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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: December 7, 2005

SUBJECT: Sidewalk Replacement Special Improvement  
District, 2004/2005 FY, Job No. 102119  
**Resolution to Create the District**

AFFECTED COUNCIL DISTRICTS: 6

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

ADMINISTRATIVE DEPT.  
AND CONTACT PERSON: Department of Public Services  
Daniel C. Noziska, P.E., Senior Project Mgr.

FILE LOCATIONS: Public Services/Sidewalk Replacement  
SID 102119

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## POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution to create the Salt Lake City, Utah Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119, 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.
  2. ["I move that the Council"] Not adopt a resolution.
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## NEW INFORMATION:

The next step in conjunction with the City Council's consideration of a resolution to accept the bids and authorize execution of a construction contract is to consider adopting a resolution to create the Special Improvement District No. 2004/2005 FY Job No. 102119 authorizing City officials to proceed with the construction of the improvements.

On November 15, 2005, the City Council held a protest hearing at which time there were no verbal protests. The City received protests for seven properties. In order for the District to be created, the protest rate must be less than 50 percent of the total assessable cost (total lineal front footage) within the District. Engineering states "the official protest rate is calculated by dividing the proposed assessable cost of required work for property owners filing written

protests by the total proposed assessable cost of required improvements for all property owners in the district." There are 962 properties within the SID boundaries, and the protest rate resulted in a minimal 0.54 percent, consisting of seven properties.

Summary of Protest Costs (7 property owners)		Total Estimated Costs (962 property owners)	
1. 1770 E. Laird Avenue	\$ 434.00	Property Owner's Portion	\$ 628,501
2. 1735 E. Laird Avenue	\$ 434.00	City's Portion	\$ 651,161
3. 1652 E. Sunnyside Avenue	\$ 599.60		
4. 1842 E. Michigan Avenue	\$ 456.25	Total Est. Project Cost	\$1,279,662
5. 1627 E. Yalecrest Avenue	\$ 239.25		
6. 1631 E. Princeton Avenue	\$ 390.60		
7. 1528 E. Harvard Avenue	\$ 851.85		
Total	\$ 3,405.75		
Protest rate	$\$3405.75/\$628,501 =$		.54 percent

Start of the construction is projected in the spring of 2006 with completion by the fall of 2006. The Administration states that construction will be phased in an effort to minimize disruption and inconvenience to property owners and pedestrians.

Upcoming action before the Council will include:

- 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.

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**The following information was provided previously to the City Council.**

**It is being provided again for Council's reference.**

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A protest hearing was held on, Tuesday, November 15, 2005 at 7:00 p.m. at which time the City Council considered protests that were filed and heard all objections relating to the proposed District. In addition to the seven properties who submitted a protest, one additional comment was submitted to the City Council Office from a property owner.

Comment from Jon Dewey, 1724 E. Princeton Avenue

*"Since there is a process to 'shave' up to half an inch and it is free, there should be technology/tools to be able to 'shave' off more and get bids to pay for this service which would be vastly less expensive than paying for tearing up individual slabs and replacing each. There is a run on concrete now and it is expensive.....If there is no need to use resources, time and money when it can be avoided and an alternative process can be used, that should be the course taken."*

Response from the Administration: Engineering reports they sawcut sidewalk in the

public way for displacements up to 1-1/4 inches at no cost to property owners. Sawcut displacements that are greater than 1-1/4 inches are not cost effective. In addition, ADA issues regarding maximum slope on the sawcut section of concrete are taken into account in determining whether to sawcut or replace a section of sidewalk.

## KEY ELEMENTS:

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Improvement District (SID), the Administration requested that the Council adopt a resolution declaring the Notice of Intention that includes the identified areas within the boundaries that are in need of concrete replacement that will eliminate hazardous situations in the public way.

