



## BOARD OF COMMISSIONERS MEETING

Electronic Meeting  
February 16, 2021 at 11:00 AM

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### MINUTES

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

*Audio link can be found at: <https://www.utah.gov/pmn/index.html>*

*Video link can be found at: <https://www.facebook.com/SanJuanUtah/videos/5803987779626979>*

#### CALL TO ORDER

#### ROLL CALL

#### PRESENT

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

#### INVOCATION

#### PUBLIC COMMENT

*Public comments will be accepted through the following Zoom link <https://us02web.zoom.us/j/3125521102> or by phone One tap mobile +16699006833,,3125521102# US (San Jose)*

*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.*

#### **Time Stamp 2:42 (audio) 13:00 (video)**

**Lynda Smrz** - Lynda asked who is responsible for enforcing the county's zoning ordinance. She discussed two upcoming commercial events and asked about Conditional Use Permits have been issued.

**Beverly O'Neil** - Beverly spoke about the Sky Ranch Phase II subdivision and stated that several concerns about the subdivision were not addressed. She also asked if there was a difference between the old and new plans. Beverly also spoke about the Sky Ranch Airport and asked that airport be condemned.

**Tommy** - Tommy spoke about item #17 on the agenda. He also asked the commission to support item #19 on the agenda and pass the Resolution supporting the continuation and modification of the Settlement Agreement.

**Marlene Huckaby** - Marlene stated that new members were needed for the Spanish Valley Water Board. She suggested that Monette Clark and David Focardi be appointed to the board.

**Mary McGann** – Mary, Grand County Airport Board, stated that flight plans for planes using Sky Ranch Airport should be considered before approving the Sky Ranch Subdivision. She asked the commission to postpone the approval of subdivision until a future date.

**Kevin Walker** - Kevin encouraged the commission to postpone the decision on the Sky Ranch Airport Subdivision because the airport has a big effect on the citizens living in the valley.

**David Focardi** - David read his qualifications for being on the Spanish Valley Water Board.

**Mark Shapiro** - Mark speaking of the San Juan Spanish Valley Special Service District, explained that water concerns are important to consider when developing Spanish Valley. He stated that Monette Clark and David Focardi would be good board members for

**Karl Spielman** - Karl explained that there are no safety provisions surrounding the Sky Ranch Airport and asked the commission to table the approval of the subdivision until further concerns can be addressed.

**Carolyn Dailey** - Carolyn asked the commission to appoint David Focardi and Monette Clark to the Spanish Valley Water Board. She also asked that ... She also asked the commission to table the approval of the Sky Ranch Subdivision until more information can be gathered.

**President Jonathan Nez** - President Nez talked about the successful turnout of the General Election and encouraged the commission to pass the proposed resolution renewing the Settlement Agreement which would give voters greater access to voting information and voting access.

**Marilyn Holly** - Marilyn asked the commission to approve the resolution which would increase the voting locations on the reservation.

**Denise Oblick** - Denise, along with her husband Don expressed concern about the location of the Sky Ranch Airport. She asked the commission to table the proposed Sky Ranch Subdivision until safety precautions can be addressed.

**Nick Lee** - Nick asked the commission to postpone the decision on the Sky Ranch Subdivision. He stated that planning a residential area around an airport should be reconsidered.

**Monette Clark** - Monette asked the commission to table the Sky Ranch Subdivision request until concerns can be resolved.

**Coby Smith** - Coby addressed item #10 concerning the revision of the Spanish Valley Zoning map. He thanked the Planning & Zoning Commission for considering the input of the citizens in making the revisions to the map.

**Kenny Victor** - Kenny encouraged the commission to support the proposed Resolution to continue the Settlement Agreement.

**John Weisheit** - John suggested that Monette Clark and David Focardi would be good additions to the Spanish Valley Water Board. He also offered his services as an advisor.

**Tara Benally** - Tara asked the commission to support the continuation of the Settlement Agreement. She spoke about the coordination that occurred between the Navajo Nation and San Juan County.

**Frank Darcey** - Frank, Chairman of the Spanish Valley Special Service District, expressed his support of the board members that were presented to the County Commission by the Special Service District for approval.

**Nathaniel Brown** - Nathaniel, Council Delegate, asked the commission to support the passing of the resolution supporting the continuation of the Settlement Agreement.

**Kim Henderson** - Kim asked the commission to uphold the recommendations of the Planning and Zoning Commission and approve the Sky Ranch Subdivision.

