

**SAN JUAN COUNTY COMMISSION  
APRIL 27, 1987**

The San Juan County Commission met in regular session on April 27, 1987 at the hour of 10 a.m. at the San Juan County Courthouse, Monticello, Utah.

The following members were present:      Commission Bailey, Acting Chairman  
   Commissioner Maryboy  
   Commissioner Black, absent

Minutes of the April 20, 1987 Commission Meeting were approved with the corrections on the motion of Commissioner Maryboy and seconded by Commissioner Bailey. UNANIMOUS.

**COMMISSIONER CALVIN BLACK**

Commissioner Black is in Sacramento, California attending the Western Interstate Region of Counties meeting.

**COMMISSIONER KENNETH BAILEY'S REPORT**

**City Streets and County Roads School** - Commissioner Bailey said he will attend the 36th annual city streets and county roads school program that will be in Moab on May 6-8, 1987. It is sponsored by the Utah League of Cities and Towns and Utah Association of Counties.

**Solid & Hazardous Waste Meetings** - The Solid and Hazardous Waste Committee will be holding meetings statewide with informational presentations regarding the proposed amendments to the Utah Hazardous Waste Management Regulations as required by the Federal Congress and the Utah State Legislature. There will be a meeting in Moab on May 6 at 7 p.m. at the Grand County Courthouse.

**Hill-Burton Obligations** - The Commission received a letter from Richard Asbaugh, Assistant Surgeon General of the Department of Health and Human Services, regarding the Hill-Burton obligations applicable to the Nursing Home. Rick Bailey, Administrative Assistant, will discuss the letter with Ted Stagg, CPA, and will report to the Commission next Monday.

**Halls Crossing Airport Meeting** - Commissioner Bailey reported that he and Rick Bailey, Administrative Assistant, attended a meeting in Salt Lake last week on the Halls Crossing Airport. Those in attendance were representatives from the FAA in Denver, Utah Division of Aeronautics, Glen Canyon Recreation Area, San Juan County, National Park Service in Denver, the Canyonlands superintendent, the contractors, and several environmental groups. They discussed the aspects of the airport and letters have been written to the parties involved outlining the scheduled events. The soonest any funding will be available for the project will be in September or October and the earliest to start is January 1988.

**Indigent Burial Fee** - Commissioner Bailey said the Commission needs to decide on a set fee for indigent burial.

**COMMISSIONER MARK MARYBOY'S REPORT**

**MEXICAN HAT COMMUNITY - Beer Sales on Sundays** - Commissioner Maryboy reported that last Monday night he met with the Mexican Hat Community. Commissioner Maryboy gave the clerk a petition signed by representatives of local businesses in Mexican Hat who are licensed to sell 3.2% beer requesting that beer sales be made legal on Sundays. Rick Bailey, Administrative Assistant, will check to see if it's legal to sell beer on Sundays in the state of Utah.

**Land Annexation to expand the Private Land Base** - Commissioner Maryboy said the residents of Mexican Hat are interested in expanding the private land base. There is no place for development and they would like to build more hotels, motels and possible condominiums because there are more people coming into the area wanting to retire. Commissioner Maryboy will talk to the BLM about this matter.

**Sewer Lagoon** - The Mexican Hat requested a better sewer lagoon. The Commission said that Mexican Hat's sewer system is set up as a special service district and the county can't enter into a sewer project but will help them apply for a grant to the Community Impact Board.

**Fire Truck at Mexican Hat** - There was a request to have the fire truck back at Mexican Hat. It was decided that the fire department will make a decision on this matter.

**Beer License** - The fee for the beer license is too high and Commissioner Maryboy said he would like this issue put on the agenda for discussion.

**BLM Land in Bluff** - Commissioner Maryboy reported that last week he met with Mary Jim at the Bluff Mission to discuss trespassing on BLM land in which Corey Perkins has a permit on. This will be negotiated between Mr. Perkins, the Jim family and the BLM to set a boundary line and possibly fence it. Commissioner Maryboy will ask the Tribe if the Jim family should set this up as fee land or trust land. They will meet again on Wednesday at 6 p.m.

**Window Rock - Police Station at Montezuma Creek** - Commissioner Maryboy said he went to Window Rock last Thursday and Friday to discuss various topics. Commissioner Maryboy wrote a letter to Wilbert Morgan, Navajo Nation Division of Administration and Finance, requesting support and assistance with the maintenance and utility for two houses in Montezuma Creek. These homes were purchased by UNDC to be used for housing police. Commissioner Maryboy also wrote a letter to Calvin Kellog, Ex. Director of Public Safety, asking him to reconsider his decision not to use the building in Montezuma Creek for a Navajo Police Station.

