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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** July 8, 2005

**SUBJECT:** Resolution appointing a Board of Equalization and setting the dates for the Board of Equalization to hear and consider objections and corrections to proposed assessments for the Rose Park Special Improvement District No. 106024.

SID includes property within the boundaries of 600 North on the south, Rose Park Golf Course on the north, Jordan River on the west, and I-15 on the east.

**AFFECTED COUNCIL DISTRICTS:** District One

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Department of Community Development  
Tim Harpst and Kurt Larson

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## NEW INFORMATION:

On August 24, 2004, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Rose Park Special Improvement District No. 106024. The work has been completed, and the next step required by the City Council is to adopt the attached resolution appointing a Board of Equalization and Review and setting the dates for the Board of Equalization to hear and consider any objections to and make corrections of any proposed assessments which the Board may deem unequal or unjust. This is an opportunity for property owners to discuss with the Board any actual costs that are being proposed. Property owners will be assessed 75% of the annual operating and maintenance costs and the City will pay 25%.

The Board of Equalization and Review consists of the following City officials or their designee: City Recorder, City Engineer, and City Attorney. The attached resolution will schedule the Board of Equalization to meet for three days in the first floor conference room at 349 South 200 East:

Tuesday, August 23, 2005	3:00 p.m. to 4:00 p.m.
Wednesday, August 24, 2005	5:00 p.m. to 6:00 p.m.
Thursday, August 25, 2005	6:00 p.m. to 7:00 p.m.

Upcoming action before the City Council will include:

- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

**POTENTIAL MOTIONS:**

1. ["I move that the Council"] Adopt a resolution appointing a Board of Equalization and Review for Salt Lake City, Utah Rose Park Special Improvement District and setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; and authorizing the City Recorder to publish and mail a notice of meeting of the Board of Equalization and review; and related matters.
2. ["I move that the Council"] Not adopt the resolution.

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The following information was provided previously. It is provided again for your reference.

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**BACKGROUND INFORMATION:**

In February 2004, the City Council adopted a resolution declaring the intention of the City to create an improvement district to construct lighting improvements in Rose Park. A protest hearing was held in March 2004. The Council created the Rose Park Lighting Special Improvement District No. 106024 on August 10, 2004. On August 24, 2004, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Rose Park Special Improvement District No. 106024.

Assessment Analysis Provided Earlier by the Administration is as follows:

- FY 2005 - The cost of all services and improvements for the nine Rose Park extensions is \$77,765.74. The property owners in Rose Park will be assessed 75% of that amount, or \$58,324.31. The remaining 25% is paid by the City. The proposed overhead fee is \$4,652.10 which is 15% of the contract price of \$31,014. These overhead charges can be absorbed in the existing assessment collection without raising assessments. During this fiscal year, no Rose Park resident will experience a change in the amount or the manner in which they are currently assessed.
- FY 2006 - The Rose Park residents will receive a combined assessment similar in look to curb and gutter-type assessments, that will be payable over a 10-year period. The first installment is estimated to be \$35.00, of which \$29.00 is for capital improvements and \$6.00 is for lighting costs. The actual costs will be dependent on the final construction costs. There are no overhead charges associated with this first installment.

- FY 2007 to FY 2015 – Each resident will receive two assessment invoices: one for street lighting power and maintenance for approximately \$7.00 (\$6.00 + \$1.00 overhead), and one for capital improvements for approximately \$29.00 plus bond interest.
- FY 2016 and beyond – The \$29.00 assessment plus bond interest for the capital improvements would end and the \$7.00 power and maintenance assessment would be increased to approximately \$15.00. The \$8.00 increase would be collected to begin building a capital replacement fund reserve.

The above costs are in today’s dollars and will increase as power and maintenance costs increase. The assessment will continue for as long as the system is being powered and maintained since there is not a “sunset” or termination clause.

Boundary Description:

The boundaries that define the proposed SID include: 600 North on the south, Rose Park Golf Course on the north, Jordan River on the west, and I-15 on the east. The SID proposal combines nine existing SIDs into one. Residents who are currently participating in the nine separate SIDs are paying yearly assessments based upon linear feet of street frontage. By combining the nine existing SIDs into one, the new assessment will be based on a per lot basis which means that all the Rose Park residents will be assessed the same dollar amount, with the exception of the following property owners: Board of Education, Elementary School; Board of Education, Jr. High School; LDS Church; Salt Lake City Parks; Jordan River Park Authority; Utah Power; Y-Z Investments; Terraces of Rose Park Condos; Utah Division of Wild Life; and Smith Food King. Private property owners in the Rose Park area can participate in the proposed SID, however, school, state, federal and county agencies are not obligated to participate in a City SID. In addition, the Salt Lake City Parks Division manages 25 acres. The Administration is recommending that Salt Lake City Parks Division participate in the proposed SID for a cost of \$3,500 per year.

