

THIS WEEK

Ivory to build homes and apartments P. Grove
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Salt Lake County home sales rise 18 percent
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600,000 square feet being added to Station Park project



An artist's rendering of Station Park depicts the distinctive fountain, which will be one of several new elements to be introduced in May.

By Barbara Rattle
The Enterprise

CenterCal Properties, a California firm that is developing the expansive Station Park mixed-use development in Farmington, has begun adding another 600,000 square feet to the project, which already has some 400,000 square feet up and operating. Four new buildings are slated to open a year from now. One, measuring about 107,000 square feet, is currently under construction and will feature retail on the ground level with two levels of office space above.

In addition, the company

has purchased another 15 acres adjacent to the project for more future development. Eventually, Station Park will contain about 1.2 million square feet.

"Buildings are being permitted as they finish the design and we get at least a portion of them pre-leased," said CenterCal CEO Fred Bruning. "Usually we'll kick off a building when it's about 60 percent pre-leased."

Bruning said it is CenterCal's goal to make Station Park into a "project that's going to have the same quality of amenities and look

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Berlin Packaging expands size of Salt Lake City warehouse

By Brice Wallace
The Enterprise

The Salt Lake City warehouse operations of Berlin Packaging, a Chicago-based container distributor, have been moved to a larger facility just down the street.

The warehouse is now at 3687 W. California Ave., with Berlin having leased an approximately 80,000 square foot space with the assistance of CB Richard Ellis. The operations previously were at 3505 W. California Ave. Berlin was there about 10 years. In 2007, its space expanded from 25,000 square feet to 44,300 square feet, and ultimately that figure grew to 67,000 square feet.

"We are growing rapidly,"

said Brian Ravenberg, the warehouse's operations manager. "We've also grown our office space because we've grown our headcount. We needed space for the employees plus more space for our customers' inventory that we warehouse. We lucked out. This is a great building and a great find for us."

The Salt Lake facility warehouses various types of rigid packaging, including plastic, glass and metal bottles, for customers such as Twinlab Corp., Nu Skin Enterprises and Utah Brewers. It serves all of Utah and portions of Arizona, Idaho, Wyoming and Montana. Berlin Packaging's

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Office furniture firm doubles in size with Arizona acquisition

Salt Lake City-based Interior Solutions, an office furniture and workspace services provider, has nearly doubled in size with the acquisition of Concert Architectural Interiors, a Phoenix firm with annual revenues of approximately \$20 million per year.

With locations in Phoenix, Tucson, San Antonio and Albuquerque, Concert will be transitioning to the Interior Solutions name over the next few weeks. The change should be complete by the end of the month, said Interior Solutions president Pete

Harris.

Interior Solutions, whose flagship brand is Kimball, picked up the Spacesaver and Allsteel brands with the acquisition of Concert. In addition to Salt Lake City, Interior Solutions has offices in Tempe, Idaho Falls and San Diego. The combined firm has a staff of approximately 90, Harris said.

"When we put our two companies side-by-side and consider our separate scope of services but similar service-based business

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California burger chain eyes Utah market



Habit Burger Grill, all of whose locations are company owned, is scouting for Utah locations. Pictured is a unit in El Segundo, Calif.

By Brice Wallace
The Enterprise

Habitual burger consumers in the Salt Lake City area may soon have a Habit Burger Grill to help them satisfy their cravings.

Russ Bendel, chief executive officer of the company, based in Irvine, Calif., said last week that while nothing is definitive, the 53-restaurant company is "working toward" possible leases in Utah.

"We have no commitments. We don't have any leases signed, but we've been here multiple times looking at opportunities," Bendel said last week at the end of a self-described "scouting mis-

sion" trip to Salt Lake City.

"We're in discussions. There are a number of key areas in Greater Salt Lake that we'd be very interested in. We would be committed to doing multiple locations, as we can find the best sites we feel that fit our profile. We're not a franchise. We're not public. We can move at a pace that's appropriate for the marketplace."

The Habit Burger Grill, a private firm, started in Santa Barbara, Calif. Brent Reichard was 16 years old in 1969 when he began working at the Habit Burger Grill there, and four years later he and brother Bruce Reichard bought

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BERLIN

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nearest warehouse to Salt Lake City is in Los Angeles, while a Berlin division, Freund Container, will soon have a warehouse in Sparks, Nev.

"We kind of grew out of that building," Ravenberg said of the firm's former location in Salt Lake City. "We originally had a small section of it and then more of it and pretty soon we had the whole east side of it. We had our 13 employees there. We had had nine or 10 but it grew to 13 from our growth last year, and we were kind of squashed into that building."

The new Salt Lake facility represents a "significant" investment and work on the lease took

place over about six months, Ravenberg said.

The lease is for seven years "and we plan to be here at least that, if not longer," he said. "It's a very nice building, for one thing. It's easy access from California Avenue. It's between I-215 and Bangerter [Highway], with access to I-80 and I-15, so there are easy shots on and off the freeway. We're easy to find, and the building stands out on California."

Ravenberg said that Berlin, even in a poor economy, has experienced business growth of about 20 percent annually, with Salt Lake City being one of its fastest-growing locations.

"First of all, rigid packaging is somewhat sheltered from a bad economy. For example, we supply beer bottles. In a bad economy, people don't quit drinking beer.

They just drink cheaper beer, and it still comes in a bottle. Think of personal care. People don't quit using shampoo. They just use a different shampoo, and it still comes in a bottle," he said.

"Berlin also has a very good business model. We don't sell specifically on price, but we help customers increase their bottom line or help them with efficiencies or decrease their costs. One way or another, they benefit from using Berlin as a supplier."

Berlin Packaging has more than 80 domestic sales and warehouse locations, more than four million square feet of warehouse space and an annual shipment total of more than 150,000. The company also is involved in manufacturing and packaging consulting.

Utah Manufacturers Association president to retire June 1

Utah Manufacturers Association president Thomas E. Bingham will retire effective June 1 and be replaced by Todd R. Bingham, who most recently served as president of the Utah Mining Association for the last three years.

Todd Bingham has extensive trade association management and legislative experience spanning 18 years in Utah, including with the Associated General Contractors of Utah, American Concrete Pavement Association, Associated Builders and Contractors, Utah Farm Bureau Federation and Utah Mining Association.

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the restaurant. All of its restaurants are in California except for three that opened last year in Arizona. All are company-owned and operated. Bendel said the current ownership group bought the concept from the founder about three years ago.

Bendel is familiar with Utah. During his stint as president of the Cheesecake Factory, that company opened a restaurant at Fashion Square Mall. Four Mimi's Café restaurants were built in the Greater Salt Lake City area when he was CEO and a partner in that organization.

Bendel said the "better burger" restaurant category has become very popular, noting that Smashburger, Five Guys and In-N-Out Burger have entered the Utah market in recent years. But, should Habit Burger join in, he does not sound concerned about competing against them.

"Competition is always OK. It brings out the best in everyone. I have a lot of respect for those brands, but I'm no more concerned about them being in Utah than we are with them anywhere else. We've had our eye on Utah for a while. We really like Utah as a potential place to go. We're a very family-driven concept, a suburban concept, with a high price/value relationship. Our value proposition is significantly stronger than some of the others. Our price points are very attractive," he said.

Habit Burger Grills offer "a very broad menu concept," he said. "We're about the burgers – that's what hooks you – but we also sell fresh albacore tuna sandwiches, fresh chicken items and other sandwiches. The breadth of the menu gives us a broader appeal. And if you look at the build-out, we spend significantly more capital than all of our competitors to provide what we feel is a pretty desirable dining experience."

Burger choices include the company's signature smoke-flavored Charburgers, including mushroom Swiss, teriyaki and barbecue bacon variations. Other options are grilled sandwiches, salads, fries, onion rings, sweet potato fries, kids' meals, milkshakes, malts, ice cream and sundaes.

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as City Creek. The community is very receptive and our tenants are doing well. Harmons had a wonderful opening and is continuing very strong, as are our other retailers. The theaters are ahead of projections."

The next big unveiling at Station Park will involve a park area with a distinctive fountain and four restaurants. All are slated to debut in May.

Craig Trottier, vice president of development, said numerous trees, some as tall as 50 feet, were delivered from Oregon last week. Some of them will be incorporated into the approximately 1.5-acre park/fountain/plaza area, which will be located right outside the theaters, which opened last summer. The fountain, which will flow over about 50 linear feet from an upper to a lower pool, was designed by the same team who created the World of Color fountains at Disneyland, he said.

"It's unlike anything in the country that's been seen outside Disneyland," he said. "It's like Bellagio on steroids."

LED light technology has been added to the water nozzles, and the fountain's actions will be coordinated with music.

Also opening in May will be four eateries — Johnny Rockets (new to the state), Setebello Pizzeria, Sushi Monster and a new concept called Parkstone Wood Kitchen. Trottier said Parkstone is a new creation from an established California restaurant group, and this will be the concept's first location.



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Ivory Development to build homes, apartments in Pleasant Grove

Ivory Homes, Murray, plans to build 78 single family homes and roughly 250 market rate apartments at a project dubbed Mayfield at approximately 700 South and 2310 W. in Pleasant Grove.

Chris Gamvroulas, president of Ivory Development, said his firm purchased the project from a bank which had repossessed it after the housing market tumbled several years ago. The project has been approved, platted and improved for more than 100 townhomes. Ivory has now received approval to construct 78 single family detached homes on small lots in addition to about 250 apartments.

"It's an exceptional location right off the new Pleasant Grove interchange off I-15," he said.

Through its commercial arm, ICO, Ivory is the largest apartment construction firm in the state, Gamvroulas said, and should finish between 450 and 500 units this year. One of them will be a phased 450-unit project in the new Fairbourne Station area of West Valley City.

Gamvroulas said he is seeing

a pickup in the residential real estate market.

"Lots have been picked over," he said. "A lot of the inventory that was out there has been absorbed. There are still a lot of substandard lots out there but even those are getting absorbed now. We're seeing more traffic in our models, our sales are up this year over last year. What we've heard anecdotally from our competition is that they're seeing the same thing — people are still coming out and writing more contracts. It feels like the market is improving. It's an interesting dynamic. There's still a sense that it's very much a buyer's market, price is king and location is really important. It's not 2007; people aren't just writing stupid offers. There are more people in the market writing offers but they're still below asking price. We haven't seen a lot of ability to increase prices, although we think that's going to happen over the next couple of months. The higher end (\$400,000 and above) is starting to pick up and we're always happy to see that."

Traffic control device firm buys Salt Lake City building

Barricade Services, a 10-year-old Utah firm that rents and sells temporary traffic control items such as barricades, cones, barrels and message boards, is expanding.

Currently operating from a one-acre yard in Midvale and a 1.5-acre yard with 3,500 square feet of office space in West Jordan, the firm has purchased a 10,000 square foot building and sizable yard at 1815 W. 500 S., Salt Lake City, where it plans to establish its headquarters in the next three weeks. Roughly 10 employees will work there.

Company owner Gary Shields said he chose the 500 South location because of its proximity to I-15, I-215, I-80, Redwood Road and North Temple.

"I'm expecting things to turn around and we're trying to strategically place ourselves for better logistics and better customer service and better delivery times," he said. "We work up and down the Wasatch Front, basically from Brigham City to Provo on any given day, but we do work statewide, so having that interchange right there off 400 South gives us good access. I was looking for a place to run my operation out of, and the location fits real well. So when it became available, I went for it and I got it."

The firm purchased the building with the assistance of Paul Westenskow and Kyle McMullin of Commerce Real Estate Solutions.

State awards incentive to SaaS company

Workday, a software-as-a-service company, has been awarded a \$2.7 million incentive by a state board to bring operations to Salt Lake County that would mean 243 new jobs over 10 years.

The Governor's Office of Economic Development Board recently approved the incentive. Should the company act on the incentive, it would receive the funds over a 10-year period, on the condition that its new jobs pay at least 25 percent above the Salt Lake County average.

Utah is competing with Dallas and Portland, Ore., where the company already has operations, according to board member Jerry Oldroyd. The company believes it could benefit from relationships with local universities as it hires engineers and software developers, he said.

Based in Pleasanton, Calif., Workday provides products for managing global businesses. It was founded by PeopleSoft veterans Dave Duffield and Aneel

Bhusri and has nearly 300 customers, from medium-sized organizations to Fortune 50 businesses.

