



## **BOARD OF COMMISSIONERS MEETING**

**Electronic Meeting  
October 06, 2020 at 11:00 AM**

---

### **MINUTES**

*The public will be able to view the meeting on San Juan County's Facebook live and Youtube channel*

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **PRESENT**

Commission Chairman Kenneth Maryboy  
Commission Vice-Chair Willie Grayeyes  
Commissioner Bruce Adams

#### **INVOCATION**

#### **PUBLIC COMMENT**

*Public comments will be accepted through the following google meet link [meet.google.com/ptc-paiv-sdo](https://meet.google.com/ptc-paiv-sdo) or by phone at +1 716-427-8815 (PIN: 235 323 895#) There will be a three-minute time limit for each person wishing to comment. If you exceed that three-minute time limit the meeting controller will mute your line.*

Lynda Smrz – Lynda commented on an event that went on in area BFE which she explained as agriculture. She explained that the event was a commercial event which should have required a Conditional Use Permit. She asked the commission to enforce current zoning ordinances.

Robert Lucero – Robert explained that BFE was rezoned in 2005. He also explained that he was requesting the closure of the Strike Revine Trail due to insurance purposes. Robert presented a map of the area and explained why obtaining insurance was not possible.

Mike Kelso – Mike, who is the current President of Red Rock 4-Wheelers, stated that Red Rock 4-Wheelers does not support the closure of any D-roads. He explained that the Strike Revine Trail has been around since 1988 and he would like it to remain open.

Carolyn Dailey – Carolyn expressed support of Lynda Smrz in opposing the closure of the D-roads making up the Strike Revine Trail.

Mark Boshell – Mark, representing the Governor’s Public Land Policy Coordinating Office, stated that his office as well as the State AG’s office is in support of public access to the roads. He stated that a letter of support to keep the Strike Revine Trail route open was sent to the commission. Mark also explained that the state has an interest in a couple of the roads being proposed for abandonment and that they are part of the RS2477 litigation.

**CONSENT AGENDA** (Routine Matters) Mack McDonald, San Juan County Administrator

*The Consent Agenda is a means of expediting the consideration of routine matters. If a Commissioner requests that items be removed from the consent agenda, those items are placed at the beginning of the regular agenda as a new business action item. Other than requests to remove items, a motion to approve the items on the consent agenda is not debatable.*

1. **September 15, 2020 Minutes**
2. **Week of 9/16 and 9/23 Check Registers**
3. **Consideration of an Agreement with the San Juan County Public Health Department and the State of Utah Health Department for COVID-19 San Juan County - PPPHEA 2020 contract amendment.**
4. **Consideration of an Agreement with the San Juan County Public Health Department and the State of Utah Health Department for 2019-2023 Healthy Living Through Environment, Policy and Improved Clinical Care (EPICC) Amendment 5**
5. **Consideration of an Agreement with the San Juan County Public Health Department and the State of Utah Health Department for Local Health Dept WIC Program - San Juan Amendment 2**
6. **Small Purchase Order Request for \$12,500 to Phillips Electric Inc for the purchase of a generator for the landfill operations.**
7. **Purchase of Communication Radios for the Public Safety Building of \$12,999.31 using CARES Act Funds.**

Mack reviewed the consent agenda with the commission and briefly explained agreements and purchases being considered for approval.

He also reviewed the remainder of the commission agenda under Recognitions, Presentations, & Information Items and Business/Action items

A motion was made by Commissioner Adams to accept the Consent Agenda. The motion was seconded by Commission Vice-Chair Grayeyes.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

## RECOGNITIONS, PRESENTATIONS, AND INFORMATIONAL ITEMS

8. **Bluff River Trail Support Letter, Nick Sandberg, San Juan County Public Lands Coordinator**

Nick Sandberg discussed findings by the BLM on an Environmental Assessment of the proposed Bluff River Trail system which resulted in a finding of No Significant Impact. He explained that the planning of the trail 10.6 mile system has been in the works for several years. Nick also stated where the trail is located and stated the uses of the trail. Nick proposed a support letter from the commission of the trail system and concurring with the BLM of its finding of No Significant Impact.

A motion was made by Commissioner Adams to accept the letter of support. The motion was seconded by Commission Vice-Chair Grayeyes who asked why the environmental process took so long.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

9. **BLM presentation of the new Management Team and Tribal Liaison and an update from the Canyon Country District, Gary Torres, Canyon Country District Manager**

Gary updated the commission on activities of the BLM, spoke of hiring of the Supervisory Law Enforcement Ranger and mentioned the program of free wood permits which will stay in place through the end of December.