Project Description: According to the Administration’s paperwork, the proposed project includes: “removing the existing street lights and overhead wiring and installing 12 foot cast aluminum decorative poles with an acorn lens on top. Lower poles will minimize the impact of the tree canopy and will provide better lighting to the sidewalks for pedestrians. Removal of the overhead wiring will help improve the visual appearance of the area and eliminate the pruning of trees. The underground electrical wiring will be installed primarily by boring to minimize construction impacts to the neighborhoods and to reduce the risk of cutting tree roots. The lens will include dark sky “cutoff” shielding with optional resident side shielding. This results in the greatest percentage of light generated being shone on the street and sidewalk and not in the sky or windows.”

**CHRONOLOGY:**

- In June 2003 as part of the fiscal year 2003-04 budget, the City Council approved funding for the proposed Rose Park Lighting project to remove all existing overhead street lighting and install new decorative poles with underground wiring throughout the Rose Park Community Council district. Funding allocation includes: \$975,000 from FY 2003-04 Capital Improvement Program (CIP) appropriation and \$675,000 in accumulated

lighting replacement funds currently available in the existing SID. An additional \$561,000 was also approved by the City Council to be assessed to property owners. However, as a result of updated cost estimates, interest, and additional fees having been added to the cost, the Administration states that the estimated bond amount has increased from \$561,000 to \$800,000. The property owners' share is \$800,000 which will be financed by annual assessments to property owners over a ten-year period. The City currently contributes 25 percent of the cost of the Rose Park lighting power and maintenance, which the Administration expects to continue at a slightly lower rate once the new system is installed. Total estimated cost of the proposed project is \$2,450,000.

- February 3, 2004, the City Council adopted a resolution declaring the intention of the City to construct improvements within the City consisting of the installation of decorative street lighting poles, the removal of existing wooden street lighting poles, and all other miscellaneous work necessary to complete the improvements; to levy an assessment to operate and maintain said street lighting facilities; to create a special improvement district to defray the cost and expenses of the improvement district by special assessments to be levied against the property benefited by such improvements; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and setting the deadline for filing written protest and setting the date for a public hearing protest.
- February 24 and March 4, 2004 – the Administration held two informational meetings prior to the protest hearing to provide answers to any questions residents may have about the project and to provide residents the opportunity to express comments. In addition, the Administration states that numerous meetings were held with the Rose Park Community Council and residents to identify the poles and lights within the proposed street lighting district.
- March 9, 2004 Protest hearing was held. In order for the District to be created, the protest rate must be less than 50 percent of the property owners who submitted written protests to the City Recorder by the March 8<sup>th</sup> deadline. The Administration reports there were no protests made at the hearing; however, the City Recorder's Office reports receiving eleven written comments protesting the district, representing 0.5% protest rate.
- On June 1, 2004 as a result of the City Council's briefing received on the annual assessment for street lighting Special Improvement District No. 1, the Council requested that the Administration provide bullet points outlining how 15% administrative overhead costs impact the Rose Park Lighting Special Improvement District and SIDs L01, L02, and L03. The Transportation and Treasurer's Divisions provided the requested information, including maps for Special Improvement District L01, L02, and L03 which show the locations of the lighting extensions within each SID.
- On August 10, 2004, the City Council adopted a resolution creating the Rose Park Lighting Special Improvement District No. 106024.
- On August 18, 2004 bids were opened and the best bidder was identified.

