

San Juan County Commission Meeting
Administration Building - Conference Room
Agenda
February 18, 2020

Present: Kenneth Maryboy - Commission Chair
Willie Grayeyes - Commission Vice Chair
Bruce Adams - Commissioner
Mack McDonald - County Administrator
John David Nielson - Clerk

Attendees: Walter Bird, Cheryl Bowers, Linda Sosa, Ann Lepannen, Mannette Clark, Doug Allen, Amer Tumeah, Kendall Laws, Jeff Matteson, David Carpenter, Carolyn Dailey, Kirk Benge, Colby Smith, Holly Sloan, Hank Stevens, Nick Sandberg, Kim Henderson, Lynda Smrz, Bill Love, Natalie Randall, Barry Simpson, Patrick Baril, Gary Guymon, Susan Baril, Craig Simpson, Joy Howell, Marx Powell, Lynn Stevens

Walter Bird - SJC Planning & Zoning Director

Walter visited the commission to answer any questions regarding changes to the Planning Commission Bylaws. Mack McDonald walked through the by-laws with the commission and explained that Planning Commission members are appointed from different areas of the county so that there is countywide representation. Mack also discussed the terms of the members, when terms would expire, and how long a member can serve. Commissioner Adams asked that there not be a length of service stipulation in case individuals from certain areas do not volunteer. Mack McDonald also stated that the amended by-laws would require a member to be a registered voter in the county.

Also discussed was the removal of members from their appointed position and what would constitute a removal.

Mack McDonald - SJC Administrator

Mack McDonald reviewed with the commission an amended San Juan County Purchasing Policy Ordinance. He explained that the amended policy matches what the Utah State Auditor would look for in a purchasing policy. He explained that when making purchases, county employees, will be looking for good price and good quality. Mack informed the commission of a purchasing agent and what their job responsibilities would entail. Mack also discussed the purchasing limit ranges and at what point a contract would be required. Commissioner Maryboy asked what would happen if an emergency purchase needed to be made. Mack explained that the commission could give him signing authority up to a certain limit in case such an emergency arose.

Mack McDonald - SJC Administrator

Mack explained the amended the county Personnel Policy with the commission. Key amendments included: travel expenses, incidental charges on travel, rental cars, alternative

travel arrangements, personal expenses, lodging, and per diem. Mack also explained that mileage rates to \$0.575 per mile and per diem rates have increased to \$11 for breakfast, \$14, for lunch, and \$20 for dinner..

Mack McDonald - SJC Administrator

Mack discussed with the commission the 2020 CIB Capital Plan. He talked about the different proposed projects and their priority.

Nick Sandberg - SJC Planning

Nick discussed with the commission the 2019 Mineral Lease Report. Nick explained that revenue in Utah, overall, from mineral leasing and oil production has declined significantly since 2014. He did explain that revenue while on Federal Lands decreased, revenue on Private, Tribal, and State lands has increased. Nick also informed the commission that ongoing BLM projects in the San Juan County and the local area include: analyzing potential energy and mineral resources? geological mapping, paleontological studies, and water quality monitoring.

Mack McDonald - SJC Administrator

Mack discussed with the commission the updated agenda format and how topics are presented and which meeting they are discussed in. He also asked the commission if they would like to consider changing the start time of the commission meeting to allow for a smoother meeting. Commissioner Adams suggested that the commission meeting start at 10:00 so that time is not wasted waiting until 11:00 if there is a short work meeting.

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Opening: Invocation

Public Comments -

Amer Tumeh - Amer explained that he has tried to work out the differences regarding zoning with the Town of Bluff, but without success. He asked the county to terminate the interlocal agreement with the Town of Bluff and presented a signed petition, which Mack McDonald read into the record.

Bill Love - Bill requested that sections of the amended Planning Commission By-laws Ordinance be removed. He explained that the proposed sections would remove power from the commissioners.

Gary Guymon - Gary stated that property owners were not contacted regarding property and zoning ordinance changes. He would like to work things out with the Bluff Town Council so that businesses can succeed.

Hank Stevens - Hank thanked the commission for their support and for having the commission meeting in Navajo Mountain in January.

Craig Simpson - Craig talked about subdivisions in Bluff that he was working on completing when Bluff became incorporated. He asked the commission to encourage the Town of Bluff to accept the roads within the new subdivisions.

Monette Clark - Monette presented a letter to the commission requesting that the commission table the passing of the proposed Planning Commission By-laws. She felt that certain parts of the By-laws be removed and/or changed. Monette stated that certain provisions to Planning and Zoning meetings should be added to the by-laws.

Holly Sloan - Holly presented a letter to the commission requesting that the commission review the process of identifying and approving the Planning Commission members before the By-laws are approved.

Colby Smith - Colby discussed a letter sent from an attorney's office Clyde Snow indicating a concern about whether policy and procedures were followed. He asked the commission to invite Clyde Snow attorneys to come and discuss the letter at the next commission meeting.