**120 BLM acres Navajo Tribe** - Commissioner Maryboy said he met with Jackson Gibson, Chairman's Assistant, to discuss the BLM 120 acre land sale to the Navajo Tribe. The Tribal's Attorney General will make the final decision on how this land should be purchased.

**Road between Navajo Mountain and Oljato** - Commissioner Maryboy said he also discussed with Mr. Gibson the road between Navajo Mountain and Oljato. The county needs support to get a grant to build this road.

**Meetings** - Commissioner Maryboy said he will be attending the Chapter President's meeting Wednesday morning and at 6 p.m. he will be meeting with the people at the Bluff Mission.

**CONGRESSMAN NIELSON'S ASSISTANT - SUE COOK - TOWN MEETING**

Sue Cook, Congressman Nielson's assistant, met with the Commission to update them on the following items. Congressman Nielson will be in Monticello and Blanding on May 22. The meeting will be in Blanding at 6 p.m. and in Monticello at 7:30 p.m. A breakfast meeting with the Commission and town Mayors will be on Saturday May 23 at 8 a.m. Mrs. Cook asked Rick Bailey, Administrative Assistant, to arrange a place for the meeting places.

**Trailways** - Mrs. Cook sent the Commission a memo pertaining to the proposal to replace Trailways. The memo states that she talked to Justine in Senator Garn's Washington office concerning the request for funding a transit system to replace Trailways that was servicing Southeastern Utah. Mrs. Cook told the Commission to contact Mr. Louis Moraz of the Urban Mass Transit Authority in Denver and/or Gene Finnaly, UDOT, about this matter.

**City and County road school in Moab** - Commissioner Bailey informed Mrs. Cook of the city and county roads school that is in Moab on May 6-8, 1987.

**INDIGENT CARE - SHERIFF'S DEPARTMENT**

Claude Lacy, county sheriff, met with the Commission to discuss the indigent care provided by the county. Mr. Lacy said they have never turned anyone away but are considering changing the policy to have them sign a waiver.

Sheriff Lacy said that the deputy at Mexican Hat has quit and said he will need to advertise to hire a new

deputy. Sheriff Lacy said he would like to have a five man merit board to screen the applicants and recommend who to hire.

**FOREST SERVICE - BOB DAY - ROADS - ELK TRANSPLANT**

Bob Day, Forest District Ranger, met with the Commission to discuss various road projects and the proposed elk transplant.

**Elk Transplant** - Mr. Day said there is controversy towards the elk transplant the Forest Service approved through the environmental process in which materialized 26 appeals on the decision. There will be an invitational meeting on May 12 at 5 p.m. at the Forest Service building and letters will be sent to representatives of each group. Mr. Day said it will be difficult to come to an agreement that will have widespread acceptance. Letters opposing the transplant were from Farm Bureau, Soil Conservation District, Utah Cattlemen Association, Utah Wool Growers Association, and the pro transplanters were supported by Utah Hunters Federation, Utah Wildlife Coalition, which have thousands of members. The pro transplanters are threatening that if the appeals stop the transplant they will appeal every range decision that would benefit livestock owners.

**Dry Wash Road** - Mr. Day said there is a problem with the scheduled agreement that the Forest Service has with the county to reconstruct the Dry Wash road. The regional office says the Forest Service can't participate in the 3300 feet of new road construction because the Blanding Irrigation Company plans to raise the reservoir 7 to 20 feet and also because they are a private entity. The Forest Service will furnish the survey and design on the 3300 feet of new road but will not be able to furnish the culverts. Mr. Day said there will be a new project agreement for consideration that will modify the original agreement to furnish culvert on the existing road and not the 3300 feet of new road. Commissioner Bailey said the county will construct the 3300 feet of new road.

**Gravel** - Mr. Day said he talked to Bernal Bradford, county road supervisor, about the gravel permits and they will contact the owners of the mining claims to get a release on them.

**Mining Claims** - Mr. Day said they are opening mines in South Cottonwood and because of the state requirements on water discharge they are not able to meet them to open up the mines.

**Harts Draw** - Mr. Day asked if the county has any plans for the Harts Draw road. Commissioner Bailey said the county has two miles of the road engineered and plan to upgrade and drain it this fall.

**Spring Creek Gravel Pit** - Commissioner Bailey said the county plans to open the gravel pit at Spring Creek this summer.

