



MIDVALE CITY COUNCIL MEETING AGENDA October 15, 2019

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **15th day of October 2019** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

5:30 PM – Dinner, Dahl Conference Room

6:00 PM – Dahl Conference Room

WORKSHOP

- A. Main Street Form Based Code *[Matt Dahl, Assistant City Manager/CD Director]*
- B. Utility Service Partners Presentation *[Dennis Lyon and Mayor Hale]*

7:00 PM

REGULAR MEETING – Council Chambers

I. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. Unified Police and Fire Reports
- D. Proclamation – Breast Cancer Awareness Month

II. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise scheduled for public hearing on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. **Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body.** Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

III. COUNCIL REPORTS

- A. Councilmember Bryant Brown
- B. Councilmember Paul Hunt
- C. Councilmember Dustin Gettel
- D. Councilmember Paul Glover
- E. Councilmember Quinn Sperry

IV. MAYOR ROBERT M. HALE REPORT

V. CITY MANAGER REPORT

VI. CONSENT AGENDA

- A. Consider Minutes of October 1, 2019 *[Rori Andreason, H.R. Director/City Recorder]*

VII. ACTION ITEM

- A. Consider Resolution No. 2019-R-47 Recertifying the Justice Court [**Lisa Garner, City Attorney**]

VIII. DISCUSSION ITEMS

- A. Discuss Draft of Water Conservation Plan [**Glen Kennedy, Public Works Director & Hansen Allen & Luce**]
- B. Discuss City-Wide Mural Program [**Jessica Stephens, RDA Project Manager**]
- C. Discuss 50/50 Sidewalk Program [**Matt Dahl, Assistant City Manager/CD Director**]

IX. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax. The agenda was also posted at the following locations on the date and time as posted above: City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pmn.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: OCTOBER 12, 2019

**RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER**



COUNCIL MEETING *Minutes*

Tuesday October 1, 2019
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor Robert M. Hale

COUNCIL MEMBERS: Council Member Bryant Brown
Council Member Paul Hunt
Council Member Dustin Gettel
Council Member Paul Glover - Excused
Council Member Quinn Sperry

STAFF: Kane Loader, City Manager; Bryce Haderlie, Asst. City Manager/Admin. Services Director; Matt Dahl, Asst. City Manager/Community Development Director; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Glen Kennedy, PW Director; Laura Magness, Communications Director; Lesley Burns, City Planner; Jana Ward, Planner I; Patrick O'Brien, RDA Housing Manager; Chief Randy Thomas, UPD; Chief Brad Laron, UFA; and Jake Shepherd, Network Administrator.

The pre-meeting workshop began at 5:30 p.m. – Dinner, Dahl Conference Room

Workshop at 6:00 pm – Dahl Conference Room

A. Housing Plan Discussion

Patrick O'Brien said the RDA is in the final drafting stages of the Midvale City Housing Plan (the "Plan"). The Plan has been formulated using the housing goals outlined in the 2016 General Plan and incorporates current data, best practices, and public input to establish objectives and strategies for making progress over the next five-years on the City's housing goals. The Plan also incorporates the moderate-income housing requirements as set out in UCA 10-9a-403 of the Utah Code.

Through the housing plan development process, six housing and neighborhood related issues impacting current and future Midvale residents were identified through a combination of public input, market analysis, and leading data in the field of housing and planning. The issues identified are:

- Growth
- Housing Affordability
- Housing Stock
- Home Ownership
- Neighborhood Stability
- Education

In order to address these issues and the challenges that they pose, staff used best practices in order to formulate a series of policies which will help to address and alleviate these issues.

Population Growth

- Reduce Lot Size Requirements in Residential Zones
- Strategically Encourage Density in Neighborhoods of Opportunity
- Modernize Parking Regulations to Support Residential Development
- Adopt By-Right Development in Strategic Locations (Especially around transit)
- Revise Setback and Open Space Requirements
- Encourage the Development of Missing Middle Housing to Accommodate Housing Choice for All Stages of Life
- Simplification of Subdivision Process

Housing Affordability

- Encourage Mixed-Income Multi-Unit Developments in Strategic Locations
- Focus Programs on Households Making 80% AMI or Less
- Include Density Bonuses for Affordable Housing Developments in Strategic Locations
- Establish Framework for a Community Land Trust

Housing Stock

- Incentivize the Development of Accessory Dwelling Units (ADUs)
- Provide a Financial Incentive to Improve Homes
- Business License Program Modifications
- Acquire and Redevelop Blighted Residential Units in Single Family Neighborhoods

Home Ownership

- Down-Payment Assistance Program for New Homeowners

Neighborhood Stability

- Support Code Enforcement Efforts
- Support the Development of Walkable Neighborhoods Through Improved Connectivity, Development of Neighborhood Scaled Amenities, Good Urban Design

Education

- Maintain and Distribute Housing Data and Information
- Provide Educational Opportunities for Renters and Landlords with Housing Industry Partners
- Provide Homeownership Education with Housing Partners

Patrick O'Brien discussed identified issues and proposed policies of the plan.

B. Jordan Bluffs Linear Park Discussion

Chris Butte said the developers of Jordan Bluffs have a conceptual plan they are working on for the 15-acre linear park, identified in the Jordan Bluffs Master Plan, that increases

its overall acreage to 19.39 acres. The increase of just over 4 acres is to facilitate a joint-venture with an upgraded Real Salt Lake outdoor field and indoor field in place of a section of park currently planned to comprise one outdoor soccer field. The enhancement would include the additional 4.39 acres next to where the previous field was planned in order to improve the overall amenities of the park and be available to the public.

- Enhance the overall amenities by providing two high level soccer fields; one indoor with extended hours and days of operation, and one higher quality outdoor field with scheduled times for use and limits based on conditions.
- Maintain the overall park connections and surrounding community connections.
- Reduce the overall future and on-going maintenance. The proposal includes private maintenance and operation of the proposed facilities.
- Provide extended hours and days of operation (Indoor Facility).
- Enhance the marketability of the park due to the enhanced facilities and hours of operation.
- Both facilities will be available to the public with scheduled access just as many City facilities are currently and subject to associated fees as other facilities are for maintenance, etc.

The Council felt this would be a great enhancement to the project.

Laura Magness discussed the Census 2020 Communications and Engagement Plan. She asked if there was anyone else the Council wanted to have on the committee. The Council said to add a few City Council members to the committee.

Mayor Robert Hale called the business meeting to order at 7:00 p.m.

I. GENERAL BUSINESS

A. WELCOME AND PLEDGE OF ALLEGIANCE

B. ROLL CALL - Council Members Paul Hunt, Dustin Gettel, Bryant Brown and Quinn Sperry were present at roll call. Council Member Paul Glover was excused.

C. UNIFIED POLICE & UNIFIED FIRE DEPARTMENT REPORTS

Chief Randy Thomas reported that he is currently working on the quarterly report. He hopes to have that completed by the next council meeting. He said a SWAT warrant was served on Pepperidge Dr, which was identified as narcotic sales. The home is contaminated with methamphetamines and was shut down by the Health Department. The home is currently being cleaned up. Council Member Dustin Gettel gave him information on an older gentleman that was at the Union Park who was blatant with the Hillcrest High Students. The school resource officer identified the gentlemen and took him off of the property. Detective Gerry Wayne is working with the homeowner on Center Street where there was a closed entry and SWAT warrant served. Detective Wayne is working hard at cleaning up the property, but it's a very slow process. The last home on Adams Street is still occupied. UDOT is trying to offer incentives for them to move out. He is working with the shelter to screen the people who go there. Some of the officers are wearing pink & purple shirts to support breast cancer and domestic violence.

Chief Brad Larson reported that they are compiling the stats for September. They had members attend the Fallen Fire Fighters Memorial in Colorado Springs. The event was well attended. He gave condolences along with thoughts and prayers to the Fire Chief Angelman family. He passed away in a tragic auto accident in Green River Colorado. The Light the Night event started yesterday and goes through October 6th. The Fire Stations will be lit up in red lights. It is to remember fire fighters who have given their lives. The professional development plan is being completed, which is a manual for the UFA departments that have specific steps to train, advance, and test for different specialty positions.

Council Member Quinn Sperry said he was asked by a young woman who they could contact if they are interested in attending fire school. Chief Larson said he would get in information to Council Member Sperry.

II. PUBLIC COMMENTS

Reuben Martinez said three boys died in Viet Nam. They gave their lives to our country for our freedom. These boys grew up together in Midvale and lived in the avenues. He proposed to name 5th, 6th and 7th avenue in their honor.

Kane Loader suggested adding the names to the street names. He also suggested bringing back a resolution at the next meeting to make this official.

The Council agreed.

III. COUNCIL REPORTS

A. Council Member Bryant Brown – said he has received a lot of positive feedback on the pedestrian activated crosswalks. The north side of Center Street has weeds and water that are blocking the crosswalk. He would like to make sure people can get to them to use them. He said with the high school going up twitter exploded with comments that a dome was being built over the football field. He wanted to let the public know this this is not happening.

B. Council Member Paul Hunt – said he would like to thank Lesley Burns for her help today and in the past for her knowledge and expertise.

C. Council Member Dustin Gettel – the Community Council will hold a Meet the Candidate Night on October 17th. He invited staff and residents to attend. He also said the mosquitoes are going away but not gone.

D. Council Member Paul Glover – excused.

E. Council Member Quinn Sperry – said he will send staff information on a light pole that possibly needs to be replaced.

IV. MAYOR REPORT

Mayor Robert Hale – reported he attended the grand opening of the Census 2020 headquarters. They need people to work part time. Information can be found on job

openings at www.census2020.gov. The City is starting a CCC (complete count committee) to educate and complete the census. He encourages everyone to fill out the census form. He attended the CBC Health Fair at Copperview Recreation Center. There were a lot of people in attendance.

V. CITY MANAGER REPORT

Kane Loader said Council Member Bryant Brown asked him to identify a “Safe Place” for citizens to buy or sell items in a safe place. He and Chief Thomas recommended City Hall for that safe place, which they are going to explore this. VECC moving to Versa Term for the new CAD and records management system. Utopia is doing very well. The revenues are strong, and the next bonds are on schedule. They are working with cities from one end of the state to the other to join UTOPIA. The executive committee said they are fine with them joining UTOPIA as long as it doesn’t take away from the build in the cities that are in the network. Trans-Jordan is getting very close to developing transfer stations. One is in Sandy and the other in South Jordan. Trans-Jordan will update the council at the November 19th meeting. He has asked them to cover the solid waste, recycling issues, and when the landfill will be completely filled up. Chris Butte invited him to visit Wasatch Properties to look at the apartments. He was very impressed at how fast things are moving. They are planning a field trip next spring for the City Council.

VI. DEPARTMENT REPORTS

A. COMMUNITY DEVELOPMENT REPORT

Matt Dahl reported that this week the Utah Chapter of the APA is having their fall conference. They have selected Midvale City for the Outstanding Achievement Award for the Main Street Small Area Plan. He thanked Alex Murphy for the package he put together to submit to them. Staff has a system for inspections for building projects where there is a phone and web-based system to set up the inspections. They are planning on moving to an all web-based system. He feels that it will improve the process for everyone. The 50/50 concrete replacement program is a program that has been funded, but not everyone wants to participate because they don’t want to come up with the other 50 percent. A more proactive program needs to be created and marketed so citizens understand what the requirements are. Staff has been conducting research for a plan on how to go about doing that. He discussed the September reporting tables for the Community Development Department with the Council.

B. PUBLIC WORKS REPORT

Glen Kennedy reported that Public Works has a new fluoridation analyzer installed. The splash pads and bathrooms are closed for the season. The sprinklers and backflow are in the process of being shut down. The streetlights are tested and reviewed quarterly, and a list is sent to the County identifying any issues. The leaf bag program is underway. The bags will be delivered the last week of October and first week of November. They will be picked up the third week of November as part of the bulky waste on your regular scheduled garbage day.

MOTION: Council Member Quinn Sperry MOVED to go into a public hearing. The motion was SECONDED by Council Member Paul Hunt. Mayor Hale

called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING

A. PUBLIC HEARING TO CONSIDER A FINAL SUBDIVISION PLAT FOR STRATTON COURT SUBDIVISION LOCATED AT 1112 EAST MECHAM LANE

Lesley Burns said the applicant, Dustin Snow, is requesting approval to subdivide the property located at 1112 East Mecham Lane into two lots as shown on the attached subdivision plat. The property is approximately 0.50 acres in size and includes a single-family house on the western portion of the property and a detached garage at the southeast corner. This proposal includes creating a smaller lot for the existing single-family house, which would remain, and a new single family residential lot to the east. Mecham Lane is a public road.

This property is zoned SF-1. This is a single family residential zone requiring a minimum lot size of 7,000 square feet, a minimum 55-foot lot frontage, and a minimum lot depth of 90 feet. The two lots being created with this proposed subdivision comply with these lot standards. In addition, the existing house complies with the required setback from the new property line being created and, with the existing driveway remaining intact, the property continues to have the required two off-street parking spaces.

