



Washington City Council

111 North 100 East
Washington City, UT 84780
Phone (435) 656-6300
Fax (435) 656-6370
www.washingtoncity.org

Agenda
Regular Meeting
October 28, 2015

PUBLIC NOTICE is hereby given that the Washington City Council will hold a Public Meeting on Wednesday, October 28, 2015, at 6:00 P.M. in the Council Chambers of the Washington City Offices, located 111 North 100 East, Washington, Utah.

Invocation
Pledge of Allegiance

1. APPROVAL OF THE AGENDA
2. ANNOUNCEMENTS
3. DECLARATION OF ABSTENTIONS & CONFLICTS
4. CONSENT AGENDA

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 10/13/15 and 10/14/15.

5. INVESTMENTS
 - A. Update and consideration to approve changes to the Washington City Investment Policy. Kerry Wheelwright City Treasure
6. PLANNING COMMISSION APPOINTMENT
 - A. Recommendation and consideration to appoint a member to the Planning Commission. Mayor Kenneth F. Neilson
7. FINAL PLAT
 - A. Consideration to approve the Final Plat for the Chateau Meadows, located at approximately 2700 South 300 East. Applicant: Ray Cox
8. PUBLIC HEARINGS AND RELATED ORDINANCES
 - A. Public Hearing for consideration to approve a Zone Change request Z-15-15 to

change Zone from R-1-6 (Single Family Residential minimum 6,000 sq. ft. lots) to R-3 (Multiple Family Residential), located at approximately 190 West 300 North. Applicant: Jim Price

B. Consideration to approve an Ordinance approving Zone Change Z-15-15, to change present zone from R-1-6 to R-3.

C. Public Hearing for consideration to approve a Zone Change request Z-15-16 to change Zone from R-1-6 (Single Family Residential minimum 6,000 sq. ft. lots) to R-3 (Multiple Family Residential), located at approximately 100 North 50 West. Applicant: Wes Davis

D. Consideration to approve an Ordinance approving Zone Change Z-15-16, to change present zone from R-1-6 to R-3.

E. Public Hearing for consideration to approve a General Plan Amendment request G-15-04, to change designation from MD (Medium Density) to MHD (Medium High Density), located at approximately Buena Vista Blvd and Tortoise Rock Drive. Applicant: John Graham

F. Consideration to approve an Ordinance adopting General Plan Amendment G-15-04, to change designation from MD to MHD.

9. ORDINANCES

A. Consideration to approve a Resolution of Washington City, establishing the formula and process for distributing "RAP" Tax Revenue received by Washington City. Roger Carter, City Manager

10. RESOLUTIONS

A. Consideration to approve a Resolution requesting the recertification of the Washington City Justice Court. Jeff Starkey, City Attorney

11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

12. CITY MANAGER REPORT

13. ADJOURNMENT

POSTED this 23rd day of October 2015

Danice B. Bulloch, CMC

City Recorder

In accordance with the Americans with Disabilities Act, Washington City will make reasonable accommodations to participate in the meeting. Request for assistance can be made by calling the City Recorder at 656-6308 at least 24 hours in advance of the meeting to be held.

LEGEND

- SECTIONAL MONUMENTATION (FOUND: TYPE, DATE, AGENCY AND LOCATION ETC. AS SHOWN ON THE PLAT).
- SPECIFIES SURVEY CONTROL MONUMENT TO BE SET (CLASS 1, RING & LID SET TO CITY STANDARD).
- SPECIFIES FRONT LOT PROPERTY CORNER OFFSET RIVET, OR NAIL & WASHER SET & OFFSET DISTANCE NOTED).
- ALL BOUNDARY AND PROPERTY (LOT) CORNERS TO BE SET WITH 5/8" REBAR AND CAP STAMPED BUSH & GUDGELL, UNLESS OTHERWISE SPECIFIED ON THE PLAT.
- PUBLIC UTILITY AND DRAINAGE EASEMENT LINE
- LANDSCAPE EASEMENT AREA
- COMMON AREA (DETENTION & IRRIGATION)

GENERAL NOTES

1. A 7.50 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT EXISTS ALONG ALL FRONT AND STREET SIDE LOT LINES, UNLESS OTHERWISE NOTED ON THIS PLAT. THERE EXISTS ALL COMMON OPEN SPACE.
2. A GEOTECHNICAL INVESTIGATION WAS PERFORMED BY APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC (A.G.E.C.). THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS AND FLOOR SLABS ARE COMPILED IN A REPORT DATED JUNE 18, 2007, WASHINGTON CITY. OWNERS, BUILDERS, AND CONTRACTORS SHOULD COMPLY WITH ITS RECOMMENDATIONS.
3. ALL SEWER AND WATER IMPROVEMENTS ARE PUBLIC AND MAINTAINED BY THE METERS, ALL FIRE HYDRANTS AND THE APPURTENANCES WHICH ARE MAINTAINED BY WASHINGTON CITY.
4. THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL COMMON AREAS AND OPEN SPACE WITHIN THE DETENTION AND IRRIGATION AREAS.
5. A LANDSCAPE PARK STRIP EXISTS WITHIN THE RIGHT-OF-WAY OF CHATEAU MEADOWS CIRCLE. THE RESPONSIBILITY FOR AND COST OF ALL MAINTENANCE AND REPAIR OF THIS LANDSCAPING STRIP IS TO BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION SHALL MAINTAIN ALL LANDSCAPE PARK STRIPS AND WASHINGTON CITY IS HEREBY GRANTED THE RIGHT TO ASSESS THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION FOR FAILURE TO MAINTAIN SUCH.