Western boundary:	1500 East (only includes properties east of 1500 East -- abutting property owners are not included since their sidewalks were part of the 2003/2004 SID concrete replacement Job No. 102112)
Eastern boundary:	1900 East (west side only)
Northern boundary:	Sunnyside Avenue (south side only)
Southern boundary:	1300 South (north side only)

Approximately 962 properties have been identified as part of the Sidewalk Replacement Area No. 102119. Projected construction schedule indicates work to begin in the spring of 2006 with anticipated completion by October 31, 2006.

Funding sources are allocated from the Salt Lake City CIP budget and property owner assessments through the SID as follows:

Sidewalk Replacement Area No. 102119 (Council District 6)

Property owners:	\$ 628,501
Salt Lake City Funds:	<u>\$ 651,161</u>
Total	\$1,279,662

Assessments may be paid by property owners in five (5) approximately equal annual installments.

Informal public meetings were scheduled on November 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was held at the multi-purpose room at Bonneville Elementary School, 1145 south 1900 East from 3:30 p.m. to 4:30 p.m. and from 5:00 p.m. to 6:00 p.m.

Following Council's approval of the attached resolution, a letter was sent to property owners living within the boundary areas of the proposed SID. Property owners were then notified that the City is considering a proposed sidewalk replacement project that includes their properties. The property owners were informed that the cost to replace defective concrete will

be shared 50/50 by the City and the property owner; however, commercial properties pay the full cost of the replacement.

Also property owners were made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SID.

Property owners are provided the option to have driveway approaches, curb and gutter work, and asphalt tie-ins and other necessary miscellaneous work to complete improvements performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs. Property owners who wish to have optional improvements made have until March 1, 2006 to submit in writing a request.

To ensure that the assessments are equitable to the property owners involved in the District, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost. However, any optional improvements of curb, gutter, and driveway approach replacements are excluded in the exception and are again at the owner's expense.

It is stated in the Resolution that abutting property owners within the SID area to be improved who have built or installed "nonconforming improvements such as lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc." must be removed at the property owner's expense prior to construction improvements begin. The contractor will remove and dispose improvements if they are not removed by the property owners.

If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SID. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the District or a future district. The District will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete

replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.

- If an assessed property owner within the District has a “combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its ‘Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,’” the property owner may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on an annual basis.
- The property owner may hire a private contractor to complete the work of the defective concrete.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Gary Mumford, Dan Mulé, Tim Harpst, Max Peterson, Dan Noziska, John Coyle, Diana Karrenberg, Annette Daley, Chris Bramhall, Karen Carruthers, Susan Finlayson, Garth Limburg, and Cindy Arnold.

**COUNCIL TRANSMITTAL**

**TO:** Rocky J. Fluhart *RF*  
Chief Administrative Officer

**DATE:** November 22, 2005

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

**SUBJECT:** Creation of Sidewalk Replacement Special Improvements District, 2004/2005 FY,  
Job No. 102119

**STAFF CONTACT:** Daniel C. Noziska, P.E., Senior Project Manager, 535-7958

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** It is recommended the City Council adopt a resolution to create the District.

**BUDGET IMPACT:** Monies are provided from the Salt Lake City Capital Improvement budget and property owner assessments through the Special Improvement District.

**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119 involves the replacement of defective concrete sidewalk, and at the property owner's option, defective driveways, curb and gutter. The District is bounded by 1500 East to 1900 East and Sunnyside Avenue to 1300 South.

Attached is an information sheet, with the summary of protests and a site map.

**PUBLIC PROCESS:** An informal information meeting was held November 2, 2005 at Bonneville Elementary and a Protest Hearing was held before the City Council on November 15, 2005.

INFORMATION SHEET  
SIDEWALK REPLACEMENT  
SPECIAL IMPROVEMENT DISTRICT, 2004/2005 FY  
JOB NO. 102119

DESCRIPTION OF IMPROVEMENTS:

The Sidewalk Replacement Special Improvement District, 2004/2005 FY, Job No. 102119 involves the installation of concrete sidewalks, and at the property owner's option driveways, curb and gutter. The district is bounded between the south side of Sunnyside Avenue to the north side of 1300 South and the east side of 1500 East and Greenwood Terrace to the west side of 1900 East. (See attached map.)