Planning Commission Recommendation

The Planning Commission conducted a public hearing and discussed this request on September 11, 2019. Based on compliance with the requirements of the SF-1 zone district and the City's subdivision ordinance with the conditions of approval below, the Planning Commission forwarded a positive recommendation to the City Council to approve the Stratton Court Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. A note shall be added to the final subdivision plat indicating two 2-inch caliper street trees shall be planted prior to a Certificate of Occupancy being issued for the house on Lot 2.
3. The applicant shall address the following items prior to the final subdivision plat being recorded:
 - The fence, wall, gates and hedge exceeding four feet in height and adjacent to the public sidewalk along the street frontage shall be removed.
 - The detached garage in the southeast corner of the property shall be removed.
 - The street light adjacent to the detached garage shall be removed or confirmed it is privately maintained and operated.
 - The three-foot sidewalk along the property frontage shall be reconstructed with a width matching the sidewalk to the west. A cash bond may be posted guaranteeing completion at a later date if needed.

- Two 2-inch caliper street trees shall be planted on Lot 1. The existing street tree can count towards the requirement if protected during the deconstruction of the wall.
 - The applicant and adjacent property owner to the east shall work together to avoid any double fencing issues and come up with an acceptable boundary line agreement.
4. The applicant shall obtain duty to serve letters for water and sewer for the new lot prior to the final subdivision plat being approved. Since the Planning Commission meeting, the applicant has prepared a final subdivision plat, which has been approved by the Fire Marshal and the City Engineer subject to a few technical corrections on the plat. Duty to serve letters for water and sewer have been obtained (Midvale water and Cottonwood Improvement District). In addition, the applicant and adjacent property owner have resolved the fence and boundary line issue along the rear east property line.

Council Member Dustin Gettel said since the developer is a planning commission member, how does that process work.

Lesley Burns said the planning commission member declares a conflict of interest and leaves the room, so they do not participate in the discussion at all.

Mayor Hale opened the hearing to public comment.

Dustin Snow said he is paying for the light since it was grandfathered in.

Council Member Dustin Gettel asked if the garage does need to be removed.

Lesley said the removal of the garage will be addressed in the agreement.

MOTION: Council Member Paul Hunt MOVED to close the public hearing. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

ACTION: CONSIDER APPROVAL OF A FINAL SUBDIVISION PLAT FOR STRATTON COURT SUBDIVISION LOCATED AT 1112 EAST MECHAM LANE

MOTION: Council Member Paul Hunt MOVED to approve the Final Subdivision Plat for Stratton Court Subdivision located at 1112 East Mecham Lane with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall address the following items prior to the final subdivision plat being recorded:

- The fence, wall, gates and hedge exceeding four feet in height and adjacent to the public sidewalk along the street frontage shall be removed.
- The detached garage in the southeast corner of the property shall be removed or removal guaranteed within a specified time frame through an agreement between the City and property owner and bond posted by the property owner.
- The street light adjacent to the detached garage shall be removed or confirmed is privately maintained and operated.
- The three-foot sidewalk along the property frontage shall be reconstructed with a width matching the sidewalk to the west. A cash bond may be posted guaranteeing completion at a later date if needed.
- Two 2-inch caliper street trees shall be planted on Lot 1. The existing street tree can count towards the requirement if protected during the deconstruction of the wall.”

The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Absent
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

VIII. CONSENT AGENDA

A. CONSIDER MINUTES OF SEPTEMBER 3, 2019

MOTION: Council Member Dustin Gettel **MOVED** to approve the consent agenda. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the motion. There being none, he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry Aye
Council Member Paul Glover Absent
Council Member Paul Hunt Aye
Council Member Bryant Brown Aye
Council Member Dustin Gettel Aye

The motion passed unanimously.

IX. ACTION ITEM

A. CONSIDER RESOLUTION NO. 2019-R-46 AUTHORIZING THE MAYOR TO ENTER INTO A LOCAL GOVERNMENT UNDERSTANDING AND

AGREEMENT FOR THE MID-VALLEY ACTIVE TRANSPORTATION PLAN

Matt Dahl said in 2018, Midvale joined Millcreek and 4 other jurisdictions (Holladay, Cottonwood Heights, Murray, and Taylorsville) in successfully applying for a TLC grant from Wasatch Front Regional Council (“WFRC”) for a project called the “Mid-Valley Active Transportation Plan.” This plan will propose a backbone active transportation (biking and walking) network across the involved cities. The process will include online and in-person public outreach efforts, overall route analysis, a Midvale-specific sub-plan, and design and funding cutsheets for specific projects. The project is expected to run through the summer of 2020 with an adoption-ready plan being presented in August.

Avenue Consultants and Fehr and Peers have been selected as the consultants for this project. WFRC has prepared a contract with scope of work and deliverables and will enter into the contract directly with the consultants. As an attachment to the contract, WFRC would like the City to complete a “Local Government Understanding and Agreement,” stating the City is committed to working with the WFRC and the consultants to make the project a success, the City will provide support as outlined in the scope of work, the City will assign a local representative to manage the City’s contributions to the project, and the City will earnestly consider the final products for adoption. Alex Murphy has been managing the project so far and will continue to represent the City going forward. The overall budget for the project is \$300,000 and will be paid directly by WFRC. As a condition of the grant, the City was required to contribute \$5,000 toward the project, which was paid earlier this summer.

FISCAL IMPACT: A one-time cost of \$5,000 has already been paid for the project. No ongoing expense is proposed.

MOTION: Council Member Bryant Brown **MOVED** to Adopt Resolution No. 2019-R-46 Authorizing the Mayor to enter into a Local Government Understanding and Agreement for the Midvalley Active Transportation Plan. The motion was **SECONDED** by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called for roll call vote. The voting was as follows:

Council Member Quinn Sperry	Aye
Council Member Paul Glover	Absent
Council Member Paul Hunt	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

X. DISCUSSION ITEM

A. DISCUSS CODE ENFORCEMENT ISSUES REGARDING CLOSED BUILDINGS

Matt Dahl said Midvale City has completed an extensive planning process for the revitalization of the Main Street neighborhood. The result of this planning effort was the Main Street Small Area Plan, which identified needed infrastructure projects, policy changes, and programming that would support the revitalization of Main Street. In

previous meetings, the City Council indicated that the maintenance of public and private properties on Main Street will also be key to the street's revitalization. As part of the discussion of property maintenance, the condition of awnings, overhangs, and boarded buildings were identified as specific areas of concern. In response to these concerns, City staff surveyed the Main Street neighborhood for issues that conflict with existing code or that would warrant potential policy changes. Additionally, staff has gathered information from other communities in Utah to look for best practices for dealing with property maintenance issues.

He presented findings on:

- Most common code violations in the Main Street Neighborhood.
- Examples of vacant building boarding policies.
- Example sign and awning maintenance policies
- City-owned property maintenance practices and proposals

He had Detective Wayne check the area. The biggest issue was that some business are operating without a license. Many of them simply didn't know they needed to renew the license. He is also working on transient issues. There were also weed, grass, and parking issues. He said Glen Kennedy has done a good job of cleaning up Main Street.

He said they are working on getting the RDA funds to come in. The RDA funds are not used for the continuing maintenance of the properties. They have contacted the County to repair the lights that are out. In addition, people would like to see additional lighting on buildings, which staff is looking into.

One of the big issues is that there are several different drainage issues. Some of them are on private property and some on public property. They are both related to storm water issues, which staff is looking into. The crime and transient issues are a perception issue. They are continuing to work on that. Staff knows improvements on the streets and sidewalks are needed along with working with property owners for snow removal on the sidewalks.

Licensing is something staff is trying to keep on top of with compliance. The awning ordinance says the City has the ability to deal with them if they are in bad condition. People have liked the tree trimming and it's improved the appearance. The code for vacant buildings with boarding's is being looked into. In the case of Main Street today, there are many buildings that are boarded up. Several of those buildings have building permits and are getting them ready for tenants. He asked the Council if they have any ideas on how they would like to proceed.

Council Member Dustin Gettel said there needs to be a balance between property owners and residents. It was a suggestion that the boards look better if they have a smiley face on them.

Council Member Bryant Brown said the property owner has bought the property and is responsible for the property. If they don't want to maintain the property, they need to sell the property.

Council Member Dustin Gettel suggested that if the property owner is doing renovations, that they have a copy of the permit visible.

Council Member Quinn Sperry asked if there was any discussion on the zoning.

Matt Dahl said in some of the cases, the developer is waiting on the zoning.

Council Member Dustin Gettel indicated that he doesn't care about form based zoning. He just wants to get moving on it and needs some guidance from the city.

Council Member Quinn Sperry asked if he had heard from any of the other developers on Main Street regarding the zoning and what they envision.

Matt Dahl said there are definitely developers that would like for the City to make changes to our zoning code.

Council Member Quinn Sperry said the City needs to be working on parallel zoning changes and figure out what is needed.

Matt Dahl said that over the course of the spring and into the summer, there were several presentations to the City Council. The only comments at the time were regarding the Council's concerns of the existing buildings in that area. Staff feels that this is the best way to go about doing the zoning. It is a process that is going to take some time. They rely on the Planning Commission's feedback. He said a significant zoning change takes time.

Council Member Dustin Gettel asked if there is any way the developer can work under the current zoning and have it approved.

Matt Dahl said that the current zone would not accommodate the type of development he would want, and the proposal staff is making. He expressed concern with changing the process in creating projects.

Council Member Quinn Sperry said maybe we need to meet with the developers and ask them what their vision is and come to a common ground between what the developers want and what the city wants.

Matt Dahl said the developers would be looking at changes in the zoning to build what they want to build.

Council Member Bryant Brown said he has concerns about the zone changes.

Matt Dahl said the small area plan that was developed leads to the form base code. The form base code is intended to implement what is envisioned in the small area plan. He has been talking with the developer because he is anxious to proceed. However, they

have not done anything in regard to this plan except for go through the process. The plan is not being crafted for him.

Council Member Dustin Gettel asked to discuss this further at the next council meeting so they can have more of an understanding of it. He said he would like to speed up the process.

Council Member Bryant Brown said he agreed with Council Member Dustin Gettel. However, the developers could have presented something to the City and haven't yet.

Matt Dahl said he would come back to the Council with how to approach boarding and a proposal for a policy change. On the issue with the form base code, he would propose is to continue down the path as to not slow it down from where we are at with moving forward with the Planning Commission and come back to you with more detail on the form base code.

Lesley Burns said that there are tweaks that can be made. The form base code is like an umbrella. It's the detail inside that needs to be focused on.

XI. CLOSED SESSTION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

MAYOR: Mayor Robert M. Hale

COUNCIL MEMBERS: Council Member Bryant Brown
Council Member Paul Hunt
Council Member Dustin Gettel
Council Member Paul Glover - Excused
Council Member Quinn Sperry

STAFF: Kane Loader, City Manager and Lisa Garner, City Attorney;

MOTION: Council Member Dustin Gettel **MOVED** to go into closed session to discuss the character, professional competence or physical or mental health of an individual. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Hale called for discussion on the Motion. There being none he called for a roll call vote. The voting was as follows:

Council Member Paul Hunt Aye
Council Member Dustin Gettel Aye
Council Member Paul Glover Absent
Council Member Quinn Sperry Aye
Council Member Bryant Brown Aye

The motion passed unanimously.

The Council went into closed session at 8:56 pm

The Council reconvened at 10:00 pm

MOTION: Council Member Dustin Gettel MOVED to reconvene into open session. Council Member Bryant Brown SECONDED the motion. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

XII. ADJOURN

MOTION: Council Member Paul Hunt MOVED to adjourn the meeting. The motion was SECONDED by Council Member Quinn Sperry. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 10:02 p.m.

Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 15th day of October 2019.



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: OCTOBER 15, 2019

SUBJECT:

Recertification of Midvale City Justice Court

SUBMITTED BY: Lisa Garner, City Attorney

SUMMARY: Section 78A-7-103 of the Utah Code requires that municipal justice courts be recertified by the Utah Judicial Council every four years. The certification for the Midvale City Justice Court (“the Court”) expires in January of 2020. In order to qualify for recertification, Midvale City must submit the following three documents: 1) an affidavit submitted by Judge Vo-Duc certifying that the Court meets the state requirements for a Class I Justice Court, 2) a letter from the city attorney attesting to the viability of the justice court, and 3) a resolution adopted by the City Council.

The Court is a Class I Court. The operational standards for a Class I Court are as follows:

Over 500 Filings Per Month

Currently, the Court averages 825 total filings per month, which includes traffic, criminal and small claims cases.

Full-Time Hours and Full-Time Judge

The Court is currently open from 8:00 a.m. to 6:00 p.m., Monday through Friday, and employs a full-time judge.

Dedicated Facility

The Court is housed in a separate section of Midvale City Hall. It contains a dedicated courtroom, judge’s chambers and clerk’s office. The facilities provided meet or exceed the minimum requirements, and the judge has been provided with the required attire and tools as specified by the Judicial Council.

Clerical Resources – Minimum of Three Full-Time Clerks

The Court employs seven full-time judicial clerks.

Prosecution

Midvale City has two prosecutors who screen cases and represents the City at trial.

Indigent Defense

Midvale City budgets funds to provide for a defense attorney to represent indigent defendants. The City contracts with the law firm of Stowell, Crayk & Bown for its indigent defense services.

Legal Resources

Midvale City provides a yearly copy of the Utah Code and Midvale Municipal Code. Copies of the Utah Justice Court Manual, Utah Code of Judicial Administration and Utah Uniform Bail Schedule are kept electronically and updated regularly through the Utah Administrative Office of the Courts.

