
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 2, 2007

SUBJECT: 900 East 900 South Streetscape Upgrade
Special Improvement District (SID), Job No. 106018
Resolution to schedule a Board of Equalization and
Review and set date for the Board of Equalization
to hear and consider objections and corrections to
proposed assessments.

AFFECTED COUNCIL DISTRICTS: 4 and 5

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

ADMINISTRATIVE DEPT. Department of Public Services
AND CONTACT PERSON: John Naser

FILE LOCATIONS: Public Services/900 East 900 South
SID, Job No. 106018

POTENTIAL MOTIONS:

This is the next step in the SID process, the Council may wish to make the following motion:

1. ["I move that the Council"] Adopt a resolution of the City Council of Salt Lake City, Utah, appointing a Board of Equalization and review for the Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018 (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.

-
- On February 3, 2005, the City Council adopted a Notice of Intention to create a Special Improvement District to upgrade the streetscape in the 900 East 900 South for Special Improvement District 106018.
 - On March 8, 2005, a protest hearing was held.
 - On April 12, 2005, the City Council adopted a resolution to authorize City officials to proceed with the construction of improvements.
 - On December 13, 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 900 East Streetscape Upgrade SID 106018.

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 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 consists of the following City officials or other designee: City Recorder, City Engineer, and City Attorney or their designee. 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 10, 2007	3:00 p.m. to 4:00 p.m.
Wednesday, April 11, 2007	5:00 p.m. to 6:00 p.m.
Thursday, April 12, 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.

Information below was previously provided to the City Council and is being provided again for Council's reference.

During a bid opening in May 2005, one bid was submitted and due to rising cost of concrete, the bid was higher than expected. The Administration made the decision to re-bid the contract on November 30, 2005 at which time the three bids submitted were still higher than anticipated. According to the Administration, although the low price for the base bid project was approximately \$215,000 higher than the estimate, it is inclusive of all elements of the project's basic plans. There are two additional amenities, median island lighting and colored concrete paving in the intersection, which would not be included with this funding. Council Members Saxton and Love made a request to the Administration to seek input from the community on their level of interest regarding the two additional amenities and whether the abutting property owners may be willing to increase their contribution. After further evaluation, Council Members Saxton and Love reported back to the Council. At that time, Engineering recommended the project proceed and asks that the City Council approve a resolution authorizing the acceptance of a construction base bid in the amount of \$1,590,142 to Allstate Contractors. There was no request for additional funding at that time.

On May 3, 2005, the City Council adopted a resolution to include the median island landscaping improvements into the Salt Lake City, Utah 900 South 900 East Streetscape upgrade Special Improvement District (SID) No. 106018, authorizing the City officials to proceed with the construction of the improvements as set forth in the Notice of Intention.

Prior to the adoption of the resolution, the City Council held a follow-up briefing regarding the \$3,700 projected on-going costs associated with the maintenance of the median island landscaping. Public Services indicated that the on-going costs will be included in a budget opening and not absorbed into their budget. As a result, Council Members Buhler and Saxton asked that the City be cognizant of budgetary impacts associated with on-going costs for future City projects.

Due to the delay in re-bidding the project, the projected starting date of the project was delayed with a projected completion date by early fall 2006. The Administration states that the construction will be phased in an effort to minimize disruption and inconvenience to property owners, pedestrians, and traffic.

On April 12, 2005, the City Council proceeded with the next step in the process of the proposed 900 East 900 South Streetscape Upgrade Special Improvement District (SID), Job No. 106018, for the Council's consideration which was to adopt a resolution to create the District. However, at that meeting, Council Member Dave Buhler made the following motion:

["I move that the Council"] Adopt a resolution to create the 900 East 900 South Streetscape Upgrade, Special Improvement District No. 106018, and to authorize the City to proceed with the construction of the improvements with the exception of the landscaped medians. I move that we defer the question of the landscaped medians to the Council's May 3rd meeting for further discussion.

Council Member Buhler inquired whether the alley located between 905 East 900 South and 925 East 900 South will be accessible for eastbound traffic on 900 South to make a left-hand turn into the alleyway as well as for vehicles existing the alleyway onto 900 South to turn eastbound. The Administration confirmed that there will be an opening between the landscaped median to allow for traffic flow in both directions. He also noted that due to the challenging budget constraints that the City is currently facing, it would be beneficial to ask Public Services to return to the May 3, 2005 City Council meeting and provide the on-going maintenance costs associated with the landscaped median. His motion was made based upon and supported with the understanding that the proposed SID would move forward in the interim as planned with no delays to the project.