TOTAL ESTIMATED COSTS

• Property Owner's Portion of Costs	\$ 628,501
• City's Portion of Costs	\$ 651,161
 Total Estimated Project Cost	 \$1,279,662

SCHEDULE

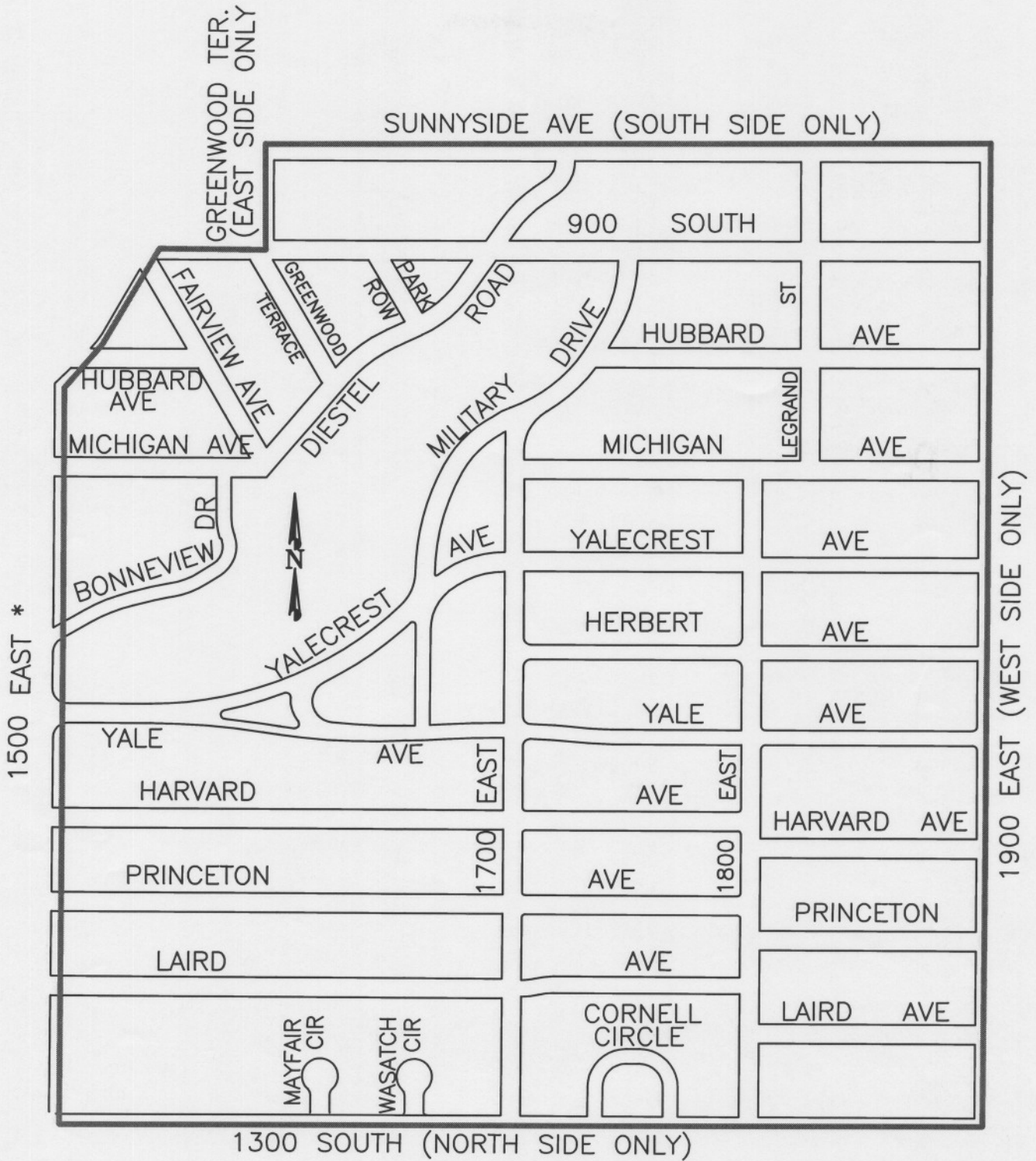
Construction of the project is scheduled to start in the spring of 2006 with completion by the fall of 2006. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

