

**San Juan County Commission Work Meeting
Administration Building - Commission Room
Agenda
May 7, 2019**

Present: Kenneth Maryboy - Commission Chairman
Willie Grayeyes - Commission Vice Chairman
Bruce Adams - Commissioner
John David Nielson - Clerk

Attendees: Ann Austin, Dillon Hoyt, Ben Musselman, Bob Turri, Wendy Black, David Everitt, Kendall Laws, Retta Hall, Jonathan C Wright, Shanon Brooks, Julia Brooks, Cordell Shumway, Dana Nielson, Anna Tom, Betty Jones, Doug Allen, Jerry McNeely, Alan Freestone, Amber Brooks, Raegan Jacobson, Olivia Merten, Jocelyn Meyers, Bill Keshlear, Kim Henderson, Cheryl Bowers, Monte Perkins, Jason Torgerson, Phil Lyman, Zac Podmore, Larry Ellertson, Natalie Randall, Kirk Benge, Jeremy Redd, Darrell Williams, Curtis Henderson, Ann Lapanan, Linda Sosa, Kiley Milner, John Rzeczycki, Albert Holiday, Harve Holiday, Cynthia Wilson, Nick Sandberg, Darrell Williams, Patrick Baril, Susan Baril, Mike Bondio, Carol Harris, Carol Brown, Carolyn Dailey, Norma Roath, Alicia Landman-Reiner, Albey Reiner, Clarke Abbey, Jim Sayers, Hank Stevens, Mike Duncan, Holly Sloan, Colby Smith, Larry Witt, Larry Ellertson, Marlene Huckabay, Janet Ross, Amanda Podmore, Sarah Fields, Sheila Canavan, Jeff Mattson, Dan Meyers, Phillip Rentz Sr, Manuel Morgan, Jennifer Jones

Dillon Hoyt - Deadhorse Point State Park Updates

Dillon updated the commission to give an update of how the Deadhorse Point State Park is functioning including new staff, a new campground, and other park improvements.

Shannon Brooks - SJC Citizens Coalition

Shannon came to the commission to talk about a new organization called the SJC Citizens Coalition. He talked about several concerns that the SJC Citizens Coalition have with the actions of the current county commission.

John David Nielson - SJC Clerk

John David came to the commission to request that Walter Bird be appointed to be the GRAMA appeals officer.

Ben Musselman - SJC Public Works Director

Ben gave the commission an update on the D2077 Closure. He presented photographs of a road collapse and talked about the process of making the area in question safe. He also discussed a bid for patch oil and the purchase of a copier.

Kirk Bengé - Public Health

Kirk came to the commission to give an update on the public health bylaws that were adopted by the San Juan County Board of Health. He reviewed the bylaws with the commission and requested that the commission ratify the new bylaws. Representative Lyman also commented on the history of public health in the county. Kirk also discussed how cannabis can be used.

Jerry McNeely - SJC Liaison

Jerry updated the commission on his meetings with Grand Water and Sewer, SITLA, Forest Service. He also gave an update on water levels at Ken's Lake, Jeep Safari, and road conditions. Lastly, Jerry discussed his contract with San Juan County and some of the projects that he has worked on.

Nick Sandberg - SJC Planning

Nick updated the commission on a meeting with the BLM. Advisory committee recommendations have been made and are now being reviewed. Also mentioned a meeting with the Bear Ears Advisory Committee meeting. He also discussed a Memorandum of Agreement regarding the Lisbon Valley Mine plan revision.

Natalie Randall - SJC Economic Development/Visitor Services

Natalie presented the commission with an update of Economic Development and Visitor Services. She talked about upcoming events, meetings, and projects.

Resolutions

John David Nielson read the proposed resolution into the record.

Approving a contract with David Everitt to serve as the San Juan County Chief Administrative Officer on an Interim Basis

After the proposed resolution was read there was some discussion over the resolution. Topics brought up during the discussion covered included the process of hiring the new county administrator, David Everitt's qualifications, and the notice of a special meeting not being posted. Commissioner Grayeyes also stated that the appointment of Mr. Everitt is only temporary until a permanent replacement can be found. Other comments were made stating that approving resolution would violate the open meetings act.

David Everitt, the current city manager of Moab explained his understanding of his role as the interim administrator then fielded several questions from the commission and the citizens present at the meeting.

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A motion to approve the April 16, 2019 commission minutes was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Citizen Comments -

John David Nielson - SJC Clerk

John David clarified comments made in the work meeting about the special meeting not being post. He stated that he was trying to follow Utah Code and would've posted the notice of special meeting if he had received all the necessary information. He also commended county staff, but reminded the commission that he is an elected official.

Darrell Williams - Legislative Aid to Charlene Tso

Darrell commented on the resolution directing that no San Juan County official may represent a position without approval of the commission. Darrell stated that the resolution limits the true authority of county officials. Darrell also mentioned that a resolution will be coming up with the Navajo Nation to evaluate royalty allocations.

