
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 7, 2005

SUBJECT: 900 East 900 South Streetscape Upgrade
Special Improvement District (SID), Job No. 106018
Resolution to Create the District

AFFECTED COUNCIL DISTRICTS: 4 and 5

STAFF REPORT BY: Jan Aramaki, Constituent Liaison/Policy Analyst

ADMINISTRATIVE DEPT.
AND CONTACT PERSON: Department of Public Services
John Naser

FILE LOCATIONS: Public Services/900 East 900 South
SID, Job No. 106018

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution to create the 900 East 900 South Streetscape Upgrade, Special Improvement District No. 106018, and to authorize the City to proceed with the construction of the improvements.
2. ["I move that the Council"] Not adopt the resolution.

NEW INFORMATION:

The next step in the process of the proposed 900 East 900 South Streetscape Upgrade Special Improvement District (SID), Job No. 106018, for the Council's consideration is to adopt a resolution to create the District. In order for the District to be created, the property owners who have submitted a protest must be less than 50 percent of the total property owners' front footage within the District. According to the Administration, the final SID protest rate is 7.75 percent of front footage:

- On March 7, 2005, three written protests against the proposed improvements or against the creation of the District were filed in the Office of the City Recorder. The City Recorder's Office received three written protests from property owners at 925 East 900 South, 951 East 900 South, and 937 East 900 South.
- The City Council held a protest hearing on March 8, 2005. One property owner expressed support of the proposed SID. The Council also heard from a property owner who owns a 4-plex in opposition of the proposed SID (one of the written protests). The resident questions the benefit he will receive in comparison to the benefit the businesses will receive. He requested that the City look at a more equitable system to fund the project.

After construction is completed, a property owner has the opportunity to appear before the Board of Equalization (comprised of the City Engineer or designee, the City Attorney or designee, and the City Recorder or designee), to present their concerns. All property owners within the proposed SID are notified in advance of the dates and times when the Board of Equalization meets. The Board of Equalization can hear any discrepancies viewed by a property owner. For example, the Board could decide that a particular residential property owner does not receive as much benefit from the project as the commercial properties, and possibly reduce the assessment. If the assessment is a real financial burden

income-wise to the property owner, the assessment can be deferred until the property is sold. There is no way to predict the outcome of a Board of Equalization review.

- After the protest hearing was held, the City Council Office was contacted by a property owner who expressed interest to include the neighborhood between 1000 East to 1100 East streets along both sides of 900 South Street as part of the proposed SID. Because the number of protests was minimal at 7.75 percent, the property owner was informed that if there is an interest to pursue a special improvement district further east of 1000 East, and if there appears to be adequate support from the community, and if funding is available, this could be explored further by contacting Engineering.

Upcoming action before the Council will include:

- Resolution accepting a bid for construction work.
- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

The following information was provided previously. It is provided again for Council's reference.

KEY ELEMENTS: (Resolution)

On November 9, 2004, the City Council finalized the capital improvement program (CIP) budget for fiscal year 2004-05. Included in the CIP budget was \$500,000 for the 900 South & 900 East Streetscape project, which was contingent upon Neighborhood SID Approval. As the first step in creating the process to establish the Special Improvement District (SID), the Administration is requesting that the Council adopt a resolution declaring the Notice of Intention and set the protest hearing date for March 8, 2005. SID boundary includes all property fronting or abutting on both sides of 900 South from Windsor Street (860 East) to 1000 East. The Engineering Division has identified an estimated 26 parcels as part of the proposed SID, however some property owners own more than one parcel, therefore approximately 15 property owners will be involved with the proposed SID. All properties are commercial. The project is being coordinated with the Public Utilities Department for installation of storm drainage improvements for the project.

The Notice of Intention states that "The proposed improvements include the reconstruction of the roadway pavement; and the construction and installation of concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping, and miscellaneous work."

Depending upon the nature of the improvements, costs will be assessed by front foot (lot width) of abutting property. Each property owner will receive information with the Notice of Intention of an estimated assessment calculation made by the City Engineer's Office.

The Administration reports that existing curb, gutter, and angle parking are deteriorated and in poor condition and will be replaced as part of the City's expense portion. Although sidewalks are in good condition and do not need to be replaced, there is the exception of sidewalk areas near the intersection which will also be replaced at the City's expense for the beautification project.

Costs that will be assessed to the property owners include: areas that lack cut-back angle parking and for the beautification amenities associated with the project (decorative concrete, decorative street lighting, landscaped medians, and site furnishing upgrades). There are no options being offered to the property owners who may want to have additional work performed in conjunction with the proposed SID improvements.

