
SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	March 10, 2006
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 900 South, Main Street to 900 West 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 Karen Carruthers
FILE LOCATIONS:	Public Services/900 South, Main Street to 900 West SID, Job 102004

NEW INFORMATION:

On March 8, 2005, 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 900 South, Main Street to 900 West Reconstruction Special Improvement District, Job No. 102004. 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.

The Board of Equalization Review consists of the following City officials or other 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, April 11, 2006	3:00 p.m. to 4:00 p.m.
Wednesday, April 12, 2006	4:00 p.m. to 5:00 p.m.
Thursday, April 13, 2006	5:00 p.m. to 6:00 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 900 South, Main Street to 900 West street improvements Special Improvement District No. 102004 (The "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 meetings of the Board of Equalization and review; and related matters).
2. ["I move that the Council"] Not adopt a resolution.

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, and 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.

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 for which the property owners were being assessed. *The Administration revised the letter.*
 2. Request that the City address any concerns with the portion of property owned by the RDA 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.*
- 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 held a protest hearing at 7:00 p.m. and there were no protests. 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 also no protests filed at the Recorder's Office.
 - March 1, 2005: Council adopted a resolution to create the district.
 - March 2, 2005: A bid opening was conducted to award the contract to the best bidder.
 - March 8, 2005: Council adopted a resolution accepting the bids for construction work and authorizing execution of a contract to the lowest bidder.

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.

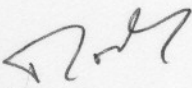
The majority of City funding sources are allocated from the General Fund, Class "C" road funds; the Redevelopment Agency (RDA) will fund the street lights on 900 South from 700 West to 900 West Streets (based upon the preliminary design of the street lights, the Administration reports that the estimated 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:

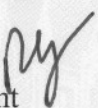
1. According to the Engineering Division, there are limited areas of sidewalk that require replacement; however it is reported by Engineering that sections of sidewalk that require replacement are absorbed into the City's cost because the City is required to address ADA standards as part of the reconstruction. 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, 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, Boyd Ferguson, Karen Carruthers, Garth Limburg, and Jennifer Bruno

COUNCIL TRANSMITTAL


TO: Rocky Fluhart
Chief Administrative Officer

DATE: February 28, 2006

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Resolution to schedule a Board of Equalization and Review for the 900 South, Main Street to 900 West Reconstruction Special Improvement District, Job No. 102004.

STAFF CONTACT: Karen Carruthers, 535-6355

DOCUMENT TYPE: Resolution

DISCUSSION: The 900 South project involved the reconstruction of the roadway from Main Street to 900 West. The improvements include 84 foot wide asphalt pavement, curb and gutters, driveway approaches, sidewalks, street lighting, park strip landscaping and upgrades to the traffic signals at Main Street, 300 West and 900 West. The work has been completed and the attached resolution will set dates for the Board of Equalization and Review Meeting 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 City Recorder; City Engineer; and City Attorney or their designee. The Board will meet in the first floor conference room at 349 South 200 East, Salt Lake City, Utah 84111 on April 11, 12 and 13, 2006 at the times stated in the Resolution.

Salt Lake City, Utah

March 14, 2006

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 14th day of March, 2006, 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 to roll call the following members who constituted a quorum:

David L. Buhler	Chair
Van Blair Turner	Vice Chair
Søren Dahl Simonsen	Councilmember
Nancy Saxton	Councilmember
K. Eric Jergensen	Councilmember
Carlton Christensen	Councilmember
Jill Remington-Love	Councilmember

Also present:

Ross C. Anderson	Mayor
Edwin P. Rutan, II	City Attorney
	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 900 South Main Street to 900 West Street Improvements Special Improvement District No. 102004 (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:

RESOLUTION NO. __ OF 2006

A RESOLUTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR SALT LAKE CITY, UTAH 900 SOUTH MAIN STREET TO 900 WEST STREET IMPROVEMENTS SPECIAL IMPROVEMENT DISTRICT NO. 102004 (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 4th day of January, 2005 (the "2005 Notice"), to create the Salt Lake City, Utah 900 South Main Street to 900 West Street Improvements Special Improvement District No. 102004 (the "District") and published said Notice beginning the 10th day of January, 2005, and continuing for three consecutive weeks thereafter, ending on 31st day of January, 2005; and

WHEREAS, in accordance with the 2005 Notice and as required by statute, a hearing was held before the City Council on the 8th day of February, 2005 (the "2005 Hearing"); and

WHEREAS, prior to and at the 2005 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 proposed 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 11th day of April, 2006, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 12th day of April, 2006, between the hours of 4:00 p.m. and 5:00 p.m. in the first floor conference room; and on the 13th day of April, 2006, between the hours of 5:00 p.m. and 6:00 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 900 South Main Street to 900 West Street Improvements Special Improvement District No. 102004 (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 11th day of April, 2006, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 12th day of April, 2006, between the hours of 4:00 p.m. and 5:00 p.m. in the first floor conference room; and on the 13th day of April, 2006, between the hours of 5:00 p.m. and 6:00 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 14th day of March, 2006.

(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 the notice set forth in Section 3 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 14th day of March, 2006.

(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 _____, 2006.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this ____ day of _____, 2006.

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 14th day of March, 2006, 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 Salt Lake City and having general circulation therein, a notice of meetings of the Board of Equalization and Review for Salt Lake City, Utah 900 South Main Street to 900 West Street Improvements Special Improvement District No. 102004 (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, Salt Lake County, Utah, this 14th day of March, 2006.

(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 900 South Main Street to 900 West Street Improvements Special Improvement District No. 102004, 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 _____, 2006, 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, Salt Lake County, Utah, this ____ day of March, 2006.

(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 14th day of March, 2006, public meeting held by the City Council of the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the City Council's principal offices at the City and County Building, Salt Lake City, Utah on the 10th day of March, 2006, 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 10th day of March, 2006 at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 14th day of March, 2006.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A

NOTICE OF MEETING