**Yolanda Badback** - Yolanda asked the commission to support the modifications of the Settlement Agreement as well as include a polling location in White Mesa.

**Norbin Lameman** - Norbin offered his support of the resolution to continue the Settlement Agreement.

**Jeff Mattson** - Jeff asked the commission to table the Sky ranch Subdivision.

**Terry Whitehat** - Terry asked the commission to support the resolution to continue the Settlement Agreement.

**Clifford Sagg** - Clifford urged the commission to support the resolution supporting the Settlement Agreement.

**Ann Leppanen** - Ann commended the clerk's office for its work on the elections and asked the commission to approve the resolution supporting the continuation of the Settlement Agreement

**Mike Beinam** - Mike explained that the Sky Ridge airport has met all FAA requirements. He also stated that it is currently authorized by the FAA for use with permission by the general public, but that the use would be limited.

**Curtis Yanito** - Curtis gave a comment in the Navajo language. He also spoke in support of the proposed resolution.

**Herman Daniels** - Herman, Council Delegate, asked the commission to support the resolution to continue the Settlement Agreement.

**Colleen Benally** - Colleen urged the commission to support the resolution to continue the extension of the Settlement Agreement.

**Darlene Pino** - Darlene offered her support for the proposed resolution.

**Shirley Bandoni** - Shirley offered her support of the proposed resolution and for Rural Utah Project to increase voting.

**Daylene Redhorse** - Daylene expressed support of the extension of the Settlement Agreement.

**Joan Tallis** - Joan expressed support for the extension of the Settlement Agreement.

**Mary Benally** - Mary expressed support of the proposed resolution and good interpretation services.

**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.*

**Time Stamp 1:47:15 (audio) 1:57:33 (video)**

A motion to approve the agenda and move item #7 to the Business/Action section of the agenda was made by Commission Vice-Chair Maryboy. The motion was 2nd by Commissioner Adams.  
Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Maryboy, Commissioner Adams.

Mack reviewed with commission the meeting agenda along with the consent agenda

A motion was made by Commission Vice-Chair Maryboy to approve the consent agenda which was seconded by Commissioner Adams.

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

1. Check Registers for 01/27/2021 through 02/03/2021
2. Check Registers for 02/03/2021-02/09/2021
3. February 2, 2021 Commission Meeting Minutes
4. Consideration and Approval to purchase four (4) Walk-n-Roll Packers
5. Ratification of the Memorandum of Understanding between the Utah Department of Technology Services and San Juan County Public Health for VaccinateUtah Software
6. 2021 Cal Black Airport FAA SF-424 CRRSAA Covid Grant Funding Authorization for \$9,000 for COVID-19 Available Spending

#### **RECOGNITIONS, PRESENTATIONS, AND INFORMATIONAL ITEMS**

7. Comments on Draft Forest Plan – Nick Sandberg, Public Lands Coordinator

Item Moved to the end of the agenda

#### **BUSINESS/ACTION**

8. Spanish Valley Special Service District Board Recommendation Appointment Approval, Mack McDonald, Chief Administrative Officer



**Time Stamp 2:03:20 (audio) 2:13:38 (video)**

Mack presented, for approval, the Spanish Valley Special Service District Board appointments. He explained that the current board made recommendations of individuals who they would like to serve on the Board. Mack also reviewed county by-laws regarding Special District Boards. Further discussion followed regarding board member qualifications.

A motion to deny the recommended board appointments was made by Commission Vice-Chair Maryboy and was seconded by Commission Chairman Grayeyes.

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

Voting Nay: Commissioner Adams

9. Sky Ranch Estates Subdivision Phase II, Scott Burton, Subdivision Administrator

**Time Stamp 2:25:35 (audio) 2:35:53 (video)**

Scott presented, for approval, the Sky Ranch Estates Subdivision Phase II Platte. Scott explained that the subdivision application was received in October 2020 and that it was reviewed by staff. He also stated that several changes were made after communication with the developer until zoning requirements were met. The application was then submitted to and approved by the Planning and Zoning. Scott also discussed and reviewed a map of the proposed subdivision with the Commission. He also explained that the airport predates most of the houses currently built in the area.

A motion to approve the subdivision was made by Commissioner Adams which was followed by further discussion occurred. Mack also explained that the airport is a private airport and will continue to operate. He explained that the airport meets the current San Juan County ordinance which was followed by more discussion.

A motion to temporarily table the item until a legal review could be obtained was made by Commissioner Adams, Seconded by Commission Chairman Grayeyes.