"I think they will give a lot of competition to the other IT companies here, which is good for us because one of the questions that people who want to move here in IT ask is, 'Well, if it doesn't work out with Company X, what are my alternatives?' So having another high-profile company here can only help," said board chairman Mel Lavitt.

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INTERIOR

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approach, it's easy to see how two is better than one," Harris said. "We are certain our combined companies and services therein will accelerate Interior Solutions' development nationwide and allow us to maximize the many opportunities out there for business."

He said Concert is strong in the federal General Services Administration arena in addition to high-density storage and health care, bringing new market opportunities to Interior Solutions, which has revenues of roughly \$16 million annually.

The acquisition "should open some new markets for Interior Solutions, like selling deeply into the acute care hospital market, museums, libraries, 911 command rooms and public safety — for instance, the storage and tracking of property and evidence," said Greg Gawin, former owner of Concert.

Interior Solutions is 23 years old; Concert was 13. Harris said Interior Solutions is in the process of locating and buying a new building in the Phoenix area for its now-larger operations there. It will measure about 70,000 square feet and he hopes the relocation will take place late this year.

Federal Reserve OKs Zions Bancorp's Capital Plan

The Federal Reserve formally notified Zions Bancorp that it does not object to Zions' Capital Plan, submitted pursuant to the Federal Reserve's 2012 Capital Plan and Review (CapPR). Key elements of Zions' Board-approved Capital Plan include:

- Redemption in its entirety (\$1.4 billion) of Zions' TARP (Troubled Asset Relief Program) preferred equity in 2012. This redemption is expected to occur in two installments of \$700 million each; Zions expects to redeem the first \$700 million after receipt of U.S. Treasury approval. The

second \$700 million installment is also contingent on maintenance of adequate parent company liquidity; return of \$500 million of capital from Zions' subsidiary banks to the parent in the second half of 2012, which requires primary bank regulator approval; and no material deterioration in the company's overall condition.

- Total cumulative issuance of approximately \$600 million of senior debt.

- Timely redemption of \$255 million of TLGP (Temporary Liquidity Guarantee Program) debt upon its maturity in June

2012.

- No change to the current common stock dividend of \$0.01 per share per quarter through 2012.

- No common or preferred equity issuance is required.

- No redemption of Zions' Series E preferred shares in 2012.

The CapPR is a comprehensive supervisory exercise designed by the Federal Reserve to, among other things, assess the effect on a bank holding company's capital and liquidity profile, of a 27-month hypothetical and highly adverse economic scenario. This scenario

included a rise in the unemployment rate to more than 13 percent, a more than 50 percent decline in the Dow Jones Industrial Average, and a decline of more than 20 percent in home prices. Among other metrics examined, the Federal Reserve explicitly stated that the subject bank's Tier 1 Common Equity to Risk Weighted Assets would need to remain above 5 percent throughout the scenario period. Using those assumptions, Zions projected that its Tier 1 common ratio would fall to no lower than 7.9 percent.

Salt Lake County home sales rise 18 percent

More homes continued to be sold in February, adding to a nearly year-long trend of rising sales. Sales of previously-owned homes in Salt Lake County in February increased 18 percent to 826 sales compared to 700 sales in February 2011. February was the ninth consecutive month of rising home sales.

"Home sales in February were the highest on record for a February month in five years," said Donna Pozzuoli, president of the Salt Lake Board of Realtors. "Homes under contract (pending sales) in February were up 23 percent compared to last year at

this time. We expect home sales to continue to show big gains through this summer."

In the first two months of 2012, home sales were up 22 percent compared to the same two-month period in 2011.

The median home sales price (all housing types) in February was down slightly at \$175,200, a 4 percent decrease compared to a median price of \$182,000 in February 2011.

The inventory of homes for sale in Salt Lake County in February fell to 4,573 units, down 13 percent from 5,245 units in January 2012. Based on current

home sales trends in Salt Lake County over the past year, there is a 6.7-month supply of housing inventory. A five- to six-month supply of housing inventory is considered a normal market.

Nationally, total existing-home sales rose to 4.59 million in February, up nearly 9 percent compared to 4.22 million homes sold in February 2011, according to the National Association of Realtors. Roughly one-third of all home sales across the country in February were all-cash transactions.



It's daffy to say sportsmen don't help wildlife. Conservation investments by hunters are why the wood duck is now the most common breeding waterfowl in the eastern United States.

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• Industry Briefs •

BANKING

• **Zions Bank** has opened a **Zions Premier Wealth Management Center** at 180 N. University Ave., Suite 140, Provo. It is located in a new, 2,000 square foot space with its own entrance on the street level of the Zions Bank Financial Center. The lobby includes a 16-foot television screen featuring live broadcasts of financial news and current market information as well as free Wi-Fi. The center provides concierge-style service for those interested in a variety of wealth management tools, including investments, financial and estate planning, insurance services, private banking, trust services, retirement resources, online bond auctions and cash management solutions.

• **Utah Power Credit Union** will be **expanding its operations in Price** by building a new branch office. To be located at 380 E. 100 N., the office will be a one-story, 4,500 square foot building that includes a training center to accommodate the training needs for the credit union's three offices in Carbon and Emery counties. Utah Power Credit Union was established in 1935, and today serves more than 23,000 members and operates six offices in Utah and two Credit Union Service Centers, as PowerTrust, in Wyoming.

ENVIRONMENT

• **Salt Lake Community College** has acquired the **Anemometer Loan Program (ALP)**. It will be administered by the College's Energy Institute at the Larry H. Miller campus in Sandy. Previously a program of the Utah Office of Energy Development, ALP provides information to businesses, developers, farmers, ranchers and homeowners who want to determine if the wind on their property is sufficient to support wind power generation or if an investment might be better spent on other renewable technologies. Unlike solar power, which can be accurately estimated based on latitude and elevation, only a long-term wind study can determine how effective wind energy will be in any given area. ALP collects data to help assess the economic feasibility of installing a wind turbine for residential, commercial power supplementation or determine the potential for a site to be developed into a wind farm. For more information about the program or to apply, visit <http://tinyurl.com/slcc-wind> or contact Brandon Malman, at (801) 957-5405.

HEALTH CARE

• **ActiveCare Inc.**, a Salt

Lake City provider of telehealth and personal emergency response services, has obtained a **contract with approximately 1,300 members** through its wholly owned subsidiary **4G Biometrics**. The new members will be assisted by ActiveCare's CareCenter, which specializes in managing the chronic diseases of its members. ActiveCare's CareSpecialists follow up with individual members using its proprietary and patented technologies ensuring the members' compliance and assisting them to achieve the highest probability of wellness.

• **Fit Stop Physical Therapy Clinic** has opened at 51 S. Main St., Salt Lake City, inside The GYM at City Creek, a newest athletic club in the heart of the City Creek Center. The new outpatient clinic offers complete physical therapy, medical and industrial rehabilitation services. It will treat patients seeking rehabilitation care including post orthopedic surgeries, joint replacement, sports related injuries, pre and post surgical rehab and biomechanical analysis. Services also include treatments for arthritis, osteoporosis, patellofemoral syndrome, plantar fasciitis and neurological rehab including Parkinson's and Multiple Sclerosis.

HUMAN RESOURCES

• **Robert F. Parenti** will retire as president of the **Utah Safety Council** effective July 31. Parenti was hired as president of council in 1984. His retirement will mark the conclusion of a career consisting of 38 years as a safety professional. Under his direction, the Utah Safety Council has evolved from a nonprofit organization that provided a handful of traffic and occupational safety programs to a full service safety resource that provides a broad range of services.

• **Utah's nonfarm wage and salaried job count** for February 2012, as generated by the U.S. Bureau of Labor Statistics (BLS), **expanded by 2.5 percent** compared against the employment level for February 2011. This is a 12-month increase of 30,100 jobs, and raises total wage and salary employment to 1,212,300. The seasonally-adjusted unemployment rate — generated by BLS — is Utah's other primary indicator of current labor market conditions and registers 5.7 percent. This rate is unchanged from last month. Approximately 76,400 Utahns are considered to be unemployed. The current United States unemployment rate, as compared to last month, remained unchanged at 8.3 percent.

• The **U.S. Department of Labor** notified the State of Utah recently that based on data released by the Bureau of Labor Statistics, the three-month average total **unemployment rate for Utah fell below the 6 percent threshold** to remain "on" Tier III of the federal Emergency Unemployment Compensation (EUC) program. As a result of the state's 5.8 percent, three-month average total unemployment rate, the current maximum potential entitlement will decrease from 47 weeks to 34 weeks. The week ending April 7 will be the last week in which Utah EUC claimants can exhaust Tier II benefits and establish Tier III eligibility. Under the phase-out provisions, claimants can continue to receive any remaining entitlement they have in Tier III after April 7, provided they are otherwise eligible.

LAW

• The law firm of **Durham Jones & Pinegar**, with offices in Utah and Nevada, has promoted **Melissa Smith** to director of administration. Smith joined the firm in 2001 as an accountant and was promoted to director of finance in 2008. Prior to joining the firm, Smith spent six years as a financial analyst at the Associate's Capital Bank. Smith is a member of the Utah chapter of the Association of Legal Administrators. In her new position, Smith will have primary responsibility for all aspects of the operations of the firm in its four offices. Durham Jones & Pinegar has more than 80 lawyers and 75 support staff in offices in Salt Lake City, Ogden, St. George and Las Vegas.

• **Gavin M. Reese**, of counsel, has joined **Ray Quinney & Nebeker's** Corporate Section. Previously, Reese was an associate at a regional firm in Salt Lake City. His practice focuses on general corporate law, mergers and acquisitions, business entity selection and formation and securities matters. He also

counsels clients in a wide range of real estate matters, including negotiating and drafting purchase agreements, easement agreements and commercial and retail leases. Additionally, Reese assists clients with various projects related to the radio broadcasting industry, such as negotiating sales of FCC licenses and with radio-specific issues, such as radio broadcast agreements and transmitter site leases.

• The law firm of **Kirton McConkie** recently received **The Office Building Project of the Year for 2011** by the Associated General Contractors of Utah for tenant improvements on the Kirton McConkie Building located at 50 E. South Temple, on the north perimeter of City Creek Center. Identified on the award are Okland Construction as the builder, ZGF LLP as the architect, Rich Delamare as the project manager, Bob Petersen as the superintendent and Kirton McConkie as the owner.

MANUFACTURING

• **Mity-Lite Inc.**, an Orem-based manufacturer of durable lightweight banquet, meeting and event furniture, has promoted **Brandon Ross** to vice president of sales. Ross has been with Mity-Lite for 15 years, most recently running the Global Accounts sales operation, where he is credited with increasing the manufacturer's market share and doubling profitability. A top producer since joining Mity-Lite, Ross has created many of Mity-Lite's sales strategies over the years and in 2011 implemented the first Mity-Lite Manufacturer's Representative program. In his new role, Ross will be responsible for leading Mity-Lite's entire sales function and joins the company's executive committee.

MEDIA/MARKETING

• **The Summit Group**, a Salt Lake City firm that was founded in a hotel room as a one-person

public relations company but has blossomed into a full-service communications agency, is celebrating its **30th anniversary**. The firm now has 72 employees and a national reach. Major clients include SelectHealth, SUBWAY Restaurants in 31 markets, Mountain America Credit Union, Time Warner, EnergySolutions, Costa Via, Nonpareil, T-Mobile in 26 markets, Jones Waldo, Extra Space Storage, Morris Murdock Travel, Les Schwab and MGIS Companies. The company has earned numerous awards; its SUBWAY Markets have won Best Large Market of the Year and Best Small Market of the Year awards.

REAL ESTATE

• The Salt Lake City office of **CBRE** has been selected by **Taco Bell** franchisee Mark Peterson of DDO-Utah LLC for site selection for **several new restaurants in Utah**. The Mexican-style, quick service restaurant chain will open a 2,500 square foot store in Payson in May, and several more stores are expected to be announced soon, including one in Herriman, where Peterson already purchased land for a new location. It has been more than 10 years since Taco Bell has opened a new location in Utah.

