

Lakeside

Lands

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drains." He said changes in the soil came about when the land above it was leveled and prepared for irrigation.

"Water from surface ditches, artesian wells and the beginning of irrigation on the benchlands above brought about the raising of the water table at or near the surface," he said.

McBride said the toxic effects of the salty water in the root zone, without proper drainage, limits the use of property to only salt-tolerant plants of low nutritional value and "little or no crops, and much surface of salty crust due to evaporation from the high water table."

"The natural drains that existed have long since been obliterated, and there are not adequate drainage outlets to handle the increasing amounts of storm and drain waters coming from the developing areas above," he said.

The purpose behind preserving wetlands is to protect declining populations of waterfowl and other migratory birds which rely on the atmosphere created by wetlands to survive.

Wetlands also provide a means of purifying waters through vegetation as the water runs its natural course. Wetlands are also considered to be a form of insurance against drought.

McBride said the concept of the groundwaters there is inapplicable, "because any storm or drain waters entering this area will not only carry pollutants including dissolved salts to mix with the salts already there, but due to the semi-desert climate and poor drainage, the bulk of the water will escape through evaporation, leaving the salts on the surface."

"The result will be not a wetland, but a wasteland," he said.

Carter said that in "his eyes and the court's eyes," the Army Corps of Engineers is not in violation of the Constitution by placing constraints on the use of private property that could render it useless for its intended purpose. But, he said, "In Joe's eyes it is."

He said, "We've been sued by many people before and the courts have ruled that we are not."

"I wear a black hat," Carter said. "While I am sensitive to his situation and other situations like his, and I try to do what I can for people, I still have to wear the black hat."

Howard Rigtrup, state administrative assistant to Congressman Jim Hansen, R-Utah, said Hansen's administration has been deeply involved with Jensen's issue "because it's not only Joe



Joe Jensen is waging a battle against the Army Corps of Engineers, which says his land is wetlands and therefore not suitable for farming.

Jensen's, it's a whole raft of people across the state."

"We think that the Corps' interpretation (of the law) really goes beyond the intent of Congress. We believe there is an absolute exclusion for agriculture written right into the law. And so we are in the process of gathering and documenting the cases and doing a lot of investigative work in terms of the law and its application to this state," he said.

"They've gone too far. We don't agree with their interpretation of the statute."

Rigtrup said Hansen is gathering Utah cases including Jensen's which will be compiled and reviewed with President George Bush's Chief of Staff John Sununu. Rigtrup said Sununu has pledged to review those cases with the President.

"This is diverting literally millions nationally in highly questionable enforcement activities when we so desperately need those resources, those dollars, to improve what is truly wetlands...we're extending millions to harras farmers and private property owners on stuff that we don't think in any way Congress ever intended to be defined as wetlands."

"The implications of it are just absolutely horrendous," Rigtrup said.

Meanwhile, in order to protect his property from water damage Jensen said he has spent 350 hours on a rented backhoe digging deep drainage ditches around his property.

"I've cleaned these ditches so much and taken care of the Syracuse water so long they just expect it," Jensen said. "They're

looking for a free ride."

Syracuse Mayor DeLore Thurgood said he is sympathetic to Jensen's problem but, "Water runs downhill, hell, water's run downhill for as long as I've been alive."

Thurgood said although the city was under no obligation to do so, it offered to fund a \$13,000 project to pipe excess water across Jensen's property from Bluff Road to Gentile into a county-owned ditch if Jensen would give the city the right-of-way.

Jensen said the city's offer is not a practical solution. He did not allow the city to install the pipe.

The city instead obtained a right-of-way from the property owner directly to the east of Jensen's property and recently completed the piping project.

"He wants me to drain his property," Thurgood said. "I can't justify using public funds to drain an individual's farm."

"Joe wants his cake and wants to eat it also," Thurgood said.

In 1987 Davis County officials designed a three-phase master drain system to help drain excess water into the Great Salt Lake.

County Public Works Director Sid Smith said the drain is projected to go from the area of 700 South straight south on a 1500 West alignment to the lake.

Phase one of the project would begin at the lake and end at Bluff Road. Phase two would take the drain to 2700 South. Smith said the projected cost of phase one and two is about \$500,000.

Jensen and three other entities owning property each sold a 100-foot right-of-way to the county with a contract contingency

that the drain be at least 12 feet deep.

The Water Quality Indicators Guide to Surface Waters, published by the Soil Conservation Service says "...Salt pollution is even more likely to occur in these regions when drainage is inadequate or if water tables are perched close to the surface, 5 feet or less."

After spending nearly \$6,000 to file for a permit with the Corps of Engineers once the contract was signed, the county learned the Corps would not permit the 12-foot drain because it would destroy wetlands.

Upon the advice of Carter, the county withdrew the application for revision.

The law states in essence that before any new construction can begin on wetlands all other practical alternatives must be considered. If there is no alternative, wetlands of equal value to those being destroyed must be created. Carter said the Corps would more likely issue a permit for the drain if it were only about 5 feet deep.

Jensen said, "That won't do any good."

"I might as well donate my property to someone," he said.

Even if an agreement can be made for the county to build a shallow master drain, some sort of mitigation will be required.

At Jensen's request the Nature Conservancy District southwest of his property near the lake agreed that the water from the drain should move through the conservancy property to help flush the land and restore it to productive wetland status.