Following Council's approval of the attached resolution, a Notice of Intention informational letter and a preliminary estimate will immediately be sent to property owners within the boundary areas of the proposed SID (a copy of a letter that will be sent to property owners is attached) notifying property owners that the City is considering a proposed SID for reconstruction of 900 South from Windsor Street to 1000 East.

It is projected that the project may begin in May with completion by fall of 2005.

Informal public meetings were held on March 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was the Forest Dale Golf Course, 2375 South 900 East, from 4:00 p.m. to 6:00 p.m.

BUDGET RELATED FACTS:

The City Engineer has estimated that the total cost of improvements in the proposed District is \$1,502,000. It is anticipated the City's portion will be approximately \$1,140,000 (includes approximately \$249,000 from the Public Utilities Department to pay for drainage improvements and \$96,000 from the United States Department of Housing and Urban Development). The property owners' portion is estimated to be approximately \$362,000 (includes construction costs, a portion of engineering expenses, possibly a portion for debt service reserve, an allowance for interest on interim warrants issued to finance construction of the improvements and 15 percent for administrative costs).

Estimated breakdown costs to property owners are as follows:

Rate		Estimated Cost to
No.Quantity	Estimated Unit Costs	Property Owners
1 1,774.19 LF	\$204 per lineal foot	\$362,000

The majority of City funding sources are allocated from the Salt Lake City Capital Improvement budget Class "C" funds (\$500,000 was appropriated during the 2004-05 CIP

process contingent upon the property owners being in favor of the SID), a Federal Economic Development Initiative Grant , Salt Lake City Public Utilities Department, and with the remaining costs of the improvements paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the improvements. It is anticipated that the first payment of an assessment installment may be less than one year from the date the Council adopts the assessment ordinance; thereafter approximately ten assessment installments will fall on the anniversary date of the first assessment payment, rather than five years as is calculated for concrete replacement SIDs.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Ed Rutan, Louis Zunguze, Gary Mumford, **Dan Mulé**, Luann Clark, Tim Harpst, Max Peterson, John Naser, Gordon Haight, Kurt Larson, Diana Karrenberg, Marge Harvey, Barry Esham, Sylvia Jones, Gwen Springmeyer, Lehua Weaver, Annette Daley, Chris Bramhall, Boyd Ferguson, Karen Carruthers, Garth Limburg, and Jennifer Bruno

COUNCIL TRANSMITTAL

TO: ROCKY FLUHART, *RF* **DATE:** April 12, 2005
CHIEF ADMINISTRATIVE OFFICER

FROM: Rick Graham, Director *RG*
Public Service Department

SUBJECT: Creation of 900 East 900 South Streetscape Upgrade Special Improvement District, Job No. 106018

STAFF CONTACT: John Naser, P.E. *JN* 535-6240

DOCUMENT TYPE: Resolution

RECOMMENDATION: Staff recommends the Council adopt the resolution creating the special improvement district.

BUDGET IMPACT: Monies are provided from the Salt Lake City General Fund, Capital Improvement budget Class "C" Road Funds, a Federal Economic Development Initiative grant, Public Utility Department, and property owner assessments through the Special Improvement District.

BACKGROUND AND DISCUSSION: The 900 East 900 South Streetscape Improvement project involves the reconstruction and beautification of the roadway, park strip and sidewalks. The improvements include replacing deteriorated concrete, landscaped median islands, decorative sidewalks, enhanced street lighting, additional on street parking and traffic signal upgrades. The project extends from Windsor Street to 1000 east. The project is being coordinated with Public Utilities for storm drain improvements.

Attached is an information sheet for the Special Improvement Districts. Three protests for the Special Improvement District were received.

cc: Vault

**INFORMATION SHEET
900 SOUTH 900 EAST STREETScape UPGRADE
SPECIAL IMPROVEMENT DISTRICT
JOB No. 106018**

DESCRIPTION OF IMPROVEMENTS:

The 900 East 900 South Streetscape Improvement project involves the reconstruction and beautification of the roadway, lighting, park strip and sidewalks at the 900 South 900 East Intersection. The improvements include resurfacing the roadway, replacing deteriorated concrete, landscaped median islands, decorative sidewalks, street furnishings, raised planter, enhanced street and pedestrian scale lighting, additional on street angle parking and traffic signal upgrades. The project extends from Windsor Street to 1000 East. The project is being coordinated with Public Utilities for storm drain improvements.

The construction will be phased so disruption and inconvenience to the property owners, pedestrians and traffic will be minimal.