Mr. Day said the cooperation road program between the Forest Service and the county has been very satisfying and the Forest Service has a good road maintenance program this year.

**BLANDING FIRE TRUCK**

Norman Johnson, Blanding City Manager, asked the Commission if the auxiliary water tank has been fixed for the Blanding Fire Department. Rick Bailey, Administrative Assistant, said the road department is working on it and he will check on it.

Mr. Johnson said the city/county cooperative road program started last week and he is concerned about the work crew the county has. There are too many man for the equipment that is involved. Commissioner Bailey said he will talk to Bernal Bradford, road superintendent, about this. Commissioner Bailey said they plan to do the asphalt work to the curb and gutter then later this fall do chip seal.

**NAVAJO TRIBE 120 ACRES OF BLM LAND - WESTWATER**

Craig Halls, county attorney, reported to the Commission that he met with the representatives of the Navajo Tribe at Window Rock, Arizona last week regarding the sale of the 120 acres of BLM land to the Navajo Tribe. Mr. Halls said the Tribe Solicitor confirmed that the property can be transferred in fee which means the ownership of the property would be the same as any other private owner purchase which would solve the taxing issues and jurisdiction issues. The Tribe is going to have their Attorney General see how the transfer should be made and Mr. Halls said he will be working the Attorney General on this matter.

The Commission received the following letter from the United States Department of Interior, Office of the Solicitor, Salt Lake City, Utah:

April 22, 1987

Calvin Black, Chairman  
San Juan County Commission  
Monticello, Utah 84535

Dear Mr. Black:

Regarding the interest expressed by the Navajo Tribe in purchasing public lands situated near Blanding, Utah, the purchase of lands outside of the Navajo Reservation by the Navajo Tribe in fee would not make such lands a part of the reservation. Such lands would remain subject to the jurisdiction of the State of Utah and San Juan County.

The Act of March 1, 1933, which set aside certain lands in San Juan County as part of the Navajo Indian Reservation, did not preclude the addition of other public lands within the reservation. It did provide that "no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah ...." 47 Stat. 1418. However, that provision was repealed by Section 702 of the Act of October 21, 1976, 90 Stat. 2787. Copies of both Acts are enclosed for your convenience.

Sincerely yours,

/s/ David K. Grayson  
David K. Grayson  
Acting Regional Solicitor

**PUBLIC SAFETY BUILDING - EMPIRE ELECTRIC RIGHT OF WAY EASEMENT**

Rick Bailey, Administrative Assistant, presented the Commission a right of way easement agreement for Empire Electric to change the electric lines from over head to underground and recommended that the Commission sign the agreement.

Commissioner Maryboy made the motion approving the right-of-way and authorized Commissioner Bailey to sign the agreement. Commissioner Bailey seconded the motion. UNANIMOUS.

**USU EXTENSION SERVICES AGREEMENT - COUNTY BUDGET**

Commissioner Maryboy made the motion approving the agreement for extension education between USU Extension Services and San Juan County for the period beginning January 1, 1987 and ending December 31, 1987 for a total of \$20,984.22 and authorized Commissioner Bailey to sign the agreement. Commissioner Bailey seconded the motion. UNANIMOUS.

**FIRE TRUCK PROPOSAL FOR MONTEZUMA CREEK AND MEXICAN HAT**

Rick Bailey, Administrative Assistant, said that Commissioner Maryboy asked him to write a proposal to the Tribe to purchase two fire trucks for Montezuma Creek and Mexican Hat. The Tribe will pay 50% of the

trucks up to 50,000 if the county will pay the other 50. The proposal will be submitted to the Tribe.

#### **RECREATION - BASEBALL FIELDS**

The Navajo Tribe has a program "Save the Children" and they want the county to submit a proposal for baseball fields at Oljato, Red Mesa and Aneth areas. Commissioner Bailey said he talked to Eddie Allred, recreation director, about getting some price figures for construction of a baseball field. Rick Bailey, Administrative Assistant, will work with Mr. Allred in submitting the proposal to Jackson Gibson, Navajo Tribal Chairman's Assistant.

#### **HOSPITAL OPEN HOUSE MAY 14**

John Fellmeth, Hospital administrator, reported to the Commission that the San Juan County Hospital will host an open house on May 14, 1987 from 1 to 8 p.m. The hospital is offering free lab work (cholesterol, blood sugar and CBC.) Mr. Fellmeth discussed malpractice insurance for Dr. Benedict so he can provide minor surgery in the operating room but it wouldn't permit him to assist in major surgery. Mr. Fellmeth said there is a Utah State regulation that mandates an operating room technician to be a graduate of a technical course or a LPN.