Law Enforcement

Midvale City currently contracts with Unified Police Department to enforce the law with Midvale City boundaries.

Bailiff

The Court contracts with All-Pro Security for its bailiff services. All-Pro is a bonded and registered constable company who employs POST certified officers.

Security Plan

A draft security plan is attached and will be submitted per Rule 3-414 of the Utah Code of Judicial Administration.

Jury/Witness Fees

The City provides funding for the payment of all statutory juror and witness fees.

Education

The City provides full funding for judicial and court clerk conferences. These conferences satisfy continuing professional education requirements for Judge Vo-Duc and his judicial assistants.

Reporting

All reporting required by the Utah Judicial Council is submitted timely and within the governing rules and laws. All reporting to the Utah Driver's License Division and the Bureau of Criminal Identification are made via the state case management system: CORIS. All surcharges are forwarded the Utah State Treasurer's Office no later than the tenth day of each month.

ATTACHMENTS:

- City Attorney Opinion Letter
 - Justice Court Standards for Recertification
 - Judicial Affidavit
 - Security Plan
-

**MIDVALE CITY, UTAH
RESOLUTION NO. 2019-R-47**

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
MIDVALE 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 Midvale Justice Court shall expire on January 31, 2020; and

WHEREAS, the members of the Midvale City Council have received an opinion letter from Lisa A. Garner, Midvale City Attorney, which sets for the requirements for the operation of the justice court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Midvale City Council have determined that it is in the best interests of Midvale City to continue to provide for a justice court.

NOW THEREFORE BE IT RESOLVED, that the members of the Midvale City Council hereby request recertification of the Midvale Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

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

APPROVED AND ADOPTED this 15th day of October, 2019.

Robert Hale, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council	“Aye”	“Nay”
Bryant Brown	_____	_____
Dustin Gettel	_____	_____
Paul Glover	_____	_____
Paul Hunt	_____	_____
Quinn Sperry	_____	_____



Midvale City Attorney's Office
7505 South Holden Street
Midvale, Utah 84047
(801) 567-7250
www.midvalecity.org

October 9, 2019

Mayor Robert Hale
Midvale City Mayor
7505 S Holden Street
Midvale, Utah 84047

RE: Justice Court Certification

Dear Mayor Hale and City Council Members:

As part of the recertification of the Midvale City Justice Court, the Utah Administrative Office of the Court has asked that an attorney opinion letter be provided to you from our office setting out the requirements for the operation of the justice court. I have attached a copy of the Justice Court Standards for Recertification by the Administrative Office of the Courts by letter dated September 9, 2019.

Judge George Vo-Duc has certified that the Midvale Justice Court meets the operational standards for recertification as a Class I Court. I believe the Midvale Justice Court does an outstanding job in fulfilling its duties and providing justice to our citizens. I also believe, based on reports from the Court about its operation, upon other information received about the Court from City Administration, and upon my own observations, that it is feasible to continue to maintain the Midvale Justice Court.

Respectfully submitted,

Lisa A. Garner
Midvale City Attorney

**JUSTICE COURT STANDARDS
FOR RECERTIFICATION
OF EXISTING COURTS**



SEPTEMBER 2019

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for and operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 22 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

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 (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), 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 (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
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 (78A-7-205).
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 (78A-7-103).
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 (78A-7-103).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

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

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

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

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103).

For Class I and Class II justice courts, the system must:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved;
- c. have at least four recording channels;
- d. have a one step "on" and "off" recording function;
- e. have conference monitoring of recorded audio;
- f. have external record archiving from the unit with local access;
- g. be capable of being integrated with the courts public address system; and

For Class III and Class IV justice courts, the system must, at a minimum:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved; and
- c. have at least two recording channels.

The Board of Justice Court Judges may create a list of products that meet these criteria.

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Accordingly, the Judicial Council has adopted the following minimum requirements:

1. That the Court be open for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. Appropriate office space for the judge and clerk. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer (which may be contracted).
8. A current court security plan must be submitted consistent with C.J.A. Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.
10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity among Justice Courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements 1-10 above, which have been adopted by the Judicial Council pursuant to Section 78A-7-103). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time.

Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James M. Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a Court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of Justice Court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a Court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full time

Judge: Full time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full-time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- **HOURS:**

Court Open:

201-300 filings At least 4 hours per day

301-400 filings At least 5 hours per day

401-500 filings At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- **FACILITY:**

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- **CLERICAL RESOURCES:**

201-275 filings At least one full-time clerk

276-350 filings 1.5 FTEs

351-425 filings 2.0 FTEs

426-500 filings 2.5 FTEs

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

b. Local ordinances

c. Justice Court Manual

d. Code of Judicial Administration

e. Uniform Bail Schedule

f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open

61-150 filings At least 2 hours a day

151-200 filings At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

a. Utah Code

b. Local ordinances

- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)
 Judge's/clerk office (can be a shared resource but court has priority when needed.)
 (Meets minimum requirements)

- **CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the Justice Courts. In many instances this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that Justice Courts convey a sense of justice, dignity and concern for the citizens who interact with it. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and Justice Courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for District Courts apply to Justice Courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, Justice Court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to Justice Courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the Justice Courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.
2. The judge's bench should be elevated at least one riser above the well floor level. As in the District Court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers. It is recognized however, those low ceiling heights in some Justice Courts do not allow for three-riser elevation. Benches elevated 18 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the

dimensions of the room permit. Sufficient space should be provided on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.
4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the Clerk and the Judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.
6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.
7. A jury room no smaller than 150 square feet should be integrated into each Justice Court. This space can serve as a conference room for attorneys and clients or as

flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- CLERICAL/SUPPORT SPACE:

The clerical and support space listed in the general court standards can also be applied to the Justice Courts. Actual Justice Court staff will vary widely depending on location, workload and county support.

COURT CERTIFICATION AFFIDAVIT

Court Location: MIDVALE

Judge: GEORGE F. VO-DUC

Address: 7505 SOUTH HOLDEN ST.

HOLDEN MIDVALE, UTAH

Telephone: 801-503-7144

Level of Court (Circle one) I II III IV

Average Case Filings Per Month: 825

Daily Court Hours: 9

Number of Full-time Clerks: 7

Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 1

Hours Worked Per Week Per Clerk: 23

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. 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 this Application for Recertification.

Comes now Judge GEORGE F. VO-DUC,

Justice Court Judge for MIDVALE,

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
13. A record of all court proceedings is maintained by an appropriate audio recording system.
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: N/A
-
7. A security has been submitted 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 YES
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council YES
- c. Court has a jury deliberation room YES
- d. Judge's chambers, clerk's office, and courtroom are in the same building YES
- e. Judge has his or her own private chambers YES
- f. Clerk's office is separate from any other entity YES
- g. Court is open during normal business hours YES

10. If the court is a **Class II** court:

a. Court is open (check one)

____ 201-300 average monthly filings: at least 4 hours/day

____ 301-400 average monthly filings: at least 5 hours/day

____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly ____

c. Courtroom configuration is permanent ____

d. Courtroom, judge's chambers, and clerk's office are within the same building ____

e. Judge has his or her own private chambers ____

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):

____ 61-150 average monthly filings: at least 2 hours/day

____ 151-200 average monthly filings: at least 3 hours/day

12. If the court is a **Class IV** court:

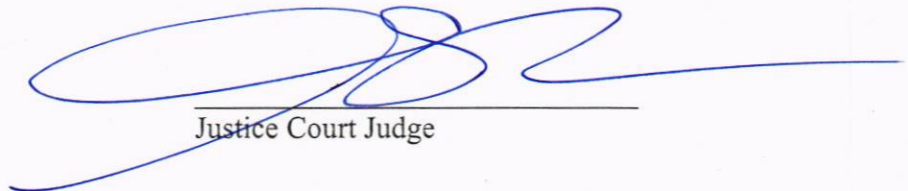
a. Trial calendar is set at least monthly ____

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 17th day of OCTOBER, 2019.



Justice Court Judge

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

Executed on this 17th day of OCTOBER, 2019.

CHECKLIST

Please be sure that your application for recertification includes each of the following:

1. ____ Court Certification Affidavit completed and signed by the judge.
2. ____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. ____ A copy of a duly passed resolution of the sponsoring governmental entity that
 - a. requests recertification of the court, and
 - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. ____ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since it was last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE BOARD OF
JUSTICE COURT JUDGES AT THE ADDRESS BELOW BY:
NOVEMBER 8, 2019.**

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241

SAMPLE RESOLUTION

A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE _____ 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 on the _____ day of _____ 20____; and

WHEREAS, the members of the _____ (City Council or County Commission) have received an opinion letter from _____, City/County 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 or County Commission) have determined that it is to the best interests of _____ (Municipality or County) to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Commission, Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the _____ (name of Commission, Council, Board) of (Municipality or County) hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 20 ____.

(Municipality or County)

by _____
(Title)

ATTEST: _____

SECURITY PLAN

FOR

MIDVALE JUSTICE COURT

MIDVALE CITY, UTAH

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I. INTRODUCTION:

The intent of court security is to promote the safety and wellbeing of judicial personnel, members of the bar and citizens utilizing the courts, to establish uniform policies for court security and to delineate responsibility for security measures by the Council, the administrative office, local judges, court executives and law enforcement agencies.

Court security includes the procedures, technology, and architectural features needed to ensure the safety and protection of individuals within the courthouse and the integrity of the judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control such problems as verbal abuse, insult, disorderly conduct, physical violence, demonstrations, theft, fire, bomb, threats, sabotage, prisoner escapes, kidnappings, assassinations, and hostage situations.

In accordance with Rule 3-414 of the Utah Code of Judicial Administration, this plan has been developed to establish procedures that will be followed by the Staff of the Midvale City Justice Court and Court Services of Utah, which is the agency responsible for security in the event of a disturbance or emergency situation.

All court employees will receive training on a yearly basis. They will be instructed on the entire security plan. The Court Services of Utah Officer who is assigned as the bailiff will also be trained yearly on this plan and security measures required herein.

Due the nature of the Midvale Municipal Center, which includes both City Hall and the Justice Court, in the event of any emergency in the Court the Court Administrator will immediately notify the Midvale City Administrator and appropriate Midvale City Emergency Procedures will be initiated. All Midvale City Personnel will follow the Midvale City Emergency Procedure and all Midvale Justice Court Personnel will follow the procedures outlined below.

II. EMERGENCY CONTACTS:

<u>Agency</u>	<u>Telephone Number</u>
Police Department	(Emergency).....911 or (Non emergency).....743-3000
Fire Department	(Emergency).....911 or (Non emergency).....840-4000
Ambulance	(Emergency).....911 or (Non emergency).....840-4000
Intermountain Medical Center.....	507-7000
Emergency Utility Services: Gas	1-800-541-2824
Power	1-866-870-3419
Building Maintenance.....	256-2594 or 567-7235
Midvale City Administration.....	567-7200
Midvale City Justice Court	255-4234

III. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES

A. Requirements

Court Services of Utah is responsible for security of the courthouse and shall:

1. Coordinate all law enforcement activities within the courthouse necessary for implementation of the security plan and for response to emergencies.
2. Cooperate with the court executive in the development and implementation of a local security plan.
3. Provide local law enforcement personnel with training.
4. Appoint court bailiffs.
5. Provide building and perimeter security.

IV. COURTROOM SUPPORT

A. Bailiff Requirements/Training

1. Bailiffs shall be "law enforcement officers" as defined in Section 53-13-103. At the discretion of the law enforcement administrator and with the consent of the presiding judge, bailiffs may be "special function officers" as defined by Section 53-13-105.
2. Prior to exercising the authority of their office, bailiffs shall satisfactorily complete the basic course at a certified peace officer training academy or pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual training as established by the division of Peace Officer Standards and Training. Bailiffs shall receive annual training on the elements of the court security plan, emergency medical assistance and the use of firearms.
3. Court bailiffs shall be of suitable physical and mental condition to ensure that they are capable of providing a high level of security for the court and to ensure the safety and welfare of individuals participating in court proceedings. Bailiffs shall be capable of responding appropriately to any potential or actual breach of security.

B. Weapons

1. Bailiffs, transporting officers, and other uniformed officers will be allowed weapons in the courtroom and judge's chambers. Any non-uniformed officer will be allowed weapons in the courtroom and judge's chambers but must first check in with the bailiff or clerk and present current, picture identification.
2. Every non-uniformed officer will have identification available while in the courtroom or court offices. Exceptions may be approved on a case-by-case basis at the request of a law enforcement agency and with the approval of the Court.
3. A Judge or law enforcement official as defined in state law may possess, in the Midvale City Justice Court a concealed firearm and ammunition for which the judge or law enforcement official has a valid certificate of qualification issued under Utah Code Ann. 53-5-711 or its successor provision. Any such individuals must notify the Bailiff.

- a. To re-qualify for a certificate under Section 53-5-711 a judge or law enforcement official shall annually complete with a passing score a range qualification course for judges and law enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the re-qualification of its officers.
4. All firearms permitted under this security plan that are carried into the courtroom shall be concealed unless worn as part of a public law enforcement agency uniform.
5. All firearms shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked.
6. All firearms shall be secured in a holster with a restraining device.

