

Cedar City

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Mayor

Maile L. Wilson

Council Members

Ronald R. Adams
Paul Cozzens
Terri W. Hartley
Craig E. Isom
Fred C Rowley

City Manager

Rick Holman

CITY COUNCIL WORK MEETING

APRIL 6, 2016

5:30 P.M.

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
 - Legislative Update. Senator Evan Vickers
- IV. Public Agenda
 - Public Comments
- V. Business Agenda
 - Public
 1. Consider a beer license for D & D Smokes & More located at 396 North 2150 West, Ste 5. Kevin Davis, Jeremiah Davis/Chief Allinson
 2. Discussion on Southview Trailhead. Dave Jacobsen of the BLM
 3. Consider final plat approval for Talon Point Phase 2 at South Mountain Subdivision (located in the vicinity of 140 S. Kingsbury Drive). Watson Engineering/Paul Bittmenn
 4. Consider approval for the B&B Swiss Bed and Breakfast/RV Park, Phase 1 (located in the vicinity of 300 South & Cross Hollow Road). Go Civil Engineering/Paul Bittmenn
 5. Consider final plat approval for the Cedar Spectrum Commercial PUD (located in the vicinity of 1300 South Main Street). Platt & Platt Engineering/Paul Bittmenn
 6. Consider final approval for the amendment of lots 1 and 3 of the Boulevard Plaza PUD, Phase 1 (located in the vicinity of 950 South Main Street). Platt & Platt Engineering/Paul Bittmenn
 - Staff
 7. Consider RFP for Office 365. Trevor McDonald
 8. Consider an ordinance amending the City's RAP Tax Ordinance related to distribution of unallocated RAP Tax fund balance. Paul Bittmenn
 9. Consider proposal for financial services. Jason Norris

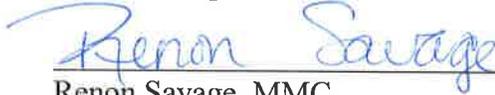
Dated this 4th day of April, 2016.



Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 4th day of April, 2016.



Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY COUNCIL
AGENDA ITEMS - 3
DECISION PAPER

TO: Mayor and City Council
FROM: City Attorney
DATE: April 3, 2016
SUBJECT: Final plat approval for Talon Point Phase 2 at South Mountain Subdivision

DISCUSSION:

This is a subdivision located in the vicinity of 150 South and Kingsbury Drive. The City Engineering Department has completed its review of the preliminary plat and final plat and has approved of the same. The developer has posted a letter of credit and bond agreement. The developer has made arrangements to pay the required fees on Monday the 4th. A check of the title report shows the ownership on the plat is the same as the ownership on record and that the property taxes are current. The minutes from the planning commission were not available as of the writing of this decision paper. I will endeavor to have them attached to your Google drives prior to the City Council meeting.

Please consider approval of the final plat for Talon Point Phase 2 at South Mountain.

CEDAR CITY COUNCIL
AGENDA ITEMS - 4
DECISION PAPER

TO: Mayor and City Council
FROM: City Attorney
DATE: April 3, 2016
SUBJECT: Consider approval for the B&B Swiss Bed and Breakfast/RV Park.

DISCUSSION:

This is the approval of a Bed and Breakfast/RV park. The property is located at approximately 300 South and Cross Hollow Road. The item was considered by the Planning Commission in September, 2015, and October, 2015. The minutes from both meetings are attached.

The developer has provided a letter of credit in the amount required by the engineering estimates. A bond agreement has been sent and will need to be signed and returned, also there are fees that need to be collected prior to staff releasing the final approval.

Please consider approval for the B&B Swiss Bed and Breakfast/RV Park.

October P.C. Minutes

This is all zoned I&M-1.

Jennie wondered just how they would access this entire project. They will access through Phase 1 that has a road off Industrial Road but a portion of that also needs to be improved first. She also wondered how that would be gated. Heath said they would put the gate at the front, even though it will not be all enclosed. There is fence there now, but would need to be improved. As soon as they are to the phase of the lots that front the exterior roads, they would need to improve those roads. Kit said there is no fencing required on an industrial PUD. Even in residential if the zone is less dense than yours then you fence it, but if it is not, you don't need a fence. Fred said that under those circumstances, if they are going to do this in smaller phases and do the roads when they get to them, there are no other concerns.

Fred moved to approve the vicinity plan of this PUD with the condition that when they do the final phases that front the master planned roads that they would improve those roads. Seconded by Jill and the vote was unanimous.

3- Easement 3542 S Bumblebee Dr. Henry's Camp/Dan
(Recommendation) for Power Company Maruyama

Dan M. said he has talked with Mark Lewis of Rocky Mountain Power (RMP). They plan to take 3-phase power off the power line that runs to the existing City wells. They will take that down, put it underground and run that to their property. They need an easement to do that and they are requesting that easement for RMP from the City. Kit said this will do 2 things; it will get that power line underground and it will get a recorded easement so RMP has the legal right to be there. The distance of this easement is 281 feet. The reason they need to upgrade the power there is for the number of buildings they now have it would cause problems for the phase 1 power that is there.

Chris moved to give a positive recommendation to City Council for this easement. Seconded by Fred and the vote was unanimous.

4- RV Park - Final Plat 436 S. Cross Hollow Rd Ewe Ewen/GO Civil
(Recommendation) Swiss Bed & Breakfast

Heath O. presented. Fred said on the CC&R's in one section it says no external buildings are allowed like tents, pavilions, etc. Then in paragraph 3 it says your pavilion can be used only for shade. Heath said they took examples from other RV parks in making their CC&R's. Some were intended for longer stays. That will not be applicable here as they only allow up to a two week stay

and no more. Fred felt some wording there would need to be changed. Heath said they are talking about self-contained only, and no out buildings of any kind to sleep in, but that a person could have their pop up sun shade. The paragraph in the CC&R's was quoted and they decided that it needs to say sun shades only in there.

Fred moved to recommend this be moved on.

Jennie wanted to bring up the vehicle that would be allowed in the RV Park. It talks about not having parking off the site. Heath pointed out the space for the trailer and 1 vehicle in each unit space. They just want all vehicles to be on the spaces, and not filling up the drive in and out. Jennie was trying to see if those CC&R's were in compliance with the ordinance.

Heath said the purpose is so a client can pull up in their trailer, unhook the trailer and run around in their truck. The idea is not to pull in with your suburban and sleep in your vehicle. They also don't want 5-6 vehicles associated with 1 space.

After discussion, it was felt that pulling a car or jeep in back of a motorhome was no different than pulling a trailer with a truck. Either way you have one vehicle with you.