• **Ivory Homes** has launched a video contest in conjunction with its new tagline, **"Love Matters."** Participants have 60 seconds or less to tell why they love Ivory Homes. The top five contestants will receive new, third-generation iPads, while the grand prize winner will be awarded an additional \$1,000. The contest will be broadcast on YouTube and Ivory's Facebook page. The initial qualifying round ends April 6. For more information, visit iloveivory.com.

• **Commerce Real Estate Solutions**, an independently owned and operated member of the Cushman & Wakefield Alliance,

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• Calendar •

• April 3, 4 and 5, 5:30-8:30 p.m.: **Study Seminar for Structural Systems Portion of the Architect Registration Exam (ARE)**, offered by BHB Consulting Engineers. Location is Architectural Nexus, 255 East Parleys Way, Salt Lake City. Offered by BHB Consulting Engineers. Free. Register by contacting Tiffany Woods at tiffany.woods@bhbenigneers.com or (801) 355-5656.

• April 5, 8:30-10 a.m.: **International Trade Finance Business Briefing**, presented by the Salt Lake Community College Miller Global Business Center, the Utah District Export Council and the U.S. Commercial Service. Dennis Chrisbaum, director of the International Trade Finance Office of International Trade U.S. Small Business Administration, Washington, D.C., and Bryson Patterson, regional manager Export Solutions Group, Office of International Trade U.S. Small Business Administration/U.S. Export Assistance Center, Denver, will explain how U.S. government financing programs can help provide you with the working capital necessary to build an order and to safely extend open account terms, if necessary. Whether your production cycle is 10 months or 10 days, the SBA's Export Working Capital loan program can help meet your working capital needs up to \$5 million. Or, the SBA's Export Express program can provide funds up to \$500,000 on a term-loan basis to help you market and expand your sales over-

seas. Location is the Miller Campus of Salt Lake Community College, 9750 S. 300 S., Sandy, in the Miller Professional Development Center. Free. One-on-one appointments are available after the presentation. To register, schedule an appointment and for more information, call (801) 957-5336 or e-mail stan.rees@slcc.edu.

• April 8, 6 p.m.: **Salt Lake Chamber 125th Anniversary Gala**. Location is the Grand America Hotel, 555 S. Main St., Salt Lake City. Cost is \$100 per person. A reception will begin at 6 p.m. followed by dinner and a program at 7 p.m. For more information, visit www.slchamber.com.

• April 10, 7:30 a.m.-1:30 p.m.: **"The Juggling Act: HR Strategy and Employment Law Compliance,"** presented by the Salt Lake Society for Human Resource Management (SHRM) and Ballard Spahr. This annual seminar will address current issues impacting HR and business leaders, including strategic HR, immigration, health care reform, social media, and ADA. There will also be breakout sessions. Location is the Salt Lake Marriott Downtown at City Creek, 75 S. West Temple, Salt Lake City. Cost is \$75 for SHRM members, \$115 for nonmembers. Lunch and keynote only is free for members, \$30 for nonmembers. Register at www.slshrm.org.

• April 10, 8 a.m.-4 p.m.: **Governor's Utah Economic Summit**. The theme is "Innovation and Investment: Building Utah's Economy." The event is designed

to provide business leaders and decision-makers from the business, government and academic communities the opportunity to learn more about strategic opportunities and challenges facing businesses today. More than 1,200 attendees are expected. Morning keynote will be by Robert Knight Jr., chief financial officer for Union Pacific. The mid-day keynote will be by Gov. Gary Herbert. Morning speeches will be by Google's managing director of global channel sales, Todd Rowe, and Ron Pollina, president and founder of Pollina Corporate Real Estate and author of *Selling Out a Superpower: Where the U.S. Economy Went Wrong and How We Can Turn It Around*. The summit also will include presentation to three Utah recipients of **Trade & Industry Development** magazine's Corporate Investment and Community Impact Awards and a concluding reception featuring "Utah's Own" food grown or manufactured in the state of Utah and prepared onsite by Utah culinary students under the instruction of Grand America's chefs. Location is Grand America Hotel, 555 S. Main St., Salt Lake City. Standard registration is \$150, which includes keynote presentations, morning and afternoon breakout panels, breakfast and lunch. Table sponsorships are available. The event begins with check-in at 7 a.m. Details and registration are at www.UtahSummit.com.

• April 11, 3:30 p.m.: **"How to Raise Money,"** hosted by the Wayne Brown Institute. Presenters

will discuss current trends, the fund-raising process, finding the right investor and how to raise capital from an investor. The seminar will introduce the importance of a business plan, what sources of capital are right for your business, the five Fs, angels and venture capitalists, business structure and raising money legally. Presenters will include a legal investor, someone from the lending and grants community and a serial entrepreneur. There will be an open Q&A. Location is the Miller Business Innovation Center, 9750 S. 300 W., third floor, Sandy. Free. More information is at <http://www.venturecapital.org/vc-events>.

• April 13, 8 a.m.-4 p.m.: **"Creating a Culture of Safety,"** presented by the Utah Manufacturers Association. Keynote speaker will be Chad Hymas, who was involved in a serious accident in 2001 that left him a quadriplegic. Last year he spoke at more than 220 events and traveled more than 300,000 telling his story, "How a Split Second Can Change Your Life" as well as "How Personal Responsibility is a Matter of Life and Death." Breakout sessions will focus on safety violations, hand protection, the impact of opioid use in the workplace, occupational noise exposure, lift safety, back safety and independent contractor training. Location is the Little America Hotel, 500 S. Main St., Salt Lake City. Cost is \$75. Register at www.umaweb.org.

• April 17, 7:15- 9 a.m.: **Association for Corporate Growth Utah Breakfast Meeting**. Guest speaker will be John W. Ward, chief financial officer at Harmons Grocery Stores. In addition to finance, Ward oversees real estate/property management, represents Harmons in government affairs and has been a member of Harmons' board of directors since 2001. He graduated from the

University of Utah in 1982 with a BS in economics and he received his MBA from Westminster College in 1988. Location is the Little America Hotel, 500 S. Main St., Salt Lake City. Free to ACG members, nonmembers pay \$30. Register at www.acgutah.org or by calling Linda Blake at (801) 359-8613.

• April 18, 11:30 a.m.-1:30 p.m.: **Utah Technology Council Annual Members' Meeting**. UTC members will elect a slate of trustees for the coming year, and board officers will be announced. Peer awards will be given in the following areas: CEO, CFO, CTO, Emerging Exec, HR Exec, Marketing Exec and Sales Exec. Awards will also be given for Legislator of the Year and Volunteer of the Year. Location is the Grand Ballroom of the Little America Hotel, 500 S. Main St., Salt Lake City. Cost is \$50 for UTC members, \$90 for nonmembers, lunch included. Register at www.utahtech.org.

• May 15-17: **Ninth Annual Utah Tourism Conference**. Location is the Utah Valley Convention Center, Provo. The conference is co-sponsored by the Utah Office of Tourism and the Utah Tourism Industry Coalition. Activities include sessions on domestic and international marketing, research trends, public relations, social media, a legislative update and other topics. Entries and nominations are being accepted for the Utah Tourism Hall of Fame Awards and the seventh annual Utah Tourism Marketing and Advertising Contest. The deadline for the Hall of Fame nominations is April 6. Details on the Hall of Fame can be found at <http://travel.utah.gov>. The awards will be presented during the conference. The Marketing and Advertising Contest is accepting entries for the best-of-industry marketing, promotion and advertising efforts. The deadline for the contest is April 19. The entry fee is \$25 for up to four entries in the categories of print, broadcast, web and special promotions. Details are at http://travel.utah.gov/tourism_conference/2012UtahTourismConference.html, or by contacting Rebecca Katz at the Utah Office of Tourism at rkatz@utah.gov. Individual conference registration is \$175. Two or more representatives from the same company can register for \$150 per person. Student registration is \$50. Details and registration are at www.utahtourism.org, by calling UTIC at (801) 505-5266 or by contacting the Utah Office of Tourism at www.travel.utah.gov or (801) 538-1900.

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BIG BUSINESSES

coming to

Southern Utah

By Andrew Haley

The Enterprise

National manufacturing companies are moving to Southern Utah because of the region's strong work ethic, low labor and energy costs, pro-business governments and proximity to major transportation corridors. Idaho-based Litehouse Foods opened a \$10 million, 89,000 square foot salad dressing plant in Hurricane last year. In 2003, Iowa-based Wells Enterprises Inc., the largest ice cream manufacturer in the United States, opened a 160,000 square foot plant producing its Blue Bunny brand ice cream in St. George.

Both companies said proximity to transportation corridors linking the plants to West Coast markets was a vital component to choosing Southern Utah as a location for doing business. Liz Croston, a spokesperson for Blue Bunny, said another factor for choosing St. George was the city's 2,000-foot elevation. Wells' other two manufacturing facilities are in Le Mars, Iowa, at 1,200 feet, and traversing the Rocky Mountains negatively affects the quality of the ice cream and distorts packaging as air inside both expand at higher altitudes.

Croston said the company's St. George plant produces all the ice cream delivered downhill to the West Coast, as well as supplying Blue Bunny products to higher elevation markets like Salt Lake and Denver. Contrary to popular perception regarding the voracity of Utahns for ice cream, the St. George plant primarily serves the far more lucrative West Coast market. Croston said the plant employs 89 full-time workers; according to its Web page, the Litehouse plant employs 162.

Litehouse, which began as a family-owned restaurant in Hope, Idaho, and got into retail because of the popularity of its bleu cheese salad dressing, cited several other factors in its choosing Hurricane as the location for its third plant. Company executives said low labor and energy costs made the 14,000-person town its choice jumping off point for expansion into the Southwestern market. The employee-owned company, with more than 500 people on the payroll and sales in excess of \$140 million, operates two other plants — in Sandpoint, Idaho, and Lowell, Mich.

The State of Utah offered Litehouse an extensive incentive package, including assistance from the local community and a single taxpayer, post-performance incentive of \$502,400 as a tax credit over 10 years. The products produced in the new Utah plant are a mix of existing lines as well as products from Green Garden Foods, a Kent, Wash., company acquired by Litehouse.

Tom Bingham, president of the Utah Manufacturing Association, said access to transportation is crucial to attracting manufacturers to Southern Utah.

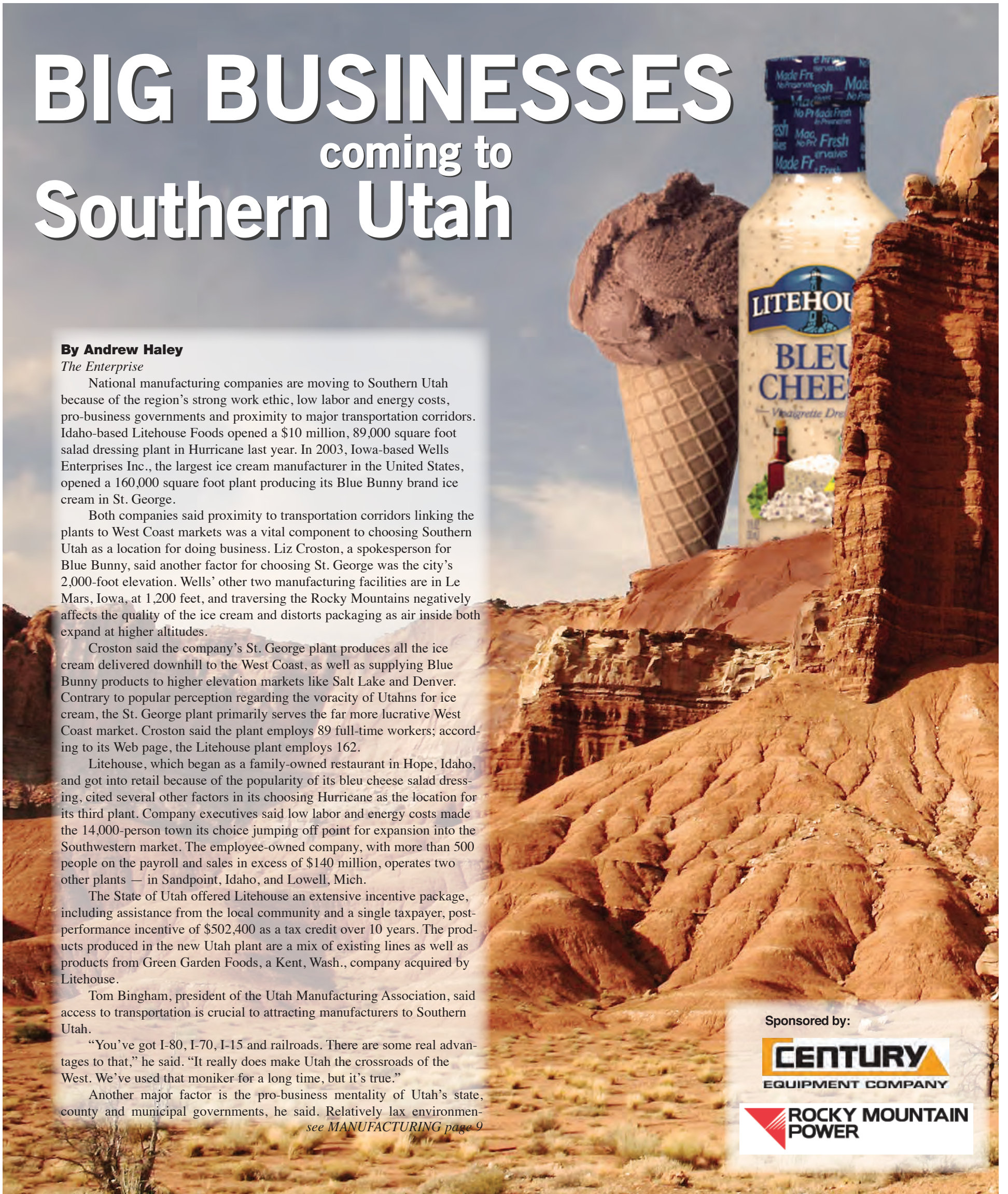
"You've got I-80, I-70, I-15 and railroads. There are some real advantages to that," he said. "It really does make Utah the crossroads of the West. We've used that moniker for a long time, but it's true."