#### **UNDC REPORT - TULLY LAMEMAN**

Tully Lameman, UNDC, met with the Commission to discuss various topics.

**Roads** - Mr. Lameman asked the Commission what the status was on the roads on the reservation. Commissioner Bailey said he received a resolution from the Mexican Water Chapter requesting work on several roads. Bernal Bradford, south district superintendent, will work with the Chapter on this request.

**San Juan Marina - Dedication** - The dedication of the San Juan Marina is May 14 at 11 a.m. Commissioner Bailey said the county will have the road to the Marina in good shape for the dedication.

**Oljato Bridge** - Commissioner Bailey said the Oljato Wash is not on the bridge replacement program but he has a commitment from the UDOT that it will be. The county has asked several engineering firms for proposals on the preliminary engineering on the bridge.

**Paiute Creek Bridge** - Commissioner Bailey said that Doug Pehrson, engineer, said the Paiute Creek Bridge (near Navajo Mountain) is on the bridge replacement program. The problem with getting it replaced is it has a too high sufficiency range and the county will survey the area in May or June.

**White Mesa Road** - The county is proceeding with the road work on White Mesa by putting material on the road. Commissioner Bailey said they are running out of material and Merz Hugentobler, superintendent, is working with the Shiprock Agency on extending the permit. The plan is do the road work to the Arizona line, back out to the highway and west of Red Mesa about two miles.

**Range Tour - Cahone Mesa** - Mr. Lameman said there will be a tour of the range project at Cahone Mesa on May 8. Mr. Lameman said they would like to have someone from the county attend this tour.

**UNDC Budget - proposed 40% cut** - Mr. Lameman said UNDC was asked by UDIA to cut their budget by 40%. The UDIA board met in Salt Lake last week but they didn't have a full quorum so no decision was made. The UDIA plans to meet on May 14 prior to the dedication of the San Juan Marina. Commissioner Maryboy said a letter needs to be written to the Governor stressing the importance of the UDIA board taking their job more seriously and keeping better minutes.

**Highschool students** - Mr. Lameman said that UNDC is selecting an outstanding highschool graduate student.

**Chapter President's meeting** - This Wednesday there will be a meeting with all of the Chapter Presidents.

Commissioner Bailey thanked Mr. Lameman for the information he provides them and to report to UNDC that Commissioner Maryboy is doing a good job on the Commission.

#### **RECREATION - HORSESHOE PIT**

A bid was received from Sondreggor, contractor, on the horseshoe courts north of the courthouse. The bid cost for concrete only is \$892 and the county recreation will pay \$500. Commissioner Maryboy made the motion approving the bid and Commissioner Bailey seconded the motion. UNANIMOUS.

#### **SOCIAL SERVICES - COUNSELING ON A PRIVATE BASIS**

Bruce Shumway, director Social Services, Mark Lyman, Mental Health Supervisor, and Garth Skousen, M.Ed. San Juan County Mental Health, met with the Commission to discuss counseling on a private basis. A month ago Mr. Skousen presented the Commission a letter requesting to work with Dr. Stephen E. Warren, MD, Monticello Clinic, on a private basis after hours. Mr. Shumway presented a copy of a memorandum from Mr. Lyman outlining guidelines for private practice. Over the number of years requests have been made for counseling on a private basis from people in Colorado and New Mexico and there are the people who will not receive counseling from a government agency. The request has to be approved by the Commission then it will be presented to the state for approval. Mr. Skousen said that the billing and records would be done through Dr. Warren's office. The Commission will make a decision on this next week.

