

San Juan County Commission Meeting
September 1, 2020
Agenda
11:00 A.M. - Electronic Meeting

Present: Kenneth Maryboy - Commission Chair (via Google Hangouts)
Willie Grayeyes - Commission Vice Chair (via Google Hangouts)
Bruce Adams - Commissioner
Mack McDonald - Administrator
John David Nielson - Clerk

Attendees (via Google Hangouts): Walter Bird, Kirk Bengel, Tammy Gallegos, Nick Sandberg

1. **Invocation**
2. **Public Comment - Public comments will be accepted through the following google meet link. meet.google.com/rzd-wjrs-fah or by phone 1 956-704-1089 (PIN:238620058). There will be a three minute time limit for each person wishing to comment. If you exceed the three minute time limit the meeting controller will mute your line.**

Mack read the agenda into the record. A motion to approve the agenda was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Public Comments -

Ann Leppanen - Ann stated that the proposed range improvement plans would affect an aquaphor that supports Bluff and a large geographic area. She asked the commission to defer sending letters of support for the range improvement plans until more information could be gathered.

Larry Edwards - Larry asked the commission to exercise prudence when considering planning in Spanish Valley and working with SITLA.

3. **Consent Agenda (Routine Matters) - Mack McDonald, SJC Administrator**
 - a. Meeting Minutes
 - b. Check Registers
 - c. Small Purchase of HVAC system in the Public Safety Building
 - d. Contract Amendment to the FY2016 Minimum Performance Standards - San Juan County Amendment 5

Mack reviewed the consent agenda. He explained that a new HVAC unit, costing \$3,000, needed to be purchased to help cool IT equipment in the public safety building. Mack also explained a contract amendment between the SJC Public Health and the State Department of Health which would increase the contract amount to \$354,344. A motion to accept the consent agenda was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

4. Recognitions, Presentations and Informational Items

- a. Support Letter for Cultural Work on the Canyon Rims Travel Management Plan - Nick Sandberg, SJC Planning

Nick talked about the Canyon Rims area and explained that archeological surveys are being performed by the BLM to determine if culturally sensitive and historical sites would be affected by route designation in the travel management plan. He informed the commission of results of the survey studies performed by the BLM and requested that the commission, as a consulting party, approve a letter of support of the studies performed by the BLM. A motion to discuss was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Commissioner Grayeyes asked if any excavation work was done during the surveys and if native american tribes were consulted in the process. Nick explained that no excavation work was done and that native american tribes had been consulted, but that the county didn't know what the responses of other respondents. A motion was made by Commissioner Adams to approve the letter. Commissioner Grayeyes worried that some cultural issues were not being addressed. Commissioner Adams stated and Nick agreed that the surveys and work being done were above ground and mitigating effects on cultural resources around road surfaces. After some discussion, Mack McDonald reviewed the letter of support with the commission. He also explained that the county could respond with comments to future processes by the BLM on the Travel Management Plan. Commissioner Grayeyes 2nd the motion. Voting in favor were Commissioners Grayeyes and Adams. Voting against the motion was Commissioner Maryboy.

- b. Support Letter for Range Improvement Project #RIP 851 (Tank Bench Mesa Water Well and Pipeline) - Nick Sandberg, SJC Planning

Nick briefed the commissioners on a project on Tank Bench Mesa to put in a water well, solar pump proposal and two soft water troughs. Nick explained that the grazing permittee had submitted an application for the project to the SITLA to help with the grazing operation. Nick explained that SITLA asked the county for any comments on the project. Commissioner Grayeyes made a motion to table the letter of support based on the request made by the Mayor of Bluff. Commissioner Adams made a substitute motion to approve the letter of support because the amount of water that would be used would be minimal. The substitute motion died for lack of a second.

Ann Leppanen stated that the Town of Bluff would like a chance to discuss the proposed RIPs since two of the projects fall within Bluff town boundaries. Commissioner Maryboy 2nd the motion made by Commissioner Grayeyes to table the letter of support. Voting in favor of tabling the letter were Commissioners Maryboy and Grayeyes. Voting against the tabling motion was Commissioner Adams.

- c. Support Letter for Range Improvement Project #RIP 780-A (East League Horn Pasture Water Well System 11) - Nick Sandberg, SJC Planning

A motion to approve the letter of support was made by Commissioner Adams. Commissioner Grayeyes 2nd the motion, but questioned the location of the proposed water system. Nick explained that the location was Northeast of the Town of Bluff. A motion to table the item was made by Commissioner Grayeyes. Commissioner Maryboy seconded the motion. Voting in favor of tabling the letter of support were Commissioners Maryboy and Grayeyes. Voting against tabling the letter of support was Commissioner Adams.

- d. Support Letter for Range Improvement Project #RIP 848 (Southeastern Upland Game Guzzler Phase II) - Nick Sandberg, SJC Planning

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

5. Business/Action

- a. Consideration of an agreement with the San Juan County Public Health Department and the State of Utah Health Department for Payroll Protection Healthcare Enhancement Act 2020 - Kirk Benge, SJC Public Health Director

Kirk explained that the State took the contract back to address a couple of issues in the contract. Kirk also explained that the contract would help contracted employees affected by COVID-19 as well as help Public Health hire additional staff as needed. He suggested that the agreement be tabled. A motion to table the agreement was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

- b. Consideration and approval of an Emergency Management Planning Grant - Tammy Gallegos, SJC Emergency Manager

Tammy stated that the proposed grant pays her and staffs' wages and funds the Emergency Management program within the county. Tammy also explained that the county matches the grant amount and provides 50% of the funds used to run the program. A motion to approve the grant was made by Commissioner Grayeyes and 2nd by Commissioner Maryboy. Voting in favor was unanimous.