Another major factor is the pro-business mentality of Utah's state, county and municipal governments, he said. Relatively lax environment-
see MANUFACTURING page 9

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State-of-the-art Tonaquint Center opens up St. George region to Internet-based technological development

By Andrew Haley
The Enterprise

The state-of-the-art Tonaquint Center in St. George has opened up the region to Internet-based technological development with its Tier III data center, and continues to attract start-up IT and other companies to its business park.

“The Tonaquint Center is probably one of the most important pioneering technology activities in Southern Utah and continues to be an important factor in diversifying our economy,” said Jill Elliss, Southern Utah director of the Utah Science Technology and Research (USTAR) initiative, and a member

of the Dixie Business Alliance.

USTAR is a long-term state-funded investment designed to create novel technologies that are subsequently commercialized through new business ventures. Founded in 2006 by the state Senate, USTAR is transforming Utah’s research universities, such as Cedar City’s Southern Utah University, into regional hubs for research and development in IT and into centers of business development with a mind to establishing high-tech start-up companies in those universities’ respective regions.

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They’re going to be good, loyal, trusting employees,” according to Bingham.

Perhaps the most obvious attraction to moving a business to Southern Utah is the region’s abundance of recreational activities.

“I heard a CEO say, ‘all things being equal, if I can move my company to rural Utah, where I can hunt and mountain bike and do the things I like, that’s where I’m going to go.’ All things being equal, the CEO makes the decision to be where he wants to be,” Bingham said.

He said other factors are Utah’s energy costs, among the lowest in the country due to the state’s surfeits of coal and natural gas, and Utah’s much-touted highly educated workforce, though, in the manufacturing sector, that is slipping.

“They want to be where natural gas is accessible. Energy cost is a big issue. But still the number one thing companies are looking for is a highly educated, trained workforce. They like the work ethic of the Utah people. We have a manufacturing skillset deficit now and it’s going to get worse. [Manufacturing] is very high-tech. It’s not your grandpa’s manufacturing plant,” he said.

Other significant manufacturers in the St. George area, according to the St. George Area Chamber, include Bomatics Plastics (custom plastic containers), Deseret Laboratories (nutritional products, over-the-counter drugs), Mikohn (gaming equipment and systems), Milliken & Co. (flame-resistant fabrics), Orgill (home improvement products), Pace American (enclosed cargo trailers), Quality Park Products (office products), Ram Co. (solenoids and valves), Reid Ashman Inc. (mechanical and electrical interface solutions), St. George Steel Fabricating (structural steel), Steton Technology (auditing software) and Viracon (high-performance glass).

Site in June 2002 by then-Gov. Mike Leavitt — designation entitling qualified tech companies to state financial incentives — the Tonaquint Center maintains a two-fold business plan of operating a Tier III data center with dedicated fiber optic Internet feeds and of providing St. George office space wired with the requisite technology for Internet-based companies to operate. Data centers are secure facilities housing numerous servers and the computers that run the Internet, and operate with increasing frequency as off-site virtual storage facilities for IT companies lacking the capital to maintain adequate services in-house. The Tier III designation means all of

the Tonaquint Center’s IT equipment is dual-powered, with state-of-the-art backup systems that switch on instantly in the event of a blackout, and are powered by four 750 kilovolt-ampere uninterruptible power supply (UPS) fuel-powered generators able to keep its clients’ online presence active through a catastrophe with a guaranteed 99.982 percent chance of success.

“Years ago, before the Tonaquint Center got started, there was only one point in which the Internet came into Southern Utah. If a backhoe in Sanpete County tripped the mainline, everything turned off in Southern Utah,” Elliss said.

The Tonaquint Center custom builds servers for its clients and offers colocation services, essentially renting requisite equipment, space, bandwidth, maintenance, power, cooling and security to IT companies. One advantage of colocation is that due to the economy of scale, small and medium sized companies using a colocation service have access to facilities and personnel that would otherwise overwhelm their overhead capabilities. Furthermore, colocation services allow IT personnel to focus on their work rather than spending valuable time on maintenance and troubleshooting.

Security is another major factor
see TONAQUINT next page

MANUFACTURING

from page 7

tal regulations, as well as lower workers’ compensation insurance and cheap utilities, make Utah a good pick for alternative manufacturing plant sites. Especially given its transportation links to West Coast and Rocky Mountain markets, Utah is a choice location for manufacturing companies looking to avoid the high cost of doing business in states like California.

“The California legislature and governor are doing everything they can to drive manufacturers out of California. It makes it attractive to do business here and ship it to the coast. We have a much friendlier business atmosphere,” Bingham said.

He said several other factors contribute to Southern Utah’s appeal as a manufacturing destination — because the Wasatch Front’s winter air quality can be so poor, EPA regulations all but prohibit the construction of new manufacturing plants in Weber, Davis, Salt Lake, Summit and Utah counties, so manufacturing companies are moving farther south where airshed (regions sharing a common flow of air) limitations are not proscriptive.

“That’s a factor we’re going to see increase over time. It’s too difficult to get a permit to do business on the Wasatch Front,” he said.

Rural employees work harder and are more attached to their jobs that young urbanites with a predilection for mobility, he added.

“There are advantages to working with the work ethic of rural folks versus urban folks. In the urban areas, this younger generation is a whole lot more mobile. Rural folks are going to find a good manufacturing job, where they want to live, and they’re going to hang onto it. Your employees are not going to pack up and move elsewhere.

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New St. George airport opens up area to new business opportunities and future development on 1,200 acres

By Andrew Haley
The Enterprise

An improved airport in St. George is opening up the city to new business opportunities and following larger development trends in the southwest corner of the state.

Opened in January of last year, the new airport, which cost approximately \$160 million, is five times larger than its predecessor, with a 9,300-foot runway that is twice as wide and a third as long as the one it replaced. Construction began in 2008.

Sitting on roughly 1,200 acres, the new municipal airport offers a large expanse of land the city hopes will attract developers, but its central mission is to meet the demands of out-of-state companies reliant on regional jet travel, said, St. George assistant city manager Marc Mortensen.

"We've been talking about the airport for years. It's been up and running for 14 months. So far it's been good," Mortensen said. "The important thing is the airport wasn't built for today. It was built for the 50 years to come. It gives us opportunities the old airport simply couldn't, in terms of business development."

Approximately 150,000 people live in Washington County,

with half that number residing in St. George. The city has been growing at a ferocious pace over the last few decades and St. George is increasingly becoming a stand-alone metropolitan area whose ties to Phoenix, Las Vegas and Los Angeles are competing with its ties to Salt Lake and the greater Wasatch Front. The airport is just one more piece of the infrastructural puzzle that is building the city into a regional urban hub. Currently, SkyWest Airlines, which is based in St. George, offers flights between St. George, Salt Lake City and Los Angeles under the Delta Connection and United Express banners, but Mortensen said the city and the airport are working closely with SkyWest, and also is negotiations with Republic and Frontier Airlines, about expanding service. He said the city envisions increased air traffic to Salt Lake, but also extending service to Denver, Phoenix and possibly San Francisco. One idea the city is exploring involves developing the new airport into a transport hub for delivering Asian tourists in California to the three national parks in the area.

"We are trying to tap into the Asian market in LA. Asian visitors fly to LA, hop a plane to



Though designed for small regional jets, the new airport's runway can accommodate much larger planes, such as this one that was featured in a recent Thunder Over Utah airshow.

St. George and visit the national parks," he said. "Our largest draw to the area, in terms of tourism, is Zion, plus Bryce and the Grand Canyon. There are 2.5 million visitors each year to Zion and a good share of those stay in St. George because of the amenities we offer."

According to Mortensen,

the new airport was engineered to accommodate Bombardier's Canada Regional Jet line of passenger jets, from the 50-passenger CRJ200 to the 76-passenger CRJ900. SkyWest operates 159 CRJ200s and 21 CRJ900s, as well as 94 single, dual and triple-class CRJ700s, which seat between 65 and 70 passengers. It is the

only airline headquartered in St. George.

Though designed for the CRJ, the airport's 9,300-foot runway makes its capable of handling much larger airplanes, up to and including Boeing's 737, which once held 85 passengers but now hold as many as 177. At the recent

see AIRPORT next page

TONAQUINT

from previous page

tor to the appeal of the Tonaquint Center. While its Tier III architecture takes into account area seismic and topographic features, and its dual-powered capability mitigates against failures in the electric grid, its security features far outstrip the server rooms that for most small to medium sized businesses are little more than drywall closets in a corner of the office. While clients have access to the Tonaquint Center 24 hours a day, seven days a week, access is controlled via numerous electronic and human safeguards including round-the-clock security personnel, full camera coverage and various biometric and electronic mechanisms.

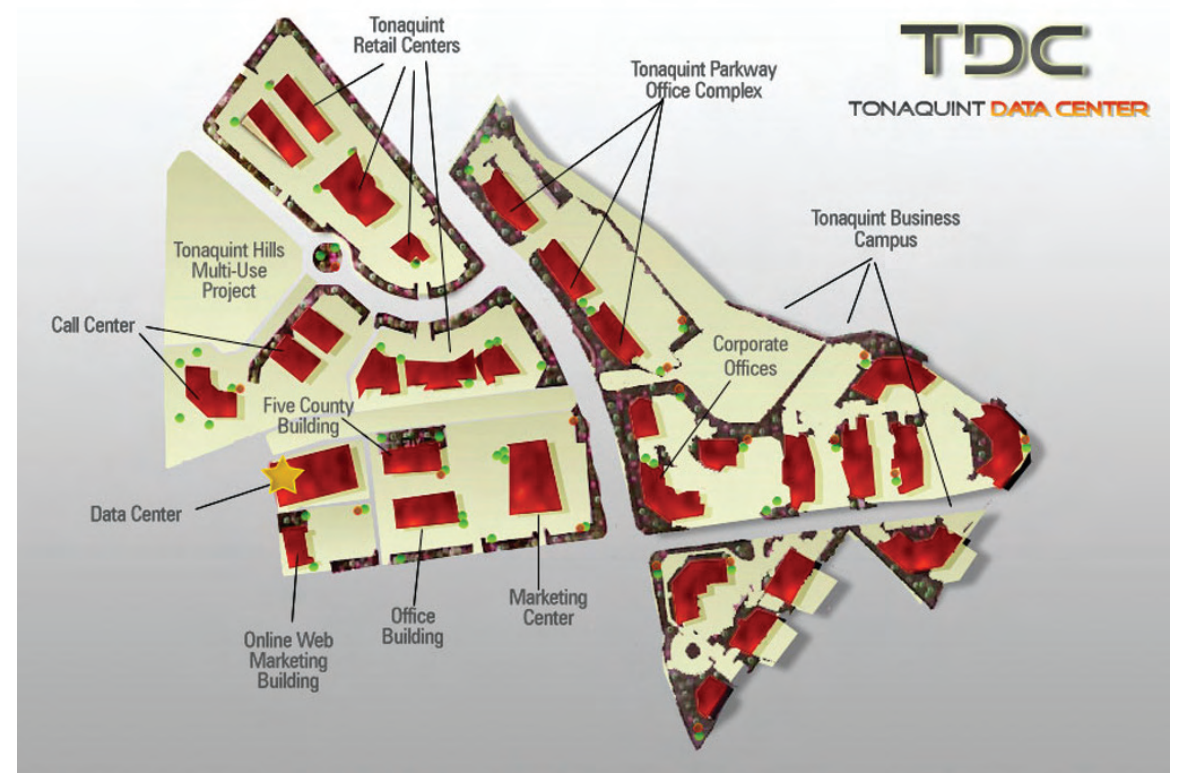
"The Tonaquint Center's founders were very visionary. It allows the infrastructure to be available. Since the founders of the Tonaquint Center brought that in, others have come in, but they were the ones who stepped out and put up that activity," Elliss said.