EXISTING ALONG SIDE AND REAR LOT LINES AND A BLANKET EASEMENT EXISTS ALONG ALL FRONT AND STREET SIDE LOT LINES, UNLESS OTHERWISE NOTED ON THIS PLAT. THERE EXISTS ALL COMMON OPEN SPACE.

GEOTECHNICAL ENGINEERING CONSULTANTS, INC (A.G.E.C.). THE INVESTIGATION RESULTS AND SPECIFIC RECOMMENDATIONS AND FLOOR SLABS ARE COMPILED IN A REPORT DATED JUNE 18, 2007, WASHINGTON CITY. OWNERS, BUILDERS, AND CONTRACTORS SHOULD COMPLY WITH ITS RECOMMENDATIONS.

BY WASHINGTON CITY UP TO AND INCLUDING THE DEVELOPMENT ARE PUBLIC AND ARE MAINTAINED BY WASHINGTON CITY.

BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL COMMON AREAS AND OPEN SPACE WITHIN THE DETENTION AND IRRIGATION AREAS.

EACH STREET BETWEEN THE SIDEWALK AND THE CURB AND UPKEEP OF THIS LANDSCAPING STRIP IS TO BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION SHALL MAINTAIN ALL LANDSCAPE PARK STRIPS AND WASHINGTON CITY IS HEREBY GRANTED THE RIGHT TO ASSESS THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION FOR FAILURE TO MAINTAIN SUCH.

SURVEYOR'S CERTIFICATE

I, ROBERT R. HERMANDSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6362432 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS THE

CHATEAU MEADOWS

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT S 0°27'21" W 690.90 FEET AND N 89°32'39" W 16.50 FEET FROM THE NORTH QUARTER CORNER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE NORTHWEST CORNER OF LOT 7, BLOCK 4, OF THE RICHARD MORRIS ENTRY OF SAID SECTION, AND RUNNING THENCE S 89°06'02" E ALONG THE NORTH LINE OF SAID LOT 642.97 FEET; THENCE S 0°29'14" W 310.20 FEET TO A POINT ON THE WEST BOUNDARY LINE OF WASHINGTON MEADOWS SUBDIVISION PHASE 1, DOCUMENT NO. 20070009978, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDERS OFFICE, STATE OF UTAH; THENCE S 0°29'14" W ALONG SAID WEST BOUNDARY 348.06 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF CARRIAGE LANE PHASE 1, DOCUMENT NO. 220080045159, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDERS OFFICE, STATE OF UTAH; THENCE N 89°03'28" W ALONG SAID NORTH BOUNDARY LINE 642.62 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 4; THENCE N 0°27'21" E ALONG SAID WEST LINE 657.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 422,959 SQ. FT. OR 9.71 ACRES



DATE: _____
BUSH AND GUDGELL INC.

ROBERT R. HERMANDSON
PROFESSIONAL LAND SURVEYOR
UTAH LICENSE NUMBER 6362432

OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS CHATEAU MEADOWS, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND AND SAVE THE MUNICIPALITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE MUNICIPALITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN.

RRW PROPERTIES LLC
(A UTAH LIMITED LIABILITY COMPANY)

MANAGING MEMBER

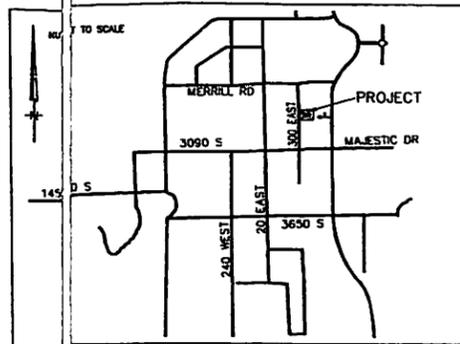
LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF _____ } S.S.
COUNTY OF _____

ON THE _____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, _____ WHO BEING BY ME DULY SWORN, DID SAY THAT _____ HE IS THE MANAGER/MEMBER OF RRW PROPERTIES, LLC, AND THAT _____ HE EXECUTED THE FOREGOING OWNER'S DEDICATION IN BEHALF OF SAID LIMITED LIABILITY COMPANY BEING AUTHORIZED AND EMPOWERED TO DO SO BY THE OPERATING AGREEMENT OF RRW PROPERTIES, LLC, AND _____ HE DID DULY ACKNOWLEDGE TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME FOR THE USES AND PURPOSES STATED THEREIN.

