



The UCLS Newsletter

Who is it?



*The UCLS Newsletter
is published monthly by the*

**Utah Council of
Land Surveyors**
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“It was always said of him, that he knew how to keep Christmas well, if any man alive possessed the knowledge. May that be truly said of us, and all of us! And so, as Tiny Tim observed, “God Bless Us, Every One!”
-Charles Dickens

Do you recognize the silhouette of either of these dedicated hard-working surveyors? Be the first to identify who they are and you become eligible for a free luncheon at your next chapter meeting.

Please email your answers to Susan at srmerrill@ucls.org. The earliest received date and its time of response will determine the winner.

In This Issue:

The NSPS Board meetings held in Overland Park, Kansas are summarized and we examine a Utah Court of Appeals case regarding boundary line disputes. We announce the retirement of a cadastral survey of the Bureau of Land Management and introduce you to two more of our exemplary UCLS members. Information about the upcoming UCLS elections and the 2015 convention are also included.

We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah’s scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.



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Contributions are encouraged. Articles, Advertisements, Pictures, and Comments may be submitted to UCLS at ucls@ucls.org or uclsforesights@ucls.org

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NSPS BOARD OF DIRECTOR'S SUMMARY

OCTOBER 24, 2014 – OVERLAND PARK, KANSAS

By Steve Keisel, NSPS Governor/Director - Utah

EXCOM Minutes:

- New MOU to be drafted with AAGS
- Spring 2015 Conference/Business Meetings - Washington DC area
- Fall 2015 Business Meetings to take place during the Ohio Land Surveyor's Conference at the Kalahari Resort in Sandusky, OH on October 8-10, 2015
- NSPS asks that each Governor/Director review the Conflict of Interest policy made available at the meetings to ensure compliance

Meeting Notes:

- Lisa Isom of Assurance Risk Managers gave a short presentation on the NSPS Insurance Program
- Henry Kuehlem - the definition of surveying in the Federal Highway Act falls under Engineering Services
- Texas and Iowa will be the next states to join the 100% Membership program with California declining
- Ed O'Brien reported that Engineering Surveys remains within the NCEES Model Law but the new NCEES President will reopen the review of the classification
- NGS collaboration will continue with NSPS educating the profession regarding the upcoming changes to the national datums

Board Actions:

- 2015 NSPS Budget passed
- John Warren asked for input on the State President Forum at the NSPS Business Meetings
- Spring 2015 Conference/Business Meetings to take place in the Washington DC area in mid-April with involvement with MAPPS, NGS and Homeland Security as partners
- Joe Dolan reported on COFPAES and the involvement with issues involving land surveyors
- John Palietello provided information regarding the extensive activity of the Joint Government Affairs Committee and reiterated the importance of our political involvement on Capitol Hill
- Spring 2015 will be the last traditional meeting with Governor's and Director's meetings
- Potential MOU's will need to be reviewed by the Membership Committee to confirm percentage of membership to determine voting rights

The Board of Directors passed the following motions:

NSPS Appointments to the CST Board

Re-appointment of Celeste Van Gelder for the term of 2015 to 2018

Providing NSPS Membership to CSTs who maintain their certification on an annual basis

Increase CST Annual Certification Fee to \$40 for those CST members who qualify for Associate Membership. The certification fee will be waived if they join NSPS through the 100% program.

Administration of the program would occur as part of the existing CST certification process. With CST renewals, NSPS will determine if they belong to NSPS through their state, and if so - waive the annual fee. The states would treat the member like any other associate members who opts into the NSPS program.

Geodetic Certification Program

Whereas the NSPS ad-hoc Geodetic Certification Committee has submitted the NSPS and AAGS Geodetic Certification Program as described in the Geodetic Certification Program Description dated August 13, 2014 submitted to the NSPS Board of Governors on October 23, 2014. It is moved that the committee be directed to develop an NSPS and AAGS plan of implementation. This plan with expected costs will be presented to the NSPS Board of Directors for their approval prior to the actual implementation.

Creation of a Public Relations materials and idea section on the NSPS website

The NSPS Board of Directors directs the NSPS office staff to create an area on the NSPS website to publish Public Relations information and documentation along with any contact details that is provided by NSPS Board members, State Executives, member surveyors and other sources deemed relevant to the Public Relations of the Profession of Land Surveying by the NSPS Public Relations Committee.