C. Responsibilities of Court Bailiffs

The bailiff is responsible and accountable to the assigned court. The court should inform the bailiff of particular needs, procedures, or special duties in addition to:

1. The bailiffs shall prevent persons in custody from having physical contact with anyone other than the members of the defense counsel's team. Visitation shall be in accordance with jail and prison policies and be restricted to those facilities.
2. The bailiffs shall observe all persons entering the courtroom, their movement and their activities. The bailiff shall control access to the bench and other restricted areas.
3. The bailiffs shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be conducted following recesses to ensure the room is clear of weapons, explosives and/or contraband.
4. The bailiffs shall wear the official uniform of the law enforcement agency by which they are employed.
5. The bailiffs shall comply with the directives of the judge or commissioner with respect to security related activities and shall perform other duties incidental to the efficient functioning of the court, which do not detract from security functions. Activities wholly unrelated to security or function of the court, including personal errands, should be neither requested nor performed.
6. Bailiffs shall follow all Court Services of Utah policies and procedures.

D. Responsibilities of Transporting Officers

Court Services of Utah is responsible for transportation any persons in the physical custody of a federal, state, county or municipal facility whose presence in court is required of that person to and from the courtroom.

1. The transportation officer shall remain present at all times during court appearances.
2. The transportation officer shall be responsible for the custody of such persons.

3. The transportation officer shall support the court bailiff in the preservation of peace in the courtroom.
4. The transportation officer shall provide advance notice of the transportation and of any extraordinary security requirements to the law enforcement agency responsible for court security, to the judge, and to the bailiff.
5. The transportation officer shall comply with any regulations regarding the transportation of persons in custody to court.
6. The transportation officer shall return the person in custody to the proper place of confinement.
7. Midvale Police Department shall provide assistance to the transportation officer as circumstances dictate.

E. Responsibilities of Transporting Officers

1. Officers transporting prisoners into the court may secure their prisoner in a court holding cell and notification shall be made to the records clerks and the court bailiff.
2. Transporting officer may assist with the security of the prisoner, in circumstances where multiple defendants need to be taken into the courtroom.
3. Transporting officer may assist with the security of the prisoner, in circumstances where the prisoner is uncooperative, disorderly or violent.

V. HIGH PROFILE/RISK CASES:

A. Need for Additional Security

In cases where there is an indication of high risk, extreme disruption, and/or a high public interest the judge, clerk, law enforcement officers, prosecutors and defense attorneys will communicate their view of the appropriate level of risk. If there is a need for higher security, Court Services of Utah will provide a plan for security of that case and provide the same to the judge, the prosecutor, and at the discretion of the judge, to defense counsel.

B. Metal Detectors and Physical Searches

If the need arises, the Bailiff or other assigned court security personnel will use a metal detector and /or a physical search of persons desiring to enter the courtroom. Signs will be posted to alert the public that they may be subject to search. Only designated law-enforcement officers will conduct physical searches.

C. High Community and Public Interest Cases

When a court hearing is scheduled that may attract community attention and result in large numbers coming to court, Court Services of Utah should be notified at the earliest opportunity in order for sufficient security arrangements to be made.

D. Media

Where cases result in high media attention, staff is not to release any information. Members of the news media should be directed to the office of the prosecutor or the judge.

The use of cameras or other recording equipment is only allowed with preapproval of the Court consistent with the Code of Judicial Administration.

VI. BUILDING SECURITY

A. Description of the Midvale Justice Court

1. The Midvale City Justice Court is located at 7505 South Holden Street, Midvale Utah. The Court is adjacent to Midvale City Hall and is located on the north section of the building. The building which houses the Court is a single story with no basement and the City Municipal building is a two story building with a basement.
2. The Midvale Justice Court has one public entrance. There are two other restricted entrances to the Court building. There are two other restricted entrances to the Midvale Municipal building and one public entrance. There is one courtroom located in the North East corner of the building; this courtroom has one public entrance. The judge and other court personnel access the court through a doorway from the Clerk's area. Prisoners waiting for court that day are held in a secure area at the very back of the Court with no public access.
3. There are three emergency exits out of the Midvale Justice Court:
 - a. The Main Lobby Entrance and Exit Doors
 - b. The connector hallway emergency exit door
 - c. The courtroom emergency exit door
 - d. In the event of the emergency, the following evacuation plans shall be used (evacuation maps attached):
 - i. **Public in the main lobby/waiting** area should exit through the public entrance and exit doors located on the west side of the building. The public shall congregate on the western most side of the grass area located just north of the court building.
 - ii. **Public by the restrooms** shall exit through the east emergency exit door, into the hallway, through the stairwell and out the east employee entrance door. The public shall turn north and congregate on the western most side of grass area.
 - iii. **Public in the courtroom** shall exit through the doors at the back of the courtroom (prisoner holding area)? and out the entrance/exit doors in the court lobby. The public shall congregate on the western most side of the grass area located just north of the court building.
 - iv. **Defense council, prosecution and jury** (should one be in session) shall exit out of the south emergency exit door of the courtroom, through the secured court clerk area, into the hall adjacent to the Municipal Center and then out the East employee entrance door. They shall then gather on the western most side of the grass area located just north of the court building.

- v. **Detainees being held in the holding cells** shall be escorted by the transport officer and, if available, an additional constable out of the loading door located on the north side of the court building. The detainees shall be taken to the north side of the prisoner drop off area and secured by the bailiff until transportation can take them back to their respective holding facilities.
 - vi. **The in-court clerk and Judge** shall exit into the secured Court Clerk area, out the secured access door connecting to City Hall and through the employee entrance door located on the Northeast end of the building. The Judge and the Clerk shall proceed to the eastern most side of the grass area located north of the court building.
 - vii. **All court personnel shall** exit through the secure access door connecting to City Hall and through the employee entrance door located on the east side of the building. Court employees shall proceed to the eastern most side of the grass area located north of the court building.
- 4. The Midvale Justice Court is separated from City Hall by a secure door. The area reserved for the Justice Court contains the judge's chambers, clerk offices, jury deliberation room, break room, public and private restrooms and a courtroom.
 - 5. The courtroom, the judge's chambers, and the clerks' office are secured at all times. Inmates may be brought to the courtroom directly from the jail or holding cells without going through public areas. Inmates are never allowed in restricted or public areas.

B. Building Security Positions

Court Services of Utah is responsible for handling any threats to security in the offices or courtroom of the Midvale City Justice Court. Department personnel are trained to handle any and all emergencies that might arise.

- 1. A bailiff will be provided to the court from Court Services of Utah while court is in session.
- 2. Court Services of Utah will provide a security officer to oversee the magnetometer while the justice court is in session.

C. Security Alarms

The Peak Alarm can be summoned by the use of one or more distress buttons in the courtroom and clerk's office. They are located at the judge's bench, the in-court clerk's desk and two at the clerks' front counter. The Court facility also has video security at the entrance of the courthouse, the lobby of the courthouse, the courtroom and in the onsite holding cells. The video feed from the holding cell is monitored by the Bailiff, Court Administrator and in-court clerk and all video feed is saved directly to the City database. The police department can also be summoned by using the telephones located on every desk in both the courtroom and the court offices.

In the event of an emergency or disturbance in the courtroom, the distress button should be used, even if a Bailiff is present.

The distress button system will be tested quarterly and the test will be prearranged with Peak Alarm Security Company.

D. Security Measures of Court and Personal Property

When safety and time permits, the following protocols shall be followed:

1. Security of records

The Court Administrator is responsible for the security of all court records. Upon notification of any emergency and assuring all persons are out, the room containing court records is to be locked to limit access. In all instances, the entire court staff should do everything reasonable, but not at a risk to their personal safety, to ensure that the files are kept confidential and safe.

2. Security of court funds

If any emergency arises and the building needs to be evacuated, all monies must be locked up if it can be done safely. If time permits, and there is no threat, the clerk or clerks should take the money with them, in an inconspicuous manner, for safe keeping until the emergency is over. The Court Administrator is ultimately responsible for ensuring the safe handling of court funds and should be diligent in seeing that none of those funds are lost or stolen.

3. Security of other court property

In all cases, the court staff shall take appropriate action to protect furniture, equipment, files, etc. as the situation allows. However, at no time should staff risk life or limb to save property.

4. Security measures outside building

The entire perimeter of City Hall and the Court are monitored twenty-four hours a day seven days a week by surveillance cameras.

5. Securing the courthouse

The justice court portion of the building shall be checked at the end of each business day. Building security officers will complete the check; the check will ensure the justice court is properly secured.

6. High-profile cases

During high profile cases, security officials should be mindful of demonstrators or others who may interfere with court proceedings. Twenty-four hour security coverage of the court building and its surrounding area may be conducted in extremely high profile cases or ones where threats have been received.

VII. EMERGENCY SITUATIONS

During an emergency, the bailiff is in charge of the situation. Employees should follow instructions from any security officer, bailiff, or police officer during emergencies.

The bailiff or officer in charge will:

1. Direct, in an orderly fashion, evacuations of the court portion of the building. All court employees will be directed to a designated safe area. This area is the farthest portion of the grass area north of the court building.
2. Once evacuated, account for employees at the safe-area.
3. Determine whether to send employees home or, to allow employees to return to the court building.

A. Hostile Persons

1. If an employee encounters a hostile person, the employee should keep calm and, without alarming the person, attempt to indicate the need for help to other employees.
2. If, upon observing the hostile person(s) it appears that security is needed, the employee will obtain assistance by use of the most readily available means, to include: the panic button or calling the police department or other available law enforcement on the intercom or telephone.
3. If the panic button is pressed Peak Alarm dispatch will call the area of the alarm to verify its validity.
4. Peak Alarm will then alert local police or other available law enforcement who will then take over the situation as per their own policy and training.
- 5.

B. Courtroom Disturbance

1. Summoning Assistance

If a disturbance takes place in the courtroom that the bailiff, judge or court staff cannot easily defuse, the judge or clerk will activate the distress button or make an intercom or telephone call that will alert the police department or other available law enforcement, to the problem. Court personnel should not attempt to disarm hostile persons or otherwise take matters into their own hands.

2. Hostage Situations

In a hostage situation, all court personnel shall follow the procedures in section D, 'Hostage Situations' (below).

C. Disturbance Outside the Courtroom

1. Clerk Incident Assessment

If a disturbance or emergency takes place in a court waiting area or clerk's office, a clerk will assess the situation. If the situation warrants, the clerk will call the police department or other more readily available law enforcement personnel.

2. Weapon Situation

If a weapon is visible or used, court personnel will (if possible) notify the police department or other more readily available law enforcement that there is a weapon.

Court personnel should not attempt to disarm the hostile person(s) or take matters into their own hands, but should attempt to follow the procedures as outlined in the section of this plan entitled "Hostage Situations" (below).

D. Hostage Situations

1. Duty to Notify Law Enforcement

If a hostage situation develops anywhere in the court portion of the building, the police department or other more readily available law enforcement will be contacted as quickly as possible. If unable to describe the situation, the individual making the call should simply say, "code three" and their location to alert law enforcement of the situation. "Code three" is the designation code for a hostage situation.

2. Instructions for a Hostage Situation

- a. No attempt to free hostages will be made by court staff.
- b. An attempt will be made to gather as much information as possible about the situation. It should include as much of the following as can be obtained:
 - i. Name and description of person(s) taking hostage(s).
 - ii. Name and description of hostages.
 - iii. Number of people involved.
 - iv. Location of the situation.
 - v. Location of exits and entrances to the area.
 - vi. Description of any weapons being used.
 - vii. Brief description of the circumstances.

3. Instructions to Hostages

The following are guidelines court staff should follow if they become a hostage. Court staff should be an example to those hostages who are not court employees. Staff should try and calm these individuals and, if possible, explain these guidelines for everyone's protection:

- a. Be cautious of heroics. Don't act foolishly.
- b. Be cooperative and do not make threats. Obey captors' demands without appearing either servile or antagonistic.
- c. Keep your cool. Attempt to relax by thinking of other things.
- d. Keep a low profile, but be observant.
- e. Be reluctant to give up your identification or clothing. Be especially resistant to changing clothing with captors as this could put you in danger in a rescue attempt.
- f. If possible, drink water, even if you are not particularly thirsty. It is important to keep up your strength.

- g. Be cautious of your body language as well as your words. It is important to not arouse the hostility of your captors.
- h. Try to not enter into discussions or activities with captors and be cautious of making suggestions to them.
- i. Think of persuasive reasons why you should be kept alive if your life is threatened.
- j. If a rescue attempt occurs and shots are fired, get down, take cover if possible, and keep your hands on your head. Do not resist being apprehended until proper identification can be made by law enforcement.

E. Escaping Prisoner

If an escape attempt is made during court, the clerk or judge will activate the alarm and call the police department or nearest available law-enforcement. The court staff should be observant as to the prisoner's means of escape, any help he or she received, directions of escape, and other facts that might be helpful to law enforcement. Court staff will not attempt to apprehend the prisoner themselves.

F. Bomb Threat

Extreme caution should always be used with any unusual packages, even when a bomb threat has not been made.