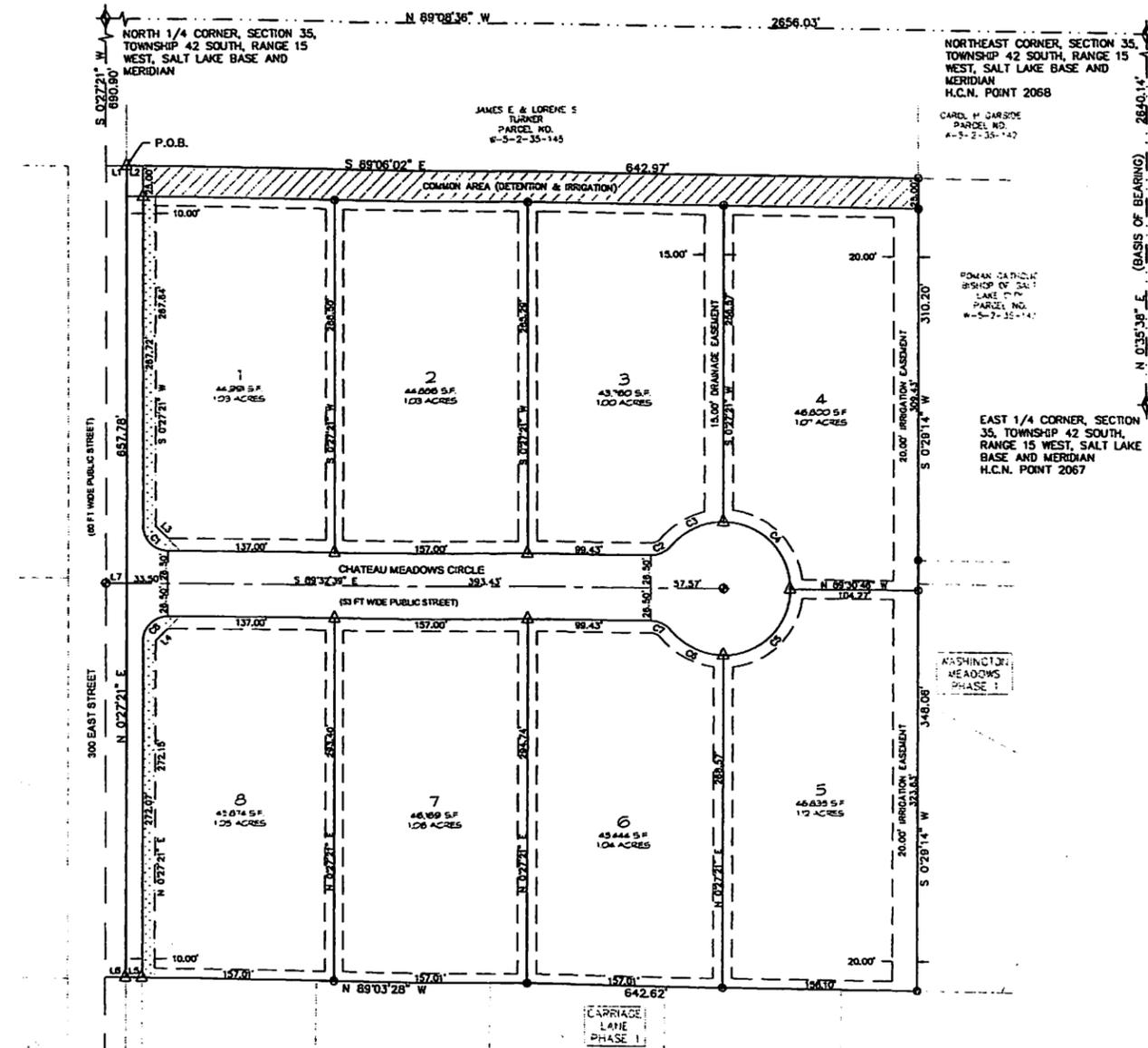
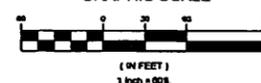
NOTARY PUBLIC
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
STAMP IS NOT REQUIRED PER UTAH CODE 46-1-16(5)

VICINITY MAP



CURVE TABLE				LINE TABLE			
CURVE NO.	RADIUS	LENGTH	TANGENT	LINE NO.	DIRECTION	LENGTH	
C1	20.00'	31.42'	90°00'00"	L1	S 89°32'39" E	16.50'	
C2	20.00'	17.83'	51°04'10"	L2	S 89°05'41" E	13.50'	
C3	54.00'	48.13'	51°04'10"	L3	N 44°32'39" W	14.14'	
C4	54.00'	84.85'	90°01'53"	L4	N 45°27'21" E	14.14'	
C5	54.00'	84.78'	89°58'07"	L5	N 89°03'28" W	13.50'	
C6	54.00'	48.13'	51°04'10"	L6	N 89°32'39" W	16.50'	
C7	20.00'	17.83'	51°04'10"	L7	S 89°32'39" E	16.50'	
C8	20.00'	31.42'	90°00'00"				