ON THE AGENDA

A summary of the agendas for city council meetings to be held Tuesday, May 8, 1990

- ### South Weber
- City Council
- Davis County sheriff's report
 - Report from county planner Barry Burton on Hill Air Force Base compatible land use study
 - Selection of contractor for sidewalk project on 1250 East
 - City office buildings
 - Garbage fees
 - Discuss part-time maintenance help
 - Approval of check list, payment of bills
 - Court items
 - Fireworks, Country Fair Days
 - "No Parking" sign

- ### West Point
- City Council
- State road discussion
 - HOSA presentation by John Tanner
 - Determination and clarification of ordinance Chapter 4-61, Chapter 5-9; width and length of lots, old ordinance reference 1-12
 - Thurgood Farms subdivision final plat approval
 - Richard Craythorne, 800 North sewer proposed extension
 - Stop sign needs, corner of 4550 West and 550 North
 - FY-1991 tentative budget proposal
 - Council report

- ### Clinton
- City Council
- Jason Miller, request for council to sponsor him to 1990 Freedom Foundation at Valley Forge
 - Joy Hansen and Sarah Kulbacki, request for council to sponsor them to national VICA competition in Tulsa, Okla.
 - Chance Bailey, discussion with council on proposed Eagle Scout project to cement park strip at 1930 W. 2300 North
 - Adoption of Clinton City FY 1990-91 tentative budget for all funds
 - Norma Thompson, presentation of judicial budget

- Jeanette Wood, presentation of treasurer and city building budget
- Tony Onofrietti, presentation of recreation budget
- Lynn Vinzant, presentation community development budget
- Lloyd Brown, presentation of fire department budget
- LeRoy Webb, presentation of police department budget
- Mel Wood, presentation of public works department budget

- ### Clearfield
- City Council
- Request for contribution, Kim Olsen and Lisa Pattillo, Clearfield High School Health Occupation Students of America
 - Request for promotion of National Flag Day Foundation
 - Set public hearing for final budget
 - Discuss 200 South overpass recommendations
 - Closed executive session to discuss personnel matters, reconvene in budget work session

- ### Syracuse
- City Council
- Davis Metro Narcotics Strike Force
 - Engineer's report on culinary water
 - Presentation of tentative budget
 - Contribution policy review
 - Purchase of additional garbage containers
 - Purchase of radar unit
 - Purchase of recreation equipment
 - Community development block grant

- ### Layton
- City Council
- Thursday, May 10
- Wood lien waiver
 - Country Creek #10 final approval
 - Liljenquist rezone approval
 - Ordinance 885, council to set storm drainage fees
 - Resolution 83, resolution to set storm drainage fee
 - Adoption of tentative budget

Poll

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"sound education for their children." The poll showed out of the 603 people surveyed, 63 percent were in favor of passing the bond, 29

percent were opposed, and 8 percent did not know. The poll has an error rate of plus or minus 4 percent.

For more information on voting locations call the Davis County election clerk at 451-3113.

Bond

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progress. Some are self-motivated, but far too many get lost in the cracks.

"These kids are going to be our politicians, leaders and scientists so we need to make the decision that is best for them. You can't pay teachers (as little as) you pay them and handicap them with big class loads."

"There is no question we need another high school," said Clearfield High School Principal Tamara Lowe. "Between Clearfield and Layton we are going to have over 6,000 kids in the next year, but (Clearfield and Layton) can hold just over 2,200 apiece and we are to the maximum right now."

"Split sessions would mean holding two schools in the same building causing double the wear and nobody gets the treatment and service they should. Year-round school is totally im-

practical on the high school level. People in the education community understand (the need for a new school) and I would hope the parents understand as well."

There are some who believe doing so is not in taxpayers' best interests.

"I think it will pass only because most people won't vote," said Laren Livingston, chairman of the Davis County Libertarian Party. "If this same election was held in November when it should be, it would be a lot closer. Every state goes through population cycles."

"I agree schools are overcrowded, but pressure should be put on the Mormon Church to build private schools like all the other religions. Mormons need to take responsibility for their own people. And I'm not anti-Mormon. I am a Mormon."

School board officials said that one new high school may not be enough at the rate the county is growing, and that is why a second lot of land is being sought af-

ter in this bond.

Glines said that the \$1 million going toward the land designated for a second new high school, to possibly be built in five or six years, would be well spent even if a second high school is not needed down the road.

"We're not sure that in six years another high school may be necessary," he said. "It possibly wouldn't be, but the site would be valuable because we save money getting it now. And if it isn't needed we can resell at a higher price or hang on to it. But we don't think the value would be lost."

Livingston, who is single and has no children, said he has heard that before.

"I'm from Minnesota and that's what they did out there. They built all of these schools when the population was up, and now they have all of these empty buildings sitting there," he said. "I'm tired of it being a war between the teachers and the taxpayers."

Population

Cities population growth in Davis school district boundaries:

City	1980 census	1988 estimate	% change
Layton	26,403	36,660	38.9%
Bountiful	32,877	34,000	3.4%
Clearfield	17,982	22,610	25.7%
Kaysville	10,331	12,970	25.5%
Centerville	8,069	11,440	41.8%
Farmington	5,062	9,180	81.4%
Clinton	5,777	8,420	45.8%
N. Salt Lake	5,548	6,720	21.1%
Woods Cross	4,263	5,640	32.3%
Sunset	5,733	5,260	-8.3%
Syracuse	3,702	4,960	34.0%
W. Bountiful	3,556	4,900	37.8%
Fruit Heights	2,728	4,490	64.6%
West Point	2,170	3,150	45.2%
S. Weber	1,575	2,120	34.6%
Unincorp.	10,764	12,280	14.1%
Total	146,540	184,000	26.1%

Source: U.S. Census Bureau, Utah Office of Planning and Budget

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