SUMMARY OF PROTESTS

	Address	Value of Work
1.	1770 East Laird Avenue	\$ 434.00
2.	1735 East Laird Avenue	\$ 434.00
3.	1652 East Sunnyside Avenue	\$ 599.60
4.	1842 East Michigan Avenue	\$ 456.25
5.	1627 East Yalecrest Avenue	\$ 239.25
6.	1631 East Princeton Avenue	\$ 390.60
7.	1528 East Harvard Avenue	\$ 851.85
	 Total Value of Work Protested	 \$ 3,405.75

Protest Rate = 0.54%

SIDEWALK REPLACEMENT S.I.D. 2004-2005 FY  
 Job No. 102119



PROJECT SITE / LIMITS

\* Properties abutting 1500 East are not in this S.I.D.



Salt Lake City, Utah

December 13, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 13th day of December, 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 Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119" (the "District"), a public hearing was held on the 15th day of November, 2005, at which interested persons were heard concerning comments or protests relating to the District. There were seven protests from owners of property to be assessed (see Exhibit B).

After consideration of such protests it was determined that the total acreage represented by said protests is less than fifty percent (50%) of the total acreage to be assessed within the District and is a percentage insufficient to legally protest creation of the District.

The City Council then concluded that the public interest will best be served by creating the District in the format as described in Resolution 59 of 2005 adopted by the City Council on the 11th day of October, 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. \_\_ OF 2005

A RESOLUTION TO CREATE THE SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT NO. 2004/2005 FY JOB NO. 102119 (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 install concrete sidewalks, driveway aprons, curb, gutter, and asphalt tie-ins, appurtenances necessary (collectively, the "Improvements") and all other miscellaneous work necessary to complete the improvements 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 11th day of October, 2005, with respect to the creation of the "Salt Lake City, Utah Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119" (the "District").

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

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

Section 4. The District boundary will include the general area bounded between the south side of Sunnyside Avenue to the north side of 1300 South and the east side of 1500 East and Greenwood Terrace to the west side of 1900 East as described in the Notice of Intention.

Section 5. 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 \_\_\_\_\_ day of December, 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 December, 2005.

By: \_\_\_\_\_  
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_\_ day of December, 2005.

By: \_\_\_\_\_  
Mayor

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

I, \_\_\_\_\_, the duly appointed, qualified and acting Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a regular meeting of the City Council of Salt Lake City held in the City Council Chambers in Salt Lake City on Tuesday, the \_\_\_\_\_ day of December, 2005, at the hour of 7:00 p.m. as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal and timely notice of said meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City this \_\_\_\_\_ day of December, 2005.

(SEAL)

By: \_\_\_\_\_  
Deputy City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify, according to the records of the City Council (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 \_\_\_\_\_ day of December, 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 of the City Council at the City and County Building, Salt Lake City, Utah on the \_\_\_\_\_ day of December, 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 \_\_\_\_\_ day of December, 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 \_\_\_\_\_ day of \_\_\_\_\_, 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 Office and the City Engineer's Office.)

EXHIBIT B

PROTESTS

1	16094550100000	1770 E. Laird Ave	Patricia Merrill
2	16094540200000	1735 E Laird Ave.	Margaret Elliott
3	16091770080000	1652 E Sunnyside Ave	Donna Clark
4	16094260070000	1842 Michigan Ave	Margaret Duder
5	16093280160000	1627 Yalecrest Ave	Robert & Christine Fujinami
6	16093320480000	1631 Princeton Ave	Robert Foye
7	16093320050000	1528 East Harvard Ave	Sonja Fellemeth

EXHIBIT C

PUBLIC HEARING MINUTES