Amber, acting BLM manager in Monticello, discussed several staffing updates in the local BLM offices and what their rolls will be. Amber also updated the commission on several projects that the BLM is involved with and discussed the status of each project.

Commissioner Grayeyes thanked the BLM for the Firewood permit program which was presented to the Navajo Mountain Chapter and other chapters in the county. Nicole from the Moab Field Office also briefly discussed area projects as well as thanked Nick Sandberg for comments on the Canyon Rims Travel Management Plan.

10. **A request of support to extend U.S. Route 163 west to Interstate 15 near St. George and east to U.S. 160 in southwest Colorado to help out with tourism and commerce. Landry H.**

Landry Heaton discussed a proposed plan to extend highway 163, by designation, from I-15 east through Aneth to the Utah Colorado border. He stated that the original proposed plan to extend the highway was first proposed in 1987.

A motion was made by Commissioner Adams to support the plan. The motion was seconded by Commission Vice-Chair Grayeyes.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**11. Discussion and request to appeal Centrally Assessed Tax Appeals made to the State of Utah Tax Commission by Elk Petroleum a request for an \$18,000,000 reduction in value, Delhi Trading a \$483,000 reduction and Holliday Construction a \$225,413 reduction in value. Kendall Laws, County Attorney**

Mack explained that centrally assessed values to Elk Petroleum, Delhi Trading, and Holliday Construction were being appealed to the state. He asked the commission if they would approve the county to use outside council to file cross appeals. County Attorney, Kendall Laws, stated that the cross appeals would give the county a voice in the appeal process.

A motion to allow outside legal counsel to file cross appeals was made by Commission Vice-Chair Grayeyes and seconded by Commissioner Adams.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**BUSINESS/ACTION**

**12. Public Hearing and Consideration of the private request for the County to vacate portions of D-2475, D-0674, D-2765, D-2762, D-2764, D-2473 and D-2374, TJ Adair, Road Department Superintendent**

Clark Hawkins, San Juan County Road Department, stated that there has been a request from Robert Lucero, CEO of BFE, to close a number of D-roads in order to expand the business. Clark stated that the reasons for the request are because BFE could not obtain insurance for property upgrades. Clark also mentioned that the State of Utah is not in favor of the road closures. He also explained that the road closures may effect current RS2477 litigation that the county is involved in.

Robert Lucero presented and stated that over the course of a couple of years he has met with the county and the state to talk about the business expansion of BFE into a resort and discuss the rerouting of the Strike Revine Trail. He also explained that trails shooting off from Strike Ravine as well as the environment are being damaged by individuals recreating on the property. Along with environment damage there are also safety issues to individuals as they recreate and maneuverer the rough terrain. Robert also explained that because of these factors, he has been unable to obtain insurance. He also reviewed several maps of the area and discussed how leaving the roads open effect his business.

**A motion to go into Public Hearing was made by Commissioner Adams, The motion was seconded by Commission Vice-Chair Grayeyes.**

**Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams**

**Public Comments:**

Mike Kelso - Mike explained that efforts by the Red Rock 4-Wheelers were made to work with BFE to mitigate risks on the Strike Revine Trail by proposing to put up signs and fencing, but were refused.

Lynda Smrz - Lynda spoke about zoning and explained that the BFE is in an A1 zone. She also stated that damage to the area has been done by outside tourists who do not take care of the trail or take care of the land.

John Marsh - John explained that the property owner, BFE, should be able to use their property as desire, but that they should be responsible for maintaining and renovation of the property. He also felt that a request to close the county roads was going a little too far. John also suggested that the property be rezoned and appropriate property taxes be assessed.

Online Comments:

Kurt Williams – Kurt, from Salt Lake City, represented Expedition Utah and the Utah 4-Wheel Drive Association. He stated that he and his organizations support public land access

Ben Burr – Ben, representing Blue Ribbon Coalition which fight for public land access, explained that his organization is opposed to the road closure in this instance. He also stated that his organization also supports private property rights and invited Mr. Lucero to reach out to his organization to help solve the problem.

Mark Boshell – Mark, from the Governor’s Public Land Policy office, clarified previous statements that he made about public rights of way and showed support of the county’s right to maintain roads or not maintain roads as the county see fit.

Phil Lyman - Phil explained that the county may need to be careful about setting a precedent that could affect future decisions.