Marx Powell - Marx asked that the county void the interlocal agreement between the County and the Town of Bluff. He gave examples involving lack of transparency of why this agreement should be voided.

Marlene Huckabay - Marlene asked about the use of a dirt road that is being used. She asked if that dirt road has been designated. She also questioned why the county approved the clinic that is being built in Spanish Valley.

Jeff Matteson - Jeff stated that he felt that there is an effort by the Planning and Zoning Commission & the county administration to keep dissenting opinions out of the loop.

Carolyn Dailey - Carolyn asked that the county administration work with Grand County. She also asked that the county staff work better with the new county commissioners. In her opinion, the commission is being undermined by county staff.

Ann Leppanen - Ann explained that the Town of Bluff has followed state law when creating ordinances to govern their town. She asked that the commission not consider terminating the inter-local agreement.

Consent Agenda - Mack McDonald

Mack read through the requested items for approval.

A motion to approve:

- Check Register
- County Seat Contract Ratification
- Out of State Travel for Recorder's Office
- Host Compliance, LLC Amendment
- 2020 Census Boundary Approval
- Beer License Renewal
- To table the approval of the February 4th minutes until they can be amended to included comments made by Commissioner Grayeyes and Commissioner Adams.

was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Recognitions, Presentations, and Informational Items

Notice of Cancellation of March 3, 2020 Commission Meeting - Mack McDonald

Mack explained that the March 3, 2020 Commission meeting should be cancelled due to Commissioners being out of town. A motion to approve the notice of cancellation was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous

Natalie Randall - SJC Economic Development & Visitor Services Director

Natalie requested that the commissioners write a letter of support for a project that the Natural History Museum of Utah is doing to celebrate their 50th anniversary. She explained that the Natural History Museum of Utah is celebrating its 50th anniversary and would like to put a special brass marker in each county with each marker having significance to the area where it will be placed. Natalie explained that the location of the marker in San Juan County would be at Edge of the Cedars State Park representing Comb Ridge.

A motion to approve the letter of support was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Nick Sandberg - SJC Planning

Nick presented, for approval, a comment letter from the county discussing possible changes to current grazing regulations. He reviewed the letter with the commission which made suggestions to terminate the protest period for certain permit renewals, provide for more flexibility in the terms and conditions of a permit, and schedule local open houses to allow local permittees a chance to be more involved.

A motion to approve the letter of support was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was made by Commissioners Adams and Grayeyes. Commissioner Maryboy abstained.

Goosenecks State Park Campground and Trail System Support Letter to BLM - Nick Sandberg

Nick stated that Cheryl Bowers gave the county a letter from Blanding City Council stating that the city approves of responsible use of the area, but does not support improvements that would compete with local businesses. Cheryl also checked with Blanding, Bluff, and Mexican Hat to see if the campground and trail system would be a benefit. From the information, 3 of 4 businesses were against the campground and trail system, but one business felt that it would be beneficial.

Commissioner Maryboy asked that the letter be tabled until an impact of other businesses could be considered.

Commissioner Grayeyes stated that when Bears Ears National Park was recognized, augmented visitation numbers were used to justify improvement to the area and since the monument has been decreased, visitation has dropped.

Commissioner Adams stated that he thought the purpose of the letter was to create more infrastructure in Goosenecks State Park to accommodate and control the reported increased visitation to Goosenecks.

Mack McDonald talked about the different viewpoints from the surrounding communities and suggested putting ideas in the letter of support that the commission would be in favor of.

Amer Tumeh suggested that a wording change would help to clarify a parking lot vs RV parking.

Natalie Randall stated that there are already 8 campsites in the park and the request was to expand the number of campsites into one area which would help decrease dispersed camping.

Business/Action

Bluff Interlocal Agreement - Mack McDonald

Mack presented the amended Bluff Interlocal Agreement for approval. He explained some changes to the agreement. Changes mentioned were:

- The town is responsible for noxious weeds
- Building permits would be initiated through Bluff
- The airport lease will transferred to Bluff with the county taking care of snow removal
- The county will continue to provide EMS services regardless of the agreement
- The county will provide law enforcement services to Bluff with the possibility of charges for certain services.

Commissioner Adams questioned whether the county needed to have inter-local agreements with the cities at all. Mack McDonald stated that the county has not received money for certain services to municipalities nor have they billed for certain services. He also explained that there seems to be some confusion about which entity is responsible for certain actions.

A motion to table the interlocal agreement and instruct staff to look for possible modifications to other inter-local agreements with the other cities was made by Commissioner Adams.

Commissioner Grayeyes 2nd the motion. Voting in favor was unanimous.