Court personnel upon receipt of a bomb threat should follow the following procedures:

- 1. During the call, try to learn all you can about the alleged bomb, its location, when it is set to go off, what kind of bomb it is, and what it looks like.
- 2. Have the caller repeat messages, but do not interrupt the caller. Remain calm. Do not put them on hold or transfer the call.
- 3. When the caller hangs up, immediately call 911. Whoever took the call will inform the Court Administrator of the threat and they will immediately inform the Bailiff and the City Manager. If the City Manager is not available the Court Administrator will inform the Assistant City Manager(s).
- 4. Calmly notify the judge of the threat received. When directed to evacuate, do so quickly, but in an orderly manner following the established evacuation plans.
- 5. If directed, begin an immediate search of the area for unusual objects. Do not touch or move any suspicious items or packages. When law enforcement personnel arrive advise them of the search results.
- 6. If time permits, secure all files and money as indicated in Section VI subsection D.

E. Fire

- 1. Employees will evacuate the building when the fire alarm goes off, closing doors behind them.
- 2. Any employee who observes dense smoke, flames or fire in the building will sound the fire alarm and call 911.

3. If time permits, secure money and turn off equipment.

F. Earthquake

If an earthquake occurs during working hours, staff should:

1. Stay inside if they are inside and get under something like a desk, table or permanent doorway, or against an inside wall. Stay away from windows and outside walls.
2. If outside, stay outside and move away from buildings, gas meters, power lines, etc.
3. After the quake is over, stay put until instructed to evacuate or take other action as directed by emergency personnel.
4. Do not re-enter buildings until instructed to do so by appropriate authorities.

G. Hazardous Materials and Chemical Spills

Evacuation of the building or other actions after a hazardous material incident or chemical spill will be determined by the fire department or law enforcement hazardous materials specialists.

H. Injury or Person needing Medical Attention

The first person to discover someone needing medical attention will:

1. Call 911.
2. Administer first aid, seeking competent help from persons in the vicinity.
3. Keep the victim as comfortable as possible.
4. Stay with the injured or sick person, and reassure them that help is on the way.
5. Command someone to direct emergency medical responders to the scene.

I. Active Shooter Response

1. Although it is more prudent to evacuate the court facility in events such as a bomb threat or fire, there are circumstances in which it may be more desirable to lock down or secure in place a facility. Such may be the case with an armed suspect. The purpose is to limit the exposure of employees and the public to an active shooter in or around the courthouse.
2. Notification Procedure:
 - a. Upon receipt of information about an armed suspect, a prisoner escape or a hostage situation, Bailiffs will attempt to notify occupants of the courthouse verbally or through other means available in the courthouse. The Court Administrator or Court Clerk with the closest available cell phone will, when safe, call 911 immediately and alert City Hall to the situation.
 - b. The Bailiff will announce the nature of the threat using plain language rather than codes.
 - c. Courtroom occupants will be notified of the emergency by the Bailiff and will be directed to a place of safety. Based on the situation, Bailiffs may choose to

utilize adjacent holding cells or may choose to keep persons in a locked courtroom.

- d. Upon confirmation that the threat(s) has been eliminated, Bailiffs will begin assisting employees and others from their lockdown locations. Officers shall identify themselves by title, name and agency when doing so.

3. Employee Lockdown Procedure:

- a. Upon hearing gunfire, seeing an armed person or being notified of an active shooter inside the courthouse, employees should first consider **RUNNING** from the building. If they are unable to because of physical limitations or proximity to the shooter, they should immediately try to **HIDE**. Hiding places may include individual offices, copy rooms or other secure areas which can be locked. Such rooms will be pre-designated with round stickers on the door frames. If a locked room is unavailable, employees should seek shelter in any available room and attempt to hide themselves from view.
- b. If they can do so safely, employees may assist members of the public to secure areas if possible and should notify other employees of the situation.
- c. If the gunman accesses their hiding spots, employees should **FIGHT** as hard as they can using whatever weapons are present.
- d. Employees will remain in lockdown location until they are notified by officers that it is safe to emerge. Employees may be required to remain at the scene for investigative purposes.

VIII. EVACUATIONS

A. Pre-Evacuation Actions

Prior to evacuation of the building and depending on the nature of the emergency, precautionary measures should be adhered to as listed in Section VI.

B. Evacuation Notice/Location

Upon direction to evacuate, all persons should evacuate according to the posted evacuation plan. All court employees shall proceed to the eastern most side of the grass area located north of the court building.

C. Render Aid

Employees will note anyone in the building who might need assistance. Within the employee's training and skill level, the employee will provide the needed help. The employee will also notify medical personnel of any person needing help.

D. Escape and Close Doors

If a safe door is not available to exit through, trapping employees and other persons, employees should go to an external window and signal for help. Upon exiting a room or building, all doors should be closed to prevent smoke penetration. Care should be taken not to block or seal in a doorway that will impede others from escaping.

E. Accounting for Staff

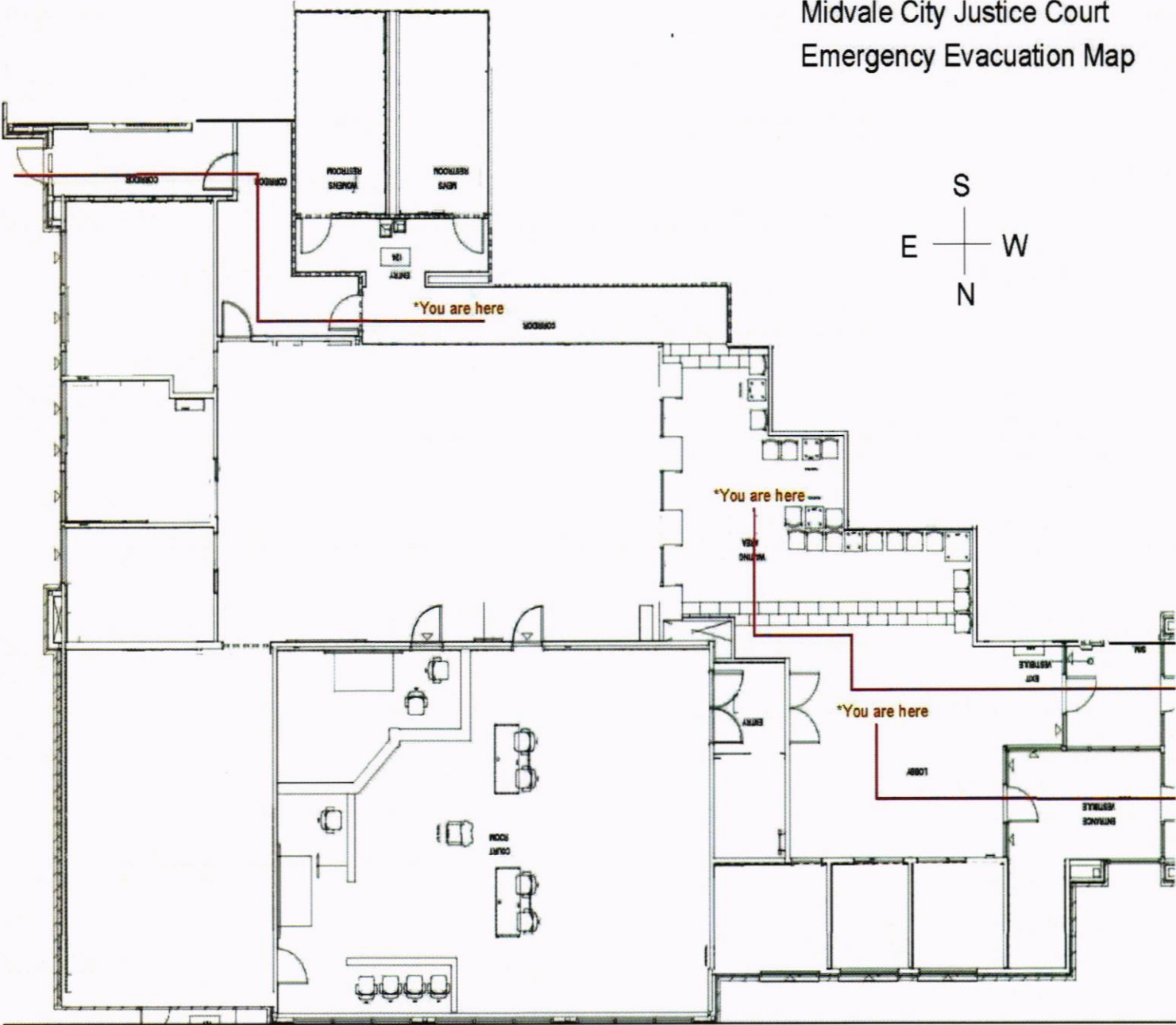
Following evacuations, all employees will inform their supervisor of their whereabouts and condition. All court employees should gather on the northern most grass area north of the Court. Provided that the building is safe, the supervisor, building security officer or other appropriate public safety personnel will authorize re-entry into the building. Long-term evacuations will require that employees check back with their supervisor before returning to work.

The key to evacuation is to remember that human safety must always come first and never be compromised to the security of property.