An information sheet was provided to the City Council by Public Service with a breakdown showing the total project construction cost of \$1,217,300 of which \$99,200 is the cost for the median island and an annual projection on-going cost to maintain the landscape median of \$3,700. According to the Administration, the City would not assume maintenance responsibility of the medians until spring of 2007 because the contractor is required to provide maintenance for one year. The street lighting is maintained by Utah Power.

In order for the District to be created, the property owners who submitted protests must have been less than 50 percent of the total property owners' front footage within the District. According to the Administration, the final SID protest rate was 7.75 percent of front footage:

- On March 7, 2005, three written protests against the proposed improvements or against the creation of the District were filed in the Office of the City Recorder. The City Recorder's Office received three written protests from property owners at 925 East 900 South, 951 East 900 South, and 937 East 900 South.
- The City Council held a protest hearing on March 8, 2005. One property owner expressed support of the proposed SID. The Council also heard from a property owner who owns a 4-plex in opposition of the proposed SID (one of the written protests). The resident questioned the benefit he will receive in comparison to the benefit the businesses will receive. He requested that the City look at a more equitable system to fund the project.

After construction is completed, a property owner has the opportunity to appear before the Board of Equalization (comprised of the City Engineer or designee, the City Attorney or designee, and the City Recorder or designee), to present their concerns. All property owners within the proposed SID are notified in advance of the dates and times when the Board of Equalization meets. The Board of Equalization can hear any discrepancies viewed by a property owner. For example, the Board could decide that a particular residential property owner does not receive as much benefit from the project as the commercial properties, and possibly reduce the assessment. If the assessment is a real financial burden income-wise to the property owner, the assessment can be deferred until the property is sold. There is no way to predict the outcome of a Board of Equalization review.

- After the protest hearing was held, the City Council Office was contacted by a property owner who expressed interest to include the neighborhood between 1000 East to 1100 East streets along both sides of 900 South Street as part of the proposed SID. Because the number of protests was minimal at 7.75 percent, the property owner was informed that if there is an interest to pursue a special improvement district further east of 1000 East, and if there appears to be adequate support from the community, and if funding is available, this could be explored further by contacting Engineering.

On November 9, 2004, the City Council finalized the capital improvement program (CIP) budget for fiscal year 2004-05. Included in the CIP budget was \$500,000 for the 900 South & 900 East Streetscape project, which was contingent upon Neighborhood SID Approval. 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 March 8, 2005. SID boundary includes all property fronting or abutting on both sides of 900 South from Windsor Street (860 East) to 1000 East. The Engineering Division has identified an estimated 26 parcels as part of the proposed SID, however some property owners own more than one parcel, therefore approximately 15 property owners will be involved with the proposed SID. All properties are commercial. The project is being coordinated with the Public Utilities Department for installation of storm drainage improvements for the project.

The Notice of Intention stated that "The proposed improvements include the reconstruction of the roadway pavement; and the construction and installation of concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping, and miscellaneous work."

Depending upon the nature of the improvements, costs will be assessed by front foot (lot width) of abutting property. Each property owner will receive information with the Notice of Intention of an estimated assessment calculation made by the City Engineer's Office.

The Administration reported that existing curb, gutter, and angle parking are deteriorated and in poor condition and will be replaced as part of the City's expense portion. Although sidewalks are in good condition and do not need to be replaced, there is the exception of sidewalk areas near the intersection which will also be replaced at the City's expense for the beautification project.

Costs that will be assessed to the property owners include: areas that lack cut-back angle parking and for the beautification amenities associated with the project (decorative concrete,

decorative street lighting, landscaped medians, and site furnishing upgrades). There are no options being offered to the property owners who may want to have additional work performed in conjunction with the proposed SID improvements.

Following Council's approval of the attached resolution, a Notice of Intention informational letter and a preliminary estimate was immediately 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 Windsor Street to 1000 East.

It was projected that the project may begin in May with completion by fall of 2005.

Informal public meetings were held on March 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was the Forest Dale Golf Course, 2375 South 900 East, from 4:00 p.m. to 6:00 p.m.

BUDGET RELATED FACTS:

The City Engineer estimated that the total cost of improvements in the proposed District is \$1,502,000. It was anticipated the City's portion will be approximately \$1,140,000 (includes approximately \$249,000 from the Public Utilities Department to pay for drainage improvements and \$96,000 from the United States Department of Housing and Urban Development). The property owners' portion was estimated to be approximately \$362,000 (includes construction costs, a portion of engineering expenses, possibly a portion for debt service reserve, an allowance for interest on interim warrants issued to finance construction of the improvements and 15 percent for administrative costs).