AVAILABILITY OF FUNDS

Funding for the project available from the City General Fund CID, Class "C" road funds, a Federal Economic Development Initiative grant, Public Utility Department, and property owner assessments through the Special Improvement District.

SUMMARY OF PROTESTS

Three protests for the Special Improvement District were received.

	<u>Property</u>	<u>Frontage</u>
1.	937 East 900 South	35.00 Ln. Ft.
2.	951 East 900 South	50.00 Ln. Ft.
3.	925 East 900 South	<u>52.50</u> Ln. Ft.
	Total	137.50 Ln. Ft.

Final SID Protest Rate 7.75%

Salt Lake City, Utah

April 12, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 12th day of April, 2005 at the hour of 7:00 p.m., at the offices of the City Council at 451 South State Street, Salt Lake City, Utah, at which meeting there were present and answering roll call the following members who constituted a quorum:

Dale Lambert	Chair
Nancy Saxton	Vice Chair
K. Eric Jergensen	Councilmember
Carlton Christensen	Councilmember
Van Blair Turner	Councilmember
David L. Buhler	Councilmember
Jill Remington Love	Councilmember

Also present:

Ross C. Anderson	Mayor
Edwin P. Rutan, II	City Attorney
	Deputy City Recorder

Absent:

Thereupon the following proceedings, among others, were duly had and taken:

Pursuant to published notice concerning the intent of the City to create the "Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018" (the "District"), a public hearing was held on the 8th day of March, 2005 at which interested persons were heard concerning comments or protests relating to the District. There were three protests from owners of property to be assessed.

The City Council then concluded that the public interest will best be served by creating the District in the format as described in Resolution 3 of 2005 adopted by the City Council on the 3rd day of February, 2005.

After due consideration of the following resolution by the City Council, Councilmember _____ moved and Councilmember _____ seconded its adoption. The resolution was adopted by the following vote:

AYE:

NAY:

RESOLUTION NO. 8 OF 2005

A RESOLUTION TO CREATE THE SALT LAKE CITY, UTAH 900 SOUTH, 900 EAST STREETSCAPE UPGRADE SPECIAL IMPROVEMENT DISTRICT NO. 106018" (THE "DISTRICT"); GENERALLY AS DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT; AUTHORIZING THE CITY OFFICIALS TO PROCEED WITH THE CONSTRUCTION OF THE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION; AND RELATED MATTERS.

BE IT RESOLVED BY THE City Council (the "Council") of Salt Lake City, Utah, as follows:

Section 1. The Council has determined it will be in the best interest of Salt Lake City (the "City") to reconstruct roadway pavement, and to construct and install concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping and all other miscellaneous work necessary to complete the whole in a proper and workmanlike manner (collectively, the "Improvements"); and to complete the whole in a proper and workmanlike manner according to plans on file in the Office of the City Engineer in Salt Lake City, Utah, generally described in the Notice of Intention (the "Notice of Intention") adopted by the Council on the 3rd day of February, 2005, with respect to the creation of the "Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018" (the "District").

Section 2. The Improvements are hereby authorized and the District is hereby created to acquire and construct the Improvements and to levy assessments to pay improvement costs.

Section 3. The legal description and tax identification numbers of the included properties are more fully set forth in Exhibit A attached hereto.

The District boundary includes all property fronting or abutting on both sides of 900 South Street from Windsor Street to 1000 East Street.

Section 4. As required by law, the City Recorder is hereby authorized and directed to file a copy of the Notice of Intention and this Resolution creating the District, together with a list of properties proposed to be assessed, described by tax identification number and legal description in the Salt Lake County Recorder's office within five (5) days from the date hereof.

ADOPTED AND APPROVED this 12th day of April, 2005.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval this ____ day of _____, 2005.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this ____ day of _____, 2005.

By: _____
Mayor

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____ Meeker, the undersigned Deputy City Recorder of Salt Lake City, Salt Lake County, Utah (the "Issuer"), do hereby certify, according to the records of the City Council of Salt Lake City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the 12th day of April, 2005, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the principal offices at the City and County Building, Salt Lake City, Utah on the 8th day of April, 2005, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule A, to be delivered to the Deseret Morning News on the 8th day of April, 2005, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 12th day of April, 2005.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A
NOTICE OF MEETING

EXHIBIT A

TAX IDENTIFICATION NUMBERS AND LEGAL
DESCRIPTIONS OF PROPERTIES TO BE ASSESSED

(A complete list of Tax I.D. numbers and property descriptions is available for inspection
at the Salt Lake City Recorder's and City Engineer's Office.)

EXHIBIT B
WRITTEN PROTESTS

EXHIBIT C

PUBLIC HEARING MINUTES