Creation of a Public Relations Award

The NSPS Board of Directors directs the Public Relations Committee to create an award and award criteria for the best Public Relations project of the year for the Profession of Land Surveying

Pre-service Education Requirement for Licensure as a Land Surveyor

Replace the existing NSPS education policy with the following language: "The official position of the National Society of Professional Surveyors shall be that a Bachelor's Degree in Surveying, Surveying Engineering, or Surveying Engineering Technology be the minimum educational requirement for licensure as a Land Surveyor in all jurisdictions."

Feasibility Study for an NSPS on-line Peer Reviewed Applied Geomatics Journal

The National Society of Professional Surveyors direct the NSPS Education Committee to study the feasibility of creating an on-line peer reviewed journal with the title of "Journal of Applied Geomatics," or other similar name. This study shall include an analysis of volunteer needs, paid staff time needs, and budget implications, and shall be submitted to the Board of Governors at or before its spring 2015 meeting

NSPS Meeting Summaries

A member designated by the NSPS Board of Directors or elected by the NSPS Membership will provide to NSPS staff, within a 30-day period after the bi-annual meetings, a summary of the meeting and a copy of all final approved motions to be disseminated to all State Executives, NSPS staff, Governors, Board of Directors, and EX-Com members.

New NSRS 2022 Datum Model Law

Whereas NGS will be updating the NAD83 to a more geocentric datum in about 2022; Be it resolved that NSPS develop a model law for use by the state legislatures for their proper use of the National Spatial Reference System, the appropriate projection(s) and vertical datum(s) in their state. Appropriate realizations would include projections similar to the current State Plane Coordinate System. They should guide general-purpose projections useful for GIS and influence the definition and use of local Low Distortion Projections. All legislated projections should be relative to the contemporary National Spatial Reference System promulgated by the NGS and thereby have explicit one-to-one correlations between them.

Use of Robert's Rules of Order

Be it resolved that NSPS formally adopt Robert's Rules of Order as the rules of order for its meetings. Said resolution shall be reflected in the Policies and Procedures of the National Society of Professional Surveyors. (Whenever there is a direct conflict between the by-laws or written Policies & Procedures and Robert's Rules, the by-laws or written policies take precedence over Robert's Rules.)

NSPS Strategic Plan

The NSPS Boards of Governors/Directors approve the Strategic Plan as presented.

NSPS Bylaw Amendment – Split the Secretary/Treasurer's office into two separate offices

Move that the Board of Directors approve to amend the NSPS Bylaws by taking all references within the Bylaws to the position of Secretary/Treasurer and or Secretary-Treasurer and separating them into two individual officer positions of Secretary and Treasurer and make all the appropriate changes to language throughout the entire bylaws document to allow for this change.

Change the number of Directors to be appointed to the Excom Committee

Move that the NSPS BOD approve amending the wording of Article IV Section 4 of the bylaws "They shall, at the Annual Meeting, select two members of the Board of Directors to serve on the Executive Committee." by replacing the word two with the word four State Directors.

Elimination of Area Directors

Move that the NSPS BOD approve amending the bylaws by removing all references and language relating to the position of Area Director from the entire NSPS Bylaws document.

Elimination of the Board of Governors

Move that the NSPS Board of Directors approve amending the bylaws by removing Article VII (Board of Governors) in its entirety, as well as all other references to the BOG and the BOG Chairman and BOG Secretary from the entire NSPS Bylaws document.

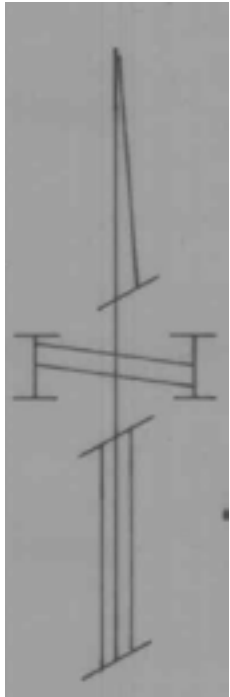




Non-voting representation of non 100% member states.

Move that the NSPS BOD amend the bylaws by inserting new language within Article VIII Institutional Affiliation "to allow any affiliate not participating in the 100% Membership Program the offer to send an individual, in a non-voting capacity, to the Annual Spring and Fall business meetings to represent that affiliate for the sole purpose of bringing forth any issues that they feel should be addressed by NSPS.

The Nomination Committee announced the following slate for voting in 2015:

President Elect - Tony Cavell (LA), Glen Thurow (NM)
Vice President – Jan Fokens (MI), Henry Dingle (SC)
Secretary – Larry Graham (KS), Tim Burch (IL)
Treasurer – John Fenn (MI), Bob Miller (PA)

Which North Arrow belongs to which company?