GRAPHIC SCALE



<p>APPROVAL OF PUBLIC WORKS</p> <p>THE HEREDON SUBDIVISION HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THIS DAY OF _____, 20____.</p> <p>PUBLIC WORKS, WASHINGTON CITY</p>	<p>ENGINEER'S APPROVAL</p> <p>THE HEREDON SUBDIVISION FINAL PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ DAY OF _____, A.D. 20____.</p> <p>ENGINEER, WASHINGTON CITY</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM, THIS THE _____ DAY OF _____, A.D. 20____.</p> <p>CITY ATTORNEY, WASHINGTON CITY</p>	<p>APPROVAL OF THE PLANNING COMMISSION</p> <p>ON THIS THE _____ DAY OF _____, A.D. 20____, THE PLANNING COMMISSION OF THE CITY OF WASHINGTON, UTAH, HAS REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND HAVING FOUND THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CITY'S PLANNING ORDINANCES, AND BY AUTHORITY OF SAID COMMISSION HEREBY APPROVES SAID SUBDIVISION FOR _____.</p> <p>CHAIRMAN PLANNING COMMISSION</p>	<p>APPROVAL AND ACCEPTANCE BY THE WASHINGTON CITY, UTAH</p> <p>WE, THE MAYOR AND CITY COUNCIL OF THE WASHINGTON, UT, HAVE REVIEWED THE ABOVE SUBDIVISION FINAL PLAT AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORD IN THE MINUTES OF ITS MEETING OF THE _____ DAY OF _____, A.D. 20____, HEREBY ACCEPT SAID FINAL PLAT WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERE TO.</p> <p>WASHINGTON CITY, UTAH</p>	<p>TREASURER APPROVAL</p> <p>I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS _____ DAY OF _____, A.D. 20____, THAT ALL TAXES, SPECIAL ASSESSMENTS, AND FEES DUE AND OWING ON THIS SUBDIVISION FINAL PLAT HAVE BEEN PAID IN FULL.</p> <p>WASHINGTON COUNTY TREASURER</p>	<p>RECORDED No. _____</p> <p>WASHINGTON COUNTY RECORDER</p>
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BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
1100 East 1000 South, Suite 4170
Salt Lake City, Utah 84143
Phone (801) 473-2377 Fax (801) 473-3181
www.bushandgudgell.com



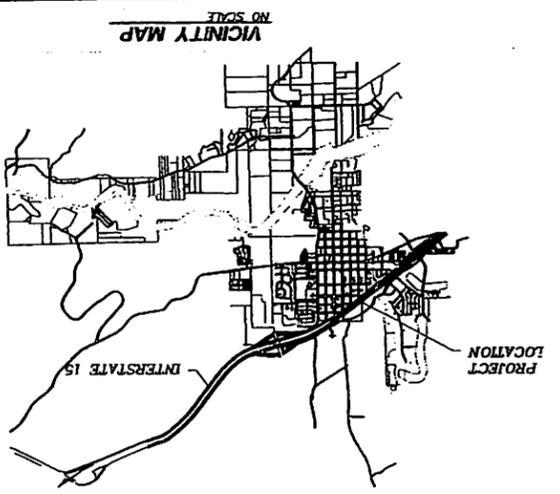
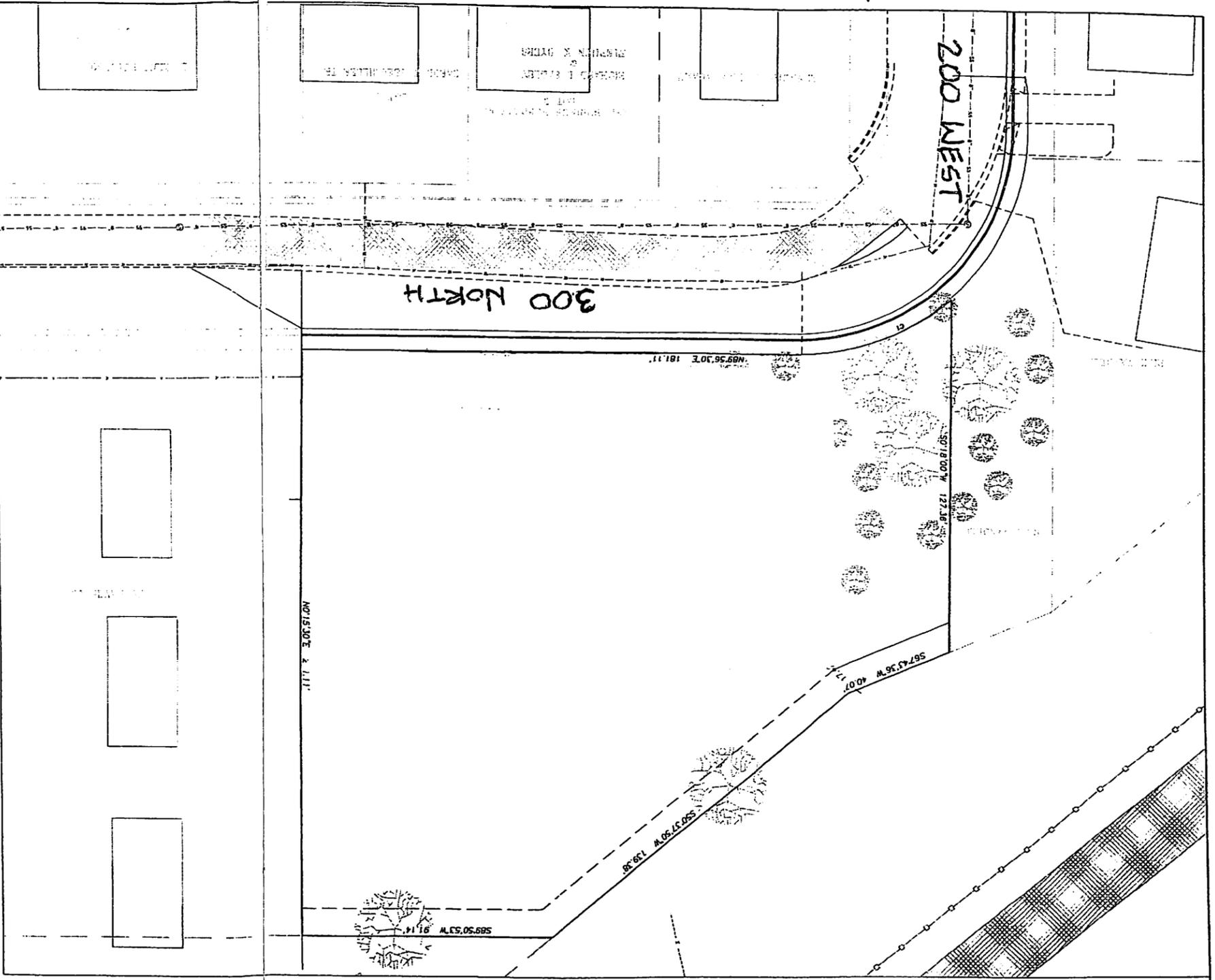
Drawn: BAW Date: 8/27/13
Designed: BAW
Checked: RBH
Approved: RBH
Scale: 1" = 80'
Job No: 151021P