Heath also stated that their intent is that people stay in their RV. They will not allow a tent, sleep out on the ground, you cannot stay there if you do not have an RV.

They all have to assume that a vehicle will be allowed.

The CC&R's do state you can't stay in a tent or gazebo. Do they need to add that you can't sleep in your car or truck? That can be added.

They went over the typical layout of the parking space. Room for the RV, a parking pad, and then some green space for each RV space.

The motion is in place from Fred for a positive recommendation to City Council. Jennie seconded and the vote was unanimous.

II. Staff Items

1- New Member Training

Paul was not able to attend so the training will be postponed.

Paul Bittmenn

Meeting adjourned at 5:45 p.m.

Michal Adams, Administrative Assistant

September P.C. Minutes

Drew asked about the process from here; Kit told him it would all go to Paul D. to be scheduled for for the Council approval and he would need a title report for that.

4- Prelim. Mobile Home/RV Park 436 S Cross Hollow Rd Uwe Ewen/GO Civil
(Approval)

There were several people in attendance from the neighborhood and as Heath O. of GO Civil had not arrived yet. Rich explained this project to them. He said the owners are from Switzerland. They bought this piece with the intent to build a Bed and Breakfast (B&B) with small rental cabins. Once that was approved they moved out and carved out the corner on the Northeast of this parcel to create a commercial lot that they can sell. This will be the third time the Planning Commission has looked at this.

Jeanine Parson who lived nearby said that according to the commercial zone this is not permitted. Kit said that a Mobile Home park is only permitted in the I&M 1 Zone but this is not a mobile home park. This will be a travel trailer park. Like a KOA but they go through the same approval process. He has reviewed the preliminary plat on this process.

Kirk MacNaughton also a neighbor quoted from the ordinance, Section 26, III-9. Dealing with Condition Use Permit (CUP) and felt that this would only be put in place with a CUP.

Fred said that the City Attorney was not present today, but he quoted from the e-mail they received regarding how this RV park did not need a CUP.

Fred went on to state they have another development that some neighbors are opposed to. When you talk to the City Attorney, if you deny this property owner his legal rights, you will get in court and you will lose. He has the right to develop his property with whatever is legal to place in a Commercial zone. You buy property in a neighborhood without checking the zoning around you and then realize what can go in around you. These people paid for commercial property and have the right to develop it as such.

One neighbor brought up that if these are to be short term stays and campers, who will police that and make sure they don't have long term residents. Drew and others were not sure there were any restrictions placed on how long a person could stay. There are 16 travel trailer spaces as that is the minimum in an RV park.

Heath was notified and is on his way to the meeting.

David Westwood said the main concern of most of those in attendance was that they just did not know what was going on there. Maybe they are opposing something that may be a good thing. They are just here to try and get some answers.

Kit explained on the drawing that this will be in multiple phases. The parcel takes in the entire piece and the B&B will be on the top of the hill. They have 16 travel trailer spaces. They also show several small cabins similar to the KOA we have on main street but with no tent spaces. They also have a breakfast building. The front will all be landscaped, there is a park area and they have an RV

dump.

Heath arrived and explained this a little more. The cabins are small 14' X 20' single rooms with a bath. The RV parking spaces are classified as a travel trailer court. They will come and stay in a little cabin or park their trailer and it is all set up for temporary stay residents. He has been through the neighborhood and it is a very nice neighborhood. He can see their concern. Heath said the front piece has been split off and he is not sure what will happen there. There is landscaping along the frontage. They will plant large trees, bushes; there will be a small monument sign at the entrance. They have a wooded area that will be left with the juniper trees. They will try and preserve some of those. At each RV space they will plant a willow tree. They will shield the entire development from the road with trees and bushes.

Kirk MacNaughton was worried about the traffic flow with large trailers coming in and out, and no left turn lane there. They took out 1 median further down and the traffic patterns are not good. Kit said there would be a center turn lane and they will widen out the road in front of this development.

Ty Bulloch also talked about the traffic patterns along Cross Hollow Road and how the road goes narrow then wider then narrow. They have traffic issues along this street that need to be addressed with better striping. He is not in agreement with waiting until all the property develops in order to get a decent wide road that is striped correctly.

Chris M. stated it was a nice wide road; there should not be a problem in getting it all striped so the traffic is better.

Deborah Snider a resident said she has an example of a master plan for the hills between Cross Hollow Road and Westview Drive and said it will be the next Leigh Hill. She wondered how their property values would be impacted.

Heath responded that it was already zoned commercial. There is a whole swath along the west side of Cross Hollow Road that will not have residential until you get back the several hundred feet as it is all zoned commercial.

Chris M. asked if this entire development was in the flat area or was it up the hill. Heath said the stock trail follows along the base of the hill. That will cut this parcel and the Ewens would like to build their home on the high point. That is where a small garden shed sits now that they can see. They will build up there, have the travel trailer on the low end and when the commercial piece sells, this will all be behind that and anything that is allowed in a commercial zone could be placed there.

Jennie H. said they are talking about 16 spaces and the handful of cabins in this first phase then. She wondered if they would come back and place more on the property. Heath said they have laid out about the maximum number you can put there. You have the trail through there and the piece they have split off the front so there is only so much you can do there with the setbacks required and other things.

Joe Stott a neighbor said that the City has no obligation to approve any type of business that comes

in. That is the reason to have a zoning ordinance. You have HS, you have GC and you have CC. In all those zones you have various permitted and not permitted things. He quoted from the CC ordinance the primary purpose. He feels this development does not meet that purpose. As he reads the ordinance, Travel trailer courts are not permitted, Next thing you know they will become permanent. He sees this as needing a CUP to go forward. It needs to come before the Planning Commission as a CUP and that is the only way it can be approved. What is to say they put this in; they are not making a go of it so they let them rent longer and it then becomes a permanent mobile home park. Looking at areas of town that do have a mobile home park they become blighted. He feels by far the best use is residential for future development. He understands that this is zoned commercial but feels they should be very careful what you allow there. This can go sour very quickly. In his opinion he is concerned that this is what would become of this. The ordinance he was looking at was different and older than the most current one. (see attachment #1)

Jerom Hlebasko a resident said they have talked about zoning, but he wanted to talk about the kids around this area with the high traffic. You may be bringing in people you cannot trust. They may be offenders; you may be dealing with kidnapers, people who like to stalk and so forth. He likes the neighborhood as he feels safe in letting his kids go outside. He wants to keep his family safe. He is worried they will see theft go up and their home values go down.

Fred said that all these people bought in the neighborhood next to commercial property. The developer of his property has rights just like you. We have a legal obligation to honor their rights as much as yours.

