technical aspects of the Gibson Dome site and focuses instead on politically popular environmental issues. Your statement exaggerates both the size of the potential storage site and its impact on Canyonlands National Park, thus misleading numerous voters in Northern Utah. We have the right to expect more even-handed treatment.

Very truly yours,

San Juan County Commissioners

/s/ Calvin Black
Calvin Black, Chairman

/s/Robert Low
Robert Low, Commissioner

/s/Kenneth R. Bailey
Kenneth R. Bailey, Commissioner

Monticello City Council

/s/ Keith B Redd
Keith B. Redd, Mayor

/s/ William Christensen
William Christensen, Councilman

/s/ George Rice
George Rice, Councilman

/s/ Ronald Sharp
Ronald Sharp, Councilman

/s/ Jack N. Young
Jack N. Young, Councilman

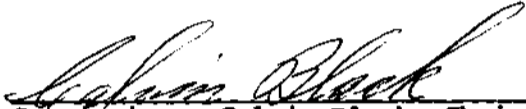
/s/ Kirk Helquist
Kirk Helquist, Councilman

BILLS APPROVED FOR PAYMENT

Abajo Electric	Repairs Swim Pool	183.00
Abajo Petroleum, Inc.	Fuel for Road Dept.	1,291.21
Aldrich, Nelson, Weight & Esplin	Sanity Prehearing V. Begay	50.00
All American Golf Sales, Inc.	Supplies/Golf Shop	66.66
Aquatech Pool & Patio Shoppe	Supplies Mont. Creek Pool	281.45
Bancroft-Whitney Company	Books Purchased Attorney	61.20
Black Oil Company	Fuel for Road Dept.	12,767.92
Blanding Home Center	Supplies Sheriff Office	4.78
Blue Mountain Foods	Groceries Jail	645.31
Stevens Brown	Supplies Monticello Rec.	309.00
Burgess Publishing Company	Supplies Golf Shop	47.32
Cate Equipment Company	Parts for Road Dept.	1,982.68
Cheryl's Trophy	Supplies for Queen Contest	119.80
Chevron USA Incorporated	Gas Purchased Sheriff Dept.	13.91
City of Monticello	Utilities for Golf Course	17.50
CMI Incorporated	Repair on Radar Gun	167.27
Continental Tel Co of the West	Tel Charges Sheriff Dept.	30.96
Crusher Welding Service Co.	Repairs & Parts Road Dept.	2,054.00
C.W. Electronics Sales Company	Supplies Communications	64.27
Division of State Lands/Forest	Rental Payment	217.35
Duchesne County	Handbook/Extension Office	180.00
Forestry Supplies, Inc.	Supplies Surveyor Office	99.19
Four Corner Solar & Const. Co.	Montezuma Creek Pool	94.50
Four Corner Tourism Council	Colorado Travel Show	40.00
Gateway Chevron	Safety Inspection Bus #13	12.49
General Electric Company	Supplies Communications	246.00
Grand Tire Company, Inc.	Supplies for Road Dept.	234.16
Hafer's Incorporated	Supplies for Road Dept.	118.66
Halliday, Bruce K.	Travel Tax Comm. Meeting	220.04
Juan Hansen	Herbicide Purchased	184.00
Julius N. Harvey	Herbicide Purchased	18.96
Haskins, Al	Travel Expenses May, June	198.58
Highland Equipment Company	Supplies For Golf Course	106.86
K. Hoggard & Sons Logging	Hauling Slag for Road Dept.	2,052.00
Hold, Ace	Supplies Sheriffs Office	48.00
Honest Dollar Construction	Repairs Sheriff Dept.	19.80
Horsehead Hardware	Supplies Sheriff Office	15.50
Hunt, Jeffrey	Travel for Schooling	48.00
International Business Machine	Copier Usage Charge	435.84
Industrial Supply Company, Inc.	Supplies Road Department	134.85
Inkley's	Supplies Sheriff Office	295.20
J.B. Grain & Bean Company	Supplies for Golf Course	96.00
Kenz & Leslie Distributing Co.	Fuel for Road Dept.	133.20
Kerwin Jensen Trucking	Chips for Road Dept.	18,822.66
Lyman Truck Lines		229.68
Harvey Merrill	Balance Due/Gibson Dome Area	3,050.00
Mighty Distributing System	Supplies for Road Dept.	81.35
Montella's Repair	Repairs Road Dept.	26.05
Monticello Mercantile	Supplies Clerks Office	5.58
Motor Parts Company		648.34
Motor Parts Pro Mart Home Center	Supplies for Sheriff Dept.	125.54
Mountain States Supply, Inc.	Supplies Golf Corse	355.11
Munichem	Supplies Swim Pool (B)	341.15
Philip Murray		325.00
Nations of The Four Corners	Program and Meals 4/Corner	280.00
Nielson Sand and Rock	Supplies Road Dept.	186.00
Office Outpost	Supplies for Extension Dept.	94.89
Old Spanish Trail Cameras	Repairs	13.71
Les Olson Company	Supplies Circuit Court	90.12
Palmer's	Supplies Sheriffs Office	5.24
Parkway Tire Center	Repairs Sheriff Dept.	60.45
Quality Bookstore	Books for Library (M)	178.36
Parley Redd's Food Town	Balance of Purchase	.73
Steve Regan Company	Supplies/Golf Course	521.73
Regional Supply, Inc.	Supplies Road Dept.	102.10
Rocky Mountain Machinery Co.	Supplies Road Dept.	166.47
Roger's Foods	Supplies Sheriff Office	61.51
S & I Technical Services	Repairs Communications	46.73
Salt Lake Stamp Company	Repairs Recorders Office	36.81
San Juan County Ext. Office	Supplies Extension Dept.	2.47
San Juan County Road Dept.	Gas Purchased Sheriff Dept.	2,227.54
San Juan Health Care Services	Operating Nursing Home	122,603.00
San Juan Pharmacy	Supplies Sheriff Office	22.21
The San Juan Record	Advertising Queen Contest	89.40
Saveway Automotive	Repairs Sheriffs Office	4.02
Scenic Aviation	Travel for Sheriffs Office	99.00
Snap-On Tools Corporation	Parts for Road Dept.	61.87
Sun Television & Appliances	Supplies Clerks Office	22.00
The Supply Company	Supplies Blanding Rec.	32.00
Texaco, Incorporated	Gas Purchased	150.26
Thatcher Chemical Company	Supplies Blanding Pool	327.70
Thompson, Robert C.	Meals Month of April 84	350.24
Tire and Auto Center, Inc.	Supplies Extension Dept.	101.24