TB Prevention and Control Agreement - Kirk Bengt

Kirk asked that the commission approve the TB Prevention and Control Agreement. Kirk explained that the Health Department investigates and intervenes in TB cases. He explained that this particular contract is to fund the program until March after which an amended contract will be presented for approval. A motion to approve the contract was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

An Ordinance Adopting the Rules, Procedures, and Bylaws for the San Juan County Planning Commission - Walter Bird, SJC Planning & Zoning Director

Mack discussed comments made during the Commission Work Meeting. He spoke about the terms of the office and stated that the terms would be staggered and that any reappointment would need to come back to the county commission for approval. Mack also explained that a P&Z commissioner can request to be reappointed for an additional 4 year term after their regular 4 year term has expired, but that request will go through the San Juan County commission. Mack also talked about who will set the agenda for the P&Z meeting and the approval for that agenda.

A motion to approve the Ordinance adopting the Bylaws was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Spanish Valley Map - Walter Bird, SJC Planning & Zoning Director

Walter stated that the presented San Juan County Spanish Valley Zoning map was for informational purposes only. He explained that a public hearing on the map would need to take place. Mack addressed comments made during the P&Z meeting. He explained that multiple maps talked about and the topic became confusing and that the commission asked Mack to take the map back to the P&Z for recommended changes. A motion to table the item was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Spanish Valley Loan - Mack McDonald, SJC Administrator

Mack talked about providing a temporary loan, in the amount of \$120,000 to the Spanish Valley Special Service District so that a loan payment could be made to a contractor. Other funds would be sought to help Spanish Valley continue to make loan payments. If other funds can not be secured the temporary loan would turn into a 3 year loan to Spanish Valley to be paid back to San Juan County. A motion to approve the request was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor were Commissioners Adams and Grayeyes. Commissioner Maryboy abstained.

West Mountain Irrigation Company Letter of support - Mack McDonald, SJC Administrator

Lynn Stevens discussed the one-mile section of road of the Allen Canyon Access Road. He explained that historically, San Juan County has maintained public access to the lands. Land ownership has changed and the new owners have installed a gate with a second gate. He recommended that the county go into an agreement with the landowners to have a prescriptive right-of-way so that the public can still have access to the Forest Service area and still have the one-mile section could be maintained by the county.

Mr Petty, from West Mountain Irrigation, discussed a prescriptive easement on the land and stated that his concern is more about the cost of maintaining the roads and protecting the investment in the road. He also asked that the county look at the situation differently because the road is used by families.

A motion to keep the access open without a locked gate was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion with the recommendation that the Forest Service provide maintenance to the road. Voting in favor were Commissioners Adams and Grayeyes. Voting against the motion was Commissioner Maryboy.

Resolution

A RESOLUTION ENCOURAGING THE BUREAU OF LAND MANAGEMENT (BLM) AND FOREST SERVICE'S CONTINUED PROTECTIONS AGAINST MINERAL DEVELOPMENT AND LEASING IN AREAS THAT WERE TAKEN OUT OF BEARS EARS NATIONAL MONUMENT

Mack brought the resolution listed to the commissioner for approval. A motion to discuss and approve the resolution was made by Commissioner Grayeyes. Commissioner Adams 2nd the

motion to discuss the resolution. Commissioner Adams was not in favor of the resolution. He explained that he felt that there was no reason for the resolution because the BLM had decided that no mineral lease development would be sought because there is no mineral lease potential and that the State of Utah Division of Oil and Gas and Mining concurred with the BLM's decision. Commissioner Grayeyes stated that with the proposed reduction of the monument, oil and gas leasing companies lobbied for the reduction. He asked why they would lobby if there were no minerals there and wanted assurance of having the resolution. Voting in favor of the resolution were Commissioners Maryboy and Grayeyes. Commissioner Adams voted against the resolution.

Purchasing Policy Ordinance - Mack McDonald

Mack requested that the commission pass the revised Purchasing Policy Ordinance with the understanding that current contracts would not fall under the new policy rules. A motion to approve the ordinance was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Personnel policy - Mack McDonald

AN ORDINANCE AMENDING THE SAN JUAN COUNTY PERSONNEL POLICY SECTION 11, REIMBURSEMENT FOR EXPENSE RELATED TO TRAVEL, TRAVEL EXPENSES, USE OF PERSONAL VEHICLES, USE OF COUNTY VEHICLES, LODGING, PER DIEM AND ADVANCE PAYMENTS BY THE ENTITLED BOARD OF SAN JUAN COUNTY COMMISSIONERS.

Mack requested that the commissioner approve the amended Personnel Policy, section 11 related to travel expenses, use of personal vehicles, and per diem. He explained that the new rates would be \$11 for breakfast, \$14 for lunch, and \$20 for dinner. A motion to approve the Ordinance was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Nick Sandberg - SJC Planning

Nick provided an update on the Public Lands. He explained that the Bears Ears Management Plan was approved by the BLM and Forest Service on February 6th. He provided handouts to the commission which explained the decisions made within the Management Plan. Nick explained that the next step is to develop activity plans for cultural resources, recreation, and travel management. These plans would be the discussion at the next Monument Advisory meeting.

A motion to adjourn was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion. Voting in favor was unanimous.