Tonaquint's investors began planning the facility in 2002, when they saw increased demand for data center infrastructure in Southern Utah. According to the company website, the location they purchased fit several

requirements: favorable climate, access to power, network capabilities, topography with ideal seismic conditions, and room for expansion. Initial construction began in 2007 and wrapped in 2008, though there are plans to expand the facility to an eventual 24 building sites offering 600,000 square feet of leasable space, all with dedicated fiber Internet access with speeds up to 1,000 Mbps guaranteed by four 1000 kVA UPS generators.

With banking records, company e-mails and other vital information increasingly housed in virtual storage, many companies and their customers rely on guaranteed Internet activity, including in the event of an earthquake or other disaster. Being prepared for those eventualities is a key part of the Tonaquint Center's business. The facility keeps two days' worth of fuel on site, with a service level agreement with an area fuel supplier to provide fuel in the event of a long-term outage, and monitors all of its core systems and network health every minute of every day.

The Tonaquint Center recommends clients use its bustable bandwidth flexible pay-as-you-go base rate, a payment plan much like a cell phone calling plan, that allows clients to pick an estimated baseline of data use. That is calibrated using the 95th percent rule, insulating customers from unusual



peaks in data use. Plans, and customization of actual hardware, can be modulated as needs arise.

"[The Tonaquint Center business park] is where tech companies want to go because it's a premier location. There's kind of a renaissance of tech [in Southern Utah]. It is blossoming right now. I wouldn't say booming, because we lack the resources, say, Utah County has. We are seeing growth happening here. Things are defi-

nitely happening in Southern Utah. [Tech companies] love it here. The lifestyle here is terrific," Elliss said.

Apart from its data center, the Tonaquint Center also houses several other businesses seeking a modern facility with state-of-the-art Internet access. The law firm Snow Jensen and Reece, whose founding partner, V. Lowery Snow, sits on Tonaquint's board, practices real estate, commercial

transaction, land use planning and telecommunications law at its Tonaquint Center office. Other lessees include Upillar.com, a free online classified ads company; Ad2Action.com, an Internet marketing company; the Workers Compensation Fund, a 95-year-old mutual insurance company; InterLinx, a fiber optic company; Steton, a business consulting software company; and Zion's Way Home Health and Hospice center.

AIRPORT

from previous page

Thunder Over Utah airshow, hosted by the airport, the new runway launched and received numerous military aircraft and was capable of handling the enormous C-17 Globemaster III military transport, a 174-foot behemoth able to lift a payload of 170,000 pounds. Mortensen said numerous out-of-state visitors to the airshow praised the capability and design of the new airport, particularly given the relative smallness of the St. George community.

Tom Callister, a real estate agent with Commerce Real Estate Solutions who specializes in raw land, said the area around the airport has seen numerous recent acquisitions and development. The preponderance of the activity has been led by recreational businesses, including a motocross park, a wakeboard park and several soccer facilities. Mortensen said part of the airport's design took into consideration future development opportunities as demand arose.

"It's completely expandable. There's a lot of land both inside the fence and outside the fence for companies that want to be on or near the airport," Mortensen said. "It can grow and expand as demand grows and expands. Though we don't see a need to expand in the immediate future, we can grow if the need arises."

Future expansion includes a possible extension of the airport's runway to 11,000 feet. As is, the new runway makes St. George once again a suitor of companies that previously took the city automatically out of contention because it lacked regional jet service. But with that

capability achieved, the city is actively recruiting out-of-state businesses looking to relocate to an area with a pro-business government, low energy and labor costs, and proximity to both interstate transportation corridors and appealing recreational activities.

"Jet services are necessary for companies moving to the area. With it we're seeing a resurgence of companies looking to move to Southern Utah," Mortensen said.

Drawing out-of-state businesses to the area is only one facet of the airport's contribution to the area economy. St. George is the focal point for recreational activities in the region, with Zion, Bryce, and the Grand Canyon national parks all within a short drive. Mortensen said the volume of paying passengers to the St. George airport is already up 18 percent.

Visitors come to St. George for many reasons.

"Our first draw is Zion, followed by golf, followed by softball. We're a big softball destination. Our Canyons Softball Complex has been named the top softball complex in the country for nine years in a row. And the Tuacahn Amphitheatre brings \$60 million into the local economy each year," Mortensen said, referring to the Tuacahn Amphitheatre, run by the Tuacahn Center for the Arts, a family-friendly nonprofit presentation and production organization.

One of the primary beneficiaries of increased passenger traffic is the city's principal carrier.

"I think SkyWest has been pleasantly surprised. We're still coming out of a tough economy, but we're definitely seeing positive trends," Mortensen said.

Southern Utah recreation notes

Green River-based river rafting outfit Holiday River Expeditions is expanding its mountain biking tour program.

The new trip will be called "Iconic Moab Day Rides" and will feature four days of guided mountain biking. The trip is based out of Moab Springs Ranch. Groups can decide between such iconic biking trails as Amasa Back, the 24-Hours of Moab Loop, Klondike Bluffs, Sovereign Trail, Monitor & Merrimack, sections of the White Rim, sections of the Kokopelli Trail or Onion Creek. Transportation to the rides, as well as breakfast and lunch, is included.

Holiday River Expeditions also offers five other mountain biking trips. The White Rim Trail is a three to four-day day bike trip available from April to October and is for those with intermediate mountain biking skills. San Rafael Swell is a four-day bike trip through an area known as "The Swell" that is a 3,000-foot fold of sandstone located on the Colorado Plateau. This bike trip is also for intermediate skilled riders and is available on request.

"The Maze" located in Canyonlands National Park, has long been a favorite for hikers and bikers. This four-day trip is available between September 25-28 and upon request. For those short on time, the two-day La Sal Mountain Loop biking trip is for beginners and intermediate riders and is available on Saturdays during July and August.

Lastly, Yampa Bench is two days of mountain biking in Moab available in June for intermediate bikers. This trip includes 46 miles of riding on dirt roads that run

between the Blue Mountains and a visit to "Jenny Lind Rock," a petrified sand dune.

.....

Wild Rivers Expeditions, Bluff, will conduct its first annular eclipse trip in May. An annular eclipse occurs when the sun and moon are exactly in line, but the apparent size of the moon is smaller than that of the sun and it appears as a very bright ring, or annulus, surrounding the outline of the moon.

The firm offers one to 10-day trips traveling through Utah's Canyon Country on the San Juan River, which cuts through the heart of the Colorado Plateau, offering nature's front row to extraordinary land formations, 300 million years of geology, archaeology, rock art and numerous national parks and monuments. With runoff measuring at 83 percent of normal and late storms possible, the season is off to a good start. San Juan County has one of the longest rafting seasons in the North America, lasting from March through October, with Bluff (near Monument Valley) serving as its base.

Wild River Expeditions offers one to 10-day trips — traveling through the upper canyon, lower canyon or both — spanning 26 to 84 miles of river and including many specialty trips focusing on different aspects of the area, two of which are planned to highlight the Annular Solar Eclipse of 2012, as this area is one of the prime spots in North America from which to view it. This specialty trip from Mexican Hat to Clay Hills is five days and four nights and planned to allow rafters one of the best

see RECREATION next page

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RECREATION

from previous page

views of the new moon moving in front of the sun, with special glasses for eclipse viewing.

.....

New for 2012 is a Moab Ropes Course Adventure challenging individuals, families and corporate groups seeking team-building opportunities. The high ropes course is available alone or in combination with other outdoor adventure activities in the Moab region exclusively through Moab Adventure Center.

Building on a growing corporate meetings market, bolstered now with the convenience of direct commercial flights into Moab, Moab Adventure Center has developed a three-day/two-night Moab Corporate Retreat adventure package including accommodations at Red Cliffs Ranch, dinners, wine tastings, breakfasts, a morning high ropes course emphasizing team building and bonding, and a scenic off-road Hummer tour of a working cattle ranch with a cowboy-prepared cookout lunch followed



by a Colorado River float trip. The package, which also includes time for meetings, speakers and awards ceremonies, is priced at \$615 per person, double occupancy.

Brandon Lake, co-founder of Moab Adventure Center, anticipates that the new Moab high ropes challenge course will draw meeting planners from around the West looking for group team building activities.

According to Lake, "In about three hours, you can run the high ropes course, a network of ropes connected to 40-foot-high towers secured by heavy-duty bolts and cables. The payoff is having fun while building trust, confidence and communication. Professional facilitators guide guests through each station along the challenge course including a state-of-the-art climbing tower and the popular giant swing."

Southern Utah commercial real estate sees improvement

By Andrew Haley

The Enterprise

The commercial real estate market in Southern Utah saw improvement in the industrial and retail sectors last year, though the office sector continues to struggle with a high rate of vacancies.

"Office we believe bottomed out at year-end 2011. Industrial and retail are about 2.5 years ahead of office," said Travis Parry, director of industrial/investment real estate at Commerce Real Estate Solutions.

Parry said the market has processed most of the distressed and foreclosed properties in the region, but remains skittish. The economic downturn has been disastrous to commercial real estate in Southern Utah; much of the previous 30 months saw the market chewing through outstanding properties well below market values, he said.

"2008 and 2009 were really tough years. We saw very little activity in the commercial real estate market. People were paralyzed and in fear that the sky was

falling," Parry said.

According to Commerce's 2011 year-end report, industrial vacancy rates dropped year-to-date from 14.5 percent to 10.24 percent. That was up significantly from rates of 6 percent in 2007, but well below the 15.51 percent when the market hit bottom in 2009. The report said small parcels of industrial real estate under 10,000 square feet have led the year's 5.29 percent absorption rate.

"Washington County is showing strong signs of confidence in the economy, particularly in the retail and industrial sectors. The office market remained sluggish in 2011 with most of the activity in the form of tenants taking advantage of the low lease rates and moving up to higher quality space," the report stated.

Retail saw a 4.47 percent absorption rate in 2011, with vacancies dropping YTD from 11.67 percent to 9.01 percent, according to the report. Retail vacancy rates jumped from 4.3 percent in 2007 to 11.66 percent in

2009. The I-15 corridor between St. George and Washington City was the principal focus of retail activity.

"One trend to note: if absorption continues at the same pace as 2011, or 226,525 square feet per year, with no additional vacant space added, the Washington market will be out of retail space in two years," the report stated.

The office sector remained a bone in the throat for Washington County commercial real estate. YTD, vacancy rates were up slightly at year-end 2011 at 15.4 percent over 15.2 percent in 2010. That was the highest point since 2007, when the rate stood at 10.3 percent.

Most of the activity in the office sector had been driven by clients "leasing up" or moving to improved real estate.

