

# Cedar City

10 North Main Street • Cedar City, UT 84720  
435-586-2950 • FAX 435-586-4362  
www.cedarcity.org

## **CITY COUNCIL WORK MEETING** **SEPTEMBER 15, 2021** **5:30 P.M.**

**Mayor**  
Maile Wilson-Edwards

**Council Members**  
Ronald R. Adams  
Terri W. Hartley  
Craig E. Isom  
W. Tyler Melling  
R. Scott Phillips

**City Manager**  
Paul Bittmenn

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

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
  - Mayor and Council Business
  - Staff Comments
    - Swear in Tyler Uresk as Corporal
- IV. Public Agenda
  - Public Comments

### Business Agenda

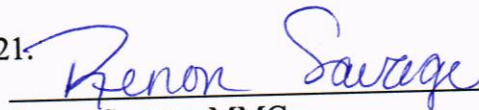
#### Public

1. Consider a single event alcohol permit for Warehouse Bar & Kitchen to hold a beer garden at the Heritage & Livestock Festival on October 30<sup>th</sup> at Cross Hollows Arena. Peyton Crawford/Chief Admas
2. Consider an ordinance amending Chapter 32 pertaining to the issuance of building permits and certificates of occupancy. Tyler Romeril

#### Staff

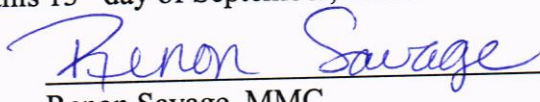
3. Discuss proposals for Storm Drain Master Plan. Jonathan Stathis

Dated this 13<sup>th</sup> day of September, 2021.

  
Renon Savage, MMC  
Cedar 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 13<sup>th</sup> day of September, 2021.

  
Renon Savage, MMC  
Cedar 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.

#1

**CEDAR CITY CORPORATION**  
**SINGLE EVENT PERMIT APPLICATION**

APPLICANT: Please spell out the information requested below legibly. A \$50.00 fee is due and payable at the time of submitting the application. (Said fee is refundable if a permit is not granted.)

**SECTION I**

NAME: Warehouse Bar + Kitchen  
ADDRESS: 432 N. 100 W. Cedar City UT  
EMAIL: paytencrawford.whbr@gmail.com  
PHONE NUMBER: 435-531-8000 NAME OF ENTITY: Beer Garden  
PURPOSE OF ENTITY: Serve Beer  
TYPE OF EVENT: Beer Garden  
TIME AND DATE OF EVENT: Oct. 30<sup>th</sup> 2021 11am-5pm  
NATURE AND PURPOSE OF EVENT: Serve beer

**SECTION II**

DESCRIBE THE FLOOR PLAN DESIGNATING:

(A) THE AREA IN WHICH THE APPLICANT PROPOSES THAT ALCOHOL BE STORED:

~~Diamond Z Arena~~ Diamond Z Arena

(B) THE SITE FROM WHICH THE APPLICANT PROPOSES THAT ALCOHOL BE SOLD OR SERVED: in a gated in area;

(C) THE AREA IN WHICH THE APPLICANT PROPOSES THAT THE ALCOHOL BE ALLOWED TO BE CONSUMED: a gated in area.



CEDAR CITY COUNCIL

AGENDA ITEM – 2

TO: Mayor and City Council  
FROM: Tyler Romeril  
DATE: September 7, 2021  
SUBJECT: Amending City Ordinance Chapter 32 regarding the issuance of building permits and certificates of occupancy.

DISCUSSION:

Per City ordinance, the City will not issue building permits in a subdivision until all of the improved infrastructure (sewer, storm drain, water, curb and gutter, sidewalk and roads) are in and approved. Once these improvements are signed off on the City will then issue building permits. To ensure these improvements are done correctly the developer is required to obtain a performance bond.

The Utah State Legislature passed into law Utah Code Annotated (UCA) §10-9a-802 which states that a City cannot refuse to issue a building permit or a certificate of occupancy if a performance bond for infrastructure improvements is in place as long as the issuance of the building permit is in compliance with building code and fire code.

Based on State law, Chapter 32 of the City's ordinances has been amended to come into compliance. Please consider whether or not to amend Chapter 32 of the Cedar City ordinances.



**CEDAR CITY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 32 SECTION 9 OF THE ORDINANCE OF CEDAR CITY, UTAH, RELATED TO THE ISSUING OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY WHEN A PERFORMANCE BOND IS IN PLACE.**

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enable Cedar City to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

**WHEREAS**, Cedar City has adopted Chapter 32, Section 9, of the ordinance of Cedar City, Utah, and said provisions contain specific Subdivision and PUD development standards and requirements; and

**WHEREAS**, the Cedar City Council desires to update and amend Chapter 32, Section 9, of the Cedar City Ordinances entitled "Subdivision and PUD General Requirements"; and

**WHEREAS**, the Utah State Legislature passed into law Utah Code Annotated (UCA) §10-9a-802 which outlines that a City cannot refuse to issue a building permit or certificate of occupancy if a performance bond for infrastructure improvements is in place and the issuance of the building permit or certificate of occupancy is in compliance with building code and fire code; and

**WHEREAS**, the City Council finds that it is in the best interests of the health, safety, and general welfare of the citizens of Cedar City to amend Chapter 32 of the City's ordinance to come into compliance with UCA §10-9a-802; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of Cedar City, State of Utah that Chapter 32 of the ordinance of Cedar City, Utah, is hereby amended to include the below underlined red text and exclude all crossed out text:

