

---

# SALT LAKE CITY COUNCIL STAFF REPORT

---

DATE: March 2, 2007

SUBJECT: Special Improvement District (SID)  
Resolution for Council's consideration to  
appoint a Board of Equalization and Review and  
set dates for the Board of Equalization to hear and  
consider objections for:

Strong's Court SID #102109: reconstruction of the  
roadway, including installation of concrete pavement,  
gutters, sidewalk, water facilities, driveway  
approaches, and street lighting; and

Fenway Ave. SID #102129: reconstruction of the roadway,  
including installation of concrete pavement,  
Gutters, sidewalk, water facilities, and driveway  
approaches.

AFFECTED COUNCIL DISTRICTS: 4

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

ADMINISTRATIVE DEPT. Department of Public Services  
AND CONTACT PERSON: Rick Graham

FILE LOCATIONS: Public Services/Strong's Court SID No. 102109 and  
Fenway Avenue SID No. 102129.

---

## 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 Strong's Court (#102109) and Fenway Avenue (#102129) 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.
-

- On March 7, 2006, the City Council adopted a Notice of Intention to create a Special Improvement District to construct improvements within the City consisting of the reconstruction of roadways, including installation of concrete pavement, gutters, sidewalk, water facilities, driveway approaches, street lighting, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; to create the Salt Lake City Strongs Court (#102109) and Fenway Avenue (#102129) reconstruction Special Improvement District.
- On April 11, 2006, a protest hearing was held.
- On June 6, 2006, the City Council adopted resolutions authorizing the City officials to proceed with the construction of the improvements and accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Strongs Court and Fenway Avenue SID.

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.

---

The City Council held a protest hearing on April 11, 2006. In order for the District not to be created, the necessary number of protests must represent 50 percent or more of the total lots to be assessed. No protests were received.

At the bid opening held on April 12, 2006, only one bid was submitted. The bid was 26 percent higher than the Engineer's original estimate for the project which will increase Strongs Court property owners' assessment from \$125.67 to \$158.77 per lineal foot and will increase Fenway Avenue property owners' assessment from \$116.78 to \$138.55 per lineal foot. The total breakdown for additional property assessment costs are as follows:

Property Owners' Additional Cost for Strongs Court (\$15,000 for reconstruction/\$10,000 lighting)	\$25,000
Property Owners' Additional Cost for Fenway Avenue	<u>\$17,000</u>
Total Additional Property Owners' Assessment Cost	\$42,000

On April 27, 2006, the Administration held a meeting with property owners who expressed their support in proceeding with the project after being informed of their assessment increase.

On May 16, 2006, the City Council received a briefing on Budget Amendment #5 for Fiscal Year 2005-06 at which time the Council was informed that due to increased costs for street lighting, concrete pavement, excavation and road base for Strongs Court and Fenway Avenue, the Administration made a request for additional funds from CIP fund balance as follows:

City's Portion Additional Cost for Strongs Court	\$17,000
City's Portion Additional Cost for Fenway Avenue	<u>\$15,000</u>
Total City's Portion Additional Cost	\$32,000

A complete breakdown of the revised total estimated costs for Strongs Court and Fenway Avenue is included in the Administration's paperwork (includes property owners' portion and City's portion from CIP fund balance and Public Utilities funds). In addition to the creation of the Special Improvement District for Strongs Court and Fenway Avenue, Public Services pursued steps administratively for the private streets to become dedicated public ways.

According to the Administration, currently Strongs Court (845 East between 340-400 South streets) and Fenway Avenue (635 South between 1200-1240 East streets) are private streets. Property owners made a request to the City to have both streets reconstructed to City standards as dedicated City streets, to include new utilities and pavement. As the first step in creating the process to establish the Special Improvement Districts (SIDs), Strong Courts SID No. 102109 and Fenway Avenue SID No. 102129, the Administration requested that the Council adopt a resolution declaring the Notice of Intention that includes the identified two streets. The Administration stated that proposed "improvements shall be constructed according to plans, profiles and specifications on file in the Office of the City Engineer" and are as follows:

Strongs Court #102109: complete reconstruction of the roadway to include concrete pavement, gutters, sidewalk, water facilities, driveway approaches, and street lighting.

Fenway Avenue #102129: complete reconstruction of the roadway to include concrete pavement, gutters, sidewalk, water facilities, and driveway approaches.