Travelodge (Tri-Arc)	Travel for Al Haskins	170.00
United States Postal Service	Box Rent Clerks Office	11.00
Utah Dept. of Employ. Security	Month Ended March 31, 1984	190.13
Utah Navajo Industries	Supplies Road Dept.	60.20
Utah Power & Light Company	Utilities Road Dept.	33.75
Utah State Agency/Surplus Prty		2,000.00
Utah State Dept. of Soc. Service	Alternative Care Program	673.38
Utah State Library	Supplies Library (M)	18.76
Rick Warner Ford	Parts Road Dept.	495.65
Western Office Products	Supplies Sheriffs Office	42.67
Wheeler Machinery Company		2,943.35
Whipple Plumbing	work Done Swim Pool (M)	281.94
White Mesa Ute Council	Meals for May 84	370.00
Wycoff	Freight Charges Road Dept.	62.00
Becky Young	Supplies for Queen Contest	115.15
Young Builders Incorporated	Golf Course Building	10,961.00
Mike Young Incorporated		34.01
Young's Auto Parts	Supplies Golf Course	10.44
Young's Machine Company	Labor & Material Golf Course	728.47

There being further business the meeting adjourned at approximately 4:30 p.m.


Commissioner Calvin Black, Chairman


Carol T. Hoggard, Deputy Clerk