
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 25, 2005

SUBJECT: 900 South, Main Street to 900 West
Creation of the District
Reconstruction Special Improvement
District (SID), Job No. 102004

AFFECTED COUNCIL DISTRICTS: 2, 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 South, Main Street
to 900 West SID, Job 102004

WORK SESSION SUMMARY/NEW INFORMATION:

On January 4, 2005, the City Council received a briefing and adopted a resolution declaring the intention of the City to create an improvement district to be known as the Salt Lake City, Utah 900 South, Main Street to 900 West, Street Improvement Special Improvement District (SID) No. 102004 at which time a protest hearing date of February 8, 2005 was set.

At the briefing, the following concerns and/or expressed interests were made by Council Members:

1. A suggestion was made to modify the Notice of Intention letter with the intent to ensure the letter clearly reflected the improvements the property owners were being assessed for. *The Administration revised the letter.*
2. Request that the City address any concerns with the property that RDA owns a portion of before the SID progresses. *Engineering has discussed concerns with RDA and will install parallel parking near the TRAX station. Angle parking can be installed at a later point if needed.*
3. Expressed interest that good quality topsoil is used in the park strips. *Engineering has confirmed that fertile soil will be used that will meet City standards.*
4. Question asked if the bonus incentive is somewhat standardized project to project. *According to the Engineering Division, the bonus will be based upon a questionnaire that will be sent to every business and property owner asking them to rate*

the contractor on a point system basis. Example questions such as: overall how well did the contractor do in performing the work, how well did the contractor treat the businesses, how well was access addressed during construction, and how well did the contractor address concerns? Results from the questionnaire will determine the amount of the bonus that is given to the contractor, if a bonus is given. Dependent upon the outcome of this particular bonus, a Council Member remarked that the Engineering Division may wish to standardize the bonus.

At the February 8th protest hearing, there were no protests. Creating the 900 South, Main Street to 900 West SID No. 102004 is the next step for the Council's consideration. The attached resolution will accomplish the creation of the district. According to the Administration, the bid opening to award the contract to the best bidder is scheduled for March 2, 2005. Council action will be required on March 8, 2005 to award the contract.

Upcoming action before the City Council will include:

- March 8, 2005 – upcoming Council's action to award the contract to the best bidder (bid opening will take place on March 2, 2005).
- 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.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution to create Salt Lake City, Utah 900 South, Main Street to 900 West, street improvements SID No. 102004 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 to create Salt Lake City, Utah 900 South, Main Street to 900 West, street improvements SID No. 102004 as described in the Notice of Intention concerning the District, authorizing the City officials to proceed with construction of the improvements as set forth in the Notice of Intention; and related matters.

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

KEY ELEMENTS: (Resolution)

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 and set the protest hearing date for February 8, 2005. SID boundary includes all property fronting or abutting on both sides of 900 South from Main Street to 900 West. The Engineering Division has identified 72 parcels as part of the proposed SID, however some property owners own more than one parcel, therefore approximately 50 property owners will be involved with the proposed SID. All properties are commercial with the exception of a couple of residential rentals.

The Notice of Intention states that "the District involves the reconstruction of 900 South from Main Street to 900 West Street. The proposed improvements include the reconstruction of the roadway pavement, installation of concrete curb and gutter, sidewalks, driveway approaches, street lighting, traffic signals, drainage facilities, and landscaping from Main Street to 700 West Street and the rehabilitation of the roadway pavement and street lighting of 900 South Street from 700 West Street to 900 West Street." The Administration's paperwork indicates that the project proposes to widen 900 West to 84 feet, provide either parallel or 45 degree parking, utilize two travel lanes in each direction from Main to 300 West and a single lane from 300 West to 900 West, and provide a continuous left turn lane. From Main to 300 West, paved cutback angle parking installation will take place in areas where it presently exists. In areas where cutback parking currently exists, improvements can be made if the abutting property owner agrees to pay for the improvement. A detailed description of improvements anticipated for each section of the SID is broken down on pages 4 to 7 of the Resolution for Council's review.

Depending upon the nature of the improvements, costs will be assessed by front foot (lot width) of abutting property and optional improvement costs will be assessed by square foot of improved area. Due to the variety of improvements and the difference in the size of areas to be improved, the Administration states it is not feasible to determine assessment rates solely on a front foot basis to each individual parcel to be assessed. Each property owner will receive information with the Notice of Intention of an estimated assessment calculation made by the City Engineer's Office.

In keeping with City policy, areas of the proposed SID that currently lack sidewalks, curb and gutter will be assessed a cost of 100 percent of the actual costs. Also, property owners are provided the option to have additional work performed in conjunction with the proposed SID improvements, with the property owner being responsible for costs such as: angle parking, installation of landscaping (sod, trees, and an irrigation system connected to property owner's water supply) in new park strip areas, and drive approaches. The City's cost for the new park strips includes grading with topsoil for the owner to complete their own landscaping.

Following Council's approval of the attached resolution, a letter will be sent to property owners within the boundary areas of the proposed SID notifying property owners that the City is considering a proposed SID for reconstruction of 900 South from Main Street to 900 West.

It is projected that the project may begin in April with completion by October 2005. The Administration states construction will be planned accordingly to minimize disruption and inconvenience to business owners and pedestrians.

