

# The Times - News

Serving East Juab County - A Nice Place To Live!

Volume 112, No. 9

February 26, 2014

Single Copy Price

75¢

## Final vote on eminent domain action postponed

By Myrna Trauntvein

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The final vote on an eminent domain action, on the part of the county, Vs. Herman Young & Sons, Inc. property has been postponed for two months.

Gordon Young, Mona, a representative of the Young family, met with county commissioners to discuss the proposed action.

"Let us see if we can get together," said Commissioner Rick Carlton.

He said that he encouraged Young and his attorney to reconsider the county's offer and to come back with some recommendations of ways that the deadlock might be broken without the county having to initiate eminent domain proceedings.

Young said that would just take more money for more appraisals and require more time for negotiations. Still, after consideration, Young agreed that he would do that and within the two month period set by commissioners.

Prior to the meeting, Jared Eldridge, county attorney, had sent a letter to Young's attorney but had not had a response.

In the beginning of Monday's discussion, Young took the position that, for several years, he and various commissioners had discussed his property and what the county perceived as a public need for his property in order to make an access or frontage road. They had not come to an agreement.

"Now you are using force to take my ground," he said.

Government entities, such as the county, in this instance, may "take" private property through the eminent domain process.

The Fifth Amendment to the U.S. Constitution requires the government to provide just compensation to the owner of the private property to be taken. A variety of property rights are subject to eminent domain, such as air, water, and land rights. The government takes private property through condemnation proceedings. Throughout these proceedings, the property owner has the right of due process.

"This need was created by the county," said Young. "The Kilgore pit was allowed to be opened by the county."

Chad Winn, commission chairman, said that the county had followed the county zoning maps in allowing the gravel pits to open.

Rick Carlton, commissioner, said that the east bench, above Interstate 15 and east of the Mona area, was owned by various gravel or aggregate hauling companies.

Those companies were now traveling north from the aggregate sites to a county road rather than to the freeway. That was a danger to the public. In the future, there may be even more need of a frontage road.

Interstate 15 passes north-south through Juab Valley, servicing the towns of Nephi and Mona. Before the freeway was built, U.S. Highway 91 was the main route, and its alignment is still largely in place today. It becomes Main Street in both Mona and Nephi.

"We are trying to keep Old 91 from being used by the gravel-hauling trucks," he said.



**DISPUTE OVER ACCESS** • Juab County and landowner Gordon Young are in dispute on a road Juab County wants to build across Young's property east of Mona. Juab County wants access to get the heavy gravel trucks off old highway 91 and onto I-15. Above, this pit is east of the Mona interchange and the road would go across Young's property near this spot. Juab County has said that they will take the property for the road by using Eminent Domain if the parties cannot come to an agreement. Juab County already has agreements on other lands to the north and only needs Young's before they can build the road.

## Nephi City will consider becoming a Tree City USA Community

By Myrna Trauntvein

Times-News Correspondent

Nephi City should become a Tree City USA Community.

Danon Hulet, State of Utah Urban and Community Forester, told Nephi City Council members that belonging to the organization would provide the city with direction, assistance, and national recognition and would help the city by supporting the framework for a sustainable urban forest.

At the end of his presentation, Hulet was directed to work with Phil Baker, superintendent of parks and cemeteries and an urban forester.

"The program is endorsed by the Division of Forestry," said Hulet.

He said that by becoming a member city, the organization would offer the city technical

assistance, education and grant funds related to urban forestry.

Hulet said the city would need to meet four standards to participate in the program, including creating an advisory tree board, passing a proclamation and ordinance, budgeting \$2 per capita for tree maintenance and hosting an Arbor Day event.

The advisory tree board would assist the city in coming up with projects.

Nephi council members would need to pass an ordinance, however simple, for tree care.

The city can meet the funding stipulation through funds already being spent.

"If you look at what you already spend," he said, "you will find that you probably match the \$2 per capital cost."

Therefore, he said, there would be no extra cost to Nephi.

Tree City USA was a nationally recognized non-profit program, he said.

The city did have to recertify every year but membership could bring grants up to \$8,000.

"You can apply every year for a grant," he said. "The state gets a lump sum and they break it up to be used by various cities."

There are 85 member cities in Utah.

The Arbor Day observance could be as simple as the city parks department planting a tree on Arbor Day or a school or class could plant a tree or trees.

"There is also an Arbor Day grant to help the city with its first observance," Hulet said.

If the council were to begin doing research on the four standards, he said, they would find that the city is already doing most of what needs to be done to meet the criteria for becoming a

tree city.

Arbor Day Foundation gives the city signs advertising that the city is a Tree City USA Community.

"I suspect that everyone has a tree," said Hulet.

Lisa Brough, city council member, said that Nephi was a tree town, a place where there were trees planted to enhance the beauty of the community.

Trees help a community reduce costs for energy, storm water management, and erosion control.

"Trees yield up to three times their cost in overall benefits to the city, averaging \$273 worth of benefit per tree," Hulet said.

Trees cut energy consumption by up to 25 percent. Studies in-

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## 17-year old suspect charged as an adult in shooting spree case

By Myrna Trauntvein

Times-News Correspondent

A 17-year old girl charged as an adult in the 50-mile long shooting spree January 30, that ended in the death of a highway patrol trooper and the wounding of a deputy made an appearance in court on Monday.

Defendant Meagan Dakota Grunwald, Draper, shackled at the wrists and ankles and wearing a bright yellow prisoner jumpsuit was led into the courtroom at the Provo Fourth District Court before Judge Darold McDade.

Her attorney, Dean Zabriskie, set a March 3 court date to decide whether a preliminary hearing will be held in the case.

Zabriskie told prosecutors that he also hopes to address her \$1 million cash-only bail at that court appearance.

"We think the culpability is such that she should be charged as an adult," Deputy Utah County Attorney Sam Pead said following the short court appearance, "and so we are just going through that normal process."

Grunwald faces multiple felony charges in the shooting spree that began in Utah County with the fatal shooting

of Utah County Sheriff Sgt. Cory Wride, the shooting that wounded Deputy Greg Sherwood and ended in Juab County in a shoot-out with four Juab County Deputies.

Grunwald was charged with six first-degree felonies last Wednesday: one count of aggravated murder, two counts of felony discharge of a firearm, two counts of attempted aggravated murder and one count of aggravated robbery.

She is also charged with other felonies including obstruction of justice; discharging a firearm; failing to stop at the command of police officer; and possession of a controlled substance.

Other charges are for criminal mischief, a class A misdemeanor; and leaving the scene of an accident involving property damage, a class B misdemeanor.

Life in prison without parole is the maximum penalty Grunwald could face if convicted of aggravated murder. Because she is a minor, she is not eligible for the death penalty.

A joint affidavit in support of an arrest warrant was filed Wednesday by Acting Utah County Attorney Tim Taylor, Chad Grunander, chief deputy Utah County attorney; Jared Eldridge, Juab County Attorney; and AnnMarie Howard, Juab Senior Deputy County Attorney.

"I take very seriously my assignment to prosecute this defendant in conjunction with Utah County," said Howard. "I will keep in mind those officers and citizens of Juab County

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