Voting Yea: Commission Chairman Grayeyes, Commissioner Adams

Voting Nay: Commission Vice-Chair Maryboy

10. Consideration and Approval of the Revision to Spanish Valley Zoning Map, Scott Burton, Subdivision Administrator

**Time Stamp 2:47:53 (audio) 2:58:11 (video)**

Scott presented, for approval, map adjustments to Spanish Valley. He explained that the draft map has been reviewed, received public comment, and was recommended by the Planning & Zoning Commission.

A motion to approve the revised Spanish Valley Zoning Map was made by Commissioner Adams. The motion was 2<sup>nd</sup> by Commission Vice-Chair Maryboy.

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

11. Legacy Fields Subdivision Phase II, Scott Burton, Subdivision Administrator

**Time Stamp 2:50:33 (audio) 3:00:51 (video)**

Scott presented Legacy Fields Subdivision Phase II for approval. He stated that Phase I was previously approved by the commission and explained that Phase II proposes and additional 21 lots which all meet the lot requirements.

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

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

12. Consideration and Approval of the Application for Spanish Valley Overnight Accommodations Overlay (Rezone), Scott Burton, Subdivision Administrator

**Time Stamp 2:56:02 (audio) 3:06:20 (video)**

Scott presented an application for approval. He explained that this is first step in a three step process and explained that this step is a request to modify the zoning map so that a parcel could be included in the zone. Scott explained that the property owner would like build a glamping campground. If approved, step 2 would also come to the commission for approval.

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

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

13. Letter of Support for the Sorenson Legacy Foundation Grant Application, Presented by Mikaela Ramsay, Assistant Library Director

**Time Stamp 3:00:28 (audio) 3:10:46 (video)**

Mikaela presented a letter of support for the Sorenson Legacy Foundation Grant application. She explained that the library is currently working on creating a co-working space for individuals who are passing through and need a place to work. It would also be available to local individuals who would need to use it. Mikaela requested that the commission provide a letter of support to receive an additional grant which would help with the construction of the space.

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

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

14. Consideration and Approval of the Support Letter to Bluff City Historic Preservation Association for the Creation of the Bluff River Trail, Mack McDonald, Chief Administrative Officer

**Time Stamp 3:06:38 (audio) 3:16:56 (video)**

Mack presented a letter of support to be sent to Bluff City Historic Perseveration Association expressing the county's support of the creation of the Bluff River Trail.

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

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

15. Consideration and Approval of the contract between the Utah Department of Health and San Juan Public Health for COVID-19 San Juan County – Vaccine Supplemental Support Funding of \$58,800, Mack McDonald, Chief Administrative Officer

**Time Stamp 3:07:37 (audio) 3:17:55 (video)**

Mack presented, for approval, a contract with the State of Utah to provide education regarding the vaccine. The contract is in the amount of \$58,800.

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

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

16. Consideration and Approval of the COVID Community Partners Project Contract with the Utah Department of Health and San Juan County Public Health for \$27,158.40, Mack McDonald, Chief Administrative Officer

**Time Stamp 3:09:23 (audio) 3:19:41 (video)**

Mack presented a contract with the Utah Department of Health which would help with mitigation of COVID-19 and assist with tracing and awareness of the disease.

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

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

17. Consideration and Approval of a letter of support for extension and expansion of the Radiation Exposure Compensation Act (RECA) and for State Rep. Doug Owen's House Concurrent Resolution (H.C.R. 18) to express Utah's support to US Congress to extend and expand RECA's benefits. Commissioner Willie Grayeyes

**Time Stamp 3:10:40 (audio) 3:20:58 (video)**

Mack requested that the commission approve a letter of support to allow for the extension and expansion of the Radiation Exposure Compensation Act. Commissioner Grayeyes explained that the radiation and exposure benefits will expire in 2022 so letters of support need to be sent to the State of Utah to help continue the assistance from the Federal Government.

A motion to approve the letter of support was made by Commission Chairman Grayeyes which was seconded by Commissioner Adams.

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

18. Consideration and Approval of the Continuation of Uranium and Radiation Exposure Compensation Act Support Letter to the Navajo Nation Council Office of the Speaker. Mack McDonald, Chief Administrative Officer

**Time Stamp 3:13:48 (audio) 3:24:06 (video)**

Mack presented a letter of support which would be sent to the Navajo Nation Council Office of the Speaker in regards to the Radiation Exposure Compensation Act.