CHRONOLOGY:

- January 4, 2005: The City Council received a briefing and adopted a resolution declaring the intention of the City to construct improvements within the City consisting of the installation of concrete sidewalks, sidewalk access ramps, driveways, roadway pavement, curb, gutter, street lighting, traffic signals, and landscaping and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; to create the Salt Lake City, Utah 900 South, Main Street to 900 West, Street improvements Special Improvement District No. 102004; to pay the acquisition and installation costs and expenses by special assessments to be levied against the property benefited by such improvements; to provide Notice of Intention to authorize such improvements and to fix a time and place for protests against such improvements, assessments or the creation of the District; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and to authorize advertisement of construction bids and related matters; and setting the date for a public protest hearing.
- February 2, 2005: Informal public meetings were scheduled for the Administration to review the proposed SID with interested abutting property owners. The meeting location was held at the Sunday Anderson Center, 900 West and 900 South, from 3:00 p.m. to 4:00 p.m. and from 5:00 p.m. to 6:00 p.m.
- February 7, 2005: Written protests against the proposed improvements, assessments or against the creation of the District were to be presented and filed in the Office of the City Record on or before 5:00 p.m. No written protests were filed.
- February 8, 2005: Council protest hearing at 7:00 p.m. 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 February 7th deadline. The Administration reports there were no protests filed at the Recorder's Office.

BUDGET RELATED FACTS:

The City Engineer has estimated that the total cost of improvements in the proposed District is \$5,380,982. It is anticipated the City's portion will be approximately \$4,997,157. The property owners' portion is estimated to be approximately \$383,825 (includes construction costs, a portion of engineering expenses, possibly a portion for debt issuance, a ten percent allowance for interest on interim warrants issued to finance construction of the improvements and 15 percent for administrative costs). The

Engineering Division is requesting a larger budget than the current estimate for the property owners' portion because actual costs depend on optional improvements that property owners may or may not desire and because actual costs are not known until bids are received and awarded. The Engineering Division has requested a budget for the property owners' assessments of \$430,000 (\$300,000 previously approved by the Council and \$130,000 that was approved by the Council as part of Budget Amendment #4).

Estimated breakdown costs to property owners are as follows:

Rate No.	Improvements	Estimated Unit Costs	Estimated Cost to Property Owners
1	Curb and gutter	\$23.93 per lineal foot	\$136,209
2	6' wide sidewalk	\$34.28 per lineal foot*	109,284
3	Optional 8" thick concrete driveway approach	\$7.66 per square foot*	66,948
4	Optional Park Strip Landscaping	\$2.04 per square foot	\$ 71,384
Property Owners' Total Estimated Assessment			\$383,825

*Due to the variation in widths of the parking strip areas, the estimated cost per square foot applies to the area to be improved, not the front footage to be assessed.

The majority of City funding sources are allocated from the General Fund, Class "C" road funds; the Redevelopment Agency (RDA) will fund the street lights on 900 South from 700 West to 900 West Streets (based upon the preliminary design of the street lights, the Administration reports that the estimated operation and maintenance cost for the City will be approximately \$750 per month); and \$100,000 from Public Utilities will fund drainage, water and sewer improvements. The remaining costs of the improvements shall be 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.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

1. According to the Engineering Division, there are limited areas of sidewalk that require replacement; however it is reported by Engineering that sections of sidewalk that require replacement are absorbed into the City's cost because the City is required to address ADA standards as part of the reconstruction. However, areas of the proposed SID that currently have no sidewalks will be assessed 100% of costs. The Administration has been asked by the Council to

provide sometime in the near future a City-wide concrete replacement briefing, at which time the Council may be interested in a policy discussion relating to City costs associated with concrete replacement projects. The Council may wish to ask for written information about the standards that will be followed to address ADA concrete replacement for this project.

2. It was noted by representatives of the Engineering Division in a meeting with Council Members Saxton and Turner that a bonus will be available to the contractor for establishing a good working relationship with business and property owners. It is Council staff's understanding that the bonus will be awarded based on a survey completed by business and property owners at completion of the project. The Council may wish to request additional information relating to the contractor's bonus.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, David Oka, Ed Rutan, David Dobbins, Louis Zunguze, Gary Mumford, Dan Mulé, Valda Tarbet, 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, Karen Carruthers, Garth Limburg, and Jennifer Bruno

Salt Lake City, Utah

March 1, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 1st day of March, 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, Main Street to 900 West, Street Improvements Special Improvement District No. 102004" (the "District"), a public hearing was held on the 8th day of February, 2005 at which interested persons were heard concerning comments or protests relating to the District. There were no 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 2 of 2005 adopted by the City Council on the 4th day of January, 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 2004

A RESOLUTION TO CREATE THE SALT LAKE CITY, UTAH 900 SOUTH, MAIN STREET TO 900 WEST, STREET IMPROVEMENTS SPECIAL IMPROVEMENT DISTRICT NO. 102004 (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, sidewalk access ramps, driveways, curb, gutter, roadway pavement, street lighting, traffic signals, drainage facilities and landscaping (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 4th day of January, 2005, with respect to the creation of the "Salt Lake City, Utah 900 South, Main Street to 900 West, Street Improvements Special Improvement District No. 102004" (the "District").

Section 2. The Improvements Costs 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 will include all property fronting or abutting on both sides of 900 South Street from Main Street to 900 West Street as described in the Notice of Intention:

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 1st day of March, 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

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 1st day of March, 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 1st day of March, 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 (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 1st day of March, 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 25th day of February, 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 25th day of February, 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 1st day of March, 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

BALLARD SPAHR ANDREWS & INGERSOLL, LLP - SALT LAKE OFFICE

Document Information Form

PLEASE KEEP THIS SHEET WITH YOUR DOCUMENT.

DOCUMENT DATA

DOCUMENT NO.: 1165322
ATTORNEY NAME: Carlton

PROFILE INFORMATION

TITLE	Creation Resolution
AUTHOR	Blaine L. Carlton
FILE #	097013
CLIENT/MATTER	Salt Lake City SID (Yale Lighting)
D&R	
DATE	2/25/05
NOTES:	