	A	B	C	D	E	
1 AEP com						1 = _____.
2 GMc2						2 = _____.
3 Intermountain Surveying						3 = _____.
4 Valley Engineering						4 = _____.
5 DePriest Surveying						5 = _____.

Answers on page 7

Email from our members

With all due respect, I somewhat take offense to your statement in the November Newsletter that just because some of the membership does not want to be in your "Getting to know you" column makes them out to be unwilling to participate in the council!

Maybe some people, like myself, don't particularly want, or need our names and pictures in the lime light! Others might want or need this but not everyone is the same and this certainly doesn't mean that those who don't are "unwilling to participate in the council."

Just my two cents! -Anonymous

UCLS Response

It has never been our intention to offend anyone. If we have - we sincerely apologize and ask for your forgiveness.

Recently, UCLS conducted a benefit and salary survey. Disappointingly, only a third of our members participated in this survey. Additionally, a third of those who did participate, said they would not be a part of the UCLS committee or run for office.

We cannot change the personalities or desires of our membership but hope that participation will encourage others to do more. Individually, we will fail together we can be strong.

New Case Summary — Martin v. Rasmussen

Utah Court of Appeals

August 21, 2014

[2014 UT App 200](http://www.utcourts.gov/opinions/appopin/martin082114.pdf) (Click for full text of Opinion)
<http://www.utcourts.gov/opinions/appopin/martin082114.pdf>

This case arose from a proposed settlement of a boundary dispute. The parties own adjoining lots in a subdivision. A fence had been constructed about five feet from the actual lot line, increasing one lot while diminishing the other. The dispute became quite heated, and the parties wound up in lawsuit.

The defendants, who were the owners “losing” property because of the fence, offered to convey a five-foot strip of their lot in order to settle the suit. After the offer was made, however, the defendants discovered that the conveyance would cause their lot to drop below the minimum allowable lot size, creating an illegal (or noncomplying) lot. Before the offer was accepted, the defendants withdrew it, but the plaintiff’s accepted it anyway, and the district court concluded that the offer was valid despite the illegality, because the parties could seek a variance of the minimum lot size.

The Court of Appeals agreed, holding that even though the offer technically created an illegal lot, the problem could be solved by obtaining a variance. The Court reasoned that even though a variance was not contemplated at the time of the offer, the parties assumed responsibility to carry out whatever actions were necessary to complete the agreement. This included requesting and obtaining a variance.

The decision notes an affidavit from the affected City (Sandy City), stating that it “would grant a variance” unless the owners disagreed.

OPRO COMMENTARY: This decision presents two noteworthy issues: First, the plaintiffs presented evidence that the City had committed to granting a variance allowing the lot to be smaller than the minimum area. However, a variance may only be granted by an appeal authority, and only when all five of the “variance criteria” are established. (See “[Variances](#)”). It is improper for a city or county to commit to a variance without approval from its appeal authority.

Secondly, the City arguably should not be able to grant a variance in these circumstances. A variance is a mechanism that allows some deviation from the strict application of a zoning ordinance that is necessary due to special circumstances unique to the property. A variance should not be granted to allow a use that is otherwise illegal. In addition, a variance should not be granted if the hardship was self-imposed.

In this case, the Court of Appeals appears to condone a variance that would reduce the minimum lot size. This allows a use that is not legal under the local zoning ordinances, and should therefore not be allowed as a variance. In essence, the proposed variance *amends* the zoning ordinance, by allowing a smaller lot. That is not the function or purpose of a variance

RETIREMENT
BUREAU OF LAND MANAGEMENT
Utah State Office
Division of Lands and Minerals



**M. Ross Workman, BLM Cadastral Surveyor,
 Has Retired As Of October 3, 2014.**

Ross served as the office lead for the Branch of Cadastral Surveys; coordinating and reviewing surveys of all kinds from the field surveyors; and other duties as assigned.

Ross was born and raised in Glendale, Utah; Graduated from Valley High, Orderville, Utah in 1960. He attended the College of Southern Utah, in Cedar City, then University of Utah.

In June of 1960, just out of High School, Ross begin working as a survey aid with the BLM, branch of Cadastral Surveys, executing surveys throughout the state of Utah. From 1963-1965 served two years with the U.S. Army as a draftsman. He attended the University of Utah, majoring in Civil Engineering and Surveying.