David Westwood a neighbor said it all comes down to if it is actually a permitted use in the zoning ordinance.

Ty Bulloch said we have the opinion of the City attorney but there is always room for another opinion. There are two different ordinances being looked at. If there is an error they need to have that clarified.

Heath said he did his homework and if that is wrong and it is not permitted, it is news to him. They picked this use and felt they were okay with it.

Kirk MacNaughton said you do have the obligation to existing property owners as well as any new development.

Joe Stott said if there were changes made to the ordinance it had to go through an approval process. He was assured all changes went through all the proper channels.

Kirk said you can look at other camp trailers courts in town; they are surrounded by mobile home parks that become blights. That is not conducive to do this with other developments.

Fred pointed out that they have other residents not happy with things going next to them in commercial zones. He referenced the town of Virgin who is being sued now from a developer that they denied developing what he wanted and it was allowed.

The zoning ordinance and the master plan were both updated about 2 years ago. No one opposed those changes made at that time.

They talked about maybe tabling this item until the City Attorney could be present to answer some

questions. Fred said if it would not put any financial burden on the owners of this property. If so, that could also lead to legal problems.
Fred quoted many different things that would be allowed in the CC zone.

Casidy McCullough a neighbor was concerned about the educating of the community. She understands the process; she also understands that you can't take someone else's rights from them. She was more concerned with how you educate the residents.

Fred said he can sympathize and gave many examples of residents who contact him as a council member about many different things they are not happy with. Perhaps they do not like the helicopters flying overhead, yet their house is in the fly zone. All the meeting agenda are posted on the City web page. Cassidy said then, the community just needs to pay a little more attention to what is going on.

Kit said that the GC and CC zones were combined. The GC was eliminated. That area has been zoned commercial along Cross Hollow Road he thought for about 15 years.

Chris M. said things on that list that is allowed in the CC zone would be alarming to people. He feels that many here are confused as to what is and is not allowed in that zone. He felt it may be of the best interest to all to table this so they can decide what the terms are and what the qualifications are. Heath said on behalf of his clients, they are facing financial matter. They are trying hard to get this all done. If this is tabled to another meeting that would hurt them significantly. The general plan getting all updated was quite a process. He asked them not to table his item while they look at General Plan issues. It could be zoned something else, but it is not.

Chris M. can see that point also and if this was not allowed until 2 years ago and it was changed at that time it can now be detrimental to all in this area. Everyone has rights and these people feel their rights have been taken away.

Fred pointed out that when all this was happening two years ago that was when they should have come in and talked about it.

Jennie H. read from the ordinance a portion regarding the process for this to be approved and said it looks like this project is following that process. It talks about maintaining standards, is pretty specific to have park developmental standards in the ordinance. They have outdoor living space, they need to maintain and have 10' of landscaping, and it calls for all to be sanitary. If this is followed it seems they would be held to certain standards.

Heath can validate that they have gone through some 30-40 comments and this is only the preliminary plan. They will move to Final Plat and all has to be done by the ordinance.

Ned Gregerson a resident said he has a home there. There are commercial signs along there now, but they were not there when he bought. He understands laws, etc., but felt some people have been misled. They buy into a nice community, and those houses there are very nice. He wanted to make sure that the City has thought about all the sewer and water lines needed for this whole area and if they are not in now, they should be. Kit informed him that this street has the proper sewer and water lines. Ned said when you have to put lines in after the fact that becomes costly and a nuisance to the area. Also, he wondered if this is only phase 1, would there be more and more little cabins.

Heath pointed out on the drawing just how many small cabins there would be, pointed out the parking areas, more cabins, and then the large home at the top.

Fred made a motion to approve the preliminary plan of Phase 1 of this project.

Paul Monroe fully agrees with the property ownership and they all have rights. He fully understands the government side, due process and that everyone does the best they can. You try to alert the public but that is difficult. Later people come and complain. He has a concern about enforcement. They have all the requirements, they read all those things. They want to have high standards and make sure all is enforced. What happens to enforce. Do you just wait until there are complaints? Fred said that is generally what happens. You have a complaint first and you go check things out. Paul Monroe said most of the RV parks are full because of all the new jobs around right now. If all those are maxed out, what is to keep people from actually living in those spaces for 8-9 months. Fred was not certain but does know 2 things; he has met the Ewens and has spent some time in Switzerland. You will find nothing out of place there. He feels that with Swiss owners they would take great pride in their facility.

Heath pointed out that they plan to live on site as this is their dream.

Jennie pointed out several very nice neighborhoods that have mobile homes parks and commercial zones before you get into the residential area. You go through commercial then higher density apartments to get to the higher residential areas. There is a precedence that residential can exist with commercial.

There is the motion on the table of Fred moving for approval. Jennie seconded that motion, Chris opposed and the motion carried.

Kit explained the process from here; it will now go on for final plat approval. Will come before the Planning Commission for a recommendation then go before the City Council for final plat approval. Rich said that they can keep an eye on the agenda on the City web site and follow this through the process.

Fred asked to have Mr. Birtmenn draft a more complete reply to the residents' concerns and a broader explanation on what this board has as far as choices in the matter. He would like that provided to the planning Commission and these folks here so they understand where we are coming from.

II. Staff Items

1- New Member Training

Paul Birtmenn

As Paul was not able to attend this meeting the training will be postponed until the next meeting.

The meeting adjourned at 6:20 p.m.

Michal Adams, Administrative Assistant

CEDAR CITY COUNCIL
AGENDA ITEMS - 5
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: April 3, 2016

SUBJECT: Consider final plat approval for the Cedar Spectrum Commercial PUD

DISCUSSION:

This is a commercial PUD located at approximately 1300 South Main Street. Currently the PUD is home to the La Quinta.

The planning commission considered this PUD and gave it a positive recommendation. The Engineering Department has approved the final plat for your consideration. The appropriate fees have been paid. The title report shows the ownership on the plat is the same as the ownership of record and that the taxes are current. The signed copy of the CC&Rs should be delivered prior to your consideration on the 6th. The planning commission minutes are attached.

Please consider approval of the Cedar Spectrum Commercial PUD.

CEDAR CITY PLANNING COMMISSION

MINUTES

December 1, 2015

The Cedar City Planning Commission will hold a Meeting on Tuesday, December 1, 2015 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Rich Gillette-Chairman, Fred Rowley, Jill Peterson, Chris McCormick, Mary Pearson and Jennie Hendricks, Mike Mitchell

Members Absent: - none

Staff in attendance: Kit Wareham, Paul Bittmenn, Drew Jackson, Rick Holman and Michal Adams

Others in attendance: Heath Oveson, Ron Larsen, Bob Platt, Brent Drew, Tom Pugh, Arlo Fawson, Kelly Dalton, Lola Atwood, Jonathan Pine, Debra & Dale Pool, Marion Harrison, Marcus Hansen, Stewart Bulloch, Debbie Poguc, and Spencer Jones

Meeting was called to order at 5:15 p.m.