Approximately 12-14 properties have been identified along both sides of each street. Projected construction schedule indicates work to begin around early July 2006 with an anticipated completion date of October 2006.

Funding sources are allocated from the Salt Lake City Capital Improvement Project (CIP) budget, Public Utilities Department water and storm drain budgets, and

property owner assessments through the SID broken down as follows:

Strongs Court (SID #102109)

Property Owners (rate \$125.67/LF):	\$ 82,940
Salt Lake City Funds	\$ 84,348
Public Utilities Department	<u>\$ 28,120</u>
Total Estimated Costs	\$195,408

Fenway Avenue (SID #102129)

Property Owners (rate \$116.78/LF):	\$ 81,161
Salt Lake City Funds	\$ 82,727
Public Utilities Department	<u>\$ 27,788</u>
Total Estimated Costs	\$191,676

For a combined total of:

Property Owner's Assessed Portion of Costs	\$164,101
City's Portion of Costs	<u>\$222,983</u>
Project Estimated Total	\$387,084

The estimated property owners' costs include: "construction cost to complete the item of work, engineering expenses, allowance for the interest on interim warrants, if any, issued to finance construction of the improvements and ten percent for bonding, administrative costs, a possible underwriter's discount on the sale of bonds, legal and other costs in connection with the issuance of assessment bonds." Assessments may be paid by property owners in not more than ten (10) equal annual installments with interest on the unpaid balance until due and paid.

An informal public meeting was scheduled for April 3, 2006 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was the Salt Lake City Engineering Office's First Floor Conference Room at 349 South 200 East from 4:00 p.m. to 6:00 p.m.

Following Council's approval of the attached resolution, a letter was sent to property owners living within the boundary areas of the proposed SID along with "Answers to the Most Commonly Asked Questions" sheet. Property owners were notified that the City is considering a proposed street reconstruction project that includes their properties. The property owners were informed that the improvement costs will be shared 50/50 by the City and the property owner.

It is stated in the Resolution that abutting property owners within the SID area to be improved who have built or installed "nonconforming improvements such as lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc." must be removed at the property owner's expense prior to construction improvements beginning. The contractor will remove and dispose of improvements if they are not removed by the property owners at the owner's expense.

If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- Property owners had the opportunity to file a protest at or before 5:00 p.m. on the 11th day of April 2006 to the City Recorder's Office or appear at the protest hearing on April 11<sup>th</sup> at 7:00 p.m.; however, in order for the District not to be created, the number of protests must represent 50 percent or more of the total lineal front footage within the District.
- If an assessed property owner within the District has a "combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its 'Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,'" the property owner may be eligible for low income deferment. The property must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on a semi-annual basis to verify property ownership and the current economic status of the property owner.

CC: Cindy Gust-Jenson, Sam Guevara, Lyn Creswell, Rick Graham, Louis Zunguze, Gary Mumford, Dan Mulé, Tim Harpst, Max Peterson, Dan Noziska, Cindy Lou Rockwood, Diana Karrenberg, Gwen Springmeyer, Chris Bramhall, Susan Finlayson, Karen Carruthers, and Garth Limburg


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   
Chief Administrative Officer **DATE:** February 14, 2007

**FROM:** Rick Graham, Director   
Public Services Department

**SUBJECT:** Resolution to Schedule a Board of Equalization and Review for Strongs Court, (#102109) and Fenway Avenue (#102129) Reconstruction.

**STAFF CONTRACT:** Karen Carruthers 525-6355

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** N/A

**BUDGET IMPACT:** N/A

**BACKGROUND/DISCUSSION:** The Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District included the total reconstruction of these streets with new water systems, storm drain systems and concrete pavement. Strongs Court also received new streetlights. 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 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>, 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 Strongs Court (#102109) and Fenway Avenue (#102129) 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 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 STRONGS COURT (#102109) AND FENWAY AVENUE (#102129) 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 7th day of March, 2006 (the "2006 Notice"), to create the Salt Lake City, Utah Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District (the "District"), and published said Notice beginning the 13th day of March, 2006, and continuing for three consecutive weeks thereafter, ending on the 3rd day of April, 2006; and

WHEREAS, in accordance with the 2006 Notice and as required by statute, a hearing was held before the City Council on the 11th day of April, 2006 (the "2006 Hearing"); and

WHEREAS, prior to and at the 2006 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 6th day of June, 2006; 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 Strongs Court (#102109) and Fenway Avenue (#102129) 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 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 )

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 Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District (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