- c. Declaration Declaring the Existence of a Drought Emergency in San Juan County, Utah pursuant to U.C.A. 17-8-7 - Tammy Gallegos, SJC Emergency Manager

Tammy presented a declaration of drought within San Juan County. She explained that the declaration would allow affected farmers and ranchers to seek funding for their operations from USDA. A motion to approve the declaration of drought emergency was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

- d. Consideration of an Ordinance Establishing the Administrative Hearing Program within San Juan County - Mack McDonald, SJC Administrator

Mack presented an ordinance which establishes an administrative hearing program in the county. He explained that a contract with the law judge who would be the hearing officer for the program was previously approved. Mack also explained that items eligible to be heard would fall

under building code, planning & zoning, animal control, county licensing, health & safety, termination appeals, and landfill sanitation violations. He explained that this ordinance would bring the county in compliance with state code. A motion to approve was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

- e. Consideration of a contract for San Juan County Aged Tax Claim Agreement with Lisbon Valley Mining Co. LLC. - Mack McDonald, SJC Administrator

Mack presented for consideration a contract between San Juan County and Lisbon Valley Mining Co. He explained that LVMC has past due taxes and the contract sets forth terms for the taxes to be repaid once LVMC begins operations again in the 4th quarter of 2020. Mack stated that, with the restart of operations, LVMC would be hiring 50 employees initially and hopefully 95 by the end of 2020. The contract would also waive penalty, interest, and fees owed by LVMC in the amount of \$311,779.52 and also set up monthly payments on the past due taxes of \$24,277.81 for sixty months. The total amount to be paid would be \$1,456,686.39. The contract would also require that all future tax payments be made by March 31st of the following year after taxes are due. George, from LVMC, reiterated what Mack had explained. A motion to approve the agreement was made by Commissioner Adams and 2nd for discussion by Commissioner Grayeyes. Commissioner Grayeyes asked what the benefit would be to the county. Mack explained that benefits would be jobs added, receiving taxes that we are already owed, and recovery through bankruptcy court if the contract went into default. Voting in favor of approving the contract was unanimous.

- f. Approval of SITLA PC Zone Application and Preliminary Community Structure Plan as recommended by the Planning and Zoning Commission on June 11, 2020 - Walter Bird, SJC Planning and Zoning Director

A motion to go into a public comment period was made by Commissioner Adams and 2nd by Commissioner Grayeyes. Voting in favor was unanimous.

Public Comment:

Carolyn Dailey - Carolyn stated that according to the county attorney, approving SITLA's application would vest them to proceed with the development process in the PC Zone. She felt that this would encumber the county and only benefit SITLA. She also stated that she felt that the county attorney's opinion was incomplete. She then talked about the different phases of the development plan and encouraged the commission to reject SITLA's application.

Monette Clark - Monette Clark requested that the commission deny SITLA's application and asked SITLA to reduce the amount of acreage in the application to 3,000 acres. She expressed concern about the land southeast of Ken's Lake. She also suggested that at some point in the future, the county may want to change the zoning in Spanish Valley.

Sheila Canavan - Sheila said that the county attorney provided no legal support for his opinion and explained that the commission could not rely on the county attorney's legal opinion

Larry Edwards - Larry said that the county should not relinquish control over such a large area of land. He also talked about the issue of water and worried that there would be enough water to sustain development.

Marlene Huckabay - Marlene thanked the commissioners and urged them to think seriously about this decision.

Patrick Baril - Patrick felt that the Planning & Zoning have gone to great lengths to accommodate SITLA and asked the commission not to approve the application.

A motion to close the public comment was made by Commissioner Grayeyes and 2nd by Commissioner Adams. Voting in favor was unanimous.

Walter explained that the application was approved by the Planning & Zoning Commission, taken to the county commission in June where a legal review was requested and received. Walter also stated that SITLA provided additional maps for further clarification and has met all 6 requirements of the application process.

County Attorney Laws discussed how he came to the conclusion of the legal opinion stating that SITLA followed land use ordinance passed by the commission when submitting the current application. Attorney Laws also clarified that purposes of the legal opinion were found in the opinion itself.

Elise Erler, SITLA representative, explained to the commission that the development would still allow for a lot of open space. Elise also stated that there are multiple opportunities during the planning process for the community and commission to comment and voice concerns.

Mack McDondald also discussed SITLA's application, the county's ordinance regarding land use, and the phased process of development. There was further discussion over concerns of development, residents' concerns, and mitigating concerns.

Commissioner Maryboy called for a vote of accepting SITLA's application. Commissioner Adams voted in favor of accepting the application. Commissioner Grayeyes voted against accepting the application and Commissioner Maryboy abstained from voting constituting a denial of accepting SITLA's application.

6. Commission Report

Commissioner Adams - Commissioner Adams had nothing to report.

Commissioner Grayeyes - Commissioner Grayeyes reported that the Navajo Nation indicated that the number of COVID-19 cases are flattening out.

Commissioner Maryboy - Commissioner Maryboy reported that COVID-19 numbers are climbing again now that kids are going back to school

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