"The flight to quality space continues as tenants migrate from Class C to B space and from Class B to A space. This growing vacancy in Class C contributed to significant price declines

see REAL ESTATE page 14

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Top Golf Courses in Southern Utah

Ranked by slope

Course name	Phone Web	Slope	# of tournaments held in 2010	Rating Par	Green fees per 18 holes	Head professional
Coral Canyon 1925 N. Canyon Greens Dr. Washington, UT 84780	435-688-1700 coralcanyon.golf.com	137	55	73 72	Sun-Wed: \$95 Thursday: \$100 Fri-Sat: \$105	Matt Green
Sand Hollow Golf Course 5625 W. 3600 S. Hurricane, UT 84737	435-656-4653 sandhollowresort.com	137	N/A	73.7 72	Weekdays: \$30 Weekends: \$45	Colby Cowan
The Ledges 5224 N. Winchester Hills Dr. St. George, UT 84770	435-634-4640	134	N/A	73.5 72	\$85	Paul Holden
Green Spring Golf Course 588 N. Green Spring Dr. Washington, UT 84780	435-673-7888 greenspringgolf-course.com	130	4	71.9 72	\$52	Nick Neeley
Sunbrook Golf Course 2336 Sunbrook Dr. St. George UT 84770	435-634-5866 redrockgolftrail.com	129	NA	73 72	\$65	Reed McArthur
St. George Golf Club 2190 S. 1400 E. St. George, UT 84790	435-627-4404 redrockgolftrail.com	126	N/A	73.7 73	\$47	James Hood
Moab Golf Club 2705 S. East Bench Rd. Moab, UT 84532	435-259-6488 moabcountryclub.com	122	N/A	69.1 72	\$42	Robert Jones
Dixie Red Hills Golf Course 1250 N. 645 W. St. George, UT	435-634-5852	119	N/A	65.39 34	\$22	Allen Orchard
Sun River Golf Course 4210 S. Bluegrass Way St. George, UT 84790	435-986-0001 sunriver.com	117	N/A	70.6 71	\$38	Neil Economy
Sky Mountain Golf Course 1030 N. 2600 W. Hurricane, UT 84737	435-675-7888 skymountaingolf.com	115	N/A	69.9 72	Weekday: \$65 Weekend: \$73	Kent Abegglen
Green River State Park Golf Course 450 S. Green River Blvd. Green River, UT 84525	435-564-8882	108	N/A	33.3 714	\$18	N/A
Canyon Breeze Golf Course East Canyon Rd. Beaver, UT 84713	435-438-2601	N/A	N/A	N/A 34	\$9	Jack Erwig

WND= Would Not Disclose N/A= Not Available

Please note that some firms chose not to respond, or failed to respond in time to our inquiries.

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 **Enterprise**
UTAH'S BUSINESS JOURNAL

REAL ESTATE

from page 12

in this class, bringing down the mean asking lease rate from \$9.38 per square foot (sf) at midyear to \$7.92 per sf. Class A asking lease rates, for the most part, remained unchanged," the report said.

"It has been a bit of chess game in town, with people trading around, but we have seen new entrants into the marketplace," Parry said.

Tom Callister, director of retail and raw land transactions at Commerce, said the office sector is recovering, after hitting bottom over a year ago. Statistically, the situation is muddled by traffic from clients leasing up, which have plateaued Class A rates and driven

Class C rates into the ground. According to the Commerce report, increased vacancies in Class C office real estate have driven prices down in 2011 from \$9.38 to \$7.92 per square foot.

"We've seen a lot more interest in office over the last couple of months. I think office has bottomed out and is starting to recover. A year ago we were starting from almost nothing, but the difference is pretty phenomenal really," Callister said.

The scenario of industrial and retail thriving while office languished was only true in broad strokes, said Neil Walter, managing direct at NAI Utah Southern Region

"It has a lot to do with where you're at and what market you're in," he said.

Walter said his company's yet-to-be released report for the previous quarter showed positive signs in all three sectors, despite the closing or downsizing of several area big-box stores.

"Everything is up across the board. Office has tightened a little bit. Retail is slightly down due to the loss of those big-box stores, but we don't think that's a real problem. Industrial is doing well," he said.

Walter said office vacancy rates remained depressed by an oversupply of new office real estate, with lessees opting for older buildings. Despite that, the sector is improving, led in part by medical office leasing by groups of doctors forming their own enterprises.

"Office is good. There's still

an oversupply of first generation office space that's never been occupied," he said.

Walter said retail recovery remained focused on locations anchored to big-box stores, with outlying retail real estate still struggling. He, Parry and Callister said retail commercial real estate in Washington County is buoyed in large measure by the Red Rock Commons, a 137,000 square foot retail space that is already near total occupancy.

"In retail, we're seeing tightness in anchored locations. Unanchored retail is still pretty weak. Unanchored retail has not recovered like anchored has," Walter said.

While the market remained depressed in areas farther afield from the St. George-Washington

City corridor, those analysts from both NAI and Commerce said the market is just about finished processing through foreclosed and distressed properties and that buyers are once again buying inside the market rather than from banks eager to shed the burden of unwanted real estate acquisitions.

"We think we're kind of on the edge of seeing lease rates go up a little," Walter said.

"It'll be clear that we're in a recovery when people start seeing projects popping up. But if you wait for that you're going to miss the market. If you have long term plans to take advantage of recession market conditions, you need to take care of that now," he said.

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Elements from the past 20 years you can use for the next 20

I'm celebrating my 20th year of writing about sales, networking, loyalty, trust, attitude, leadership, business social media and personal development.

My core of information transformed into a body of work that includes 11 books – all bestsellers. I did it while you were watching TV. I chose to write instead of watch.

Last week was the second part of the celebration talking about the evolution of the selling process and how it will affect you and your sales for the next 20. This is the third and final part. If you missed the first two, you can get all three parts at Gitomer.com, by entering the word "twenty" in the GitBit box.

Here's the conclusion of what's now and what's next:

19. UNDERSTAND CREATIVITY. Most people say they're creative, but they have never read a book on the science of it. That might be a good intention for the remainder of 2012. Start with anything by Michael Michalko.

20. CONVERT LEADS TO SALES. This is as challenging as any sales activity in the cycle. Sales have been dangling in the wind for years. Decisions are finally picking up speed. Now is the time to stay in consistent "value-based" follow-up mode. Stay on track and sales will follow.

21. YOUR ATTITUDE. You have COMPLETE control and choice as to the way you dedicate yourself to the way you think. As you emerge from the economic depression of the past four years, it is IMPERATIVE that your attitude (both at home and at work) is set on YES! This one element will enhance everyone's communication, morale, service and sales.

22. EARN TRUST. You don't ask for trust. You can't force trust. You EARN trust. How are you earning it?

23. EARN SALES. You don't ask for sales. You can't force sales. You EARN sales. Still asking? Still trying to "close?"

24. EARN LOYALTY. You don't ask for loyalty. You can't force loyalty. You EARN loyalty. Loyalty comes from service and value received. Where's your value?

25. EARN REFERRALS. You don't ask for referrals. You can't force referrals. You EARN referrals. Referrals are not just leads, they're report cards.

26. EARN TESTIMONIALS. You don't ask for testimonials. You EARN testimonials. Testimonials are your ONLY valid proof.

27. DIFFERENTIATE IN THE MIND OF THE CUSTOMER. Differentiating is the key to winning on value over price. Your branded e-mails can differentiate you from the others. Go to www.aceofsales.com,

subscribe, and you will immediately begin to genuinely differentiate.

28. TAKE ACTION. Put away the remote. I know you take action during the workday – it's before and after the workday that I'm talking about. Allocate 30 minutes in the morning and one hour in the evening to improving one of these imperatives each day.

29. CONSISTENCY OF ACTIONS. Get up earlier every day, and do something for YOU. Exercise. Read. Think. Write. Every day. That's been one of my "obvious" 20-year secrets.

30. NEXT-LEVEL ACHIEVEMENT. Study your business, your market, your competition, your customers and yourself. When you do, what's next for you will become obvious.

31. FAMILY SUPPORT. Nothing and no one is more important. You need their support. They need yours. Best advice: Give genuine support, and yours will follow.

32. WRITE EVERY DAY. Writing leads to wealth. Not money, wealth. Every penny I have earned since March 23, 1992, I can trace back to something I wrote. But MUCH MORE than money, I have gained reputation, recognition and rewards that have enhanced my success all the way to fulfillment. And I promise that writing every day will do the same for you.

33. CELEBRATE. OFTEN. Please do not wait to celebrate. Life's short. Celebrate every thing, every sale, every victory, every day. And don't be cheap about it.

TAKE ACTION NOW, NOT TOMORROW: Go back over the entire list of 33 imperatives and rate yourself 1-10 on how well you stack up against each element that I have presented. That will give you the most realistic picture of where you are versus where you need to be. And it will give you a clearer vision or where you're going. All you need to do is make a plan of "how."

Dedicate an hour a day to *you*. In 20 years, you'll be an "instant" success. I'm proof.

Jeffrey Gitomer is the author of *The Sales Bible*, *Customer Satisfaction is Worthless*, *Customer Loyalty is Priceless*, *The Little Red Book of Selling*, *The Little Red Book of Sales Answers*, *The Little Black Book of Connections*, *The Little Gold Book of YES! Attitude*, *The Little Green Book of Getting Your Way*, *The Little Platinum Book of Cha-Ching*, *The Little Teal Book of Trust*, *The Little Book of Leadership*, and *Social BOOM!* His website, www.gitomer.com, will lead you to more information about training and seminars, or e-mail him personally at salesman@gitomer.com.

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Why snail mail beats e-mail six ways to Sunday

If you've shifted to e-mail as your primary marketing medium, indeed, if you've switched to almost any form of electronic marketing as your primary marketing channel in your brick and mortar business, you are almost certainly costing yourself thousands.

Here are the facts:

E-mail simply doesn't get opened. It just doesn't. People who give us permission to e-mail them – or even ASK us to e-mail them – don't open our e-mails. At least at nowhere near the rate they open snail mail.

Yes, you can send an almost unlimited number of e-mails, virtually for FREE, and at that rate, if you send enough of them, you can generate some sales, even at their pathetic open rates. But beware the motivations of the e-mail buyer. You may get the same number of sales, but will they be for as much, will the new customer convert to a long-term client, and won't you have spent as much in time, energy and, yes, even money, to get these few, lower volume, less loyal sales?

In addition to the "spam effect," which causes us not to open e-mail even when it's not spam, there is also the inherent difficulty of getting people to open a document with just a few characters of introduction in a "subject line." Are you that good a headline writer? Humbly, I must say I think I'm a great headline writer, and I'm a long way from consistently cracking the code on this one.

And since the headline is the ad for the ad, if you can't get people to open your e-mail from your mini-headline subject line, it ain't gonna get opened at all.

Contrast both of these inherent weaknesses of e-mail with good old fashioned snail mail.

While we largely ignore most of what we get in our e-mail inbox, everybody goes to the mailbox once a day to see what they got. I even have six and eight year-old grandkids that ask me if they got any mail today.

And while little or no formal "sorting" takes place in the e-mail world, every piece of mail that comes into your home commands at least a glance from at least one person in the house. That means somebody looks at and evaluates the relevancy to them of each piece of snail mail. And they decide whether the piece goes into the "must open" or "maybe open" pile. Whichever pile you make, at least you got your shot. Not so with e-mail.

And with snail mail, you're not limited to a few characters blandly presented just like every single other piece of mail in your inbox. No limitations on size, font, style length or materials. Each piece of snail mail looks different. E-mail can't match that.

With snail mail, you can use color, illustrations or photography, size, shape, dimension and bulk to get your piece opened. What do you think your odds are with that kind of creative flexibility, compared to that dull, boring e-mail offering?

I'm not saying e-mail doesn't have its strengths. Economy of delivery is certainly one. And if you can get your package opened, you can do some cool stuff with it that's tougher to do with snail mail. Add video or audio, for example. These things CAN be done with snail mail, but

it's not inexpensive.

Still, for all that, snail mail has a tactile advantage that two-dimensional e-mail will never have. You can touch, heft, examine, mull, if you will, with snail mail. No matter how compelling the video, it is stuck in the two-dimensional plane behind (on) a screen. Untouchable.

Now, I understand the expense arguments. I understand that when you're looking at sending almost unlimited e-mails for \$15 a month, and a single snail mail envelope can cost you 89 cents or more, the temptation is to forget the snail and stick with the e.