<u>ITEM/ REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/ PRESENTER</u>
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I. Regular Items

- 1- **Approval of Minutes (November 17, 2015)**
(Approval)

Chris made the motion to approve the minutes of November 17, 2015, seconded by Mary and the vote was unanimous.

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| 2- PUD Vicinity
(Recommendation) | 1371 S Main/
Cedar Spectrum/LaQuinta Inn | Cedar Spectrum/
Platt & Platt Eng. |
|--|---|---------------------------------------|

Bob Platt said the new inn owners currently own all the parcels. They want to turn this into a Commercial PUD. There will be the motel parcel then parcels 2 & 3. They are vacant at this time but they do have interested parties.

Fred asked about utilities. Marcus Hansen pointed out the shared access easement and said they would possibly use the same water system for all 3 parcels. It will be similar to the Blvd. Furniture PUD. The water vault was pointed out.

Bob stated the reason to have it as a PUD was so they can come up with some CC&R's and then be able to control what happens. This is more than just a simple minor lot, but that is the way the owner wants to go.

Kit said there were no concerns, they have checked this and it will go to City Council from here.

Bob said this is the vicinity, they will work out all the construction drawings and preliminary items with the Engineering department then they will come up with the final plat that will be approved by City Council.

Mike moved to give a positive recommendation on this commercial PUD to the City Council. Seconded by Jennie and the vote was unanimous.

CEDAR CITY COUNCIL
AGENDA ITEMS - 6
DECISION PAPER

TO: Mayor and City Council
FROM: City Attorney
DATE: April 3, 2016
SUBJECT: Consider final plat approval for Boulevard Plaza PUD, Phase 1, Amended

DISCUSSION:

This project is located in the vicinity of 950 South Main Street. It is a commercial Planned Unit Development.

The developer would like to amend phase 1 so that the property containing the pole sign is moved to the lot where the Boulevard Home Furnishings is built. This will not necessitate moving any improvements that are constructed, the change will only be to the plat.

The owners of all of the lots within the PUD have signed the plat map indicating they are aware of the proposed amendment and give their consent. All appropriate fees have been paid. According to the title report the owners on the plat are the owners of record and the taxes on the property have been paid.

Attached are the planning commission minutes.

Please consider approval of the Boulevard Plaza PUD, Phase 1, Amended.

Consider Proposals for Office 365

Background

Budget has been approved for a City Voice over IP solution. The City has been assessing viable Voice over IP phone options for a number of months. VoIP systems that are part of Unified Communications architectures were favored: We like the integration of an enterprise phone system with email, instant messaging, active directory, employee presence/ status indicators; Utilizing an active directory and controlling some individual phone features via a web portal was also attractive. We found Skype for Business aligns well with these interests.

Skype for Business performs best with Office 365 as an integrated solution. Both platforms are licensed together. The City's current productivity suite and email can be replaced with Office 365. This solution offers additional benefits: the software is an industry standard; stays up to date; and offers other productive tools such as SharePoint. Based on initial estimates, the long term operational costs for Office 365 coupled with Skype for Business are comparable to the City's current costs. By implementing this solution the City will benefit from increased productivity and enhanced communications for roughly the same cost the City is currently paying.

Update

It was recommended that Office 365 get implemented before Skype for Business to provide an appropriate platform. Proposals have been received Monday April 4th and will be evaluated by a committee this week. The evaluation committee will submit their recommendation to City Council next week providing City Council the opportunity to award the proposal.

When proposals were requested, Microsoft offered Fast Track incentives for those who purchase Office 365 licenses by the end of April. To allow the to-be awarded vendor enough time to purchase these licenses by the end of the month, it is recommended that City Council consider and award a proposal in the next council meeting.

Attached are the guidelines vendors used for submitting the Office 365 proposal.

Guidelines for Preparing Proposals

INTRODUCTION

These guidelines were developed to standardize the preparation of proposals by Vendors for services on a project. The purpose for these guidelines is to help assure consistency in format and content of proposals that are submitted to Cedar City. This process will reduce the time requirements for the Vendors in preparing a proposal and will simplify the review process.

The proposal must contain the following information in the order listed:

1. Introductory Letter (Overview of Firm) – 0 points
2. Project and Client Management – 15 points
3. Capability of the Vendor – 20 points
4. Client Reference List – 10 points
5. Work Plan and Schedule – 20 points
6. Project Costs, Fees and Required City Services – 35 points

It is very important that submittals be clear and concise in the recommended format so they can be evaluated in an objective manner. The various sections in the submittal should be tabbed for easy reference. Proposals must be limited to ten (10) pages in length.

PROPOSAL EVALUATION CRITERIA

1. Introductory Letter – The introductory letter should be addressed to:

Trevor McDonald
Engineering Department
Cedar City Corporation
10 N. Main St.
Cedar City, UT 84720

This letter should contain the company's full legal name and pertinent corporate details including year business was established, current employee number, and a brief overview of the firm that may include: area of specialty or niche market; and awards or public recognitions; an expression of the Vendor's interest in the work; and a statement regarding the qualifications or experience of the Vendor to do the work. The letter shall be signed and dated by a duly authorized signing officer of the Vendor's organization.

No evaluation points are assigned to this section.

2. Project and Client Management – A detailed description of the approach and methodology for managing this project and client relationships including:
 - What will be communicated at each phase of the plan to interested parties and stake holders and how will it be communicated.
 - What documentation will be prepared and provided and at what phases or milestones.
 - What training will cover and how it will be done.

A maximum of **15** points is available for this section.

3. Capability of the Vendor – a detailed description of the firm's project management team and capability to perform the work including skills, experience, cost and schedule control procedures, and capabilities of relevant staff. Provide evidence of Vendor's capability to meet project

timelines and provide expected services as an Office 365 qualified Microsoft Partner eligible for FastTrack deployment.

A maximum of **20** points is available for this section.

4. Client Reference List – In spreadsheet form, list types, locations, date and size (dollar amount) of similar work performed in the last five years that best characterizes your quality, cost and schedule control of a project. Explain your function or project involvement (Vendor, sub-contract, project management, technical support, etc.). Provide Client and a Reference Contact and telephone number.

A maximum of **10** points is available for this section.