**A motion to leave public hearing was made by Commissioner Adams, Seconded by Commission Vice-Chair Grayeyes.  
Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams**

A motion to deny the proposed application while encouraging the two parties to work together to improve access to the area was made by Commissioner Adams and seconded by Commission Vice-Chair Grayeyes.  
Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**13. Consideration of an Agreement with the San Juan County Public Health Department and the State of Utah Health Department for Maternal and Child Health FFY 2021 – Kirk Benge, Public Health Director**

Kirk requested that the commission renew a contract for Maternal and Child Health which is used to promote child health and wellness, breast feeding, and postpartum depression in mothers. He explained that until contract details are worked out the contract amount to the county is \$8,000.

A motion to approve the contract was made by Commission Vice-Chair Grayeyes and seconded by Commissioner Adams.  
Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes,

Commissioner Adams

**14. Consideration of a Recreate Responsibly Avalanche Memorandum of Understanding with Utah Avalanche Center using CARES Act Funds. Mack McDonald, Chief Administrative Officer**

Mack presented a MOU with the Utah Avalanche Center for consideration. He explained that the county would contribute \$500 annually to support the efforts of the Utah Avalanche Center to provide safety information to visitors during the winter months.

A motion to support the MOU was made by Commission Vice-Chair Grayeyes and seconded by Commissioner Adams.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**15. RESOLUTION OF APPOINTMENT OF A SAN JUAN COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING, Mack McDonald, Chief Administrative Officer**

Mack presented for approval a resolution appointing a representative and an alternate representative at the UCIP meeting in St. George. He explained that Commissioner Adams is already on the board and so an alternate representative would need to be approved.

A motion was made by Commissioner Adams supporting the resolution and approving Commissioner Grayeyes as the alternate representative. The motion was seconded by Commission Vice-Chair Grayeyes.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**16. A RESOLUTION RECOMMENDING AND ENCOURAGING THE NAVAJO NATION TO ALLOW SAN JUAN COUNTY TO MAINTAIN ALL “B” ROADS IN THE SAN JUAN, UTAH PORTIONS OF THE NAVAJO NATION AND AMEND THE CURRENT INTERGOVERNMENTAL AGREEMENT TO PERFORM MAINTENANCE OF THESE ROADS, Mack McDonald, Chief Administrative Officer**

Mack presented a resolution encouraging the Navajo Nation to allow the county to maintain all B-roads on the Utah portion of the Navajo Nation and amend the intergovernmental agreement.

Larry Tuni, Dennehotso Chapter President, spoke in favor of approving the proposed resolution.

Matthew Austin, Dennehotso Chapter Manager, also spoke in favor of approving the proposed resolution. He explained that he has family members who live along routes not currently maintained by San Juan County.

A motion to approve the resolution was made by Commissioner Adams and seconded by Commission Vice-Chair Grayeyes.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

**17. Consideration of a Support Letter authorizing the County Chief Administrative Officer to apply on behalf of the Historical Commission for \$35,000 of funding from the Utah Navajo Trust Fund-Non-Chapter Funding for the replacement of the existing roof structure of the Historic Oljato Trading Post. Mack McDonald, Chief Administrative Officer.**

Mack presented for consideration a letter of support allowing the county administrator to apply for funding, on behalf of the Historical Commission, to replace the roof of the historic Oljato Trading Post in the amount of \$35,000. Mack stated that other grants have already been obtained to help with other parts of the project.

A motion to approve the letter of support was made by Commission Vice-Chair Grayeyes and seconded by Commissioner Adams.

Voting Yea: Commission Vice-Chair Grayeyes, Commissioner Adams

Voting Nay: Commission Chairman Maryboy

## **COMMISSION REPORTS**

Commissioner Adams - Commissioner Adams reported on attending a UAC meeting in Midway which was very informative

Commissioner Grayeyes - Commissioner Grayeyes reported on doing work for the Navajo Mountain Chapter.

Commissioner Maryboy - Commissioner Maryboy reported that he has been getting ready to meet with Utah Farmer's on a visit where they will visit areas in the Bluff and Montezuma Creek area. He also expressed concern for President Trump who was infected with COVID-19

## **ADJOURNMENT**

A motion to adjourn the meeting was made by Commission Vice-Chair Grayeyes and seconded by Commissioner Adams.

Voting Yea: Commission Chairman Maryboy, Commission Vice-Chair Grayeyes, Commissioner Adams

\*The Board of San Juan County Commissioners can call a closed meeting at any time during the Regular Session if necessary, for reasons permitted under UCA 52-4-205\*

All agenda items shall be considered as having potential Commission action components and may be completed by an electronic method \*\*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice\*\*

APPROVED: \_\_\_\_\_  
San Juan County Board of County Commissioners

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
San Juan County Clerk/Auditor

DATE: \_\_\_\_\_