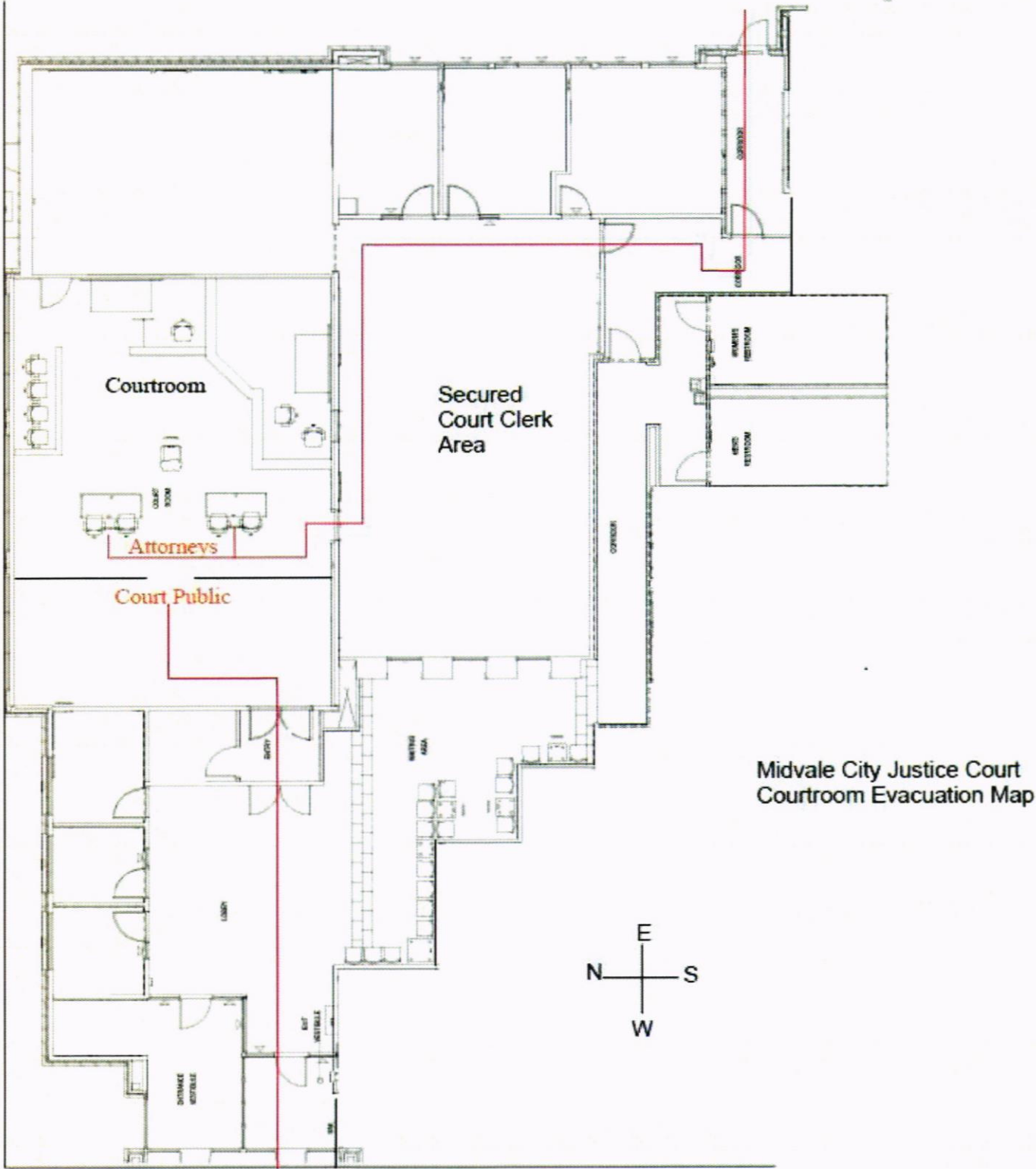
EVACUATION MAPS

Main Court Lobby

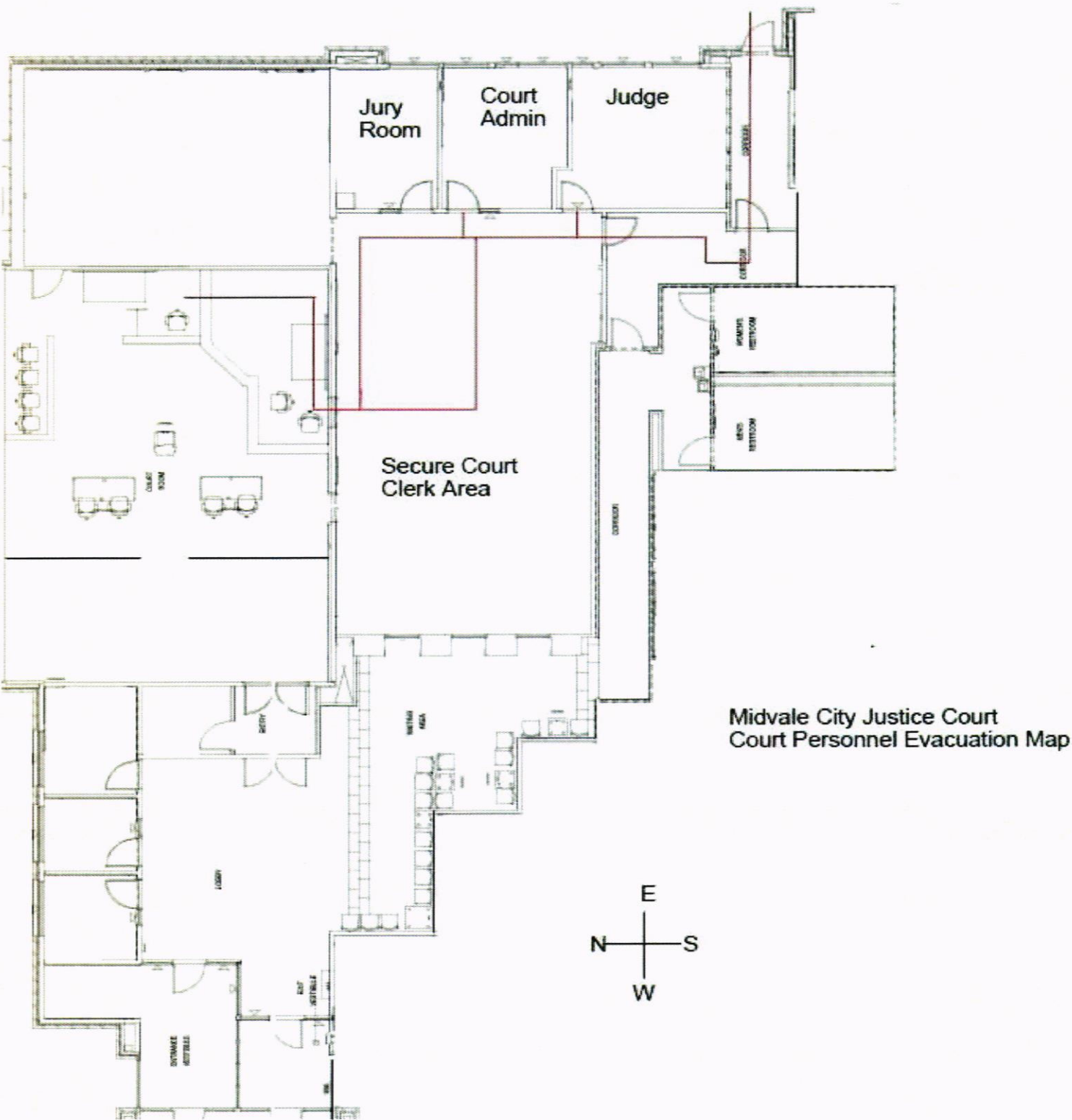
Midvale City Justice Court
Emergency Evacuation Map



Courtroom



Court Personnel



Midvale City Justice Court
Court Personnel Evacuation Map



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: October 15th, 2019

SUBJECT: Updated Midvale City Water Conservation Plan

SUBMITTED BY: Glen Kennedy, Midvale City Public Works Director

SUMMARY: The Utah State Legislature has passed legislation requiring public water suppliers to prepare a Water Conservation Plan and then to update the plan periodically. The City prepared its original Water Conservation Plan in 1999 and has updated the plan in 2003, 2010, and 2014. This report is the 2019 update of the City's Water Conservation Plan. This report describes the drinking water system, reviews and summarizes water consumption, assesses the water conservation alternatives available to the City, sets goals to conserve water, and identifies existing and proposed water conservation measures to be implemented by the City.

ATTACHMENTS: Draft of Updated Water Conservation Plan Prepared by Hansen, Allen and Luce.



MIDVALE CITY

WATER CONSERVATION PLAN

(HAL Project No.: 141.42.100)

September 2019

MIDVALE CITY

WATER CONSERVATION PLAN

(HAL Project No.: 141.42.100)

DRAFT

Lance Nielsen
Project Engineer



September 2019

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CHAPTER 1 – INTRODUCTION

In response to projected future growth along the Wasatch Front, the citizens and leaders of Midvale City are concerned about the future water supply in the region. The Utah State Legislature has passed legislation requiring public water suppliers to prepare a Water Conservation Plan and then to update the plan periodically. The City prepared the original Water Conservation Plan in 1999 and has updated the plan in 2003, 2010, and 2014. This report is the 2019 update of the City's Water Conservation Plan.

This report describes the drinking water system, reviews and summarizes water consumption, assesses the water conservation alternatives available to the City, sets goals to conserve water, and identifies existing and proposed water conservation measures to be implemented by the City.

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CHAPTER 2 – EXISTING WATER SYSTEM

Midvale City, located in the heart of Salt Lake County, had an estimated population of about 27,964 people in 2010 (US Census Bureau, 2010). The City is bounded by Murray City on the north, Cottonwood Heights on the east, Sandy City on the south, and the Jordan River on the west.

In 1998, the City annexed the Union area which essentially doubled the size and population of the City at the time. However, the drinking water needs for the Union area continued to be supplied by Sandy City and Jordan Valley Water Conservancy District (JVWCD). During the summer of 2009, Midvale City reached an agreement with Sandy City to take over the drinking water system for the Union area (See Figure 2-1). This was accomplished by the installation of water meters on each pipeline that crossed the Sandy City - Midvale City boundary with Sandy City billing Midvale City on a wholesale basis for water provided to the Union area. The portion of the Union area served by JVWCD (See Figure 2-1) is in the process of also being taken over by the City.

The population served by the historic Midvale City water system (without the Union area) was estimated to be about 14,700 based on 2010 US Census data. The total Midvale City population in 2018 was estimated to be 33,636 based on the 2010 US Census and the growth rate of new connections to the City water system.

There are currently many redevelopment projects that are planned for the city, which are expected to add roughly 4,150 additional residential units in the next 5 years. Assuming an average household size of 2.5, an estimated 10,500 new residents are expected to be added. The city estimates that in the next 30 years the population will increase to 55,000 residents. Water demands for the City are expected to increase accordingly.

At the end of 2018, the City had 7,403 connections to the water system. The connection type is shown in Table 2-1.

Table 2-1
2018 Water System Connections

Connection Type	Total Connections
Residential	6,098
Commercial/Other*	1,305
Total	7,403

INVENTORY OF WATER RESOURCES

The City currently receives drinking water from seven wells, and several wholesale connections to Jordan Valley Water Conservancy District (JVWCD). As of this past summer, with the connection of a second new meter vault from JVWCD, the City no longer obtains any water from Sandy City. Three of the City's wells are not currently in use. Table 2-2 summarizes the City's drinking water sources.

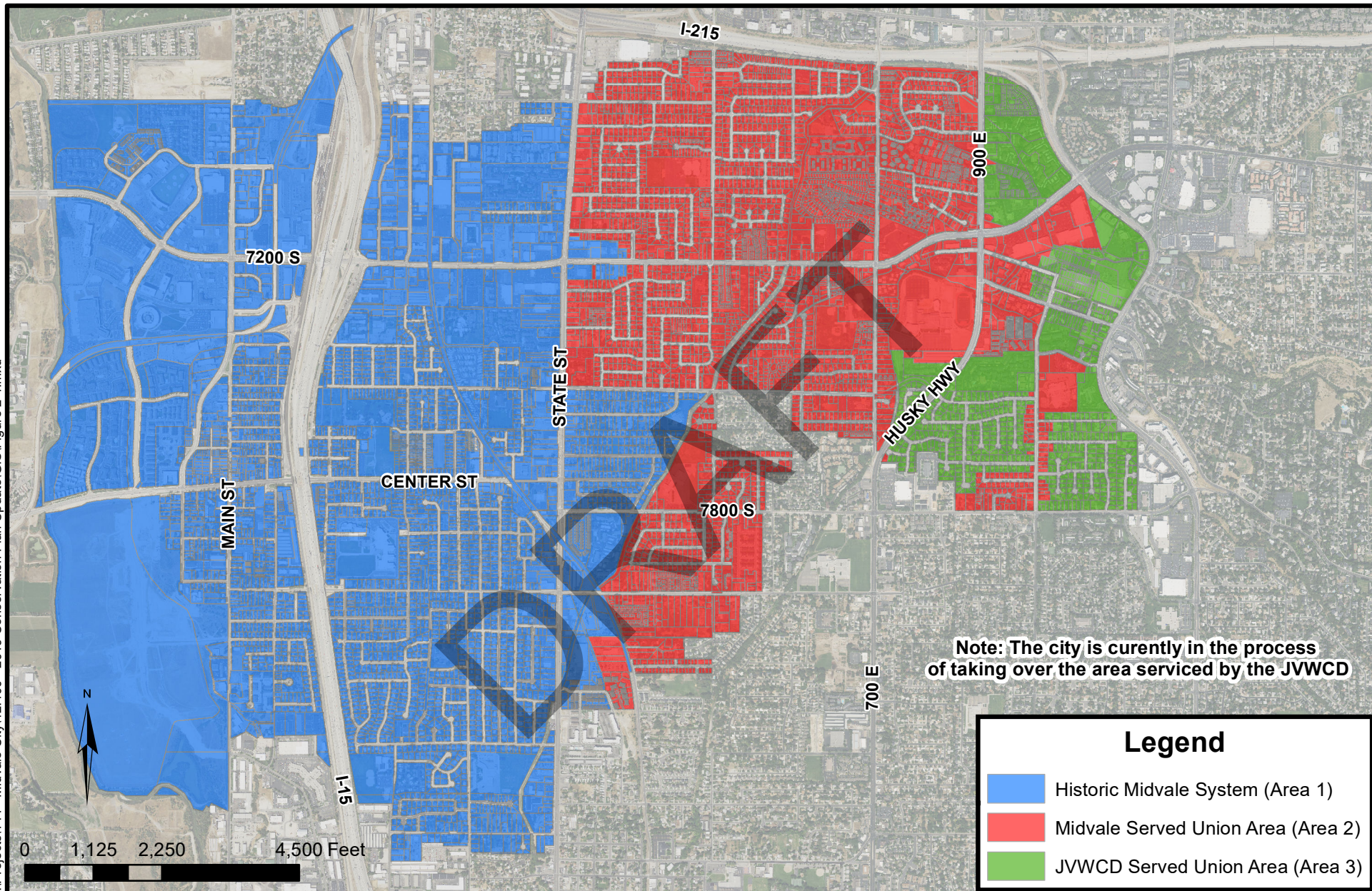


**Table 2-2
Existing Water Sources**

Source	Water Rights	Existing Source Capacity
Hancock Well	57-1398, -2251	1,000 gpm 
Million Gallon Well	57-1398, -2251	2,100 gpm
Oak Street Well	57-1398, -2251	1,200 gpm
Park Street Flowmatch Well	57-1398, -2251, -1008	Not Used (1,200 gpm)
Park Street Submersible Well	57-2251	Not Used
Prowswood Well	57-8248, -8099, -118, -2402, -2414, -2525, -8092, -2413, -10000, -8094, -7596, -8808, -8505	Not Used (570 gpm)
Phillips Well	57-2742, -3066	520 gpm
Sandy City	Contract with Sandy City	Variable 
JVWCD	Contract with JVWCD	Variable (150 ac-ft) 

WATER USE

Historical water supplied by the Midvale City drinking water sources is summarized in Table 2-3. Data prior to 2010 does not include connections in the Union Area.