5. Work Plan and Schedule – the evaluation will consider how well the Vendor has planned a course of action, what alternatives and/or innovative approaches are proposed, and what provisions are identified for dealing with potential impacts, impediments, or conflicts with the design, manufacture or installation of the product and service. The Work Plan will become part of the final contract documents.

- Describe how the main objectives listed in the RFP will be achieved through a logical, innovative, and rational work plan.
- The Work Plan shall list the major tasks and time frames, including those listed in the above Scope of Work that are necessary to meet the project objectives.
- Be specific, concise, and complete in order to permit an evaluation of the probability of success.

A maximum of **20** points is available for this section.

6. Project Costs and Fees

Based on the scope of work, tasks, and Vendor's Work Plan contained in this RFP, the Vendor shall provide in a table a not to exceed firm cost for each stage of the project. **The not to exceed fees shall include all expenses for the project, including but not limited to total labor cost, all overhead costs, direct costs, fixed costs, design, manufacture, travel and per diem costs, delivery, installation, warranty, training, sub-contract costs, etc.** If the project is modified from the scope, tasks, or work plan by the owner, the final project cost will be negotiated accordingly. The City reserves the right to delete any part of the project or any service from the Vendor's work.

- The Vendor shall provide an itemized schedule of fees and other expenses for all services and products anticipated for the project.
 - List out purchase price for O365 licenses
 - Provide option to buy Exchange Online Plan 1 + ala carte Archive in place of Plan 2
- The Vendor shall provide a detailed list of services and products required from the City with their respective estimated costs (if applicable) to successfully complete the project.

A maximum of **35** points is available for this section.

SUMMARY

The proposal should be clear and concise and it should provide the City with an understanding of the Vendor's ability to undertake and complete the proposed project in a thorough and timely manner. The proposal, including all seven (7) sections listed above should not exceed ten (10) pages (an appendix may be included but may not be considered in the evaluation). A page is defined as one side of an 8.5" x 11" sheet that contains text, pictures, graphs, charts, plans, or any other graphics. Any proposal which exceeds the ten (10) page limit for the seven (7) required sections will receive a ten (10) point penalty per page over ten (10) pages. Pages used only to tab the seven sections shall not be counted. Appendix pages included in the proposal will also not be counted and may not be considered in the evaluation. A maximum total of 100 points is available for the proposal.

CEDAR CITY COUNCIL
AGENDA ITEMS - 8
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: April 4, 2016

SUBJECT: Consider an amendment to the City's RAP tax ordinance

DISCUSSION:

Cedar City has a Recreation, Arts, and Parks (RAP) tax which is a voter approved 0.1% sales tax. The proceeds generated by the RAP tax are allocated and distributed in accordance with Chapter 39 of the City ordinance. The City ordinance requires 1/3 to be spent on Recreation, 1/3 on Arts, and 1/3 on Parks. When the RAP tax budget is passed 10% of the total RAP tax is required to be spent on preservation of City owned cultural facilities or City owned recreational facilities that would otherwise qualify for the use of RAP tax. The remaining 90% of the RAP tax is budgeted and spent on RAP tax eligible projects identified through the RAP tax process.

The basic process to distribute the RAP tax is to advertise for qualifying applications, have a committee hear presentations and make recommendations, and the City Council has the ultimate approval authority. This process happens once a year. It trails the adoption of the City's fiscal budget and the committee meetings are normally in July and the Council consideration is normally in August.

The RAP tax has existed since 2005. Over time a fund balance has accumulated. The attached ordinance proposes a method to deal with the accumulated fund balance. The proposed method procedurally follows the same path through which the general RAP tax is allocated. The expenditure of the accumulated fund balance will be triggered by the Mayor. There will be applications, recommendations by the committees, and the final approval will be through the City Council. The proposed ordinance requires the RAP tax fund balance to be spent on preservation and/or restoration of City owned facilities that would otherwise be eligible for RAP tax.

Please consider approving the attached ordinance.

CEDAR CITY ORDINANCE NO. _____
AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING THE PROVISIONS OF THE RECREATION,
ARTS, AND PARKS (RAP) LOCAL OPTION SALES TAX ORDINANCE, CHAPTER 39 OF THE
ORDINANCE OF CEDAR CITY, UTAH.

WHEREAS, in 2005 a majority of the citizens of Cedar City approved raising a local option sales tax to fund arts, parks, and recreation, hereinafter referred to as the RAP tax; and

WHEREAS, in 2013 a majority of the citizens of Cedar City approved extending the RAP tax for an additional ten (10) years; and

WHEREAS, Cedar City has adopted Chapter 39 Article I of the Ordinance of Cedar City, Utah, which sets out a process for the consideration of RAP tax requests and the distribution of RAP tax funds; and

WHEREAS, during the ten (10) plus years during which the City has collected and distributed the RAP tax there have been occasions where projects came in under budget, revenue exceeded estimates, and interest has been earned on RAP tax funds held in the City's accounts; and

WHEREAS, it is necessary and appropriate to spend the RAP tax funds that have accumulated but have remained un-spent on RAP tax eligible projects; and

WHEREAS, it is necessary and appropriate to amend Chapter 39, Article I, so as to adopt a method by which the un-spent RAP tax funds will be accounted for and spent on qualifying projects.

NOW THEREFORE, be it ordained by the City Council of Cedar City, Utah, that Chapter 39, Article I of the Ordinance of Cedar City is hereby amended to remove any language that is struck out and to add any language that is underlined as follows:

CHAPTER 39
CEDAR CITY FUNDING REQUEST ORDINANCE
ARTICLE I
RECREATION, ARTS, AND PARKS
LOCAL OPTION SALES TAX

SECTION 39-I-1	Purpose
SECTION 39-I-2	Statutory Authority
SECTION 39-I-3	Definitions
SECTION 39-I-4	Advisory Boards
SECTION 39-I-5	Use of Funds, and Certain Application Restrictions
SECTION 39-I-6	Allocation
SECTION 39-I-7	Application Information and Format
SECTION 39-I-8	Agreements and disbursement of RAP tax funds
<u>SECTION 39-I-9</u>	<u>Unallocated funds</u>

ARTICLE II
COMMUNITY EVENT PROMOTIONS AND NONMONETARY ASSISTANCE

SECTION 39-II-1	Purpose and Statutory Authority
SECTION 39-II-2	Definitions
SECTION 39-II-3	Nonmonetary Assistance
SECTION 39-II-4	Community Events Promotions

CHAPTER 39

CEDAR CITY FUNDING REQUEST ORDINANCE

ARTICLE I

RECREATION, ARTS, AND PARKS
LOCAL OPTION SALES TAX

Sections:

- 39-I-1 Purpose
- 39-I-2 Statutory Authority
- 39-I-3 Definitions
- 39-I-4 Advisory Board
- 39-I-5 Use of Funds, and Certain Application Restrictions
- 39-I-6 Allocations
- 39-I-7 Application Information and Format
- 39-I-8 Agreements and disbursement of RAP tax funds
- 39-I-9 Unallocated funds

SECTION 39-I-1 Purpose

Cedar City is host to numerous recreation and artistic events sponsored by public and private entities. Cedar City has a thriving park system that is in need of expansion to provide service to a growing community. In order to pay for some of the costs associated with recreation, arts, and parks, a majority of the voters in the 2005 municipal election approved the imposition of a one tenth of one percent (0.1%) sales tax (the RAP tax). Said tax was enacted by a vote of the Cedar City Council. The purpose of this article is to provide a structure for the distribution of the recreation, arts, and parks sales tax revenue, and to avoid conflicts between the Community Events Promotions funding requests.

SECTION 39-I-2 Statutory Authority

Cedar City has enacted the local option sales tax to fund recreation, arts, and parks and shall administer the disbursement of any funds generated by the same pursuant to the provisions of Title 59, Chapter 12, Sections 1401 through 1404, Utah Code Annotated, 1953 as amended. Cedar City will continue to abide by the foregoing provisions of State law in their current form, or as amended by the legislature.

SECTION 39-I-3 Definitions

As used in this article the following terms shall have the following definitions:

- (1) "Administrative unit" means a division of a private or nonprofit organization or institution that:
 - (A) would, if it were a separate entity, be a botanical organization or cultural organization; and
 - (B) consistently maintains books and records separate from those of its parent organization.
- (2) "Application form" means the official document, with noted attachments and supporting documentation to request funds collected pursuant to the RAP tax.
- (3) "Arts" means botanical organizations, cultural facilities, cultural organizations, and zoological organizations.
- (4) "Botanical organization" means:
 - (A) a private nonprofit organization or institution having as its primary purpose the advancement and preservation of plant science through horticultural display, botanical research, and community education; or
 - (B) an administrative unit.

- (5) "Cultural facility" means any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- (6) "Cultural organization" means:
- (A) a private nonprofit organization or institution having as its primary purpose the advancement and preservation of:
 - (I) natural history;
 - (II) art;
 - (III) music;
 - (IV) theater;
 - (V) dance; or
 - (VI) cultural arts, including literature, a motion picture, or storytelling; and
 - (B) an administrative unit.
- (7) "Cultural organization" does not include:
- (I) any agency of the state;
 - (II) any political subdivision of the State of Utah; or
 - (III) any educational institution whose annual revenues are directly derived more than 50% from state funds.
- (8) "Institution" means any of the following:
- (A) the University of Utah;
 - (B) Utah State University;
 - (C) Weber State University;
 - (D) Southern Utah University;
 - (E) Snow College;
 - (F) Dixie State University;
 - (G) Utah Valley University;
 - (H) Salt Lake Community College;
 - (I) the Utah College of Applied Technology; and
 - (J) other public post-high school educational institutions as the Legislature may designate.
- (9) "Non-profit" means an organization or corporation that is not organized, created, operated or maintained to generate a profit or distribute income to its members, directors, or officers, or corporation. An organization automatically qualifies as a non-profit organization if it is operating under section 501 (C)(3) of the internal revenue service code.
- (10) "Organization" means an association, corporation, government, governmental subdivision, agency, or partnership formally established to coordinate and carry out unified activities and goals.
- (11) "Preservation and replacement fund" shall mean a fund established with RAP tax revenue that may be allowed to accumulate over time and shall only be spent on the preservation or replacement of Cedar City owned cultural facilities or Cedar City owned recreational facilities that would otherwise qualify for the use of RAP tax funding. All expenditures from the preservation and replacement fund shall be made only after recommendations by the appropriate RAP tax board and approval of the Cedar City Council.
- (12) "Primary purpose" means the main goal, the fundamental intent, or the mission of an organization.
- (13) "Qualifying expenses" means (A) yearly operating expenses of qualifying botanical organization or cultural organization; (B) yearly operating expenses or costs to construct facilities for qualifying recreational facility, zoological facility, or cultural facility, or (C) expenditures meeting the definition of the preservation and replacement fund.
- (14) "Quorum" means a simple majority of the voting members.
- (15) "Recipient organization" or "recipient" means an otherwise qualified organization or individual that has been approved by the City Council to receive a specific amount of RAP tax money for qualifying expenses.
- (16) "Recreational facility" means any publicly owned or operated park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, cultural facility, or other facility used for recreational purposes.
- (17) "Unallocated Funds" means any RAP tax funds that have accumulate due to earned interest, are not

spent on the approved projects, or otherwise accumulate in the RAP tax funds.

(47 18) "zoological organization" means a public, public-private partnership, or private nonprofit organization having as its primary purpose the advancement and preservation of zoology.

SECTION 39-I-4 ADVISORY BOARDS

1. The Cedar City Council hereby creates two (2) advisory boards to be known as the arts advisory board and the parks and recreation advisory board. The purpose of the arts advisory board is to receive applications from arts groups that would qualify to receive RAP tax funds; review the applications; and recommend allocation of the arts portion of the RAP tax revenue to the Cedar City Council. The purpose of the parks and recreation advisory board is to receive applications from parks and recreation groups that would qualify to receive RAP tax funds; review the applications; and recommend allocation of the parks and recreation portions of the RAP tax revenue to the Cedar City Council.
2. Each advisory board shall be comprised of seven (7) people appointed by the Mayor with the approval of the City Council. Each member of the advisory board shall serve a term of four (4) years, unless they are reappointed by the Mayor and approved by the City Council. The advisory board shall nominate and elect one of its members to serve as the chairperson of the board. The chairperson shall conduct all meetings of the board, but shall not vote unless there is a tie. In order to conduct business, there must be a quorum present. If a member of either board should resign, the Mayor shall appoint a replacement to serve out the remainder of the resigning person's term.
 - A. The terms of the initial appointees shall be staggered. The Mayor shall designate three (3) members of each board to serve four (4) year terms, two (2) members to serve three (3) year terms, and two (2) members to serve two (2) year terms. All appointments after the initial formation of the board shall serve a complete four (4) year term.
3. Each board shall meet once per year to consider applications, and make recommendations to the City Council, this shall be the annual board meeting. The yearly meeting of each board shall be as soon as reasonably possible after the Cedar City Council approves its next fiscal year's budget. Depending on the amount of revenue collected, the Mayor may suspend the board meetings in 2006. The board may conduct additional meetings as necessary with the consent of the majority of the board members.
4. All meetings of each board shall be open to the public and in compliance with the Utah Open and Public Meetings Act, UCA §52-4-1 through 52-4-10.
5. In addition to the notice requirements of the Utah Open and Public Meetings Act, City staff shall cause notice of the annual board meeting to be sent to applicable organizations that qualify for RAP tax money and have registered with City staff. This notice shall be sent at least thirty (30) days prior to the meeting and shall contain an application for RAP tax funding, and a deadline for submission of the completed application not less than fourteen (14) days prior to the scheduled meeting. Staff shall only be responsible to send the above notice to the organization's representative at the address given to City Staff by the organization. The individual organizations shall be responsible to keep their contact information updated. Each board shall cause to be published a notice in the local paper no less than thirty (30) days in advance of the meeting stating that applications for RAP tax funds are being accepted; that interested persons or groups should contact City Staff for information and applications; and setting a deadline for the receipt of applications.