CHATEAU MEADOWS
LOCATED IN
NE 1/4 OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 15 WEST,
SALT LAKE BASE & MERIDIAN

SHEET
1
SHEETS
FILE: 151021FP

**ZONE CHANGE FOR:
SILVERADO**

LOCATED IN SECTION 14, TOWNSHIP 42 SOUTH,
RANGE 15 WEST OF THE SALT LAKE BASE AND
MERIDIAN IN THE CITY OF WASHINGTON,
WASHINGTON COUNTY, UTAH

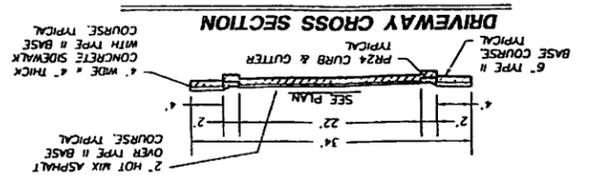
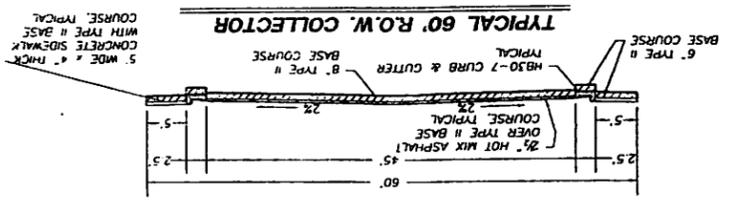


PROJECT ENGINEER:
PROVALUE ENGINEERING
KARL B. HANSEN
20 SOUTH 850 WEST, #1
SALT LAKE CITY, UT 84115
(435) 588-3307
HARDWARE UTM 84170

DEVELOPER:
VERVALU CONTRACTORS, LLC
3403 SOUTH 2100 EAST
ST. GEORGE, UT 84790
(435) 229-1748

AGENCY:
ARNOUD DECASTRO
150 W. 1600 S.
ST. GEORGE, UT 84770
(435) 873-6850

DEVELOPMENT DATA:
ACRES: 0.96 ACRES
UNITS: 8
DENSITY: 2.33 LOTS/ACRE
CORNER ZONING: R111
REQUIRED PARKING: 18 SPACES
PROVIDED PARKING: 18 SPACES



- LEGEND**
- PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - EXISTING FENCE
 - SECTION LINE
 - ◆ SECTION CORNER AS DESCRIBED
 - SET PROVALUE ENGINEERING REBAR & CAP P.L.S. #4938769
 - ⊕ FOUND CENTERLINE MONUMENT AS DESCRIBED
 - ⊖ FOUND MONUMENT AS DESCRIBED
 - RECORD BEARING OR DISTANCE (00.00)



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PROVALUE ENGINEERING, INC.
Engineers - Land Surveyors - Land Planners
30 South 850 West, Suite 1
Henderson City, Utah 84731
Phone: (435) 588-3307 Fax: (435) 588-3308
Web: (435) 588-3309