Ann Austin - Spanish Valley resident

Ann commented on the sewer and water project in Spanish Valley. She explained that she felt that not very many people knew about the development project. She also encouraged the commission to support the moratorium.

Cheryl Bowers - SJC resident

Cheryl mentioned that she attended the attorney general's training in Monticello. She mentioned that during the training the idea of open discussion was discussed and felt that it would be good practice for the county to allow for comments and discussion during the public meeting. Cheryl also gave some suggestions on how to be more transparent in the meetings and work with staff. Lastly she stated that there well qualified individuals that could fill the county administrator position.

Jocelyn Meyers - Bluff resident

Jocelyn thanked the commission for listening to the citizens who support the Bears Ears National monument and gave data to support restoring or expanding the monument. She also supported having commission meetings in other locations when important issues needed to be discussed.

Wendy Black - Blanding resident

Wendy questioned the commission on why they did not attend the training offered by the attorney general. She also asked the commissioners why they ran for office.

Shanon Brooks - Monticello resident

Shanon made several comments on all the resolutions to be voted on. He agreed that the royalties should be given to Utah Navajos. Shanon mentioned that there are no such thing as occasional meetings that regular meetings should be held in the county seat. Next he explained that a resolution carries no weight of law. Shanon also suggested that Loves' could possibly buy the homes of citizens living in Spanish Valley.

Carol Harris - Blanding resident

Carol asked the commission where the proposed meetings outside of Monticello would be located. She suggested that meetings be held in the north end of the county and that the commission visit senior centers to talk about Bears Ears.

Carolyn Dailey - Pack Creek resident

Carolyn asked the commission to support the resolution discussing the moratorium so that concerns could be heard.

Norma Roath - Pack Creek resident

Norma asked the commission to support the moratorium on further development until more research could be done.

Hank Stevens - Navajo Mountain Chapter President

Hank talked about how isolated Navajo Mountain. He mentioned reestablishing some historical buildings so they could be used again. Hank also requested that the commission help in the process in building a highway from Navajo Mountain.

Sarah Fields - San Juan County resident

Sarah talked about the training given by the Attorney General's office. She mentioned that the Attorney General's office support the idea of occasional meetings outside of the county seat. Sarah also requested a list of individuals and terms that are on the different boards throughout the county.

Holly Sloan - Spanish Valley resident

Holly asked the commission to support the moratorium so that what is important to the citizens and families could be preserved.

William Love - Spanish Valley resident

Bill supported the moratorium resolution because it allows for a pause and allow Marc Stilson from the State of Utah to come and talk about water rights.

Jeff Adams - Canyonlands Watershed Council

Jeff commented on his support of the moratorium until the water issues can be resolved. Jeff briefly explained how water rights work. He also talked about the acre feet of water available.

Marlene Huckabay - San Juan County resident

Marlene expressed her thoughts on having a Love's gas station so close to her home and what kind of things the gas station would bring to the neighborhood.

Kiley Miller - San Juan County resident

Kiley stated that she would like to see a moratorium and would like to hit the pause button on growth and encouraged the commission to support the moratorium. Kiley also read a letter written by San Juan County residents who could not attend the meeting.

Doug Allen - San Juan County resident

Doug expressed his frustration on how Kelly Pehrson was trashed in the resolution presented at the work meeting after he chose to quit. Doug also explained that if Kelly decides to sue the county for public defamation it will be the county that will pay the bill.

Sheila Canavan - San Juan County resident

Sheila stated that she supports the moratorium and presented a document containing information on the General Plan, water usage, and protection of groundwater.

Mike Duncan - Moab City Council

Mike encouraged cooperation between San Juan County and the City of Moab. Mike also talked about water output from wells.

Jennifer Jones - San Juan County resident

Jennifer encouraged the commission to approve the temporary moratorium so that development could be done in a smart, efficient way. Jennifer also talked about increased noise, traffic, and safety issues caused by commercial business in her neighborhood.

Phil Lyman - State Representative

Representative Lyman expressed concerns over the moratorium and briefly talked about the transaction between Love's and SITLA. He also expressed his disappointment over Kelly Pehrson's departure and commended him for the job that he had done.

Susan Baril - San Juan County resident

Susan talked about increased crime that will happen if a Love's gas station comes into the area.

Patrick Baril - San Juan County resident

Patrick briefly discussed the Love's gas station, SITLA, water rights, and the air strip in Spanish Valley. He also talked about diesel gas fumes contributing to the cause of cancer.

Mike Bondio -

Mike talked about the noise that is caused by diesel trucks and asked the commission to put the Love's station elsewhere.

Anna Tom - McCracken Mesa resident

Anna asked the commission to support the resolution presented by Commissioner Adams.