And I'm not saying you should abandon e-mail. You shouldn't.

But snail mail remains a proven winner for business – small business, in particular – and the costs of acquiring transactions through the mail remain very competitive indeed.

So, here are some tips for lowering the cost of acquisition of a transaction by using snail mail.

- Don't use a #10 envelope. That's the standard size of "business" mail and open rates will go down.

- Do use "announcement size" envelopes and greeting card-size envelopes. Doing so could increase your open rates by a factor of 10 or more, which, with a good offer, could dramatically decrease your cost of acquisition.

- Do use e-mail and telemarketing as a follow-up, to increase open and response rates. People need to be told what to do, more than once.

- Do focus on your existing customer lists and specific segments of it for specific offers. This is part of the "small ball" approach I talked about in a recent column.

- Use multiple offers to multiple mini-segments of your list, running concurrently. You can send a promotion to one segment of your list, and another promo to another segment, based on your knowledge of what they have, what they like, etc. You could mail to as few as a couple dozen or to as many as a few hundred.

- When you find something that works, keep using it. Don't make the mistake of doing something successfully and then asking yourself, "what do I do now?" Do the same thing again ... and again and again.

- Test small and scale up when you achieve success. If something works on a small scale it will likely work on a larger one, and perhaps on the largest one.

- Keep tweaking and testing to "genetically engineer" your marketing for ever-increasing success.

These aren't the only things you can do, but they're a great start. As you experiment and refine, I'm guessing your shift back to snail mail will put a nice stamp on your success.

Jim Ackerman is a Salt Lake City-based marketing speaker, marketing coach, author and ad writer. For his speaking services, go to www.marketing-speakerjimackerman.com Subscribe to his VLOGS at www.YouTube.com/MarketingSpeakerJimA, where you get a video marketing tip of the day, and at www.YouTube.com/GoodBadnUglyAds, where Ackerman does a weekly ad critique and lets you do the same.

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Jeffrey Gitomer



Jim Ackerman

Happy talk

The “dismal science” of economics typically focuses on “bad” news. We clearly face many significant challenges. However, there are also many favorable developments taking place within the U.S. economy. With 20 flights this month and four separate trips to the Eastern Time Zone, I thought I might take the easy route and update my semi-annual “Happy Talk” piece. This column focuses ONLY on the “good” news ...

- Consumer-owned stocks rose by \$4 trillion in the past 12 months.

- U.S. economic growth has now been positive for 11 consecutive quarters.

- Electricity produced by solar panels and wind power in the U.S. rose by 109 percent and 31 percent, respectively, last year.

- Conventional 30-year fixed-rate mortgages averaged 3.92 percent in recent weeks, the lowest level in 60 years.

- For the first time, the proportion of people living in extreme poverty — on less than \$1.25 a day — fell in every developing region from 2005 to 2008.

- The country’s net petroleum imports peaked at 60.3 percent in 2005 and dropped to 49.3 percent in 2010. North Dakota this year is expected to supply more oil for domestic use than Saudi Arabia.

- The U.S. role of dominance in the global economy during the past decade was as clear-cut as at any time since the 1950s.

- High school graduation rates, while still too low, rose by 3.5 percent to 75 percent between 2001 and 2009.

- The number of violent crimes fell by a surprising large 12 percent last year versus the prior year.

- U.S. exports to China have risen roughly 24 percent per year since 2001, making China the fastest growing market for U.S. goods.

- Sixty of the world’s top 100 universities are located in the U.S.

- Productivity of U.S. workers rose an average of 2.4 percent annually during the past 10 years, some of the strongest gains in 40 years.

- Arrests of undocumented migrants trying to cross the southern U.S. border have plummeted to levels not seen since the early 1970s.

- Even as U.S. economic output (GDP) has climbed by more than 210 percent since 1970, aggregate emission of six principal air pollutants has plunged by 60 percent.

- Roughly 80 percent of companies that suspended or reduced

their 401(k) matches during the past two or three years have reinstated them.

- America produces more steel today than 30 years ago, despite the shuttered plants and slimmed-down workforce.

- Roughly 47 percent of science and engineering degrees of those ages 25 to 39 are held by women, compared with 21 percent among those 65 and older.

- Roughly 30 percent of trash was recycled or composted in the latest year, versus 16 percent in 1990.

- Donations to charity rose 3.8 percent in 2010, with \$291 billion donated by individuals, foundations and corporations. As a percentage of GDP, Americans gave twice as much as the next most charitable nation, England. In 1964, there were 15,000 U.S. foundations. By 2001, there were 61,000.

- The U.S. accounted for 34 percent of the funds spent globally on research and development during 2010.

- When comparing economic size and population, the average U.S. worker is 10-12 times more productive than the average worker in China. Americans won 30 Nobel prizes in science and economics during the past five years. China? Just one.

- The number of American volunteers rose 2.6 percent to 63.4 million in 2009.

- The value of a university education for American men and women in terms of future earnings power is nearly twice that of those in the average rich nation.

- Women now make up a record 46 percent of global MBA candidates. More than 70 percent of students surveyed name the U.S. as the top MBA study destination.

- More colleges are trimming tuition, with more also offering three-year degrees.

- Forty-five of the 50 states recorded net job gains during the most recent 12-month period. Every state had previously dealt with recession at some point during the past three years.

- A recent poll of more than 12,000 global business figures conducted by the World Economic Forum ranked the U.S. as the world’s most competitive economy.

- The upward “mobility” of the typical American remains the greatest in the world. Why? The U.S. economy “rewards” the combination of hard work and educational achievement more than ever before, and more than any other country in the world.

- For every dollar of U.S.

economic output generated today, we burn less than half as much oil as 30 years ago.

- Women now exceed men in holding advanced degrees in the U.S.

- Total U.S. workplace fatalities declined to their lowest point on record last year.

- The number of people using public transportation hit a 52-year high in the latest data available.

Jeff Thredgold is the only economist in the world to have ever earned the CSP (Certified Speaking Professional) international designation, the highest earned designation in professional speaking. He is the author of *econAmerica*, released by major publisher Wiley & Sons, and serves as economic consultant to Zions Bank.



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from page 5

has **opened a new full-service office in Boise.** It is the 10th office for the commercial real estate brokerage firm, and the second to open in the Intermountain West this year. The office will house 23 professionals (15 agents, four staff and four property managers).

RESTAURANTS

- **Tuscany** restaurant in Holladay will be offering a **set price Easter brunch** from 10:30 a.m. until 2:30 p.m. on Easter Sunday, April 8. Included in the buffet selections will be prime rib, ham carving stations, made-to-order omelets, a duo of eggs Benedict (smoked salmon and traditional), “power waffles,” seafood platters, fresh fruit and an assortment of pastries. Cost is \$39 per person for adults, \$18 for children age 12 and under. Dinner will be served on Easter evening from 5 to 8:30 p.m. featuring items from Chef Adam Vicker’s evening menu in addition to specials. Reservations are highly recommended.

RETAIL

- **ProStop Convenience Stores** launched its third c-store with the opening of its **newest location in Riverton** on March 27. The store is located at 1977 W. 12600 S. Developed in partnership between the Larry H. Miller Group of Companies and Solutions Operation Management, the ProStop Convenience Store concept integrates a shopping experience with enhanced fueling options designed to meet the needs of high performance enthusiasts and weekend warriors. The design of the store interior prominently showcases the popular sports and entertainment properties of the Larry H. Miller Group, including the Utah Jazz, Salt Lake Bees and Miller Motorsports Park. A wall of flat-screen televisions displays highlights from each of these exciting properties as well as the latest in sports action.

SPORTS/RECREATION

- Ski Utah, Eider, Rossignol and Ski La Parva, Chile, have launched the “**Endless Winter**” **Sweepstakes** on the **Ski Utah Yeti Facebook page.** The sweepstakes features a grand prize of “Powder Turns in August.” Visitors to the

Ski Utah Yeti Facebook page through April 20 will have the chance to enter to win an all-expense-paid ski vacation for two people to La Parva, Chile. The grand prize is valued at \$8,500 and includes a week of ski-in/ski-out lodging, lift tickets, rentals and airfare for two. Contest entrants can also get the chance to win additional prizes by Rossignol and Eider. The contest’s first week was last week. This week (March 30 through April 6), the winner will receive a Telluride jacket by Eider. Contestants who enter at any point during the sweepstakes are automatically entered in the Chile trip sweepstakes. Details are at http://www.facebook.com/skiutahyeti/app_364041783617057.

TRAVEL/TOURISM

- **Visit Salt Lake (VSL)** recognized **Melanie Reed** as recipient of the sixth annual **Dianne Nelson Binger Scholarship** at its annual meeting last month. The scholarship honors VSL’s former president and CEO and her legacy to the Salt Lake hospitality community. The scholarship is bestowed annually to a female student at the University of Utah in the Department of Parks, Recreation and Tourism of the College of Health. Originally from Alaska, Reed’s parents instilled in her a sense of adventure and creativity for exploring the world. By age 18, she had traveled to Mexico, Thailand, Malaysia, the Caribbean, Australia and many of the lower 48 states.

- Members of the **Utah Board of Tourism Development** have approved **increasing the cap on Cooperative Marketing awards** from \$175,000 to \$225,000. Single or multiple applications from nonprofit tourism entities are due by June 21 and must not exceed the capped amount for each organization. Twenty percent or \$1.8 million of the \$9 million Tourism Marketing Performance Fund (TMPF) is set aside for the Cooperative Marketing program, which is designed to leverage state and tourism partner funding to attract out-of-state visitors to increase tourism expenditures. Information on the Cooperative Marketing program can be found online at http://travel.utah.gov/cooperative_mktg/co-opmktg.htm or with Kelly Day at (801) 538-1727 or kday@utah.gov.

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Scott W. Loveless

(1948 - 2012)

His Legacy Lives On.

It is with great sadness that Parr Brown Gee & Loveless announces the passing of our beloved colleague and friend, Scott W. Loveless. Scott was known throughout the Intermountain region as the “dean” of mergers and acquisitions law. His reputation stemmed from his remarkable ability to successfully lead and orchestrate high-profile, complex transactions in a fair and professional manner. His lifelong pursuit of excellence became a cornerstone philosophy of Parr Brown Gee & Loveless, establishing our firm as one of the Intermountain area's premier law firms.

Scott earned his B.A., from the University of Utah, his J.D. and an LLM in taxation from Georgetown University Law Center, and worked as a legislative aid for U.S. Senator Wallace Bennett and as legislative counsel for Congressman J. Kenneth Robinson of Virginia in Washington, D.C. He was an adjunct professor at J. Reuben Clark Law School at Brigham Young University where he taught mergers and acquisitions law and was continuously recognized for his legal skills by clients and peers in *Chambers USA: America's Leading Business Lawyers*, *Mountain States Super Lawyers*, *Best Lawyers in America* and Utah Business magazine's *Utah's Legal Elite*.

We will honor Scott's legacy by continuing to carry on his commitment to quality work and client service. His rich character, personality and influence will be ever present throughout our firm.

Scott will truly be missed.