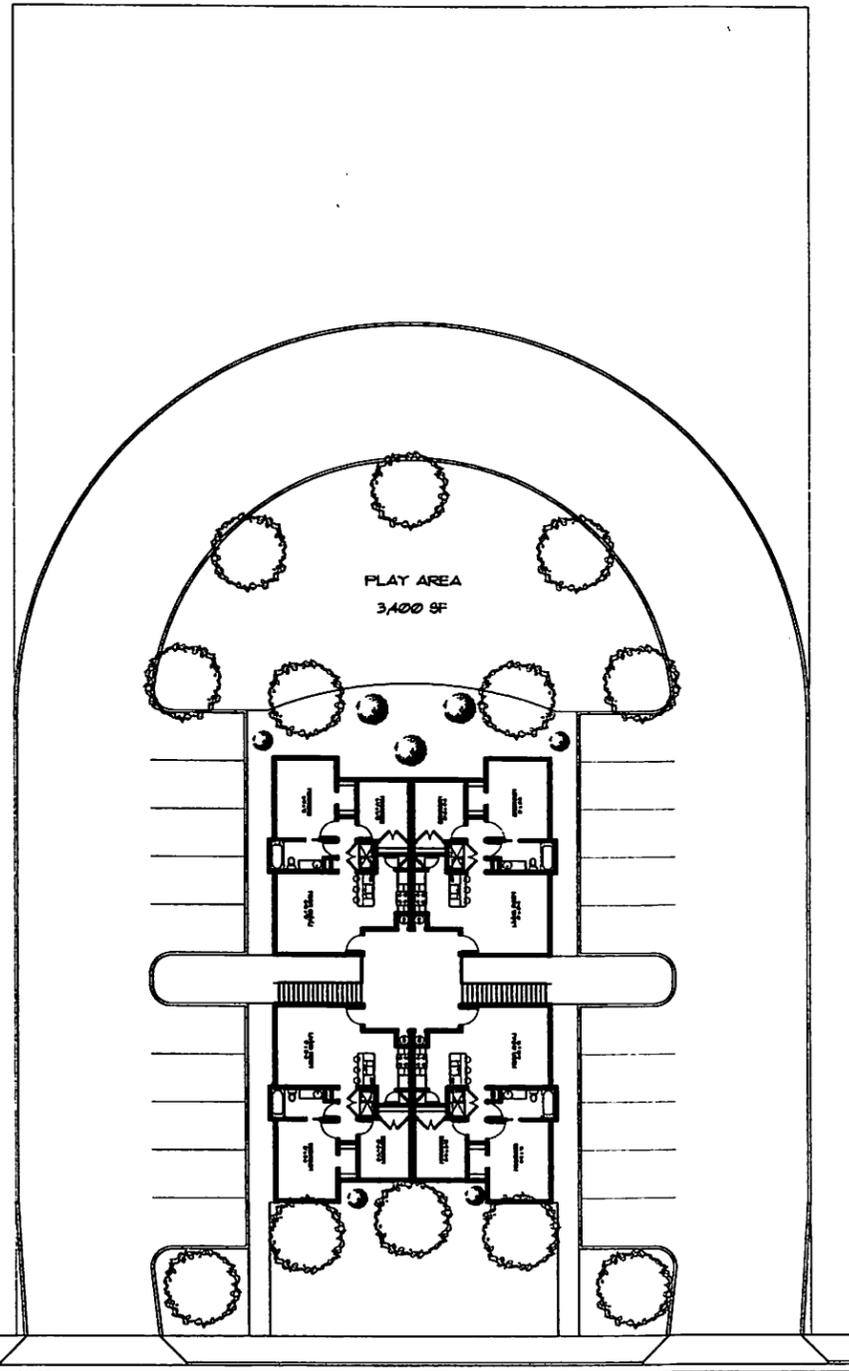
**ZONE CHANGE FOR:
SILVERADO**

LOCATED ON 180 WEST 300 NORTH, WASHINGTON, UTAH

DATE: AUG. 28, 2012
SCALE: 1"=20'
JOB NO.
SHEET NO.

NO.	REVISIONS	DATE	BY

REFERENCE NOTES



100 NORTH

○ SITE
SCALE: 1/16" = 1'-0"

STRUCTURAL ENGINEER:

FRANKLIN
Design & Build, Inc.

2403 S. 1100 W.
ST. GEORGE, UTAH 84770
PH# (435) 773-2806

E. BENJAMIN ROGERS, AIA
ARCHITECT
LIC# UTAH, NEV., AZ.

REVISIONS

01	03
02	04

PROJECT
WASHINGTON APARTMENTS
40+/- WEST 100 NORTH
WASHINGTON CITY, UTAH

WES DAVIS

ST. GEORGE, UTAH

SHEET TITLE:
**"CONCEPTUAL"
SITE PLAN**

DATE: 1/22/07 SHEET
DRAWN BY: e.b.r. **A101**
PROJECT # BMR-07

RESOLUTION R2015-XX

**A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE WASHINGTON CITY JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire in February of 2016; and

WHEREAS, the members of the Washington City Council have received an opinion letter from Jeff Starkey, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the City Council have determined that it is to the best interests of Washington City to continue to provide for a Justice Court;

THEREFOR, BE IT RESOLVED, the Washington City Council hereby requests recertification of the Washington City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Washington City Council of Washington, Utah hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Washington City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED and APPROVED on this 28th day of October 2015.

Washington City

Kenneth F. Neilson, Mayor

Attest:

Danice B. Bulloch, CMC
City Recorder



October 21, 2015

Mayor Nielson and City Council
WASHINGTON CITY
111 North 100 East
Washington, UT 84780

Re: Washington City Justice Court Recertification—City Attorney Opinion Letter

Dear Honorable Mayor and Distinguished Council Members:

State law requires that municipal justice courts, like the Washington City Justice Court, be recertified by the Utah Judicial Council every four years. Certification for the Washington City Justice Court expires in February 2016, and the City is in the recertification process. Part of that process requires that I, as city attorney, provide an opinion letter to the City Council of the maintenance of the State of Utah statutory operational standards of the Justice Court. This letter is intended to provide the City Council with that opinion.

Based upon my review and observation of applicable operations of the Washington City Justice Court and of my evaluation of the Court Certification Affidavit and to best of my knowledge, Washington City is in compliance with the following Utah statutory operational requirements for a municipal justice court:

1. All official court business shall be conducted in a courtroom or an office located in a public facility, which is conducive and appropriate to the administration of justice (U.C.A. § 78A-7-213, as amended).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (U.C.A. § 78A-7-213, as amended), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (U.C.A. § 78A-7-213, as amended).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (U.C.A. § 78A-7-213, as amended).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (U.C.A. § 78A-7-206, as amended, and U.C.A. § 78A-7-207, as amended).
6. The entity creating a Justice Court shall assume the expenses of travel, meals and lodging for the judge of that court to attend required judicial education and training (U.C.A. § 78A-7-205, as amended).