In 1968 Ross became a permanent employee as a Jr. Party Chief. The first of January 1975 he moved with his family to the BLM Alaska State Office. For a short time that fall he spent three months in the Washington D.C. Office on a detail. In November 1976 Ross transferred to the Arizona State Office as the Chief of the Office Section of the Branch of the Cadastral Surveys. March 1978 he returned to the Utah State Office, becoming Chief of the Office Section. He became a registered Land Surveyor for the State of Utah in 1979.

During Ross's career as a surveyor he has traversed through the advancements of technology beginning with the mountain transit and the steel tape. Then the electronic distance meter (EDM) in 1974. The spring of 1996 Ross begin using GPS/RTK (Real Time Kinematics) doing surveys on the Nephi fire project.

Presently Ross is teaching the Public Land Survey System (PLSS) at the Salt Lake Community College, in the spring, and at the Utah Valley University in the fall.

Congratulations on your retirement.



Answers to North Arrow Question 1=B; 2=E; 3=C, 4=A, 5=D

Getting to Know Our Members

Name: **James A. Cox**

Residing at: **Lehi, Utah**

My spouse is **Claudia** and I am a parents of **5 children, 18 grandchildren and 6 great grandchildren.**

My hobbies and/or interests include: **gardening, fishing and hunting, basketball, scouting, sports, family activities and reunions, furthering my education, and helping others.**

When I retire, I want to: I am retired from the Utah Department of Transportation and from private engineering. But I am an associate professor at Utah Valley University. I will spend time at hobbies if I retire.

I have been a member of the Utah Council of Land Surveyors since **Jan. 10, 1977** and wish they would **just continue to provide professionalism to the profession of surveying.**

My current employer is **Utah Valley University**

My position or title is **Associate Professor** and I am responsible for **Upper division classes in Construction Technologies.**

I have been employed by this company since **August of 2008** but have been involved in the surveying profession since **1964.**

I became a surveyor because: **I worked for Utah County, L.D. Green and Clyde R. Naylor as I attended Brigham Young University. Helped bring the State Plane Coordinate system to Utah County and Millard County. I helped start up two survey companies and later started Sunrise Engineering in Fillmore, Utah. As president of the company, I enjoyed the benefits of the profession. Sold my stock in the company in 1991.**

During the past **25** years, the **satellite system GPS** has had the greatest impact on the surveying profession.

However, during the next **20** years, I believe **Electronic technology will have the most influence on its future.**

In my opinion, the future of surveying is in construction, land and housing residential and commercial. The teaching of the concepts and principles are extremely essential.



Name: **James J. Coutts**

Residing at: **Roy, UT**

My spouse is **Kaelyn Coutts** and I am a parent of **4 children.**

My hobbies and/or interests include: **Hobbies who has time for hobbies with work and 4 children? But I enjoy watching Notre Dame Football, and playing with my children.**

When I retire, I want to: **Travel the country and then the world with my beautiful wife.**

I have been a member of the Utah Council of Land Surveyors since **2008** and wish they would **decide if the organization is only for members to help promote the surveying industry. Pick a path and go down it.**

My current employer is **Electrical Consultants, Inc.**

My position or title is **Survey Manager** and I am responsible for **overseeing the surveying for power delivery projects in over 10 states at any given time.**

I have been employed by this company since **2011** but have been involved in the surveying profession since **1994.**

I became a surveyor because **my father is a surveyor and a civil engineer, and as much as I tried to do other things, I always just came back to what I knew.**

During the past **5** years, **GIS** has had the greatest impact on the surveying profession. However, during the next **10** years, I believe **legislators/licensing agencies will have the most influence on its future.**

In my opinion, the future of surveying is going to be non-existent if we don't educate the public on what we really do and stop the profession "creep" into our licensed activities.

The Bathtub Test

It doesn't hurt to take a hard look at yourself from time to time, and this should help get you started.

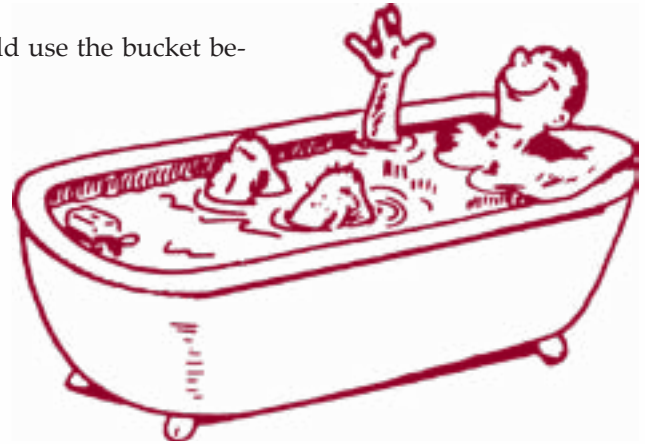
During a visit to the mental asylum, a visitor asked the Director what the criterion was which defined whether or not a patient should be institutionalized.