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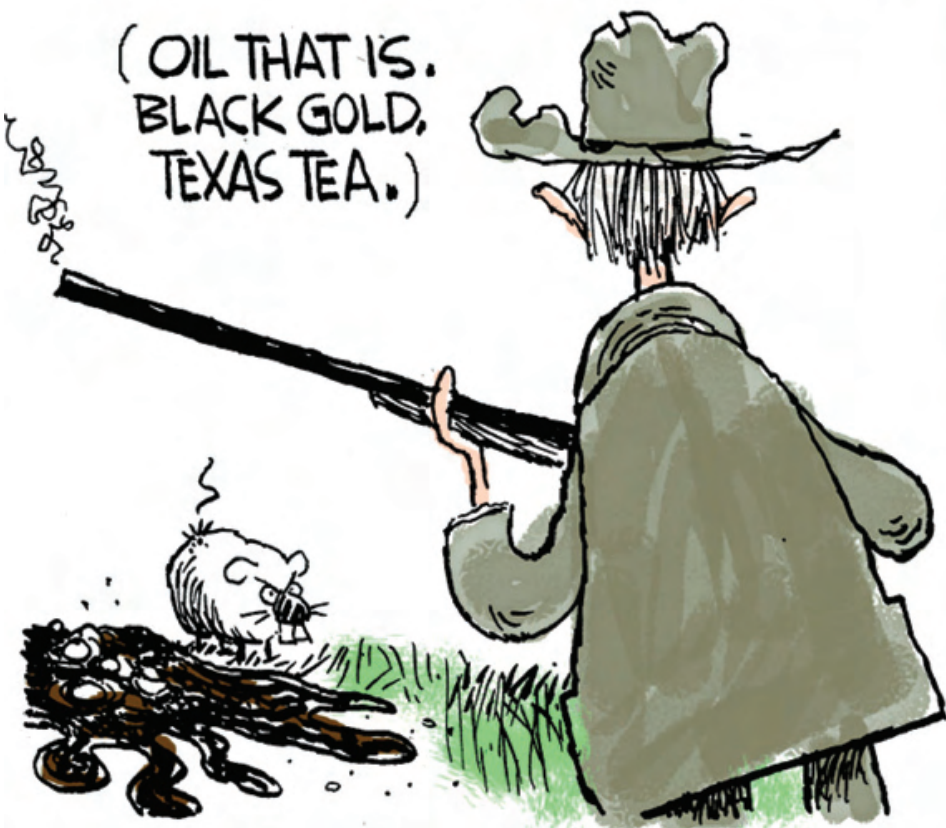
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THAT NEW OBAMA VIDEO

... THEN ONE DAY HE WAS SHOOTIN' AT SOME FOOD, AND UP FROM THE GROUND CAME THE BUBBLIN' CRUDE.

(OIL THAT IS. BLACK GOLD, TEXAS TEA.)



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WELL THE FIRST THING YOU KNOW OBAMA'S ON THE AIR, TAKIN' ALL THE CREDIT FOR THE OIL FLOWIN' THERE. HE SAID, "SOLAR PANELS IS THE PLACE YOU OUGHTA BE", SO THEY LOADED UP THE TRUCK AND MOVED TO DC.

(THE HILL THAT IS. MOVIE STARS. ALGAE.)



Paul Ryan's plan for American decline

If the foreign adversaries and competitors of the United States imagined a future that would fulfill their most ambitious objectives, it might begin with a government crippled by the House Republican leadership's recently released "Ryan budget." Followed to its absurd conclusion, this document would lead America toward a withered state, approaching the point where Marxian dreams and Randian dogma converge.

Or at least that's the view suggested by the sober analysts at the Congressional Budget Office, whose report on the Ryan budget shows debilitating cuts to nearly every department of government today, from law enforcement and border patrols to scientific research, food safety, environmental protection, federal highways, national parks, weather monitoring, education and all the



Joe Conason

other essential functions of a great country. There would not be much left for Medicare and Medicaid, either. Social Security would continue in some form, and defense — of course — would increase.

But in a nation stripped of science and infrastructure, with a people demoralized by insecurity, unemployment and inequity, exactly what would be left to defend? Certainly Ryan and his Republican colleagues will deny that their new budget — like their old budget — would cripple the federal government and render the United States unrecognizable over the coming decades, if implemented. Yet the calculations released by the CBO, a nonpartisan arm of the Congress, permit no other conclusion.

Prepared at the request of Ryan, the Wisconsin Republican

who chairs the House Budget Committee, the CBO report indicates that by 2050, federal spending on all functions — except Social Security, health programs and interest payments — would account for no more than 3.75 percent of gross domestic product. On defense alone, however, we have never spent less than 3 percent of GDP during the past 70 years or so; and during those same years, we have spent no less than 8 percent of GDP on all those functions, including defense. Which means that should Pentagon spending increase drastically, as both Ryan and likely Republican nominee Mitt Romney insist it should, there will be nothing left for anything else.

"The rest of government would literally have to disappear," as the Center on Budget Policy and Priorities explains dryly. Is it necessary to recite the details, even in broad outline? No more

basic research and no more support for technological progress in defense, communications, medicine, manufacturing, energy or education. No more health care, secondary education or vocational training for veterans. No more reconstruction of decaying roads, bridges, airports, waterways, tunnels, seaports or any other infrastructure that states cannot afford to rebuild on their own. No more national parks, which presumably would be sold off to oil companies, resort developers and other commercial predators. No more oversight of the purity of food and drugs, whether domestic or imported. No further enforcement of the environmental statutes that have restored clean air and water in so many places across the country. No more Federal Bureau of Investigation, no more Immigration and Customs Enforcement, no more Department of Homeland Security, no more federal justice

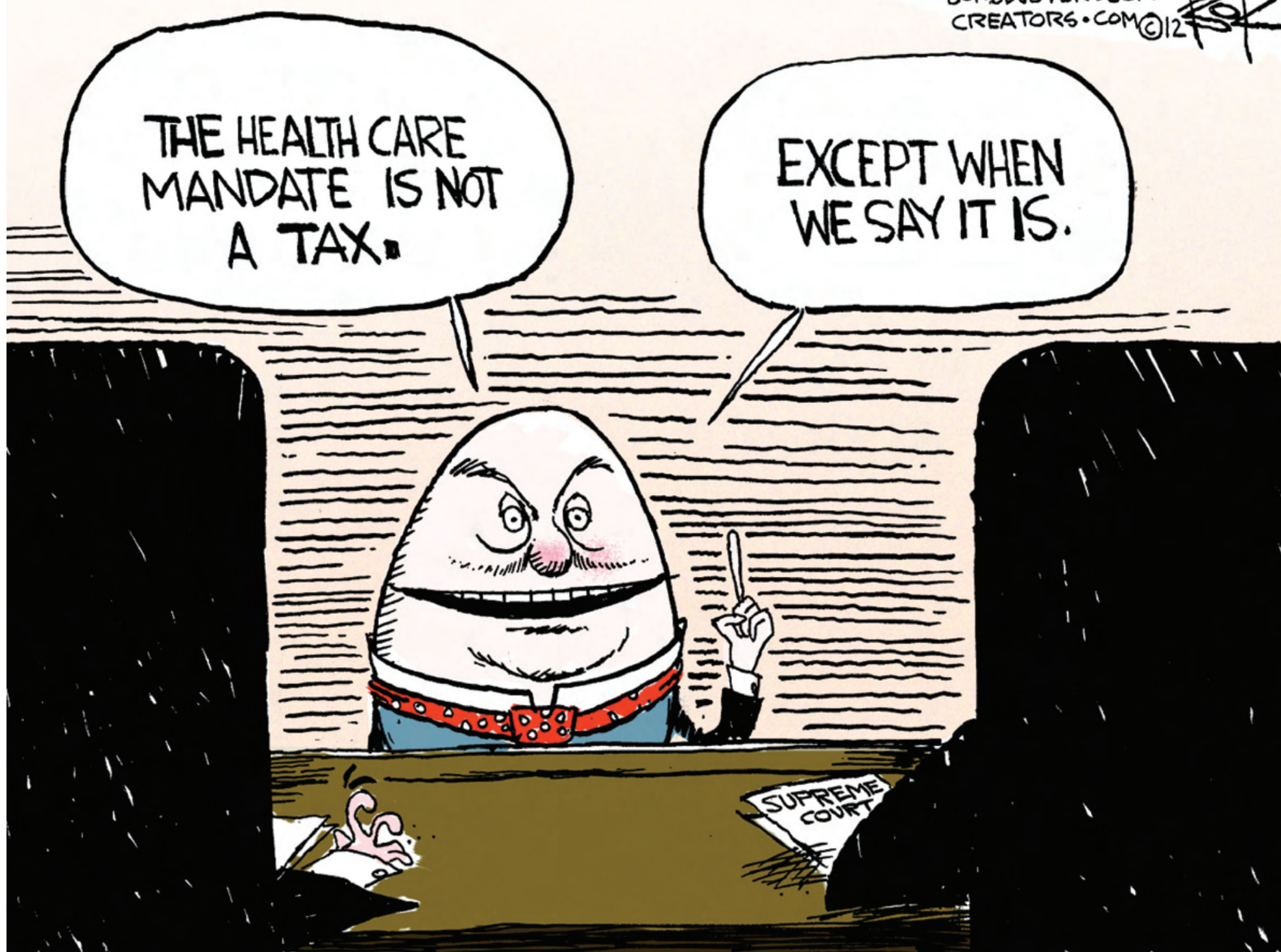
system at all. And very little health care, which would be cut by as much as 75 percent, leaving tens of millions without insurance coverage.

Is all this starting to sound slightly weird? That is certainly one way to describe the Ryan budget, which evokes the utopian fantasies of both Karl Marx, who predicted the "withering away of the state" after communism, and Ayn Rand, whose hatred of modern government inspired anarchist (or "minarchist") fantasies among many of her admirers. What is truly bizarre is to watch a major political party produce such a document not once but twice — and then to hear this absurd exercise hailed by venerable Washington commentators as "bold" and "patriotic."

Joe Conason is the editor in chief of NationalMemo.com.

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Back to the future?

When a 1942 Supreme Court decision that most people never heard of makes the front page of the *New York Times* in 2012, you know that something unusual is going on.

What makes that 1942 case — *Wickard v. Filburn* — important today is that it stretched the federal government’s power so far that the Obama administration is using it as an argument to claim before today’s Supreme Court that it has the legal authority to impose ObamaCare mandates on individuals.

Roscoe Filburn was an Ohio farmer who grew some wheat to feed his family and some farm animals. But the U.S. Department of Agriculture fined him for growing more wheat than he was allowed to grow under the Agricultural Adjustment Act of 1938, which was passed under Congress’ power to regulate interstate commerce.

Filburn pointed out that his wheat wasn’t sold, so that it didn’t

enter any commerce, interstate or otherwise. Therefore the federal government had no right to tell him how much wheat he grew on his own farm, and which never left his farm.

The Tenth Amendment to the Constitution says that all powers not explicitly given to the federal government belong to the states or to the people. So you might think that Filburn was right.

But the Supreme Court said otherwise. Even though the wheat on Filburn’s farm never entered the market, just the fact that “it supplies a need of the man who grew it which would otherwise be reflected by purchases in the open market” meant that it affected interstate commerce. So did the fact that the home-grown wheat could potentially enter the market.

The implications of this kind of reasoning reached far beyond farmers and wheat. Once it was

established that the federal government could regulate not only interstate commerce itself, but anything with any potential effect on interstate commerce, the Tenth Amendment’s limitations on the powers of the federal government virtually disappeared.

Over the years, “interstate commerce” became magic words to justify almost any expansion of the federal government’s power, in defiance of the Tenth Amendment. That is what the Obama administration is depending on to get today’s Supreme Court to uphold its power to tell people that they have to buy the particular health insurance specified by the federal government.

There was consternation in 1995 when the Supreme Court ruled that carrying a gun near a school was not interstate commerce. That conclusion might seem like only common sense to most people, but it was a close 5 to 4 decision, and it sparked outrage when the phrase “interstate commerce” failed to work its magic

in justifying an expansion of the federal government’s power.

The 1995 case involved a federal law forbidding anyone from carrying a gun near a school. The states all had the right to pass such laws, and most did, but the issue was whether the federal government could pass such a law under its power to regulate interstate commerce.

The underlying argument was similar to that in the 1942 case of *Wickard v. Filburn*: School violence can affect education, which can affect productivity, which can affect interstate commerce.

Since virtually everything affects virtually everything else, however remotely, “interstate commerce” can justify virtually any expansion of government power, by this kind of sophistry.

The principle that the legal authority to regulate X implies the authority to regulate anything that can affect X is a huge and dangerous leap of logic, in a world where all sorts of things have some effect on all sorts of other things.

As an example, take a law that liberals, conservatives and everybody else would agree is valid — namely, that cars have to stop at red lights. Local governments certainly have the right to pass such laws and to punish those who disobey them.

No doubt people who are tired or drowsy are more likely to run through a red light than people who are rested and alert. But does that mean that local governments should have the power to order people when to go to bed and when to get up, because their tiredness can have an effect on the likelihood of their driving through a red light?

The power to regulate indirect effects is not a slippery slope. It is the disastrous loss of freedom that lies at the bottom of a slippery slope.

Thomas Sowell is a senior fellow at the Hoover Institution, Stanford University, Stanford, CA 94305.

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