111 North 100 East • Washington City • Utah • 84780 Ph: (435) 656-6300 Fax: (435) 656-6370 washingtoncity.org

Mayor: Kenneth F. Neilson

City Manager: Roger Carter

Council Members: Garth E. Nisson • Thad D. Seegmiller • Kress Staheli • Ronald W. Truman • Jeff Turek

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (U.C.A. § 78A-7-103, as amended).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (U.C.A. § 78A-7-103, as amended).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (U.C.A. § 78A-7-103, as amended).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (U.C.A. § 78A-7-103, as amended).

11. Witnesses and jury fees as required by law shall be paid by the entity, which creates the court (U.C.A. § 10-7-76, as amended).

12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (U.C.A. § 78A-7-120, as amended, and U.C.A. § 78A-7-121, as amended).

13. Every entity creating a court shall pay the judge of that court a fixed compensation within the range provided by statute (U.C.A. § 78A-7-206, as amended).

14. Court shall be held within the jurisdiction of the court, except as provided by law (U.C.A. § 78A-7-212, as amended).

15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (U.C.A. § 78A-7-103, as amended).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to U.C.A. § 78A-7-215, as amended.

17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (U.C.A. § 78A-7-213, as amended).

Furthermore, based upon my review and observation of applicable operations of the Washington City Justice Court and of my evaluation of the Court Certification Affidavit and to

Mayor Neilson and City Council
WASHINGTON CITY
October 21, 2015
Page 3

best of my knowledge, Washington City is in compliance with those Judicial Council promulgated minimum standards of the Code of Judicial Administration (as promulgated pursuant to U.C.A. § 78A-7-103, as amended, and related statutory requirements) and all other requirements for the operation of the justice court and the feasibility of maintaining the justice court.

Sincerely,



Jeffrey N. Starkey
WASHINGTON CITY ATTORNEY'S OFFICE

cc: Washington City Manager
Washington City Recorder
Justice Court Clerk

**WASHINGTON CITY
STAFF SUMMARY REPORT**

DATE: *October 27, 2015 (City Council Regular Meeting)*

TO: *Mayor and City Council*

FROM: *Jeff Starkey, City Attorney* 

QUICK TITLE: *2016 Justice Court Recertification--Resolution*

Background

Agenda Title:

Consideration to approve a Resolution requesting the recertification of the Washington City Justice Court (to the Utah Judicial Council)

Summary Description & Explanation:

Utah law requires every municipal justice court to be recertified by the Utah Judicial Council every four (4) years. The Washington City Justice Court's current certification expires in February 2016.

In order to be recertified, an *Application for Recertification* ("*Application*") must be completed and delivered to the Utah Administrative Office of the Courts by October 30, 2015.

The following three (3) primary components of the Application must be submitted with the Application (and are attached hereto):

- 1. *Judge's Affidavit of Court Certification* (completed)**
- 2. *City Attorney Opinion Letter* (completed)**
- 3. *City Council Resolution* (Awaiting City Council approval)**

Recommended Action:

In order to maintain the Washington City Justice Court's certification by the Utah Judicial Council (in addition to completion of Items 1 and 2), the City Council must approve a resolution requesting recertification and agreeing to comply with justice court operational standards for the recertification period. The attached resolution meets those criteria and staff recommends the Council approve the Resolution Requesting Recertification of the Washington City Justice Court.

2015 WASHINGTON CITY
JUSTICE COURT RECERTIFICATION

ITEM 1.

(Judge's Affidavit of Court Certification)

JWS Copy

COURT CERTIFICATION AFFIDAVIT

Court Location: Washington City

Judge: Lee L. Runnell

Address: 111 N. 100 E. Washington, UT. 84780

Telephone: 435-656-6350

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: 285

Daily Court Hours: 8-5

Number of Full-time Clerks: 1
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 1
Hours Worked Per Week Per Clerk: 20

This form is divided into two parts. Section I contains those requirements that are statutory and are **not** waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now Judge Lee L. Runnell

Justice Court Judge for Washington City

_____ and,

except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. yes
2. Court is open daily. yes
3. The hours of court operation are posted conspicuously. yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. yes
5. The judge is compensated at a fixed rate, within the statutory range. yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. yes
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support yes
 - b. Funding for attorneys for indigent defendants, as appropriate yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute yes
 - d. Security for the court as provided by statute yes
 - e. Witness and juror fees yes
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. yes
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).
yes
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES or NO to each of the following:

1. Court is open each day as appropriate for the classification of the court. yes
2. The judge is available to attend court and to conduct court business as needed. yes
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge yes
 - b. A six inch riser yes
 - c. Desk and chair for the court clerk yes
 - d. Chairs for witnesses yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants yes
 - f. A Utah State flag yes
 - g. A United States flag yes
 - h. A separate area and chairs for at least four jurors yes
 - i. A separate area with appropriate seating for the public yes
 - j. An appropriate room for jury deliberations yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public yes
 - l. A judicial robe yes
 - m. A gavel yes
 - n. Current bail schedules yes
 - o. A copy of the Code of Judicial Administration yes

- p. Necessary forms and supplies yes
 - q. Office space for the judge yes
 - r. Office space for the court clerk yes
 - s. Secure filing cabinets yes
 - t. Appropriate office supplies yes
 - u. A cash register or secured cash box yes
 - v. At least one computer with internet access yes
 - w. Access to a copy machine yes
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. yes
5. Does the applicant have a law enforcement department? yes
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