"Well," said the Director, "we fill a bathtub, then we offer a teaspoon, a teacup and a bucket to the patient and ask him or her to empty the bathtub."

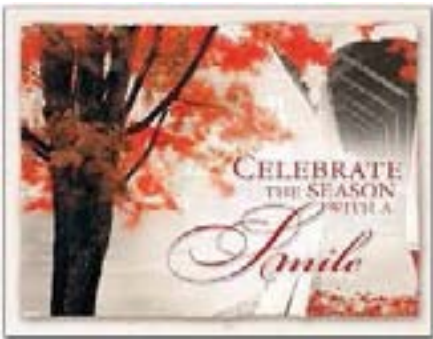
"Oh, I understand, said the visitor. "A normal person would use the bucket because it's bigger than the spoon or the teacup."

"No." said the Director. "A normal person would pull the plug. Do you want a bed near the window?"

DID YOU PASS, OR DO YOU WANT THE BED NEXT TO MINE?



Give your smiles freely.



A smile cost nothing - but gives much.

A smile cannot be bought, begged, borrowed, or stolen, for it is something that is of no value until it is given away.

A smile enriches those who receive, without making poor those who give. It takes but a moment but the memory of it sometimes lasts forever.

None is so rich, or mighty, that they can get along without it.

None is so poor but that they can be made rich by it.

A smile brings rest to the weary, cheer to the discouraged, sunshine to the sad and is nature's best antidote for trouble.

To the man who has none to give, give him one of yours, as none needs a smile so much as he who has none to give.

November What is it



The first UCLS member to respond and correctly identify "the dog" was Frank Verucchi Jr. Frank's submission was received one minute earlier than Jason Felt's email. Accurate guesses by David Strong and James Cox soon followed.

Newfy, the stuffed St. Bernard, is a legend in northern Utah. As the mascot of the Shooting Star Saloon in Huntsville, Utah, Newfy was once called the largest St. Bernard in the world at an estimated weight of over 300 pounds. When Newfy died, his guardian could not bear to part with his visage, so he had Newfy's head stuffed and mounted using the head of a grizzly bear as a model. Unfortunately, Newfy's mouth is slightly ajar and patrons often leave cigars and paper bills in the gaping jowls of the dog.

As with any bar that has more than a century under its belt, the Shooting Star Saloon gives the drinker-eater a lot to contemplate. Paper money has been stapled to the ceiling and bad icons of bar art adorn the front counter. Various magazines and newspapers have labelled The Star Burger as the Best Hamburger in the West.

Construction Committee
by: David Mortensen

We want to thank the Salt Lake, Book Cliffs and the Golden Spike Chapters for allowing us to attend and discuss the CST program. We also look forward to attending the Timpanogos Chapter on December 18th and the Color Country Chapter on January 21st. We look forward to hearing your thoughts.

We again thank those that have commented. If you have not yet had a chance to send the questioner we handed out at the meetings please take a few moments to fill out and send on to dmortensen@bushandgudgell.com.

**Utah Council of Land Surveyors
2015 – 2016 ELECTIONS**

STATE CHAIR ELECT

Dale Robinson - Keith Russell

NSPS REPRESENTATIVE

Steve Dale - John Stahl

<u>CHAPTER</u>	<u>REPRESENTATIVE</u>	<u>SEC / TREA</u>
Book Cliffs	Brock J. Slauch	Paul Hawkes
Color Country	Rick Snyder	Brad Peterson
Golden Spike	Val Schultz	Travis Gower
Salt Lake	Tim Prestwich	Brian F. Mitchell Matt Peterson
Timpanogos	Jim Kaiserman	Chad Poulsen

UCLS CONVENTION 2015

*The UCLS 2015 Convention is scheduled for
February 18-20, 2015 in St. George.*

The keynote speaker will be Chuck Karayan.

Further details will be coming in the near future



Did You Know?

That the survey measurement "ROD" was established in the sixteenth century as the length of the left foot of the first 16 men out of church on a certain Sunday.