SECTION 39-I-5 Use of Funds, and Certain Application Restrictions

1. The funds generated by the RAP tax shall be used for qualifying expenses as defined in this chapter, and defined by Utah Code Annotated Title 59, Chapter 12, Sections 1401 through 1404. It shall be the duty of the advisory boards and City staff to evaluate each application to ensure that the proposed use of the funds complies with the qualifying expenses as defined in this chapter.
2. In addition to the requirements of State Law adopted above, the following

standards shall apply to the use of and application for RAP tax funding:

A. In order to assure the fair distribution of the limited pool of RAP tax funds available and to discourage double dipping no organization, cultural facility, cultural organization, botanical organization, institution, recreational facility, zoological organization, or administrative unit thereof shall be allowed to receive funding for more than one application per year. Applications may contain requests for multiple purposes, but only one application will be allowed. Also, no organization, cultural facility, cultural organization, botanical organization, institution, recreational facility, zoological organization, or administrative unit thereof shall be allowed to receive funding from RAP tax money as well as funding from the Community Promotions fund as set forth in article II of this chapter.

B. During the application process the applicant shall designate, consistent with the organization's primary purpose, whether they are requesting funding from the RAP tax arts fund, the RAP tax parks and recreation fund, the RAP tax arts preservation and replacement fund, or the RAP tax parks and recreation preservation and replacement fund. The applicant may request and receive assistance from staff when making this determination. Once the designation is made by the applicant it shall be reviewed by City staff to determine if the applicant qualifies for RAP tax funding from the selected fund. If it is determined that the applicant has requested RAP tax funding from a fund for which the applicant does not qualify, the applicant may choose to apply for RAP tax funding from the fund for which the applicant does qualify.

C. The deadline for returning the applications shall be specified in both the newspaper advertisement and the application form. Applications received after the application deadline shall be rejected by staff and may not be considered by either the advisory board or City Council. It is the responsibility of the individual organizations to make sure their applications are turned in prior to the deadline.

SECTION 39-I-6 Allocation

The entire amount of RAP tax collected shall be budgeted every year. Of the entire amount of RAP tax collected 10% shall be budgeted in a preservation and replacement fund. After the allocation of the initial 10% the remaining funds shall be allocated 1/3 to recreation, 1/3 to arts, and 1/3 to parks. All recommendations made by the advisory boards and expenditures made by the City Council shall comply with this basic allocation of funds. The entire preservation and replacement fund shall be allocated 1/3 to recreation, 1/3 to arts, and 1/3 to parks. All allocations made by the advisory boards and expenditures of the preservation and replacement fund made by the City Council shall comply with this basic allocation.

SECTION 39-I-7 Application Information and Format

All applications for RAP tax funds shall contain the following information:

1. Applicant's name;
2. Applicant's mailing address;
3. Applicant's physical address;
4. Applicant's phone number;
5. Applicant's email address;

6. Applicant's fax number;
7. Proof of applicant's non-profit status;
8. An attachment showing the applicant's detailed financial statement for the last year, including:
 - A. Sources of income;
 - B. Amounts of income;
 - C. Types of expenses; and
 - D. Amounts of expenses;
9. Proposed qualifying expenses to be paid with the RAP tax money;
10. The amount of RAP tax revenue the applicant is requesting;
11. A detailed statement describing what the RAP tax money will be used to pay for, including, if applicable, bids for proposed improvements;
12. If the applicant has received RAP tax money within the past three (3) years, an accounting showing how the prior RAP tax appropriations have been spent; and
13. Any other information that is reasonably related to determining where the RAP tax money should be spent and is requested by the board.

The following is a sample of the application to be used for funding requests. It is illustrative only and may from time to time be altered by the Mayor, City Council, or City Staff as long as it requires the information stated above:



**RAP TAX FUNDING APPLICATION
NOTICE TO APPLICANT:**

The information provided on this funding from the RAP tax revenues. entirety. If more space is necessary, form and reference the attachment in the appropriate section. Applications received after the due date shall be rejected.

RECREATION • ARTS • PARKS

application constitutes a request to receive Please complete the application in its please attach additional information to the

All information on this application must be, to the best of your knowledge, true and accurate. Making a false statement on this form is a criminal act in violation of Title 76, Chapter 8, Section 504, Utah Code Annotated, 1953 as amended. In addition to criminal punishment, any application containing false or misleading information will be rejected.

Choose which RAP tax fund the applicant is applying for:

Arts

Arts Preservation and Replacement

Parks and Recreation

Parks and Recreation Preservation and Replacement

1. Applicant's name: _____
2. Applicant's mailing address: _____
3. Applicant's physical address: _____
4. Applicant's phone number: _____
5. Applicant's fax number: _____
6. Applicant's email address: _____
7. Proof of applicant's non-profit status: _____
8. Attach a detailed financial statement showing the following information for the applicant's prior fiscal year:
 - A. Sources of income;
 - B. Amounts of income;
 - C. Types of expenses; and
 - D. Amounts of expenses;
9. Proposed qualifying expenses to be paid with RAP tax money:

10. Amount of RAP tax money the applicant is requesting _____
11. Detailed statement describing what the RAP tax money will be used for, including, if applicable, bids for proposed improvements:

12. If the applicant has received RAP tax money within the past three (3) years, provide an accounting showing how the prior RAP tax appropriations have been spent:

13. Any other information the applicant would like to provide:

A notice stating the application due date.