Tammy Gallegos - SJC Aging

Tammy presented the Four Year Aging Plan for signature. A motion to sign the plan was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Monte Perkins - SJC Maintenance/Weed

Monte presented an equipment purchase request that was previously discussed. Monte explained that three bids came in and that he would like to purchase from Johnson Equipment in an amount a little over \$19,000. A motion to approve the purchase was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Ben Musselman - SJC Public Works

Ben came to the commission seeking approvals to the bids that were presented in the previous Work Meeting for batteries, synthetic oil, and filters. Ben requested that the commission approve the bids from Grand Junction Peterbilt for the batteries, JC Hunt with Brantley Distributing as the alternate for synthetic oils, and Kenworth Sales Company for the filters. A motion to approve the requested bids was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Nick Sandberg - SJC Planning

Nick came to the commission to ask for a signature to a drafted letter of comments on the proposed Shingle Mill Vegetation Management Project. A motion to allow the chairman to sign the letter was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Walter Bird - SJC Personnel

Walter came to request the hiring of 2 new aides at the Monticello Senior Center. He asked that Jay Sallee and Richard Smith be hired to fill those positions at \$10.83 an hour. A motion to approve the hires was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting was unanimous.

Janet Ross - Eastland SSD

Janet presented a map of the Eastland SSD for approval. Janet explained that a previous map that was presented did not meet state code and that this map does meet state code. A motion to approve to rescind the approval of the previous map and approve the state approved map was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Kirk Bengé - SJC Public Health

Kirk came to the commission seeking approval of Dr Phillip Smith, MD as a member of the SJC Board of Health. A motion to approve the appointment was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting was unanimous.

Resolutions:

RESOLUTION RECOMMENDING CHANGING THE ROYALTY ALLOCATION FOR OIL, GAS AND OTHER MINERAL PRODUCTION ON THE UTAH PORTION OF THE NAVAJO RESERVATION TO BE USED TO BENEFIT UTAH NAVAJOS

A motion to approve the resolution was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion and explained the history of how the Navajo people have communicated with the US government and the changes in that communication. He also talked about a resolution established by the Bureau of Indian Affairs in 1924 regarding royalties and explained that it has not been changed since that time. Commissioners Grayeyes and Adams voted in favor of the resolution with Commissioner Maryboy abstaining.

Commissioner Grayeyes made a motion to add the resolution discussed in the work meeting and the professional service agreement to the commission meeting agenda for approval. Commissioner Maryboy 2nd the motion. Commissioners Maryboy and Grayeyes voted in favor of the motion. Commissioner Adams voted against the motion.

RESOLUTION DIRECTING THAT OCCASIONAL MEETINGS OF THE SAN JUAN COUNTY COMMISSION BE HELD IN LOCATIONS OUTSIDE MONTICELLO, UTAH

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

RESOLUTION DIRECTING THAT NO SAN JUAN COUNTY OFFICIAL OR EMPLOYEE MAY REPRESENT THAT A POLICY OR POSITION IS A POLICY OR POSITION OF THE COUNTY UNLESS THAT SAN JUAN COUNTY COMMISSION HAS FIRST REVIEWED AND APPROVED THAT POSITION IN A FORMAL RESOLUTION OF THE COMMISSION.

Commissioner Adams cited Utah Code 17-53-106 and wondered if the resolution is legal. A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

RESOLUTION OF SAN JUAN COUNTY, UTAH, APPROVING AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PROHIBITING NEW LAND USE APPLICATIONS FOR PERMITS FOR COMMERCIAL USES IN THE HIGHWAY COMMERCIAL ZONE, WHICH EXTENDS 1,000 FEET ALONG BOTH SIDES OF US-191 FOR THE LENGTH OF THE ROADWAY IN SPANISH VALLEY

County Attorney Kendall Laws explained that passing the resolution would not enact an ordinance to put the temporary moratorium in place. After some discussion, Commissioner Grayeyes recommended that the resolution be tabled until an ordinance could be written and Commissioner Maryboy told Attorney Laws to draft an ordinance.

SUPPORTING S. 367, THE “AMERICA’S NATURAL TREASURES OF IMMEASURABLE QUALITY UNITE, INSPIRE, AND TOGETHER IMPROVE THE ECONOMIES OF STATES (ANTIQUITIES ACT) ACT OF 2019” (ANTIQUITIES ACT OF 2019) AND H.R. 1050, THE UNITED STATES HOUSE OF REPRESENTATIVES VERSION OF THE ANTIQUITIES ACT OF 2019.

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

APPROVING A CONTRACT WITH DAVID EVERITT TO SERVE AS THE SAN JUAN COUNTY ADMINISTRATIVE OFFICER ON AN INTERIM BASIS.

A motion to pass the resolution was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the resolution. Commissioner Adams voted against the resolution.

A motion to approve a professional service agreement was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Commissioners Maryboy and Grayeyes voted in favor of the contract. Commissioner Adams voted against the contract.

Commission Reports:

Commissioner Adams - Commissioner Adams attended the training given by the Attorney

Commissioner Grayeyes - Commissioner Grayeyes attended a budget and finance committee meeting. He also attended chapter meetings

Commissioner Maryboy - Commissioner Maryboy had nothing to report