**Table 2-3
Historical Water Supply Summary**

Year	Source Supplied (ac-ft)								Total (ac-ft)
	Hancock	Million Gallon	Oak Street	Park Street Flowmatch	Prowswood Well	Phillips Well	Sandy City	JVWCD	
1998	456.5	1,695.9	563.2	245.5	NA	NA	0	142.7	3,103.8
1999	523.7	1,862.3	501.5	109.0	NA	NA	2.2	146.7	3,145.4
2000	868.6	1,461.8	545.7	353.9	NA	NA	51.6	147.9	3,429.5
2001	953.9	1,190.5	591.4	399.3	NA	NA	14.4	146.1	3,295.6
2002	935.5	1,027.2	387.3	312.1	NA	NA	118.8	162.0	2,942.9
2003	882.1	729.0	441.6	287.0	NA	NA	314.0	194.9	2,848.6
2004	687.4	777.5	665.5	177.0	NA	NA	79.2	142.4	2,529.0
2005	1,096.7	822.0	282.6	223.6	NA	NA	233.3	149.3	2,807.5
2006	1,063.6	825.6	347.6	358.2	NA	NA	247.6	138.3	2,980.9
2007	907.5	979.5	328.7	344.5	NA	NA	406.9	187.9	3,155.0
2008	657.2	803.7	462.6	471.2	NA	NA	481.3	164.2	3,040.2
2009	104.2	1,457.3	464.3	600.1	NA	NA	293.3	5.0	2,924.2
2010	963.2	1,594.8	449.3	265.3	1	0	2,039.1	148.7	5,460.4
2011	1,087.2	1,099.1	273.2	131.8	1	0	1,922.6	139.2	4,653.1
2012	1,263.9	1,163.6	436.5	0	0	124.3	2,244.6	150.4	5,259.0

Year	Source Supplied (ac-ft)								Total (ac-ft)
	Hancock	Million Gallon	Oak Street	Park Street Flowmatch	Prowswood Well	Phillips Well	Sandy City	JVWCD	
2013	896.5	2,114.7	256.7	0	1	146.09	2,002.4	185.9	5,456.2
2014	1106.7	1492.6	426.2	0	0	0	1927	127.9	5080.4
2015	1144.3	1648.3	448.6	0	0	0	1933.1	180.51	5354.8
2016	856.1	2052.8	358.2	0	0	0	1959	131.1	5357.2
2017	979.2	1763.7	345.9	0	0	124.3	1918	165.6	5296.7
2018	915.2	2336.1	332.5	0	0	146.9	1599.8	390.1	5720.6

Based on population estimates for the historical Midvale City water system, the per capita water use for the City from 1998 through 2001 was approximately 250 gallons per capita per day (gpcd). From 2002 through 2009, the water use dropped to about 200 gpcd (See Figure 2-2). From 2009 through 2014 the use dropped to about 190 gpcd. In the past 5 years, Midvale has continued to show a declining trend in water use. The average for these 5 years has been 178 gpcd. It is interesting to note that a significant amount of water conservation seems to have been realized in a single year's time period from 2001 to 2002. This is consistent with statewide water conservation publicity campaigns implemented by the State of Utah and several

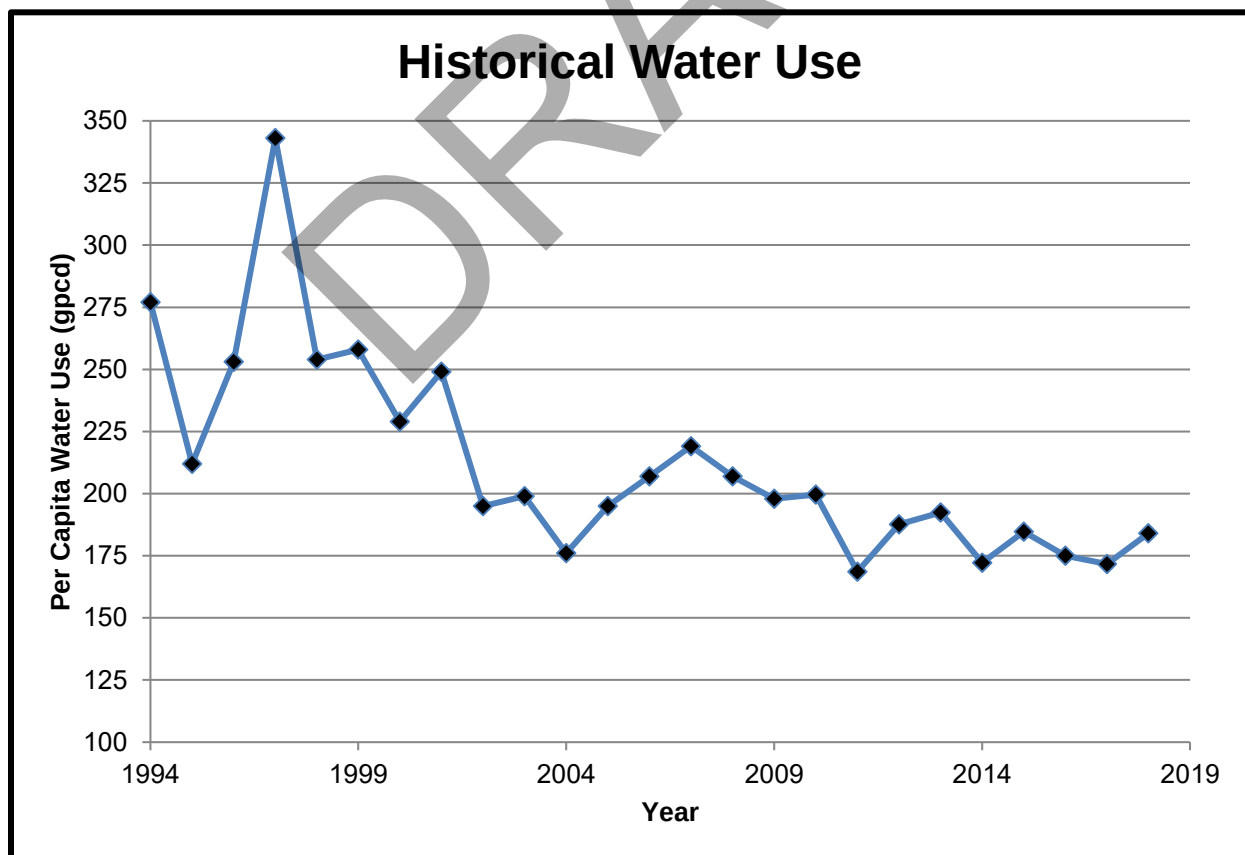


Figure 2-2: Midvale City Historical Water Use

cooperating public water systems. This was also during an extended drought period. It is believed that the initial water conservation push resulted in a rapid general change in the public mindset regarding water consumption, resulting in the reduced per capita usage. Since that time, water usage has slowly trended downward with slight variations from the average from year to year. Midvale City's current water use is lower than Salt Lake County's 2015 average of 206 gpcd for indoor and outdoor use (DNR, 2015).

Water use is categorized into residential and commercial/other uses. The historical percentage of water use for each type of use is shown in Table 2-4. These percentages include the Union area. It should be noted that the commercial water use percentage also includes multi-unit apartment buildings.

Table 2-4
Percent Water Use by Type of Use

Type of Water Use	Percent Water Use	
	Residential	Commercial/Other
2009	63%	37%
2010	49%	51%
2011	54%	46%
2012	56%	44%
2013	54%	46%
2014	61%	39%
2015	48%	52%
2016	54%	46%
2017	55%	45%
2018	47%	53%

Table 2-5 compares the water supplied to the Midvale City drinking water system to the metered water use for the years 2014 through 2018. About 8% of the water supplied by the City's drinking water sources was unaccounted for in 2018. Possible explanations for the unaccounted water use include leaks in the distribution system, meter inaccuracies, and miscellaneous unmetered water use (such as pipe line flushing, etc.).

Table 2-5
Comparison of Water Supplied to Metered Water Use

Year	Supplied Water (ac-ft)	Metered Water Use (ac-ft)	Percent Difference
2010	5,460.4	4,891	10%
2011	4,653.1	4,427	5%
2012	5,259.0	5,103	3%
2013	5,456.2	4,690	14%
2014	5,080.4	4671	8%
2015	5,354.8	4815	10%
2016	5,357.2	5,173	3%
2017	5,296.7	5,002	6%
2018	5,720.6	5262	8%

Based on the 2014-2018 water meter billings for the months of November through April, the typical indoor water demand is estimated to be about 202 acre-feet per month (2,422 acre-feet per year). Assuming this indoor use is consistent through the summer months of May through October, the estimated average quantity of water used for irrigation is about 2487 acre-feet. Table 2-6 estimates the amount of outdoor irrigation use based on the previous Water Conservation Plan and the most recent meter billing data.

**Table 2-6
Midvale Irrigation Use Estimations**

Type of Use (ac-ft)	Summer Use (May-October)	Winter Use (November-April)	Irrigation Use (Summer Use – Winter Use)	% of Summer Use attributed to Irrigation
2011	3439	1,223	2,216	64%
2012	3228	1,221	2,007	62%
2013	3538	1,189	2,349	66%
2014	3470	1,140	2,330	67%
2015	3576	1,175	2,401	67%
2016	3,798	1,375	2,423	64%
2017	3,718	1,284	2,434	65%
2018	3,951	1,311	2,640	67%

EXISTING AND FUTURE WATER USE

Water use for the City is expected to grow in proportion to the number of connections added to the City's water system. Assuming the per capita water use over the past 5 years of 178 gpcd, the estimated 2020 water use for Midvale City (estimated city population of 34,771) is about 5,706 ac-ft/year. When the City has reached its population growth potential of about 55,000, the estimated water use will be about 10,937 ac-ft/year.

If current water conservation efforts can be maintained into the future, it will save the City about 4,436 ac-ft/year of required build-out water supply compared to their 1995 water use rates. Water losses in the system were low, but if water losses could be reduced from 8% to 4%, the estimated additional water savings at build-out would be about 437 ac-ft/year.

CHAPTER 3 – CONSERVATION ISSUES AND GOALS

WATER METERING AND PIPELINE REPLACEMENT

Midvale City currently meters water use at all connections and reads meters on a monthly basis. Midvale City replaced all the meters within the historic Midvale water system with radio-read meters within the past 10 to 11 years and continues to monitor and replace meters throughout the city as they become older and defective. Water meters in the Midvale served Union area have been replaced in the last five years. The meters in the JVWCD served Union area are currently being replaced.

Midvale City has a current program to replace and/or upsize old or undersized water pipelines in streets that need to be re-constructed. Typically, this results in the replacement of over 1,000 feet per year. In addition, other old or undersized pipelines have been identified for replacement in the City's Water System Master Plan. These projects are implemented as City budget allows. The City also regularly replaces old water service laterals with new copper or poly lines as pipeline projects are constructed.



CURRENT WATER RATE STRUCTURE

Midvale City's drinking water rate structure is summarized in Table 3-1. The City has different rates for seven meter sizes in three different areas (Figure 2-1). Rates are evaluated yearly and adjusted for fiscal and water conservation needs.

Table 3-1
Water Rate Structure 2019

Meter Size	Area #1	Area #2	Area #3
Base Rate			
3/4"	\$18.01	\$20.59	\$21.67
1"	\$25.21	\$28.81	\$30.33
1.5"	\$32.41	\$37.05	\$39.01
2"	\$52.21	\$59.70	\$62.82
3"	\$198.05	\$226.40	\$238.28
4"	\$252.05	\$288.16	\$303.26
6"	\$378.05	\$432.23	\$454.91
Overage Charge every 1000 Gallons			
Peak (Jun-Sep)	\$1.78	\$1.87	\$1.87
Off-Peak (Oct-May)	\$1.24	\$1.29	\$1.29

IDENTIFIED PROBLEMS

Midvale City is concerned with the potential waste of water from inefficient indoor/outdoor water use and from system wide losses. The following specific concerns have been identified by the City:

- Many pipes in the drinking water distribution system are old and are undersized and may be leaking.
- Although the City has adopted an annually increasing rate structure with higher overage charges for peak usage times, the City is still concerned that the rates are insufficient and should continue to change to promote conservation.
- Comparison of the water supplied to the distribution system and the monthly meter readings has revealed water that is unaccounted for.
 - The City meters some construction water. However, the metered water has not been included in the metered water records. 
 - The City currently has no estimates for the amount of water used during fire hydrant tests and distribution system flushing.

Midvale City has decided to set goals to address the identified problems and to promote conservation. The City is currently promoting water conservation measures similar to the State of Utah water conservation campaign that was instituted in 2001. Utah's M&I Water Conservation Plan, released in July 2003, sets a state-wide goal to reduce per capita water use 25% from the 1995 usage by the year 2025. In the mid 1990's, the average Midvale City water use was estimated to be about 250 gpcd. Midvale City's estimated 2018 water use is about 184 gpcd which represents a water use reduction of about 26% from the state wide goal in 1995.

GOALS

Midvale City has reached the state-wide goal of reducing their Per capita water consumption by 25%. A goal was also set in 2015 for each city in Salt Lake County to be below 187 gpcd. Even though Midvale has completed both of the state goals they will continue to promote conservation. The following specific conservation goals have been identified by the City to help continue to promote conservation:

- The City will continue public education efforts including encouraging customers to limit outside watering to the hours of 6 pm to 10 am.
- The City will continue to support the water conservation measures currently in effect as defined in Chapter 4.
- The City will re-evaluate the water rate structure to continue to promote water conservation.
- The City will determine potential causes for unmetered/unaccounted for drinking water and attempt to reduce this water loss.
- The City will replace leaking pipelines as they are discovered and as budget will allow.

CHAPTER 4 – CONSERVATION MEASURES & IMPLEMENTATION

Midvale City believes that water conservation is an important factor for allowing the City to meet water demands into the future. Although the City hasn't appointed a water conservation coordinator, staff is aware of the conservation goals and work together to implement the goals.

EXISTING CONSERVATION MEASURES

Table 4-1 identifies water conservation measures that are currently being implemented by Midvale City. The measures will continue to be implemented according to the plan indicated in Table 4-1. It is believed that existing conservation measures and public education programs are working based on the continued decline of water use rates seen since 2002.