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

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

19. CONSIDERATION AND APPROVAL OF THE RESOLUTION STATEMENT OF INTENT AND POSITION REGARDING THE STIPULATED SETTLEMENT AGREEMENT IN NAVAJO NATION HUMAN RIGHTS COMMISSION, ET AL. V. SAN JUAN COUNTY, ET AL., CASE NO. 2:16-CV-00154 JNP, FOR THE PURPOSE OF MEETING IN GOOD FAITH TO DISCUSS THE MODIFICATION AND EXTENSION OF THE STIPULATED SETTLEMENT AGREEMENT DATED FEBRUARY 22, 2018. Commissioner Willie Grayeyes

**Time Stamp 3:14:40 (audio) 3:24:58 (video)**

Commissioner Grayeyes presented a resolution to modify and continue the Settlement Agreement. The commission discussed proposed modifications to the Settlement Agreement.

Commissioner Grayeyes presented the proposed resolution for approval. Commissioner Maryboy commended the clerk's office for the work they have done with the elections. He also recommended that radio stations other than KNDN be used to provide radio ads regarding election information. After some discussion, modifications were made to adjust the time period of the proposed revised Settlement Agreement to 2024.

Mack also mentioned conflicts of interest that exist with the hiring of Attorneys Boos or Irvine to replace Switter Axland as the attorneys that would represent the county. After some discussion the proposed resolution was revised to remove the stipulation to change county representation during the Settlement Agreement discussions.



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

Voting Yea: Commission Vice-Chair Maryboy, Commissioner Adams

Voting Nay: None

Voting Abstaining: Commission Chairman Grayeyes

7. Comments on Draft Forest Plan – Nick Sandberg, Public Lands Coordinator

**Time Stamp 3:38:35 (audio) 3:48:53 (video)**

Nick stated the Forest Service is accepting comments on the proposed draft Forest Plan. He presented the county's draft comments to the commission. Nick discussed the Forest Service's goals with the Forest Plan and explained the county's comments and suggestions with regards to those goals.

Following a lengthy discussion, a motion was made by Commission Chairman Grayeyes to table sending the comment letter. Commission Vice-Chair Maryboy seconded the motion. Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Maryboy, Commissioner Adams

9. Sky Ranch Estates Subdivision Phase II, Scott Burton, Subdivision Administrator – **continued**

**Time Stamp 4:13:12 (audio) 4:23:30 (video)**

A discussion on the Sky Ranch Estates resumed after the county attorney's office became available online.

Scott Burton explained that the Sky Ranch Estates Subdivision Phase II was being considered for approval and talked about the discussion earlier in the meeting and concerns over the airport. Mack also talked about the airport and explained that the current status of the airport is outside the scope of a county ordinance that was passed in 2019. A discussion occurred where Alex Goble, from the county attorney's office, explained that a denial of the proposed development without a reason based in law could cause the county legal trouble.

A motion was made by Commission Vice-Chair Maryboy to table the approval of the subdivision. The motion was seconded by Commissioner Adams.

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

Voting Nay: Commissioner Adams

After the vote, it was explained by the county attorney's office that tabling the approval of the subdivision resulted in a denial. Further discussion took place.

A motion to recall the item was made by Commissioner Adams and was 2<sup>nd</sup> by Commission Vice-Chair Marboy.

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

A motion to approve the subdivision with the stipulation that the applicant consult with the community and then bring that information back to the Planning and Zoning Commission was made by Commission Vice-Chair Maryboy. The motion was 2<sup>nd</sup> by Commissioner Adams. Voting Aye: Commission Chairman Grayeyes, Commission Vice-Chair Maryboy, Commissioner Adams.

**COMMISSION REPORTS**

There were no commission reports.

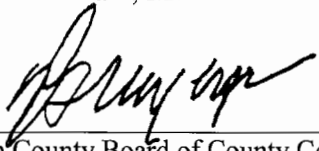
**ADJOURNMENT**

A motion to adjourn was made by Commission Vice-Chair Maryboy, Seconded by Commissioner Adams.

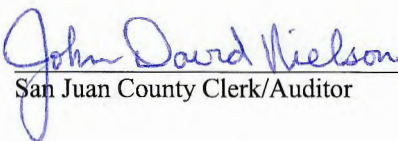
Voting Yea: Commission Chairman Grayeyes, Commission Vice-Chair Maryboy, Commissioner Adams

\*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: 3/2/2021

ATTEST:   
San Juan County Clerk/Auditor

DATE: 3/2/21