- On August 24, 2004, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Rose Park Special Improvement District No. 106024.

cc: Rocky Fluhart, Rick Graham, Louis Zunguze, Sam Guevara, Cindy Gust-Jenson, Dan Mulé, Tim Harpst, Kurt Larson, Chris Bramhall, Karen Carruthers, Garth Limburg, Gary Mumford, Marge Harvey, and Barry Esham

File location: Special Improvement District

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

**COUNCIL TRANSMITTAL**

**TO:** Rocky J. Fluhart, Chief Administrative Officer *Fluhart* **DATE:** July 5, 2005  
**FROM:** Louis Zunguze, Community Development Director *LZ by Brent Wilde*  
**SUBJECT:** Resolution to schedule a Board of Equalization and Review for Special Improvement District No. 106024

**STAFF CONTACTS:** Tim Harpst at 535-6630  
Kurt Larson at 535-6630

**ACTION REQUIRED:** Adoption of a Resolution by City Council

**DOCUMENT TYPE:** Resolution

**BUDGET IMPACT:** Abutting property owners will be billed via the SID to cover the remaining capital cost of the project not already paid by the funds in the previously existing SID and the two CIP General Fund grants approved. The annual operating and maintenance costs for the district will be paid 25% by the City and 75% by the abutters. The City's portion is included in the Fund 30 Street Lighting budget.

**DISCUSSION:** Special Improvement District No. 106024 involved the installation of new decorative street lights with underground wiring. The district is bounded by 600 North, 1500 West, Dupont Avenue, and 900 West. The work has been completed and the attached resolution will set dates for the Board of Equalization and Review Meetings where property owners in the district may review the final product and the cost of the improvements. The Board of Equalization will be comprised of the following City officials or their designee: City Recorder; City Engineer; and City Attorney. The Board will meet in the first floor conference room of the Plaza 349 Building located at 349 South 200 East. The meeting dates and times are August 23<sup>rd</sup> from 3:00 p.m. to 4:00 p.m., August 24<sup>th</sup> from 5:00 p.m. to 6:00 p.m., and August 25<sup>th</sup> from 6:00 p.m. to 7:00 p.m.

**PUBLIC PROCESS:** Numerous meetings were held with the Rose Park Community Council to determine the willingness of the property owners to enter into this SID and to finalize the design including selection of poles and fixtures. The Board of Equalization meetings will provide an opportunity to property owners to discuss the actual costs proposed to be billed.

Salt Lake City, Utah

July 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 July, 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 Rutan	City Attorney
Beverly Jones	Deputy City Recorder

Absent:

After the conduct of other business not pertinent to the following, the Chair stated that the City Engineer has prepared the assessment list for the Salt Lake City, Utah Rose Park Special Improvement District (the "District") for action and consideration by the Board of Equalization and Review and by the City Council, which assessment rolls are on file in the office of the City Recorder and available for inspection by any interested property owner.

Thereupon, the following resolution was read in full and Councilmember \_\_\_\_\_ moved its adoption:



RESOLUTION NO. \_\_\_ OF 2005

A RESOLUTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR SALT LAKE CITY, UTAH ROSE PARK SPECIAL IMPROVEMENT DISTRICT (THE "DISTRICT"); SETTING THE DATES FOR THE BOARD OF EQUALIZATION TO HEAR AND CONSIDER OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENTS; AUTHORIZING THE CITY RECORDER TO PUBLISH AND MAIL A NOTICE OF MEETINGS OF THE BOARD OF EQUALIZATION AND REVIEW; AND RELATED MATTERS.

WHEREAS, the City Council of Salt Lake City, Utah (the "City Council") adopted a Notice of Intention on the 3rd day of February, 2004 (the "2004 Notice"), to create the Salt Lake City, Utah Rose Park Special Improvement District (the "District") and published said Notice beginning the 10th day of February, 2004, and continuing for three consecutive weeks thereafter, ending on 2nd day of March, 2004; and

WHEREAS, in accordance with the 2004 Notice and as required by statute, a hearing was held before the City Council on the 8th day of March, 2004 (the "2004 Hearing"); and

WHEREAS, prior to and at the 2004 Hearing, persons having an interest in the District were allowed to protest the creation of the District; and

WHEREAS, after protests against the creation of the District were heard and considered and modifications recommended by the City Engineer were made, the District was created; and

WHEREAS, the City Engineer has prepared the proposed assessment list which pertains to all of the properties within the District; and

WHEREAS, the City Council desires to establish a board of equalization and review for the purpose of considering any objections and corrections to the assessment list:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH AS FOLLOWS:

Section 1. As required by law, a Board of Equalization and Review for the District is hereby appointed, consisting of the following City staff personnel (the "Board"):

City Recorder or designee  
City Engineer, Public Works Director, or other designee  
City Attorney or designee



(The City Treasurer or designee may attend the meetings of the Board of Equalization, but shall not be a member of said Board.)