**SECTION 32-9 Subdivision and PUD General Requirements.**

1. The following are the General Requirements for the development of subdivisions and/or PUDs as indicated:

**Improvement Schedule.**

1. No improvement construction shall begin in a platted subdivision, detailed minor lot subdivision or residential PUD, including clearing and grubbing, before the Final Plat is approved by the City. After the proposed project



has been presented to the City's Staff Sketch Review Committee, the subdivider or developer may apply for a Grading Permit. An approved Grading Permit will allow the subdivider or developer to do clearing, grubbing, and rough grading work prior to Final Plat approval. Rough grading is defined as site work that involves the following:

- a. Excavations and fills that are less than 5 feet in height;
- b. Excavation, fill, or grading whose combined volume is less than 1,000 cubic yards;
- c. Grading work that results in vertical elevations +/- 1 foot of finished grades for the project; and
- d. Ensuring proper dust control, drainage, and erosion control measures are in place.

Any work done in excess of clearing, grubbing, and rough grading (i.e., utility installation, subgrade preparation, curb & gutter, asphalt, etc.) will cause the subdivider or developer to be assessed a pre-plat construction fee as set forth in the City's Fee Schedule. Also, if any clearing, grubbing, or rough grading work is done prior to Final Plat approval without an approved Grading Permit, then the subdivider or developer will be assessed a pre-plat construction fee as set forth in the City's Fee Schedule. If applicable, the pre-plat construction fee will be collected before Final Plat approval by the City Council.

2. The City owned and maintained improvements in a platted subdivision, detailed minor lot subdivision and PUD, and common improvements in a residential PUD, shall be constructed within two (2) years of the Final Plat or Plan approval by the City. If the improvements are not installed within two (2) years of Final Plat or Plan approval by the City, the City shall use the subdivider's or developer's performance bond to install the improvements.
3. In simple minor lot subdivisions included in Section 32-6 Step 2(1)( C) the required City owned and maintained improvements fronting the lot shall be completed before an occupancy permit is issued for any building on the lot. As an exception, an occupancy permit may be issued if the uncompleted improvements are not essential under the building code and fire code, and an acceptable performance bond and City bond agreement have been accepted by the City.
4. In commercial or industrial PUDs the common PUD improvements serving any lot in the PUD shall be completed before an occupancy permit is issued for the building on that lot. As an exception, an occupancy permit may be issued if the uncompleted improvements are not essential under

the building code and fire code, and an acceptable performance bond and City bond agreement have been accepted by the City.

5. No building permits will be issued in a platted subdivision or a detailed minor lot subdivision (not including PUDs) until all fronting streets improvements are installed and accepted by the City. As an exception, building permits may be issued in a platted subdivision or a detailed minor lot subdivision when an acceptable performance bond and City bond agreement have been accepted by the City, and the development meets the requirements for the issuance of the building permit under the building code and fire code.

**AMENDED BY ORDINANCE NUMBER \_\_\_\_\_.**

**NOW BE IT FURTHER ORDAINED** by the City Council of Cedar City, State of Utah that City staff is authorized to make such non-substantive changes to the format and table of contents of Chapter 32 as are reasonably necessary to facilitate this amendment.

This ordinance, Cedar City Ordinance No. \_\_\_\_\_, shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Ayes: \_\_\_\_ Nays: \_\_\_\_ Abstained: \_\_\_\_

Dated this \_\_\_\_ day of September, 2021

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MAILE L. WILSON-EDWARDS  
MAYOR

[SEAL]

ATTEST:



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RENON SAVAGE, RECORDER

**CEDAR CITY  
COUNCIL AGENDA ITEM 3  
STAFF INFORMATION SHEET**

**TO:** Mayor and Council

**FROM:** Trevor McDonald

**DATE:** September 15, 2021

**SUBJECT:** Review Proposals for the City Storm Drain Master Plan

**DISCUSSION:**

The City advertised requests for proposals (RFP) for a storm drain master plan update. An evaluation committee was formed and received one proposal from Sunrise Engineering. The proposal was evaluated based on the following criteria: The project team; capability of the consultant firm; understanding of the project; the consultant's work plan; proposed project costs; and required City services.

The evaluation committee believes the respondent can accomplish the scope. The RFP laid out milestones that may be challenging to meet. The committee discussed there may be challenges collecting field data and completing the detailed flood studies in the time allotted. The detailed flood studies were requested to be completed within 60 days to allow the City to budget for any recommended improvements at the mid-year budget revision.

The total proposed cost from the respondent is also over the budget. The respondent's cost is \$241,300.00 and the approved budget is \$120,000.00.

The respondent estimates the proposed project will begin in mid-October. Detailed flood studies of specific areas in town are planned to be finished by December 1, 2021. Modeling, and analyzing the storm drain system for future needs should be complete in the Spring. The overall city master plan should be completed and presented to City Council in June of next year.

Again, Sunrise Engineering's proposed fee is \$241,300.00. The amount budgeted for this project is \$120,000. The Finance Director has determined there are sufficient funds of \$60,000 available in the Sunset Canyon Detention Pond Improvement account to cover the additional cost for the detailed flood studies. There are sufficient funds available in the Storm Drain Upsizing account to cover the remaining costs of \$65,000 related to planning for future growth. The evaluation committee recommends City Council revise the budget allocated to this project to accommodate the proposed fee and award Sunrise Engineering the contract for design services.

As an alternative, the city may prefer to cut some tasks out of the scope. Removing the detailed flood studies and field data collection would bring the respondent's fee down to \$138,600.00. \$20,000.00 from the storm drain impact fee fund would need to be added to the budget to cover this alternative.