#### **BILLS APPROVED FOR PAYMENT**

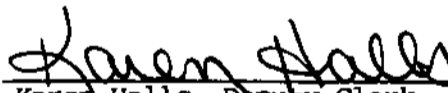
Wynn Bartholomew	civil fees reimb.	10.00
Parsons, Behle & Latimer	civil service fees reimb.	13.50
Frandsen, Keller, Jensen	civil service fees reimb.	5.50
Knight Adjustment	civil services fees reimb.	3.00
Olivia Blake	interpreter for Trial	14.00
Broderick Tire Service	repairs for sheriffs office	8.00
Jesus Hodquin	witness fees	67.00
Halon Fire Extinguishers	supplies fire control dept	37.65
Rick Metzger	official womens volleyball	133.65
Jack L. Root	bail refund citation B-073636	35.00
San Juan Security	service call senior citizens	36.25
Seton Name Plate Corporation	supplies Rick Bailey	49.17
Shirttail Service	restitution Eric Lameman	3.70
Utah Farm Bureau Ins.	restitution Harold Jelly	226.27
Utah Foundation	renewal investment	15.00
Utah State Archives	reg. record management program	53.00
United States Postmaster	postage decals assessor's	150.00
A & M Propane	utilities Library B	455.52
Richard M. Bailey	travel expenses	54.10
Bancroft-Whitney Company	supplies attorneys office	137.00
Bill Bayles	travel expenses	181.90
L. Dawn Bellm	meals served April	507.00
Matthew Bender & Co., Inc.	supplies attorney office	12.50
Blanding City Justice Court	sheriff office collections	60.00
Bluff Water & Sewer Users Assn	utilities Bluff Bldg	10.00
M.V. Christensen	hauling road dept	904.75
Continental Tele Co West	repairs colsole	120.00
Continental Tel Co West	tele charges courthouse	904.15
HF Cosby Jr.	Hauling road dept	3,734.50
DNA-People's Legal Services	professional services	2,285.93
Empire Electric Assoc. Inc.	utilities courthouse	1,635.52
First Security Bank of Utah	restitution:D.Black	100.00

Frito-Lay, Inc.	vending machine supplies	14.50
Holliday Construction Company	hauling road dept	2,791.25
Honest Dollar Construction	hauling road dept	1,905.75
Horsehead Hardware	supplies courthouse	28.86
Hugentobler, Merz W.	excavating for road dept	2,412.00
Wesley L. Hunt Company	repairs communications	111.20
International Crystal Mfg.Co	supplies communications	77.32
Intermountain Electric	parts road dept	130.70
The IAAO	renewal assessor	85.00
Int. Business Machines	installment payment	549.38
Howard Johnsons	travel LaRay Alexander	68.00
Kelly Company	supplies clerk's office	58.77
Mark Maryboy	travel expenses April	598.76
MCM Electronics	supplies communciations	22.10
Kenneth Miller	hauling road dept	1,751.75
Milne Truck Lines, Inc.	freight road dept	132.81
Monticello City Justice/Peace	sheriffs office report	115.00
Monticello city Of	utilities courthouse	134.50
Monticello Mercantile	vending machine supplies	289.41
Motor Parts Company	parts road dept	1,190.24
Muhlestein, Harold G.	reimb. assoc dues reg	50.00
Office Outpost	office supplies recorder	32.78
Parkway	supplies sheriff's dept	9.19
Rufino Romero	cleaning sr. center M	40.00
San Juan County	wildlife collection fees	52.50
San Juan County Hospital	meals served for March	894.75
San Juan County Library B	petty cash	47.25
S.J. Countyt 12th Circuit Court	sheriffs office collection	185.00
San Juan Pharmacy	supplies sheriffs dept	47.02
The San Juan Record	supplies recorders office	61.20
Sargent-Sowell, Inc.	supplies sheriffs dept	19.35
Scenic Aviation	Navajo Mt extension	202.00
Dayne Shumway Const	hauling road dept	1,848.00
Skelton, Incorp	work road dept	68,600.00
Skyline Transport & Diesel	supplies road dept	35.08
Bessie J. Spencer	meals served April	951.00
Sun-Progress, Inc.	ad Public Defender	16.65
LaVerne Tate	travel expenses	17.24
Times-Independent	advertising cnty auction	70.56
Travelodge S.L. Downtown	travel expenses H.Tatnall	96.00
Turf Equipment Company	mowers golf pro shop	8,939.00
United States Postal Service	mailing application fee	100.00
Utah Department of Health	contract low income family	44,255.77
Utah 4-H Program	reg. Holly to Lake Tahoe	100.00
Utah Local Gov't Ins. Trust	workers compensation/April	1,088.62
Utah Power & Light Company	utilities LaSal Fire Stat	219.26
Utah State Retirement Board	Dist. Crt. Judges Retirement	125.00
Utah State Treasurer	collections April 87	1,546.25
Utah State Treasurer	justice Peace Fees April	3,263.00
Rick Warner Ford	parts road dept	127.37
Steven E. Warren, M.D.	IOC	25.00
Wheeler Machiner Company	parts road dept	374.69
Julie Wood	travel airport	5.04
Mike Young Inc.	parts sheriffs dept	48.94

**ADJOURNED**

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

  
 Calvin Black, Chairman

  
 Karen Halls, Deputy Clerk