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## **SALT LAKE CITY COUNCIL STAFF REPORT**

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DATE: September 7, 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 2004 Concrete Replacement Special Improvement District (SID), Job No. 102112, and the Quayle Avenue Reconstruction SID, Job No. 102113

AFFECTED COUNCIL DISTRICTS: 2, 5, 6, and 7

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

ADMINISTRATIVE DEPT.  
AND CONTACT PERSON: Department of Public Services  
Karen Carruthers

FILE LOCATIONS: Public Services/2004 Concrete Replacement  
SID 102112, and Quayle Avenue Reconstruction  
SID 102113.

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### **POTENTIAL MOTIONS:**

1. ["I move that the Council"] Adopt a resolution (appointing a Board of Equalization and Review for Salt Lake City, Utah 2004 Sidewalk Replacement and Quayle Avenue Reconstruction 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).
2. ["I move that the Council"] Not adopt a resolution.

### **NEW INFORMATION:**

On December 7, 2004, the City Council adopted two resolutions: 1) a resolution to create the 2004 Sidewalk Replacement and Quayle Avenue Reconstruction SID authorizing City officials to proceed with construction improvements as set forth in the Notice of Intention; and 2) a resolution to accept bids for purchasing of materials and construction work and to authorize execution of a contract between Salt Lake City and the successful bidder. 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, October 17, 2006	3:00 p.m. to 4:00 p.m.
Wednesday, October 18, 2006	5:00 p.m. to 6:00 p.m.
Thursday, October 19, 2006	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.

## **CHRONOLOGY:**

August 10, 2004	The City Council adopted a resolution declaring the Notice of Intention for the 2004 Sidewalk Replacement Area No. 102112 and Quayle Avenue Reconstruction Area No. 102113. However, publication requirements for setting a protest hearing date as part of the Notice of Intention was not met; therefore, it was necessary that the City Council reset the protest hearing date on September 21, 2004.
November 2, 2004	Protest Hearing
December 1, 2004	Bid opening
December 7, 2004	The Council adopted two resolutions: 1) a resolution to create the 2004 Sidewalk Replacement and Quayle Avenue Reconstruction SID authorizing City officials to proceed with construction improvements as set forth in the Notice of Intention; and 2) a resolution to accept bids for purchasing of materials and construction work and to authorize execution of a contract between Salt Lake City and the successful bidder.

cc: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Gary Mumford, Dan Mulé, John Naser, Tim Harpst, Max Peterson, Gordon Haight, Kurt Larson, Diana Karrenberg, Marge Harvey, Barry Esham, Sylvia Jones, Gwen Springmeyer, Lehua Weaver, Annette Daley, Chris Bramhall, Karen Carruthers, and Garth Limburg

## COUNCIL TRANSMITTAL

**TO:** Rocky Fluhart *RF* **DATE:** August 23, 2006  
Chief Administrative Officer

**FROM:** Rick Graham, Director *RG* 535-7774  
Public Services Department

**SUBJECT:** Resolution to schedule a Board of Equalization and Review for 2004 Concrete Replacement Special Improvement District, Job No. 102112, and the Quayle Avenue Reconstruction Special Improvement District, Job No. 102113.

**STAFF CONTACT:** Karen Carruthers 535-6355  
Engineering Division

**DOCUMENT TYPE:** Resolution

**BACKGROUND/DISCUSSION:** The 2004 Concrete Replacement Special Improvement District, Job No. 102112, involves the installation of concrete sidewalks, sidewalk access ramps, driveways, curb, gutter and drainage facilities. The District is bounded by 1100 to 1500 East and Sunnyside Drive to 1300 South, and 1300 East from 1300 South to 2100 South. The Quayle Avenue Reconstruction Special Improvement District, Job No. 102113, is from 900 West to Pearl Street (1000 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 October 17, 18, & 19, 2006, at the times stated in the resolution.

Salt Lake City, Utah

September 12, 2006

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 12th day of September, 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 had prepared the assessment list for the Salt Lake City, Utah 2004 Sidewalk Replacement and Quayle Avenue Reconstruction Special Improvement District" (the "District") for action and consideration by the Board of Equalization and Review and by the City Council, which assessment list is 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 THE SALT LAKE CITY, UTAH 2004 SIDEWALK REPLACEMENT AND QUAYLE AVENUE RECONSTRUCTION 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 21st day of September 2004 (the "2004 Notice"), to create the Salt Lake City, Utah 2004 Sidewalk Replacement and Quayle Avenue Reconstruction Special Improvement District (the "District") and published said Notice beginning the 27th day of September, 2004, and continuing for three consecutive weeks thereafter, ending on the 18th day of October, 2004; and

WHEREAS, in accordance with the 2004 Notice and as required by statute, a hearing was held before the City Council on the 2nd day of November, 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 proposed improvements and/or 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 City Council created the District by resolution adopted on December 7, 2004; 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 assessments proposed to be levied and assessed on the property within the District at 349 South 200 East, Salt Lake City, Utah, on the 17th day of October, 2006, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 18th day of October, 2006, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 19th day of October, 2006, 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 MEETINGS OF BOARD OF EQUALIZATION AND REVIEW

NOTICE IS HEREBY GIVEN that the assessment list for Salt Lake City, Utah 2004 Sidewalk Replacement and Quayle Avenue Reconstruction 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 assessments proposed to be levied on the property benefited 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 17th day of October, 2006, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 18th day of October, 2006, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 19th day of October, 2006, 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.

Appeal from a decision of the Board of Equalization and Review may be taken to the City Council of the City by filing a written notice of appeal in the office of the City Recorder within fifteen (15) days from the date the Board's final report to the City Council is mailed to the affected property owners.

By resolution of the City Council of Salt Lake City, Utah, this 12th day of September, 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 12th day of September, 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 the \_\_\_\_ 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 12th day of September, 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 2004 Sidewalk Replacement and Quayle Avenue Reconstruction 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, Salt Lake County, Utah, this 12th day of September, 2006.

(SEAL)

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

STATE OF UTAH )

: ss.

MAILING CERTIFICATE

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 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 2004 Sidewalk Replacement and Quayle Avenue Reconstruction 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 \_\_\_\_\_, 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 September, 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 12th day of September, 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 8th day of September, 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 8th day of September, 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 12th day of September, 2006.

(SEAL)

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

SCHEDULE A

NOTICE OF MEETING