Estimated breakdown costs to property owners are as follows:

Rate No.	Quantity	Estimated Unit Costs	Estimated Cost to Property Owners
1	1,774.19 LF	\$204 per lineal foot	\$362,000

The majority of City funding sources are allocated from the Salt Lake City Capital Improvement budget Class "C" funds (\$500,000 was appropriated during the 2004-05 CIP process contingent upon the property owners being in favor of the SID), a Federal Economic Development Initiative Grant, Salt Lake City Public Utilities Department, and with the remaining costs of the improvements paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the improvements. It was 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.

CC: Cindy Gust-Jenson, Sam Guevara, Lyn Creswell, Rick Graham, Ed Rutan, Louis Zunguze, Gary Mumford, Dan Mulé, Luann Clark, Tim Harpst, Max Peterson, John Naser, Stephanie Toombs, Gordon Haight, Kurt Larson, Diana Karrenberg, Sylvia Richards, Gwen Springmeyer, Janne Nielson, Michael Stott, Chris Bramhall, Boyd Ferguson, Karen Carruthers, Garth Limburg, Susan Finlayson, Cindy Arnold, and Jennifer Bruno.

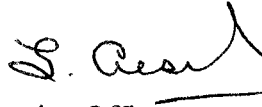
FEB 22 2007

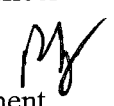
RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Lyn Creswell  **DATE:** February 14, 2007
Chief Administrative Officer

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Resolution to Schedule a Board of Equalization and Review for the 900 South 900 East Streetscape Upgrade Special Improvement District, Job No. 106018.

STAFF CONTRACT: Karen Carruthers 525-6355

DOCUMENT TYPE: Resolution

RECOMMENDATION: N/A

BUDGET IMPACT: N/A

BACKGROUND/DISCUSSION: The 900 South 900 East Streetscape Upgrade Improvements project included the reconstruction and beautification of the roadway, park strip and sidewalks. The improvements included replacing deteriorated concrete, landscaped median islands, decorative sidewalks, enhanced street lighting, additional on-street parking and traffic signal upgrades. The project extended from Windsor Street to 1000 East. The project was coordinated with Public Utilities storm drain improvements which had already been installed. 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, April 10th, 11th, and 12th, 2007 as indicated in the resolution.

PUBLIC PROCESS: N/A

Salt Lake City, Utah

March 6, 2007

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 6th day of March, 2007, 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:

Van Blair Turner	Chair
Jill Remington-Love	Vice Chair
Nancy Saxton	Councilmember
Søren Dahl Simonsen	Councilmember
K. Eric Jergensen	Councilmember
Carlton Christensen	Councilmember
David L. Buhler	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 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018" (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 2007

A RESOLUTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE SALT LAKE CITY, UTAH 900 SOUTH, 900 EAST STREETScape UPGRADE SPECIAL IMPROVEMENT DISTRICT NO. 106018 (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, 2005 (the "2005 Notice"), to create the Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018 (the "District"), and published said Notice beginning the 7th day of February, 2005, and continuing for three consecutive weeks thereafter, ending on the 28th day of February, 2005; and

WHEREAS, in accordance with the 2005 Notice and as required by statute, a hearing was held before the City Council on the 7th day of March, 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 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 the 12th day of April, 2005; 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 10th day of April, 2007, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 11th day of April 2007, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 12th day of April, 2007, 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 meetings 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 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018 (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 10th day of April, 2007, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on the 11th day of April, 2007 between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on the 12th day of April, 2007, 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 6th day of March, 2007.

(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 assessment.

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 6th day of March, 2007.

(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 _____, 2007.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this _____ day of _____, 2007.

By: _____
Mayor

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

I, _____, the duly appointed, qualified and acting Deputy City Recorder of Salt Lake City, 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 6th day of March, 2007, 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 the Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018 (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, Utah, this 6th day of March, 2007.

(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, 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, 900 East Streetscape Upgrade Special Improvement District No. 106018 (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 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 _____, 2007, 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, 2007.

(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 52-4-202, 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 6th day of March, 2007, 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 2nd day of March, 2007, 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 2nd day of March, 2007, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 6th day of March, 2007.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A

NOTICE OF MEETING