**Table 4-1
Existing Conservation Measures**

Conservation Measure	Implementation Plan
<u>Public Education:</u> Promote water conservation measures to City residents through public education. (See Appendix for public education material)	Advertise conservation measures through: • The City's website • The annual Water Quality Report • The City Newsletter
<u>Require Water Saving Fixtures:</u> City has adopted the International Plumbing Code which requires water saving plumbing fixtures for new development.	Check building plans for water saving fixtures during building permit reviews and enforce compliance through building inspections for new construction
<u>Replace Old Water Service Laterals:</u> New copper or poly laterals installed in place of steel galvanized or other old laterals.	Replace with copper or poly water services as leaks are detected and as part of any pipeline replacement project. Many of the old galvanized steel services have been replaced to date.
<u>Replacement Program for Old Pipelines:</u> City replaces more than 1,000 feet of pipeline per year.	Replace old/undersized pipeline: • Whenever a street is redone • According to master planned projects • As leaks are detected • As Annual budget will allow
<u>Replacement Program of Old Water Meters:</u> New accurate radio-read meters installed at all connections.	All water meters: • Have been replaced within the past 10 to 11 years in the Historic Midvale system • Have been replaced within the last 5 to 6 years in the old Midvale served Union Area • Are currently being replaced in the JVWCD served Union Area being taken over by Midvale City
<u>Restrict Water Use for Public Landscaped Areas:</u> Practice water-wise irrigation for City facilities.	Sprinkler irrigation at new public landscaped areas is: • adjusted based on weather • performed during the cooler parts of the day
<u>Require Separate Meters for Large Irrigated Areas:</u>	Separate meters for landscaping are required for commercial and industrial connections with large landscaped areas.

Conservation Measure	Implementation Plan
<u>Evaluate Water Rate Structure:</u> The water rate structure promotes water conservation through increasing rates and higher overage costs during peak water use times.	The City re-evaluates the water rate structure annually to promote water conservation.

In addition to water conservation measures implemented by Midvale City, residents of the City also have access to conservation measures that are implemented by Jordan Valley Water Conservancy District (JVWCD). A summary of JVWCD efforts is included below:

- Free Water Audits: At the request of residential, commercial, industrial, or institutional water users, JVWCD will perform a check of the sprinkling system and landscaping to increase irrigation efficiency and promote conservation.
- Water-Wise Landscaping Classes: JVWCD offers landscaping classes that focus on water conservation principles for residential and commercial water users.
- Large Water User Workshops: Provides tools to assist large outdoor water users with managing large landscaped areas. Applicable to public schools, churches, parks and recreation, municipalities, etc.
- Water Quest – Saving Water by the Yard: Four residential homes within the Salt Lake Valley were re-landscaped to demonstrate what a water-wise landscape actually looks like in a home setting. These homes serve as localized demonstration gardens with before and after photos included on the JVWCD website.

PROPOSED CONSERVATION MEASURES

Table 4-2 identifies water conservation measures that are proposed to be implemented by Midvale City in the future in addition to existing conservation measures shown in Table 4-1.

Table 4-2
Proposed Conservation Measures

Conservation Measure	Implementation Plan
<u>Public Education:</u> Promote water conservation measures to City residents through public education.	Advertise conservation measures by providing links to water conservation websites on the City website: • See Appendix for example websites
<u>Landscaping Ordinances:</u>	Update City landscaping ordinances to provide incentives to incorporate xeriscaping on existing landscaping.
<u>Include Metered Construction Water in Water Use Records:</u> Not all construction water is currently metered and included in the City's overall water use records.	The City currently requires contractors to meter the water that they use for construction projects. The City will begin recording this metered water use in its water use records to accurately account for the used water.
<u>Replacement Program for Old Pipelines:</u> City replaces more than 1,000 feet of pipeline per year.	Replace old/undersized pipeline: • Whenever a street is redone • According to master planned projects • As leaks are detected
<u>Estimate Fire Hydrant Testing and Flushing Flows:</u>	The City plans to request estimates of the duration and flow rates for fire hydrant testing and flushing programs implemented by the Unified Fire Department and City maintenance staff.

Conservation Measure	Implementation Plan
<u>Restrict Water Use for Public Landscaped Areas:</u> Practice water-wise irrigation for City facilities.	Irrigation at public landscaped areas will be: • adjusted based on weather • performed during the cooler parts of the day
<u>Require Separate Meters for Large Irrigated Areas:</u>	Separate meters for landscaping are required for commercial or industrial connections with large landscaped areas.
<u>Evaluate Water Rate Structure:</u> The current rate structure promotes water conservation through increasing rates and higher overage costs during peak water use times.	The City will continue to re-evaluate the water rate structure annually to evaluate whether the current rate structure on an annual basis to promote water conservation.

DRAFT

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APPENDIX A

PUBLIC EDUCATION MATERIALS

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Ten ways that will save the most:

1. Water your lawn only when it needs it. Step on your grass. If it springs back when you lift your foot, it doesn't need water. So set your sprinklers for more days in-between watering. Saves 750-1,500 gallons per month.
2. Fix leaky faucets and plumbing joints. Saves 20 gallons per day for every leak stopped.
3. Don't run the hose while washing your car. Use a bucket of water and a quick hose rinse at the end. Saves 150 gallons each time. For a two car family that's up to 1,200 gallons a month.
4. Install water-saving shower heads or flow restrictors. Saves 500 to 800 gallons per month.
5. Run only full loads in the washing machine and dishwasher. Saves 300 to 800 gallons per month.
6. Shorten your showers. Even a one or two minute reduction can save up to 700 gallons per month.
7. Use a broom instead of a hose to clean driveways and sidewalks. Saves 150 gallons or more each time.
8. Don't use your toilet as an ashtray or wastebasket. Saves 400 to 600 gallons per month.
9. Capture tap water. While you wait for hot water to come down the pipes, catch the flow in a watering can to use later on houseplants or your garden. Saves 200 to 300 gallons per month.
10. Don't water the sidewalks, driveway or gutter. Adjust your sprinklers so that water lands on your lawn or garden where it belongs--and only there. Saves 500 gallons per month.

In the bathroom:

1. Put a plastic bottle or a plastic bag weighted with pebbles and filled with water in your toilet tank. Displacing water in this manner allows you to use less water in each flush. (Don't use bricks, they decompose and can stain the toilet) Better yet, for even greater savings, replace your water-guzzling five to seven gallon a flush toilet with a three and a half gallon, low flush or one and a half gallon, ultra-low flush model.
2. Check toilet for leaks. Put dye tablets or food coloring in the tank. If color appears in the bowl without flushing, there's a leak that should be repaired.
3. Turn off the water while brushing your teeth.
4. Turn off the water while shaving. Fill the bottom of the sink with a few inches of water to rinse your razor.

In the kitchen and laundry:

1. If you wash dishes by hand, don't leave the water running for rinsing. If you have two sinks, fill one with rinse water. If you only have one sink, use a spray device or short blasts instead of letting the water run.
2. When washing dishes by hand, use the least amount of detergent possible. This minimizes rinse water needed.
3. Keep a container of drinking water in the refrigerator. This eliminates the need to run the tap water until it gets cold.
4. Don't defrost frozen foods with running water. Either plan ahead by placing frozen items in the refrigerator overnight or defrost them in the microwave.
5. Don't let the faucet run while you clean vegetables. Rinse them in a filled sink or pan.
6. Use the garbage disposal sparingly.

Outside:

1. Put a layer of mulch around trees and plants. Chunks of bark, peat moss or gravel slows down evaporation.
2. Water during the cool parts of the day.
3. Don't water the lawn on windy days. There is too much evaporation.

4. Cut down watering on cool and overcast days and don't water in the rain. Adjust or deactivate automatic sprinklers
5. Set lawn mower height to 2 1/2 to 3 inches. This promotes deeper roots and reduces evaporation.
6. Mow less frequently, this reduces the stress on turfgrass.
7. Sharpen mower blades. A cleaner cut grass blade heals quicker, thus less water.
8. Wash your car on the lawn. Rinse water can help water the grass.
9. Tell your children not to play with the garden hose.
10. Xeriscape--replace your lawn and high water using plants with less thirsty ones. But do this only in early spring. Even drought tolerant plants take extra water to get them going.

Most importantly, dispose of hazardous materials properly! One quart of oil can contaminate 250,000 gallons of water, effectively eliminating that much water from our water supply. Contact Midvale City Public Works at 567-7235 for proper disposal option.

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ADDITIONAL WEBSITES PROMOTING WATER CONSERVATION:

- SLOW THE FLOW campaign website: <http://www.slowtheflow.org/>
- Jordan Valley Water Conservation District's conservation website: <http://www.jvwcd.org/conservation/>
- Utah Division of Water Resources' main water conservation website: <http://www.conservewater.utah.gov/>
- Utah Division of Water Resources' water conservation education for kids website: <http://www.watereducation.utah.gov/conservation/>

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City Council of MIDVALE CITY Discussion Memo

MEETING DATE: October 15, 2019

SUBJECT: Midvale Murals Program.

SUBMITTED BY: Jessica Stephens

SUMMARY: In recent years there has been an increase in interest for public art installations across Midvale. Public Art has been an important part of the beautification and revitalization of neighborhoods in the State and Nation. The City has had success in providing several pieces of art within the Bingham Junction project area with the Bingham Junction Public Art Program however there is no current program to address the demand city-wide.

To address this city-wide need and to further the beautification goals of the city, staff has designed a Midvale Murals Program.

The proposed program's goal would be to allow the City to partner with private property owners to increase the number of public art installations in Midvale. The process would involve property owners submitting applications to the City containing the details of mural projects they'd like to install, if approved the property owner can then submit receipts of payment for the mural's creation to the City for reimbursement. Once reimbursed the property owner must agree to maintain the mural for a certain period of time.

In order to test the efficacy of the proposed program, Staff is proposing a pilot run. The goal of the pilot would be to create three private-public partnerships that result in three separate murals in the city.

With this proposed program and pilot there are variables that require consideration:

- Funding Considerations

The cost of murals varies widely depending on the artist providing the service and the quality of materials being used. As such, the program needs a set reimbursement cap to stabilize the number of property owners that will have the opportunity to utilize the program.

Staff recommends reimbursing up to the lower of \$35 per square foot of mural or \$1,500 total. A pilot program providing funding for the reimbursement of three applications would cost a total of \$4,500.

- Selection Criteria

The program is intended to increase art throughout the City, however, visibility, creativity and aesthetic excellence will be the basis of evaluating the proposals. Depending on the number of applicants, there may be a need to prioritize some applications over others. Staff recommends giving preference to applications based on their proximity to major pedestrian and vehicular thoroughfares.

- Maintenance Period

Staff recommends requiring the property owners to maintain the murals for five years.

- Content Restrictions

Staff recommends that the approved murals should be appropriate for all audiences, refrain from displaying political messages, refrain from displaying sexual or religious content. The murals must also be original creations that do not infringe upon any copyright, trademark, or other property or personal right. City Staff would evaluate proposals to ensure compliance with the approved restrictions.



Redevelopment Agency of MIDVALE CITY SUMMARY REPORT

MEETING DATE: OCTOBER 15, 2019

SUBJECT: 50/50 Sidewalk Replacement Program

SUBMITTED BY: Matt Dahl, Assistant City Manager/Community Development Director

BACKGROUND/HISTORY: Midvale City (City) has been operating a 50/50 Sidewalk Replacement Program for several years. The intent of the program is to fund small sidewalk replacement projects throughout the City in partnership with residents. The program funds 50% of the cost to replace damaged sidewalks, with residents covering the remaining 50% of the cost. Historically, the City offered the program to residents as staff had identified damaged sidewalk. Staff is proposing a modification to the program terms and conditions, so that the program can be marketed to all residents. Every year, the City replaces miles of streets, sidewalks, and curb and gutter based on a strategic plan intended to address long-term wear and tear. The 50/50 Sidewalk Replacement Program supplements the City's larger sidewalk replacement effort, by addressing smaller projects that may not be undertaken by the City for several years.

SUMMARY: In defining the application and payment process for program participation, there are considerations to be made at each phase —

- Before
 - How to determine qualification for the program.
 - How to ensure that participants select a reliable contractor.
- After
 - How to best facilitate payment/reimbursement to residents.

Based on research of programs used by other communities, staff is proposing the following terms and conditions for consideration:

- Step 1) Resident contacts city to request evaluation; city representative visits site to determine eligibility.
 - Potential guidelines for determining damage eligibility:
 - For sidewalks (any of the following):
 - 3 or more cracks per panel (minimum crack width of 1/8 inch.)
 - 25% spalling or breaking into chips
 - Vertical or horizontal displacement of ½ inch or more between panels

- Holes that have become a safety hazard
 - For Curb and gutter:
 - Heaving
 - Displacement
 - Spalls or depressions which cause water to pond and in winter form ice pockets
 - Additional Consideration: If a tree is responsible for the damaged sidewalk, the tree must be removed or appropriately replaced as part of the proposed project.
- Step 2) If eligible, homeowner completes application form for the program, including at least three (3) bids from licensed contractors. Approval of application will be based on the project cost being in line with the market.
 - Step 3) After approval, homeowner hires contractor, obtains construction permit from city.
 - Step 4) After work is complete, city conducts final inspection.
 - Step 5) Homeowner pays contractor and then brings supporting documents—invoice, permit, and proof of payment—to City.
 - Step 6) City mails reimbursement (50% of cost) to resident.

If approved, Staff would market the program on the City's website, on social media, and through appropriate sources.

Staff will be prepared to discuss the proposed terms with the City Council. If the City Council seek to proceed with the program, Staff will prepare a final set of terms for approval at the next City Council meeting.