7. A security plan has been filed consistent with C.J.A. Rule 3-414. yes
8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. yes
9. If the court is a **Class I** court:
- a. Judge is employed on a full-time basis _____
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
 - c. Court has a jury deliberation room _____
 - d. Judge's chambers, clerk's office, and courtroom are in the same building _____
 - e. Judge has his or her own private chambers _____
 - f. Clerk's office is separate from any other entity _____

- g. Court is open during normal business hours _____
10. If the court is a **Class II** court:
- a. Court is open (check one)
1. 201-300 average monthly filings: at least 4 hrs./day
 2. 301-400 average monthly filings: at least 5 hrs./day
 3. 401-500 average monthly filings: at least 6 hrs./day
- b. Trial calendar is set at least weekly yes
- c. Courtroom configuration is permanent yes
- d. Courtroom, judge's chambers, and clerk's office are within the same building yes
- e. Judge has his or her own private chambers yes
11. If the court is a **Class III** court:
- a. Trial calendar is set at least every other week _____
- b. Court is opened (check one):
1. 61-150 average monthly filings: at least 2 hrs./day
 2. 151-200 average monthly filings: at least 3 hrs./day
12. If the court is a **Class IV** court:
- a. Trial calendar is set at least monthly _____
- b. Court is open at least 1 hour per day _____
13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 31 day of August, 2015.


Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 31 day of August, 2015.

2015 WASHINGTON CITY
JUSTICE COURT RECERTIFICATION

ITEM 2.

(City Attorney Opinion Letter)



October 21, 2015

Mayor Nielson and City Council
WASHINGTON CITY
111 North 100 East
Washington, UT 84780

Re: Washington City Justice Court Recertification—City Attorney Opinion Letter

Dear Honorable Mayor and Distinguished Council Members:

State law requires that municipal justice courts, like the Washington City Justice Court, be recertified by the Utah Judicial Council every four years. Certification for the Washington City Justice Court expires in February 2016, and the City is in the recertification process. Part of that process requires that I, as city attorney, provide an opinion letter to the City Council of the maintenance of the State of Utah statutory operational standards of the Justice Court. This letter is intended to provide the City Council with that opinion.

Based upon my review and observation of applicable operations of the Washington City Justice Court and of my evaluation of the Court Certification Affidavit and to best of my knowledge, Washington City is in compliance with the following Utah statutory operational requirements for a municipal justice court:

1. All official court business shall be conducted in a courtroom or an office located in a public facility, which is conducive and appropriate to the administration of justice (U.C.A. § 78A-7-213, as amended).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (U.C.A. § 78A-7-213, as amended), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (U.C.A. § 78A-7-213, as amended).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (U.C.A. § 78A-7-213, as amended).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (U.C.A. § 78A-7-206, as amended, and U.C.A. § 78A-7-207, as amended).
6. The entity creating a Justice Court shall assume the expenses of travel, meals and lodging for the judge of that court to attend required judicial education and training (U.C.A. § 78A-7-205, as amended).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (U.C.A. § 78A-7-103, as amended).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (U.C.A. § 78A-7-103, as amended).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (U.C.A. § 78A-7-103, as amended).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (U.C.A. § 78A-7-103, as amended).

11. Witnesses and jury fees as required by law shall be paid by the entity, which creates the court (U.C.A. § 10-7-76, as amended).

12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (U.C.A. § 78A-7-120, as amended, and U.C.A. § 78A-7-121, as amended).

13. Every entity creating a court shall pay the judge of that court a fixed compensation within the range provided by statute (U.C.A. § 78A-7-206, as amended).

14. Court shall be held within the jurisdiction of the court, except as provided by law (U.C.A. § 78A-7-212, as amended).

15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (U.C.A. § 78A-7-103, as amended).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to U.C.A. § 78A-7-215, as amended.

17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (U.C.A. § 78A-7-213, as amended).

Furthermore, based upon my review and observation of applicable operations of the Washington City Justice Court and of my evaluation of the Court Certification Affidavit and to

Mayor Neilson and City Council
WASHINGTON CITY
October 21, 2015
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best of my knowledge, Washington City is in compliance with those Judicial Council promulgated minimum standards of the Code of Judicial Administration (as promulgated pursuant to U.C.A. § 78A-7-103, as amended, and related statutory requirements) and all other requirements for the operation of the justice court and the feasibility of maintaining the justice court.

Sincerely,



Jeffrey N. Starkey
WASHINGTON CITY ATTORNEY'S OFFICE

cc: Washington City Manager
Washington City Recorder
Justice Court Clerk

2015 WASHINGTON CITY
JUSTICE COURT RECERTIFICATION

ITEM 3.

(City Council Resolution)

RESOLUTION R2015-XX

**A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE WASHINGTON CITY JUSTICE COURT**

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire in February of 2016; and

WHEREAS, the members of the Washington City Council have received an opinion letter from Jeff Starkey, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the City Council have determined that it is to the best interests of Washington City to continue to provide for a Justice Court;

THEREFOR, BE IT RESOLVED, the Washington City Council hereby requests recertification of the Washington City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Washington City Council of Washington, Utah hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Washington City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

PASSED and APPROVED on this 28th day of October 2015.

Washington City

Kenneth F. Neilson, Mayor

Attest:

Danice B. Bulloch, CMC
City Recorder