Section 2. The Board shall sit as the Board of Equalization and Review on the special assessment proposed to be levied and assessed on the property within the District at 349 South 200 East, Salt Lake City, Utah, on the 23rd day of August, 2005, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 24th day of August, 2005, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 25th day of August, 2005, between the hours of 6:00 p.m. and 7:00 p.m. in the first floor conference room to hear and consider any objections to and make corrections of any proposed assessments which the Board may deem unequal or unjust.

Section 3. The City Recorder is hereby authorized and directed to publish and mail, as provided by law and the ordinances of the City, a notice of meeting of the Board, said notice to be in substantially the following form:

NOTICE OF MEETING OF BOARD OF EQUALIZATION AND REVIEW

NOTICE IS HEREBY GIVEN that the assessment list for Salt Lake City, Utah Rose Park Special Improvement District (the "District") has now been completed and is available for examination at the office of the City Engineer. Three members of the City staff personnel have been duly appointed to act as the Board of Equalization and Review on the assessment proposed to be levied on all property within the District.

The members of said City staff personnel sitting as a Board of Equalization and Review for assessments proposed to be levied on the affected property within the District will meet at 349 South 200 East, Salt Lake City, Utah, on the 23rd day of August, 2005, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 24th day of August, 2005, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 25th day of August, 2005, between the hours of 6:00 p.m. and 7:00 p.m. in the first floor conference room to hear and consider any objections to and make any corrections of any proposed assessments which the Board may deem unequal or unjust.

On each of the dates specified above, the assessment list and plats and amounts of the proposed assessment against each parcel of property shall be open to public inspection continuously from 8:00 a.m. to 5:00 p.m. at the Office of the City Engineer of Salt Lake City, Utah.

By resolution of the City Council of Salt Lake City, Utah, this 12th day of July, 2005.

(SEAL)

/s/

\_\_\_\_\_  
Deputy City Recorder

Section 4. The Deputy City Recorder is hereby directed to enter the foregoing proceedings upon the records of the City, and to cause a notice to be published in one issue of the Deseret Morning News, a newspaper published in the City and having general circulation therein, the publication to be at least twenty (20) and not more than thirty-five (35) days prior to the date on which the Board of Equalization and Review will begin hearings.

A copy of the notice set forth in Section 3 above shall not later than ten (10) days after publication of such notice, be mailed, postage prepaid, to each owner of land to be assessed within the District at the last known address of such owner using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located. In addition, a copy of such notice shall be addressed to "Owner" and shall be so mailed, addressed to the street number of each of the improved properties to be affected by the first assessment phase.

After due consideration of said resolution by the City Council, Councilmember \_\_\_\_\_ moved and Councilmember \_\_\_\_\_ seconded its adoption and the same was adopted by the following vote:

AYE:

NAY:

ADOPTED AND APPROVED this 12th day of July, 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 on \_\_\_ day of \_\_\_\_\_, 2005.

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

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_ day of \_\_\_\_\_, 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 12th day of July, 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.

I further certify that I delivered to the Deseret Morning News, a newspaper published in said Municipality and having general circulation therein, a notice of meetings of the Board of Equalization and Review for Salt Lake City, Utah Rose Park Special Improvement District (the "District") for publication at least twenty (20) and not more than thirty-five (35) days prior to the date said Board will begin its hearings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City this 12th day of July, 2005.

(SEAL)

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



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

MAILING CERTIFICATE

I, \_\_\_\_\_, the duly appointed, qualified and acting Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify that I mailed a copy of the Notice of meetings of the Board of Equalization and Review, postage prepaid, to each owner of property to be assessed within Salt Lake City, Utah Rose Park Special Improvement District, at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the County in which the property is located, and, in addition, I mailed, postage prepaid, a copy of such Notice addressed to "Owner" at the street number of each piece of improved property to be assessed. Said Notices were mailed by me on the \_\_\_ day of \_\_\_\_\_, 2005, that being not later than ten (10) days after the first publication of the Notice in the Deseret Morning News as above certified.

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

(SEAL)

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

## PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Notice of Meetings of the Board of Equalization and Review was published one time in the Deseret Morning News.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned Deputy City Recorder of Salt Lake City, Salt Lake County, Utah (the "City"), do hereby certify, according to the records of the 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 July, 2005, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the City's principal offices at the City and County Building, Salt Lake City, Utah on the \_\_\_ day of July, 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 July, 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 July, 2005.

(SEAL)

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

SCHEDULE A  
NOTICE OF MEETING