SECTION 39-I-8 AGREEMENTS AND DISBURSEMENT OF RAP TAX FUNDS

- I. RAP tax funding agreements. Organizations receiving RAP tax allocations shall enter into an agreement with Cedar City prior to receiving any RAP tax funds. At a minimum the agreement between the City and the organization receiving RAP tax funding shall include the following items:
- A. A statement that to the greatest extent possible funds shall be expended within Cedar City. Also, that the funds shall be spent for the qualified expenditures approved by the City Council.
 - B. A statement that the organization receiving the RAP tax funding will agree to submit a detailed income/expenditure report showing how the RAP taxes were spent.
 - C. The following statement related to the nature of the RAP tax funds being public funding:

For purposes of this section “public funds” means monies, funds, accounts, regardless of the source from which they are derived and includes funds allocated through the Cedar City RAP tax program. Public funds also includes accounts or funds that have been transferred through the Cedar City RAP tax program to private or public entities that have contracted with Cedar City for the expenditure of said funds.
Recipient organization’s responsibility for public funds. The recipient organization expressly understands that it, its officers, and employees are obligated to receive, keep safe, transfer, disburse and use these public funds as authorized by law and this agreement. The recipient organization understands that it, its officers, and employees may be criminally liable under Utah Code Annotated §76-8-402, for misuse of public funds. The recipient organization understands that the City may monitor recipient organization’s expenditure of the public funds.
 - D. Cedar City reserves the right to audit the use of the RAP tax funds and the accounting of the use of the RAP tax funds received by the recipient organization under this agreement. If an audit is requested by the City the recipient organization shall cooperate fully with Cedar City and/or its auditors in the performance of said audit.
 - E. The Recipient organization expressly understands that Cedar City may withhold RAP tax funds or require repayment of funds from the recipient organization for noncompliance with the terms and conditions of this agreement; failure to comply with directives regarding the use of public funds contained in this agreement; and/or the misuse of public funds. The recipient organization expressly understands and agrees that the City’s ability to require repayment of funds extends not only to the public funds that are allocated pursuant to this agreement, but to all funding the recipient organization has received through RAP tax funding.
 - F. A statement limiting the agreement to a period of one (1) year after the agreement is signed by both parties and requiring that any funds not spent within the one (1) year period be returned to the City to be reallocated as RAP tax funds. Also, this statement

Scenery for production of South Pacific \$5,000.00

Actual Expenditures for remaining allocation:

- C. In addition to the above report the recipient organization shall be required to submit a final report once the second half of the RAP tax funding has been received and spent. The final report shall be submitted prior to the recipient organization being eligible for any future RAP tax funding.
4. Procedure for a lump sum RAP tax disbursement. From time to time RAP tax funds are appropriated for purposes that require a one time disbursement of funds. Examples of this type of funding include, but are not limited to, a single purchase of equipment or a single purchase of multiple pieces of equipment. This procedure may be used as an exception to the above general and preferred disbursement method.
 - A. The recipient organization will be required to show that it has received three written price quotes for the proposed item(s) to be purchased. As an alternative to the three price quotes the recipient organization may follow the City's adopted purchasing policy.
 - B. Once the recipient organization has provided the information required above, the RAP tax funds will be disbursed to the recipient organization pursuant to the City's accounts payable process. If mutually agreed, the City may issue payment directly to the vendor designated by the recipient organization.
 - C. Prior to receiving any future RAP tax funding the recipient organization shall submit the same written report as required in section 2 above.
5. Failure to supply income and expenditure report. If a recipient organization fails to provide the required income and expenditure report, the recipient organization will be in breach of its agreement with City. Failure to supply a required income and expenditure report may lead to an audit into how the recipient organization has spent public funds. In addition to the remedies available for the breach of the agreement, a possible audit, and the criminal penalties provided for misuse of public funds, the recipient organization shall not receive further RAP tax allocations and/or disbursements until the required income and expenditure reports are provided.

SECTION 39-1-9 UNALLOCATED FUNDS

1. From time to time unallocated funds will accumulate in the City's accounts. The City's Finance Department shall account for the unallocated funds and disclose the amount thereof annually in conjunction with the City's budget. The City shall spend these funds on RAP tax eligible projects in accordance with the terms of this section.
 - A. When in the Mayor's discretion the unallocated funds have accumulated a sufficient balance the Mayor shall direct staff to include the unallocated funds in the budget for the next round of RAP tax allocations.
 - B. The unallocated funds shall be divided 1/3 for arts, 1/3 for parks, and 1/3 for recreation. The unallocated funds may only be allocated and spent on projects to preserve or restore City owned facilities that are otherwise eligible for RAP tax funding and as approved in accordance with this ordinance.

- C. The RAP Tax Advisory Boards shall receive applications from the City for projects that qualify for expenditure of the unallocated funds. The RAP Tax Advisory Boards shall review the applications and make recommendations to the Cedar City Council.
- D. Upon receipt of the recommendations from the RAP Tax Advisory Boards the City Council may approve, deny, or modify the recommendations.
- E. Upon the City Council's approval of qualifying projects upon which to spend the unallocated RAP Tax funds the City shall comply with all rules set forth in this ordinance otherwise related to expenditure of RAP Tax funds.

Adopted 7/06.

Amended by Cedar City Ordinance No. 0513-09.

Amended by Cedar City Ordinance No. 1209-09-1.

Amended by Cedar City Ordinance No. 0425-12

Amended by Cedar City Ordinance No. 0513-15

Amended by Cedar City Ordinance No. _____

BE IT FURTHER ORDAINED by the City Council of Cedar City, State of Utah, that City staff is authorized to make such non-substantive alterations to the ordinance in order to accommodate the amendments made herein.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon publication as required by State Law.

Dated this ____ day of _____, 2016.

Maile L. Wilson
Mayor

[Seal]
Attest:

Renon Savage
Recorder

**CEDAR CITY CORPORATION
FINANCIAL ADVISOR RFP EVALUATION**

Rank	Company	Location	Fee Under \$2 million	Fee \$2-5 million	Fee \$5-10 million
1	Zions Public Finance	Salt Lake City	\$12,000 fixed	\$2.40 per thousand	\$2.25 per thousand
2	Lewis Young Robertson & Burningham	Salt Lake City	\$7,500 fixed	\$3.45 per thousand	\$2.85 per thousand

The following criteria were considered when making an evaluation of the proposals:

1. *Project Team.*
2. *Relevant Experience and Qualifications.*
 - a. *Philosophy and approach.*
 - b. *Experience with smaller cities.*
 - c. *Experience assisting in bond rating process.*
 - d. *Creative solutions for challenges facing Utah cities.*
3. *Proposed Fee.*
4. *Firm's Focus.*
5. *Added Value*

The FY17 budget for financial services fees will be included in a revision related to bond issuance.

